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House of Representatives

The House met at 10 a.m.

The Reverend Samuel Thomas, Jr., Capitol City Seventh Day Adventist Church, Sacramento, California, offered the following prayer:

Eternal God our Father, we bless Your name this morning and thank You for the great country that You have given us, and we ask, Lord, that Your presence would be in this assembly and that You would empower us, Lord, by Your presence to do that which is right before Thee.

We thank You, Lord, in how You have carved out our country to be prophetically significant for all times, and we ask, Lord, that as we consider the things of earth, we would not forget the things of heaven.

This we ask in the blessed name of our Lord Christ. Amen.

THE JOURNAL

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

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

Mr. GIBBONS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

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

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

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. TRAFICANT led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 1554. An act to amend the provisions of title 17, United States Code, and the Communications Act of 1934, relating to copyright licensing and carriage of broadcast signals by satellite.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1554) ''An Act to amend the provisions of title 17, United States Code, and the Communications Act of 1934, relating to copyright licensing and carriage of broadcast signals by satellite,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints from the—

Committee on the Judiciary, Mr. HATCH, Mr. THURMOND, Mr. DEWINE, Mr. LEAHY, and Mr. KOHL; and from the Committee on Commerce, Science, and Transportation, Mr. MCCAIN, Mr. STEVENS, and Mr. HOLLINGS; to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize the gentlewoman from Washington (Ms. DUNN) for 1 minute, and then 15 1-minutes on each side.

INTRODUCTION OF GUEST CHAPLAIN

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, it is with pleasure I rise today to recognize Pastor Samuel Thomas, Jr. Pastor Thomas led the Congress in our opening prayer this morning.

In reflecting on his uplifting words for our country, I would like to give you a brief glimpse of Pastor Thomas's contribution to our society.

Pastor THOMAS was born in Nashville, Tennessee, and raised in Atlanta, Georgia. He has been a teacher, a student, a broadcaster, a banker, a husband and, perhaps most importantly, a wonderful father to his two children, Samuel and Christine.

His life's journey has included teaching new ministerial students at his alma mater in Huntsville, Alabama and co-producing a television broadcast that airs around the world. In addition, he serves his community as senior pastor of Capitol City Seventh Day Adventist Church in Sacramento, California.

When I met Pastor Thomas, he had flown to Seattle, Washington, to preside over funeral services for my next-door neighbor and very dear friend George Erickson. His compelling testimony of his own life and his kindness and strength at a painful time touched us all. I want not only to welcome Pastor Samuel Thomas and thank him for his prayer today, but I also want to thank him for serving as such an exemplary role model to all of us who seek to be both compassionate and strong.

PASS GUN SAFETY LEGISLATION

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Printed on recycled paper.

Ms. DELAURO. Madam Speaker, 2 weeks ago the U.S. Senate did the right thing and passed modest gun safety legislation to keep guns out of the hands of our kids. Now it is time the House of Representatives do the right thing.

I was saddened to read in the paper this morning that the Republican leadership is playing games with gun safety legislation. Two weeks ago, instead of allowing us to vote on the gun safety package passed by the other body, the Republican leadership told us that they needed more time for hearings to proceed in the regular order. Now what we have found out is that what they really needed was more time for the National Rifle Association to wage a grassroots campaign and to water down gun safety legislation.

The Republican leadership is pulling a bait and switch on the American people. It is time to stop playing games with the deadly serious issue of gun safety for children. We should vote on the Senate gun safety package, not a watered down, NRA written, loophole filled, sham bill.

Madam Speaker, this is the people's House, it is not the NRA's House, and the American people want gun safety legislation. Let us have a fair and open debate on gun safety legislation.

RECOGNITION OF THE 125TH ANNIVERSARY OF THE KATONAH FIRE DEPARTMENT

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Madam Speaker, I rise today to proudly mark the 125th anniversary of the Katonah, New York Volunteer Fire Department. It truly takes hard work and dedication by its members to provide quality fire protection services for over a century.

Formed in 1874, just after a major fire which nearly resulted in the destruction of the entire town, the Katonah Fire Department has grown to over 100 active, hardworking volunteer firemen and emergency medical service personnel.

The history of this incredible organization has turned out to be a long and illustrious story of bravery and commitment to the residents of Katonah. They have progressed dramatically over the 125 years of existence from an old horse and carriage to the firefighting tactics and equipment of today.

Today, more than ever, all over the country, we need people to volunteer to serve in our local fire and ambulance corps. The people of Katonah are proud of our men and women who volunteer to risk their lives every day to respond to any emergency at a moment's notice.

Congratulations to them. Let us salute them on this auspicious occasion for the undaunted hard work they do to make Katonah a safer place.

FLAG DAY

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

Mr. TRAFICANT. Madam Speaker, in America it is illegal to burn trash, but we can burn the flag. It is illegal to remove a label from a mattress, but we can literally rip the stars and stripes off our flag. It is illegal to damage a mailbox, but we can destroy our flag.

Beam me up. A people that does not honor and respect their flag is a people that does not honor and respect their country nor their neighbors.

Today is Flag Day. I say if we want to make a political statement, we can burn our bras, burn our BVDs, but we should leave Old Glory alone. Every day should be Flag Day.

TRANSPORTING MINORS ACROSS STATE LINES FOR ABORTION SHOULD BE FEDERAL MISDEMEANOR

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, yesterday a subcommittee approved a bill to make it a Federal misdemeanor for strangers to transport minor girls across State lines in order to avoid State abortion parental consent or notification laws. My bill is designed to punish those who take teenagers to other States for a secret abortion, thereby deceiving parents and avoiding the parental consent laws.

This commonsense legislation, which currently enjoys the support of almost 130 Members, will prevent our children from falling prey to strangers. The idea that any nonparent can take one's 13-year-old daughter to another State for a secret and potentially fatal abortion should be appalling to any parent and should convince this Congress to move swiftly on the bill.

I commend the members of the Subcommittee on the Constitution of the Committee on the Judiciary for protecting the basic right of parents to participate in all decisions involving their minor children, and I ask that the Committee on the Judiciary and the full House do the same as soon as possible.

CRA

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

Mr. MEEKS of New York. Madam Speaker, as we seek to provide banks and other financial companies with an environment that would allow them to expand their powers and become more competitive globally, it is our responsibility to make certain that our constituents, the financial institutions' customers, are also provided with an environment that would allow them to prosper.

Since 1977, banks and thrifts have made over $1 trillion in loan pledges to low-income areas. CRA investments have been widely credited with dramatically increasing home ownership, restoring distressed communities, and helping small businesses and meeting the unique credit needs of rural America.

I cosponsored an amendment offered in the Committee on Banking and Financial Services that would make bank affiliates that sell bank-like financial products subject to CRA review on those products. If they want to play on the same ball field they have to play by the same rules.

If this amendment is enacted in the House, on the House floor, bank affiliates will be pleasantly surprised to see that the same result will occur as my banking colleagues did; there is a profit to be made in low-income rural and minority communities.

CRA has been good for banks and great for our communities.

VIOLENCE AMONG OUR YOUTH

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

Mr. EWING. Madam Speaker, school violence and violence in society concerns all of us. What do we do about it? Well, we have tried gun control. We have insisted on parental control. We have suggested the schools could control more.

I do not believe our young people are born violent. It can be learned. We have found that out in the culture of the Hitler Nazi regime where he taught his youth, or there may be other ways that we can learn violence.

In America, we have allowed a culture of violence to promote it, besides guns, besides lack of parental control. What is that? It is our movies, our television, our video games.

I would like to see more leadership in addressing the thing that our students spend more time with. Let us try strict liability with television, videos and movies.

BOMBING FOR PEACE

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

Mr. KUCINICH. Madam Speaker, bombing for peace. This is the new strategy from NATO. While engaging in peace negotiations, NATO has intensified the bombing. Bombing for peace.

During peace talks, B–52s dropped cluster bombs along the Kosovo-Albania borders. NATO says that as a result about 600 Serb troops in the field were pulverized by the cluster bombs during peace talks. Besides those troops killed, there will be countless Kosovars and Serbs injured by thousands of cluster bombs which will remain

unexploded until discovered by accident, by children playing, by people walking home to Kosovo.

Peace bombs. There is no such thing as bombing for peace. We bomb for war; we negotiate for peace. We cannot do both at once and keep credibility. Let us hope we can finally get a peace agreement and let us demand an end to the bombing.

MINORITY LEADER WOULD CUT DEFENSE AND RAISE TAXES

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

Mr. HEFLEY. Madam Speaker, the gentleman from Missouri (Mr. GEPHARDT), the House minority leader, was apparently caught off guard recently and said out loud what he really thinks about defense spending and about taxes. He said, and I quote, and I have it on this chart, ''You have got to have a combination of taking it out of the defense budget and raising revenue. We can argue about how to do that, closing loopholes or even raising taxes to do it.''

That is right. He proposed to raise taxes and cut defense. And then, even more amazing is that he was given a chance to clarify his remarks in a letter to the editor of the Washington Times. Did he say that he would oppose tax increases? Did he say he would retract his words? Did he repudiate the notion that what this country needs is to weaken our military and raise taxes? No. He wrote, ''I have no intention of proposing or supporting any tax increases.''

No intention? The last time we heard that was 1992, only 1 year before President Clinton gave us the greatest tax increase in our Nation's history.

SUPPORT IMPROVEMENT IN NATION'S SCHOOLS

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JONES of Ohio. Madam Speaker, we can no longer ignore the disparities in our school systems and allow young people to suffer in crammed, outdated public school buildings.

Daily, Americans are forced to send their children to schools with leaky roofs and unsafe ventilation. With the classroom enrollment rate growing, children must endure overcrowding and dangerous conditions.

It is vital that we bring education to the forefront of our deliberations. We will not be able to meet the Nation's educational needs with temporary remedies. We must make this a nonpartisan issue and create permanent solutions. By joining with other Members of Congress and supporting school construction and modernization, we secure the welfare of our children.

□ 1015

It is imperative for the survival of this great Nation to prepare students to enter the global market and enable them to become productive members of the community. Reduced classroom size, qualified teachers, and new technology provide the opportunities students need to succeed.

Our future depends upon the schooling of the children who sit in American classrooms today. As a Member of the 106th Congress, I am duty-bound to protect the interests of the American people. The steps and directions we choose to take today will decide the future of our Nation. To meet the impending demands of the 21st century, we must do everything in our collective power now to ensure the education of our children.

OLD HABITS DIE HARD

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

Mr. PITTS. Madam Speaker, as we just heard, the House Democrat leader said something the other day that might give American taxpayers cause for concern. A lot of people have been fooled by the talk about ''new Democrats'' and the ''third way'' and other such deceptions that liberals must use to remain politically viable.

But every once in a while a Democrat leader slips and reveals what their party actually stands for, the same thing they have always stood for since the 1960s.

Listen again to this comment by the minority leader: ''You've got to have a combination of taking it out of the defense budget and raising revenue. We can argue about how to do that, closing loopholes or even raising taxes to do it.''

So there we have it. Cut defense and raise taxes. No wonder all those flag burners and left-wing activists from the 1960s found a home in the Democratic Party. It is a party whose leaders, after all these years it seems, do not support a strong military and simply cannot wait to get back in power so they can pass another tax hike.

Old habits die hard.

SCHOOL CONSTRUCTION AND MODERNIZATION

(Mrs. NAPOLITANO asked and was given permission to address the House for 1 minute.)

Mrs. NAPOLITANO. Madam Speaker, I would like to certainly call upon all my colleagues to join us in bringing the issue of school construction and modernization up for debate this year.

In my home State of California, we are facing a very critical and potential crisis in providing adequate school facilities for our children. With the number of students increasing in grades K through 12 by about 270,000 during the next 5 years, California will need 10,000, 10,000, new classrooms. That is six new classrooms each day for the next 5 years.

In addition to building new classrooms, more than two-thirds of existing school buildings are in desperate need of repair. State and local resources are currently only covering half of these construction costs and modernization needs.

We, therefore, all of us, owe it to our children from throughout the United States to address this issue right here in Washington. The children of my State who are the future of California and the children of other States are depending on us to take action to build and renovate our schools.

FAILED CLINTON ADMINISTRATION POLICY ON NORTH KOREA

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

Mr. KNOLLENBERG. Madam Speaker, the Clinton administration's policy on North Korea has failed on several counts.

In exchange for making North Korea the largest recipient of U.S. assistance in East Asia, Pyongyang promised to terminate its nuclear weapons program and any efforts to develop or deploy long-range ballistic missiles.

While there are several indications that the North Koreans have not kept their end of the bargain, last summer's launch of a three-stage ballistic missile over Japan is the most egregious example of this rogue nation's disregard for their commitments.

With Pyongyang calling for further concessions from the U.S., I believe it is important for Congress to make it clear to the administration that we will not provide additional money or ease economic sanctions unless there is clear and convincing evidence that the North Koreans are living up to the requirements of the 1994 Agreed Framework.

To do anything less would be a severe abdication of our responsibility to defend the national security of the United States.

NATIONAL HOMEOWNERSHIP WEEK

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

Mr. VENTO. Madam Speaker, I rise to hail National Homeownership Week.

Homeownership is one of the core values we have, I think, as Americans and one of the most fundamental bases for stability in our communities. This record homeownership rate of over 67 percent did not happen without leadership from the Clinton administration, from former Secretary Cisneros and current Secretary Andrew Cuomo.

I think we all should be very proud of this accomplishment and the focus that led us to this result. Since 1993, we

have nearly 8 million new homeowners. That is a million more families each year that have achieved homeownership. That has come about, obviously, because we have made the right decisions with regards to our budget since then. We have lower mortgage rates and higher employment, and new policy has helped in many areas for first-time homeowners, minority homeownership and, of course, dealing with senior citizens and reverse mortgages contracts.

But we have much work to go before we are done. Many of our cities, for instance, have less than 50 percent homeownership. And by, of course, establishing a stake in these communities, we can be very helpful to changing the success of these urban areas. But we have to keep programs like CRA and HMDA in place, the FHA program, which has been so important, to continue the progress with regards to homeownership. These polices work hand in hand with the partnership approach involving the private sector, home builders, realtors, mortgage bankers, title insurers, Fannie Mae, and Freddie Mac, and, of course, financial institutions, banks, not for profit roles like the community reinvestment act and a myriad of national polices that are tailored to respond in today's marketplace.

I urge my colleagues and citizens across the country to celebrate this great event, National Homeownership Week, Homeownership the American dream is alive and well, Madam Speaker.

820TH RED HORSE COMBAT ENGINEER SQUADRON

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

Mr. GIBBONS. Madam Speaker, the Air Force has a motto of ''service before self.'' That is a fitting description of the 204 members of the 820th Red Horse Combat Engineer squadron from Nellis Air Force Base, who will be departing for Albania very soon.

Their mission will be to repair critical roads and bridges to help prepare the way for a safe and expeditious return of the Kosovar refugees who were displaced from their homes in this unfortunate conflict.

Having seen the environment that they will be working in firsthand, I can tell my colleagues that their work will be challenged. However, I am very confident that their skills, training, and motivation will be equal to the task.

As the struggle for a peaceful solution to the Kosovo conflict is played out on the TV and in our newspapers, it is the soldiers, sailors, airmen, and Marines who continue to work hard in the background, focused on accomplishment of their mission.

I want to say thanks to all our troops deployed in support of Operation Allied Force and to the men and women of the 820th Red Horse Squadron, their families and loved ones. Good luck in your deployment. Godspeed. A quick return. But most importantly, thank you for your service and sacrifice for this nation.

GUN CONTROL LEGISLATION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I think in the next couple of days we will have an opportunity to do what is right for America and do what is right for our young people.

Although we are not marking up the juvenile justice crime bill in the House Committee on the Judiciary, of which I am a member of the Subcommittee on Crime, we will have an opportunity to come to this floor.

I do not believe that we should pass any juvenile justice crime bill that does not have provisions for mental health services to enhance and give to our children the kind of resources they may need. We should not pass a bill that does not have parental responsibility and parental education about how to help with raising our children to the extent of giving them resources when our children are troubled. And we should not pass a bill that does not have real gun safety, with an ammunition clip restriction, with a restriction on gun shows, and the instant check and the waiting period.

We should realize, Madam Speaker, that we now can stand collectively as Americans and confront this issue not in an attacking mode but a collaborative mode. We must stand up together to respond to the crisis of school violence not only in rural America and urban America but the longstanding concept that this whole country has too many guns.

I do not believe our hunters in the far west or the far east would argue against gun safety and responsibility.

Let us all stand against the negatives of the National Rifle Association and collectively as Americans for safety for our children.

IN APPRECIATION OF MEDIA COVERAGE OF OKLAHOMA STORM

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

Mr. LUCAS of Oklahoma. Madam Speaker, I rise today to express my heartfelt appreciation to all of the radio and TV stations that provided around-the-clock coverage during the recent storm that ravaged the State of Oklahoma.

The advanced emergency weather warnings provided by these stations and their employees allowed Oklahomans to find safe cover before tornadoes struck their neighborhoods and communities. This outstanding service saved countless lives.

Not only did these local broadcasters provide early storm warnings, but they continued to offer accurate and useful information to their audiences during the chaos that followed the terrible storm.

I know I speak for all Oklahomans as I thank them for their tireless efforts during this tragedy.

WHERE DOES DEMOCRAT LEADERSHIP STAND ON TAXES?

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

Mr. CHABOT. Madam Speaker, President Clinton ran on a middle-class tax cut back in 1992. However, once in office, he raised taxes by a record amount; in fact, the largest tax increase in American history.

The tax increase would have continued, but in 1994 the American people elected the first Republican majority in the House of Representatives in 40 years. Republicans then forced the President to accept a tax cut, a tax cut he did not want and a tax cut that was ardently opposed by his folks here in the House, the Democrats.

So where does the Democratic leadership, who so desperately want to take back the House of Representatives, stand on taxes? Well, on a tour promoting his new book, A Better Place, just the other day, the gentleman from Missouri (Mr. GEPHARDT), the leader of the Democrats in the House said, and it has been quoted before but I think it bears hearing it again, ''You've got to have a combination of taking it out of the defense budget and raising revenue.'' In other words taxes. ''We can argue about how to do that, closing loopholes or even raising taxes to do it.''

Well, there it is: Cut defense and raise taxes. That is not my idea of a better place.

PARTY OF THOMAS JEFFERSON IS DEAD

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

Mr. BARTLETT of Maryland. Madam Speaker, how is it that the party of Thomas Jefferson, who was a champion of the common man, has become the enemy of middle-class families? How is it that the party of Jefferson, champion of freedom from oppressive government, now rushes to embrace expansion of government and every conceivable encroachment on human liberty?

Just consider the evidence. ''New Democrat'' Bill Clinton won office in 1992 by promising a middle-class tax cut. He then promptly passed the largest tax increase in our history. And now we have the leader of the Democrat Party in Congress, the distinguished gentleman from Missouri (Mr. GEPHARDT) who is on record saying just over a week ago, and I have the quote

here, and since repetition is the soul of learning and I am an old school teacher, why, it bears repeating: ''You've got to have a combination of taking it out of the defense budget and raising revenue. We can argue about how to do that, closing loopholes or even raising taxes to do it.''

Yes, the party of Thomas Jefferson is dead, long dead, deader than Elvis. A weaker and weaker military and higher and higher taxes on average middle-class Americans, that is apparently the Democrat way.

PATIENT RIGHT TO PEDIATRIC CARE ACT OF 1999

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

Mr. SHERWOOD. Madam Speaker, a long journey must begin with a single step. I rise to tell my colleagues that we have taken a small but important first step towards improving health care access for children.

I introduced the Patient Right to Pediatric Care Act this week to assure parents that they can choose a pediatrician as their child's primary care provider. I am not a doctor, but I am a father. And one of the things I have learned as a parent is that the health care needs of children differ greatly from those of adults.

Some health care groups prudently limit access to certain specialists. But a pediatrician's skill in caring for children is unique. I believe that parents must be allowed to decide if their child's routine health care should be provided by a physician who specializes in pediatrics.

My legislation is one of several bills which will make up the Health Care Quality and Access Act, a responsible approach to health care reform, which Members on both sides of the aisle can and should support.

MILITARY IS LOW PRIORITY FOR CLINTON ADMINISTRATION

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

Mr. SCHAFFER. Madam Speaker, if my colleagues look at this chart which shows the extraordinary decline in defense spending under the Clinton administration, they might be alarmed at just how low a priority the military has been given in recent years.

But this chart does not tell the whole story. This chart shows the cuts in procurement spending, the kind of spending that impacts military readiness years down the road.

Here we see the very cuts of our military capabilities have been slashed, especially during the first 2 years of this administration, when antimilitary Democrats controlled Congress.

□ 1030

The scary part about these cuts is that future Presidents will have to worry about them long after the current President is out of office. Spending on new weapon systems, modernizing old ones and upgrading the state-of-the-art equipment have all taken a back seat during this administration to new Washington programs that mainly benefit special interests.

Republicans want the best military possible. Military strength tends to guarantee the peace. Weakness invites aggression. When will the other side learn this lesson?

HUMAN RIGHTS ABUSES IN SUDAN MAKE KOSOVO LOOK LIKE A SUNDAY SCHOOL PICNIC

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

Mr. TANCREDO. Madam Speaker, the day before yesterday I returned from the Sudan where I had gone with a group of other congressmen to bring attention to the plight of the south Sudanese, to bring attention of the country of the United States to the horrible abuses that are going on in Sudan. In a nutshell, Madam Speaker, Sudan makes Kosovo look like a Sunday school picnic in terms of the human rights abuses being perpetrated in that country.

We have heard from the President for the last several months about all of the reasons why we had to go into Kosovo, but I assure my colleagues that for every reason he gave us regarding Kosovo I could give 10 that pertain to the Sudan. The human rights abuses there are far greater; 2 million dead so far in their Civil War, true genocide going on, true slavery being undertaken by the north, raids into the south.

It is amazing, Madam Speaker, that the attention of the United States is so easily drawn to Europe and so difficult to draw to the African continent.

LET US GET THE COMMUNIST CHINESE OUT OF OUR NUCLEAR LABS

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

Mr. HAYES. Madam Speaker, 2 weeks ago the long-awaited Cox report was released. I keep this chart because I think it is important for the American people to realize that while this administration was drastically cutting our defense budget, we were giving away our nuclear secrets to the Chinese. This should not, cannot and must not happen as we begin the debate on the all important defense budget today in that bill.

Because the administration leaks to the New York Times, we have come to know one of the most stunning bombshells about theft of our sensitive nuclear secrets by the Communist Chinese at our nuclear lab. We also know that the other side of the aisle is in mark contrast to the statements of the gentleman from California (Mr. COX) in this unanimous report. The partisan statements have begun while pleading with Republicans not to be partisan.

Let us go back to the Vice President's reaction to the loss of our most sensitive nuclear weapons information. First words out of his mouth were to blame someone else, Ronald Reagan, and the Secretary of Energy, Bill Richardson, has cautioned over and over again let us not over react.

Madam Speaker, let us do react. It is time that we got the Communist Chinese out of our labs, protected our secrets and protect this country. We find out the absolute worst possible case has come to pass, the Communist Chinese penetration of our nuclear laboratories is total. We knew about it since 1995. We have done virtually nothing about it.

Madam Speaker, let us do something now. Our future is at stake.

DEMOCRAT LEADERSHIP STILL OUT OF TOUCH AND STILL CLEARLY ANTI-MILITARY

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

Mr. KINGSTON. Madam Speaker, today we have before us the defense reauthorization bill, and it is a very important bill in that it reverses the trend of massive defense cuts.

Now it is interesting, as we go into the debate, actually on the eve of the debate, we have the Democrat Majority Leader speaking basically the Democrat policy on defense which was we have got to have a combination of taking money, and I am going to paraphrase it, but when he says taking it out, taking money out of defense and raising revenue, raising taxes. We can argue about how to do that, closing loopholes or even raising taxes to do it, but the point is here we have a defense, and I will show my colleagues another chart which traces defense spending under the Clinton administration, particularly since 1993, how it has been cut massively during the period of time that we have had increased deployments, we have had equipment that lacks spare parts, we need modernization, and we are losing lots of good soldiers because the quality of life has gone down so much. But despite this decrease, the Majority Leader of the Democrat party is saying again we need to squeeze it out of defense, we need to cut defense spending, and this in the face of a President who is selling missile technology to China.

Madam Speaker, it does not make sense.

I hope people will support this bill, and I hope that we can get the Democrats to join us. I believe that we will get a lot of Democrats with us, but it is too bad that the Democrat leadership is still out of touch and still clearly anti-military.

THE JOURNAL

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 355, nays 62, not voting 17, as follows:

[Roll No. 178]

YEAS—355

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (PA)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Cubin
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stump
Sununu
Sweeney
Talent
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—62

Aderholt
Baird
Baldacci
Bilbray
Bonior
Borski
Brown (OH)
Clay
Clyburn
Costello
Crane
Crowley
DeFazio
English
Filner
Gephardt
Gutknecht
Hastings (FL)
Hefley
Hill (MT)
Hilleary
Hilliard
Hinchey
Hulshof
Hutchinson
Johnson, E. B.
Kucinich
Lewis (GA)
LoBiondo
Markey
Martinez
McDermott
McGovern
McNulty
Miller, George
Moran (KS)
Oberstar
Pallone
Peterson (MN)
Pickett
Pombo
Pomeroy
Ramstad
Riley
Sabo
Schaffer
Slaughter
Stenholm
Strickland
Stupak
Tancredo
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Weller
Wicker

NOT VOTING—17

Boucher
Brady (TX)
Brown (CA)
Cummings
Doyle
Gutierrez
Kanjorski
Luther
McCrery
McHugh
Meek (FL)
Pascrell
Paul
Rogan
Stark
Waters
Young (AK)

□ 1054

So the Journal was approved.

The result of the vote was announced as above recorded.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FROST. Madam Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 204) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 204

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

Committee on Resources: Mr. HOLT of New Jersey;

Committee on Science: Mr. BAIRD of Washington; Mr. HOEFFEL of Pennsylvania; Mr. MOORE of Kansas;

Committee on Veterans' Affairs: Mr. HILL of Indiana; Mr. UDALL of New Mexico.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

Mrs. MYRICK. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 200 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 200

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived.

(b) No amendment to the committee amendment in the nature of a substitute shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution, amendments en bloc described in section 3 of this resolution, the amendment by Representative Cox of California printed on June 8, 1999, in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII, and pro forma amendments offered by the chairman and ranking minority member of the Committee on Armed Services for the purpose of debate.

(c) Except as specified in section 5 of this resolution, each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Unless otherwise specified in the report, each amendment printed in the report shall be debatable for 10 minutes equally divided and controlled by

the proponent and an opponent and shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment).

(d) All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived.

(e) Consideration of the last five amendments in part A of the report of the Committee on Rules shall begin with an additional period of general debate, which shall be confined to the subject of United States policy relating to the conflict in Kosovo, and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

SEC. 3. It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in part B of the report of the Committee on Rules not earlier disposed of or germane modifications of any such amendment. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes.

SEC. 5. (a) The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

(b) Before consideration of any other amendment it shall be in order to consider the amendment printed in the Congressional Record of June 8, 1999, by Representative Cox of California and described in section 2(b) of this resolution, if offered by Representative Cox or his designee. That amendment shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points order against that amendment are waived.

SEC. 6. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 7. After passage of H.R. 1401, it shall be in order to take from the Speaker's table the bill S. 1059 and to consider the Senate bill in the House. All points of order against the Senate bill and against its consideration are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 1401 as passed by the House. All points of order against that motion are waived.

SEC. 8. House Resolution 195 is laid on the table.

□ 1100

The SPEAKER pro tempore (Mrs. EMERSON). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, yesterday the Committee on Rules met and granted a structured rule for H.R. 1401, the Fiscal Year 2000 Department of Defense Authorization Act. The rule waives all points of order against consideration of the bill.

The rule provides for 1 hour of general debate, equally divided between the Chairman and ranking minority member of the Committee on Armed Services. The rule makes in order the Committee on Armed Services amendment in the nature of a substitute now printed in the bill, which shall be considered as read.

The rule waives all points of order against the amendment in the nature of a substitute. The rule makes in order only those amendments printed in the Committee on Rules report and pro forma amendments offered by the chairman and ranking minority member of the Committee on Armed Services for the purposes of debate.

Amendments printed in Part B of the Committee on Rules report may be offered en bloc. The rule makes in order an amendment by the gentleman from California (Mr. COX) printed on June 8, 1999, in the CONGRESSIONAL RECORD.

The rule provides that except as specified in section 5 of the resolution, amendments will be considered only in the order specified in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall not be subject to a demand for a division of the question.

The rule provides that except as otherwise specified in the report, each amendment printed in the report shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment, except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment.

The rule waives all points of order against the amendments printed in the Committee on Rules report and those amendments en bloc described in section 3 of the resolution.

The rule provides an additional period of general debate prior to the consideration of the last 5 amendments in Part A of the Committee on Rules report for 1 hour, which shall be confined to the subject of United States policy relating to the conflict in Kosovo.

The rule authorizes the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in Part B of the Committee on Rules report or germane modifications thereto which shall be considered as read, except that modifications shall be reported, shall be debatable for 20 minutes, equally divided between the chairman and ranking minority member of the Committee on Armed Services or their designees, and shall not be subject to amendment or demand for a division of the question.

The rule provides that for the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the en bloc amendments.

The rule allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

The rule permits the chairman of the Committee of the Whole to recognize for consideration of any amendment printed in the report out of order in which printed, but not sooner than 1 hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

The rule provides that before consideration of any other amendment, it will be in order to consider the amendment printed in the CONGRESSIONAL RECORD on June 8, 1999, by the gentleman from California (Mr. COX), if offered by the gentleman from California or his designee, which will be considered as read, debatable for 1 hour, equally divided and controlled by the proponent and an opponent, will not be subject to amendment, and will not be subject to a demand for a division of the question in the House or in the Committee of the Whole, and waives

all points of order against the amendment.

The rule provides for one motion to recommit with or without instructions. The rule provides that after passage of H.R. 1401, it shall be in order to take from the Speaker's table S. 1059 and to consider the Senate bill in the House.

The rule waives all points of order against the Senate bill and against its consideration. The rule provides that it shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 1401 as passed by the House, and waives all points of order against the motion.

Finally, the rule provides that House Resolution 195 is laid upon the table.

Madam Speaker, this new rule for the Fiscal Year 2000 Department of Defense Authorization Act differs from the old rule, H.R. 195, in two important ways. First, it makes in order several amendments relating to the Kosovo conflict. The old rule self-executed out Section 1006 of the authorization bill, which would end funding for a war in Kosovo on October 1.

The new rule permits the gentleman from Missouri (Mr. SKELTON) to offer an amendment that would strike Section 1006, and it permits four amendments that would make it harder for the President to fund an extended military operation in the Balkans.

This new rule also includes a bipartisan amendment offered by the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS) to implement the Cox report and to crack down on spying at nuclear labs.

In other words, Madam Speaker, the new rule provides for a full and fair debate on Kosovo and this whole issue, and allows for a bipartisan legislative answer to security lapses at our weapons facilities. This is something that all Members should support.

The underlying legislation, H.R. 1401, is a good bill. It is a bill that would allow us all to rest a little easier at night knowing that our national defense is stronger and that our troops are being taken care of.

We now know that China has stolen our nuclear technology, something that the Soviet Union could not do during the entire Cold War. We live in a dangerous world, but Congress is doing something about it. We are working to protect our friends and family back home from our enemies abroad.

We are helping to take some of our enlisted men off of food stamps by giving them a 4.8 percent raise, and we are providing for a national missile defense system so we can stop a warhead from China, if that day ever comes. We are boosting the military's budget for weapons and ammunition, and we are tightening security at our nuclear labs, doing something to stop the wholesale loss of our military secrets.

Madam Speaker, the Committee on Rules received more than 90 amendments to this bill. We did our best to be fair and to make as many amendments in order as we could. We made over half of them in order.

The rule allows for a full and open debate on all the major sources of controversy, including publicly funded abortions and nuclear lab security. It allows for a debate on a lot of smaller issues, too. So I urge my colleagues to support this rule and to support the underlying bill, because now more than ever we must provide for our national security.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, my Republican colleagues bring us another rule for the Department of Defense authorization. This rule I feel safe in saying will pass, and thus this morning the Republican leadership will not be faced with the embarrassing prospect of having to pull yet another rule from the floor.

I will support the rule, Madam Speaker, but I do so only because of my support for the DOD authorization and the importance of getting on with the business of the House. That being said, I must point out that this new rule presents us with yet another prospect of embarrassment. This time the embarrassment will fall on the entire House of Representatives, if not on our country.

In Cologne, the nations of Western Europe, the United States, and Russia have finally managed to negotiate a peace settlement with the regime which has systematically carried out horrifically bloody and brutal acts in Kosovo.

The terms of the actual troop withdrawal are still a matter of negotiation between the military forces of NATO and Yugoslavia. But Madam Speaker, however fragile the prospect, the nations of the world who subscribe to the rule of law are on the verge of accomplishing the goal of removing the brutish oppressors from Kosovo.

So in the midst of the peace negotiations, the House now has under consideration a rule which holds out the prospect of cutting off support for the operations in Kosovo on September 30, and the Fowler amendment, which would prohibit ground troops in Yugoslavia unless authorized by Congress.

□ 1115

Now, Madam Speaker, I am among those who pray fervently that this conflict has come to an end. But I am also among those who believe that dictating the terms of a peace can only be conducted from a position of strength and resolve.

What kind of message are we about to send to Milosevic and his band of thugs and murderers? Now is not the time to have this particular debate. This rule and the debate it permits, as reported by the Republican majority, is inappropriate and ill-advised.

Today's rule, authored by the Republican majority, is a travesty. By authorizing votes to cut off spending in Kosovo while we are on the verge of a dramatic victory, the majority makes the House of Representatives a laughing stock and demonstrates to the entire world that we are irrelevant. Let me repeat, the majority has chosen irrelevance. This is a sad day for this institution.

There are those among the Republican majority who contend that the last rule for this bill failed because of lack of Democratic support. I would answer with two points. First, it is the obligation of the majority to lead, not to lay blame. Second, the Republican majority gave many Democratic Members no choice but to oppose the meager offerings handed to them 2 weeks ago.

For example, this rule, unlike its predecessor, makes in order an amendment which has the support of the ranking member of the China Select Committee. Two weeks ago, the Republican majority summarily cut the gentleman from Washington (Mr. DICKS) out of the process. This rule will allow the House to consider recommendations of the Cox-Dicks committee matters that are of the utmost importance to our national security. Accordingly, many Democrats who opposed the last rule will see this one in a different light.

Every year, this body debates our role in NATO, the cost associated with our continued military presence in Europe, and the expectations we as a NATO partner should have for the other nations in the alliance. Yet, surprisingly, the last rule precluded such a debate, thus generating a great deal of opposition in certain quarters in the Democratic Caucus. The rule before us today will allow debate on this issue, again perhaps reducing opposition to the rule.

But, Madam Speaker, this rule does not provide the opportunity for the ranking member of the Committee on Commerce to offer an amendment he presented to the Committee on Rules along with his chairman and the chairman and ranking member of the Committee on Science. The Dingell amendment speaks directly to a matter of jurisdiction of both the Committee on Commerce and Committee on Science that has been included in the Committee on Armed Services' bill. Yet, the House has once again been precluded from considering this matter.

Madam Speaker, amendments offered by the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member of the Committee on Small Business, as well as similar amendments offered by the gentlewoman from California (Ms. WATERS), relating to business opportunities for minority and other disadvantaged small businesses, have been shut out of the process.

These are issues of importance to the Democratic Members of this body, Madam Speaker, and it would not be much of a surprise if Members supporting those positions were to vote against the rule.

Madam Speaker, it is time for the House to move on this vitally important proposal. In spite of the substantial shortcomings of this rule, I will support it and urge my colleagues to do so as well.

Madam Speaker, I reserve the balance of my time.

Mrs. MYRICK. Madam Speaker, I yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Madam Speaker, I rise to respond to the gentleman from Texas (Mr. FROST). He talks about embarrassment of the leadership in pulling a rule from the floor. As one of the Members on this side of the aisle who had concern about the rule last week, I want to respond to this and explain what I think leadership means.

I think that leaders listen. I think that leaders build consensus. I think that leaders reach out to others, of whatever party or whatever persuasion or whatever part of the country, to pull people together. I think leaders recognize when they have made little mistakes and make corrections of those mistakes.

I think we have a pretty good coach on this side of the aisle. He coached wrestling, but most of us watch football. When the quarterback sees a broken play, a good quarterback will call a time-out and pull things back together. That is what leadership means, and that is why I am proud to be a part of this great House.

Mrs. MYRICK. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Madam Speaker, I thank my dear friend, the gentlewoman from Charlotte, North Carolina (Mrs. MYRICK), who, as I said at the close of last night's Committee on Rules hearing, that she did a superb job of managing this rule when it came up 2 weeks ago tomorrow, and she is doing an even better job today, as I am sure. So I thank her for her fine work.

This is a very important piece of legislation, and I believe that we have been able to successfully work in a bipartisan way to address many of the concerns that are there.

Contrary to the remarks that were just made by the gentleman from Dallas, Texas (Mr. FROST), we did make 47 amendments in order; and that is an awful lot of amendments. There are a lot of Democratic amendments that have been made in order. We have got lots of amendments that are done in a bipartisan way here. We will have, I suspect, 20 hours of debate that will take place on this very important piece of legislation.

So it is true that we were not able to satisfy every single concern out there, either on the Democratic side or on the Republican side. But I think that what we have got is a very, very reasonable balanced approach. It is an important piece of legislation, one of the most important issues that we can possibly address.

We as Republicans have made a strong commitment that we are going to focus on the issues of improving public education, providing tax relief for working Americans, preserving Social Security and Medicare, and the very important issue of our national security.

Frankly, this administration, as we all know, has deployed 265,000 troops to 139 countries, obviously interested in security around the world, I guess; but when it has come to a strong commitment to make sure that our forces are equipped and ready to go, we have not seen the kind of support that is necessary. This measure which the gentleman from South Carolina (Mr. SPENCE) will be managing will help us address that challenge.

We also are dealing with a very important report that has come out on China and the transfer of technology. Again that is done in a bipartisan way.

So I think that we have got a very good measure here, and I encourage both Democrats and Republicans alike to support what is a balanced rule.

Mr. FROST. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Madam Speaker, I came to the floor 2 weeks ago when this bill was first offered to this House, thanking the Republican leadership for striking language in the Committee on Rules that would have prohibited any funds from this bill being used in operations in Yugoslavia. I am very disappointed today to note that when this bill comes back to the floor, it once again includes that objectionable language.

Here we are at a critical point in time in the peacekeeping operations, the peacekeeping negotiations, and we find that our Republican leadership desires to cut off funding for all operations in Yugoslavia on September 30.

This House passed on March 11 a resolution authorizing the use of ground troops for a peacekeeping operation. I offered at that time an amendment to that bill which provided that the troops of the United States would be limited to 15 percent of the total force. This House, by agreement in an amendment crafted at the conclusion of that debate, accepted that language along with other reporting requirements. That was a sound and reasonable thing to do.

I am advised by Mr. Berger this morning that the negotiations now regarding peacekeeping would limit the U.S. troop participation again to 15 percent of the total force. It is totally irresponsible for this House to be considering legislation that would ban the use of any funds, as of September 30, for peacekeeping operations in the Republic of Yugoslavia.

We have come a long way in this battle of trying to save a million and a half refugees who have been left homeless by this conflict. It is my hope that this House will stand together in its resolve and with the international community that has said no to Milosevic, that has said no to genocide, that has said no to murder and rape, and has said yes to peace. It is my hope that the House will adopt the Skelton amendment, which will strike this objectionable language from the bill, the only provision, by the way, that I have heard the White House say would cause a veto of this legislation.

Now is the time to stand for peace. Now is the time to stand with the international community that has stood with us in the NATO effort to end the bloodshed and the slaughter and the genocide in Yugoslavia. At the end of the 20th century, we must send a clear message to the world that the United States and its allies will stand for peace and stand against the kind of campaign that President Milosevic has waged against his own people.

For 78 days, our bombing campaign has continued. We must see it through to a successful conclusion. I urge my colleagues to accept the Skelton amendment when it is brought to the floor.

Mrs. MYRICK. Madam Speaker, I yield 4 minutes to the distinguished gentleman from Florida (Mr. GOSS), the chairman of the Permanent Select Committee on Intelligence.

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

Mr. GOSS. Madam Speaker, I thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me this time, and I rise in support of this complicated but fair rule and this very important Department of Defense authorization bill that the gentlewoman is bringing forward for our attention so capably today.

First, with respect to the rule, Members know that this has been an extraordinarily challenging process. I think that this rule is now ripe for Members' consideration. I congratulate the gentleman from California (Chairman DREIER) and our committee for persistence in navigating what obviously would be described as complex waters, bringing this bill to the floor, particularly the role of the gentlewoman from North Carolina (Mrs. MYRICK) that has been helpful.

We did the best we could to ensure that the most important areas of debate were covered and to ensure that Members had options to vote on with regard to those major issues. So there will be plenty of debate on these subjects.

As for the underlying bill, Madam Speaker, I applaud our colleagues, the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) for bringing forward a bill that helps chart the future of our Nation's defenses as we embark on the next century. I would point out there is one from each side of the aisle in that combination; in other words, bipartisan.

We have repeatedly emphasized the fact that our military has been systematically underfunded and stretched

well beyond its means for the past years under the Clinton-Gore administration. As a result, our armed services today have been provided with too little while being asked to do too much. We all know that.

Now, with the engagements in Kosovo, Iraq, ongoing missions on the Korean peninsula and a host of other unresolved missions underway, such as perhaps Haiti and Bosnia, we are seeing all too clearly the cracks and strains of a fighting force whose readiness is threatened, whose morale is eroded, and whose training and equipment have declined dangerously.

This legislation falls upon the commitment that this House made just a few weeks ago in the supplemental funding bill that such harmful and pennywise shortsightedness should be brought to an end.

Madam Speaker, as chairman of the Permanent Select Committee on Intelligence, I know too well about the very real consequences we face because of poor planning and lack of long-term commitment on the part of policymakers to investing in a robust and modern defense capability. My committee shares jurisdiction with the Committee on Armed Services over a host of important military intelligence programs obviously.

I am happy to say we have always worked in very close concert to ensure that the oversight of those programs is seamless, and I am very pleased with the product before us today. Eyes, ears, and brains are among the most important elements of a strong, smart, and effective defense. That is what good intelligence is all about: force protection, force enhancement. I am grateful for the support that this bill provides.

Madam Speaker, America's attention in recent weeks has been riveted by the events of Kosovo and by those disturbing revelations closer to home about foreign penetration of our labs and failure of the Clinton-Gore administration to provide proper protection of our most important national secrets.

If there is a silver lining to those two significant front-page matters is that they have helped galvanize public opinion about the imperative of protecting our national security. It is not only protecting our men and women in the Armed Forces and our interests here and overseas, but also protecting the security of our most important national secrets. They matter.

This legislation will provide the vehicle for important debate on how we can best accomplish these crucial goals. I urge all Members and all Americans to pay close attention. There really is nothing more important that this Federal Government can or should be doing than providing for the national defense. I believe Americans are counting on this Congress to make up for the shortfalls in the Clinton-Gore administration that have lead us to the situation we find today in our defense. I urge support.

I would like to respond to the gentleman from Texas (Mr. FROST), my friend and colleague on the Committee on Rules, and say simply that I think it would be a huge embarrassment in not serving the public properly in a representative form of government for us not to discuss the Kosovo situation when we are talking about the defense authorization bill.

Mr. FROST. Madam Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. SKELTON).

□ 1130

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Texas for yielding me this time and allowing me to speak on this rule.

As the ranking Democrat on the Committee on Armed Services, I fully endorse this rule. I fully endorse the provisions that have been made therein. The rule, as my colleagues know, was pulled some several days ago. The Committee on Rules went back, rewrote the rule, allowed several amendments, and I think that they did the right thing and I thank them for it.

The gentleman from California (Mr. DREIER), the gentleman from Massachusetts (Mr. MOAKLEY), the gentleman from Texas (Mr. FROST), and the others on that committee, I think, wrote a proper rule, which I do support, with the proper amendments.

The second thing I wish to mention is that this is an excellent bill. I have been on the Committee on Armed Services for a number of years and, in my opinion, in looking at the legislation, in light of the fact that we have won the Cold War and there is an uncertain future and there are those in uniform today that are questioning whether they stay in or whether they make a career of it, this bill gives great incentive for them to reconsider and consider making a career of the military, because we are doing some very good things for them in the pay, in the pension and for their families.

In my opinion, this bill is the best that we have had since the early 1980s. I am very, very pleased and I thank the gentleman from South Carolina (Mr. SPENCE) for his leadership as the chairman, and it is a privilege to work with him and others on the committee that have been excellent to work with. It is a bipartisan committee. We sent this bill out of committee with a 55 to 1 vote.

I see my friendless gentleman from California (Mr. HUNTER), chairman of the Subcommittee on Military Procurement of the Committee on Armed Services. He and the gentleman from Virginia (Mr. SISISKY) work so well. As a matter of fact, they did such good work there are no major amendments touching the procurement part of this legislation. It is a tribute to them, and to all of those who worked very, very, hard on this legislation. Of course, the staff did a wonderful job, and I cannot brag about them enough, a bipartisan staff, and I thank them.

But I must say, Mr. Speaker, in all sincerity, this bill has a wart on it. It is a major wart. We can cut it off by an amendment that I am offering, or I will offer sometime during this debate. It is interesting to note that we are winning or we have won, NATO and America, the battle of Kosovo of 1999, and yet there are those, sadly, with great melancholy in my heart, I see that they want to pull defeat from victory by cutting off funds for those wonderful young men and young women and what they are doing to secure peace in Europe, which has a direct effect not only in the rest of Europe but on the United States.

So with that, I will vote for the rule, and I urge support on my amendment when that comes to pass.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, let me thank the gentlewoman from North Carolina for bringing this rule forward, and I urge all Members to support the rule and particularly several amendments, one being the Cox-Dicks amendment, the Spence amendment. Both have suggestions on dealing with the nuclear labs and the theft of nuclear properties from the United States.

We had an expression in the restaurant business, too many cooks and not enough bottlewashers. Well, in pre-1974, we had the Atomic Energy Commission; in 1974, we then initiated the Energy Reorg Act; and in 1977, President Carter had the idea to create the Department of Energy and we transferred the functions of the Energy Research Development Administration into the lab. And we know now from the testimony of the Cox report that that was the period in time in which the nuclear secrets were starting to be stolen.

So I would suggest to my colleagues the best remedy is what is suggested by the gentleman from South Carolina (Mr. SPENCE), and that requires the Secretary of Defense to establish a plan to transfer from the DOE the national security functions. In the amendment of the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS) they ask the President to review and come back to Congress and potentially recommend a similar type scenario.

My colleagues, over the next several weeks we will hear a lot of bellyaching from this body about blaming the Chinese. Let us get even. Let us blame them for stealing our secrets. But my colleagues, the United States Congress, the United States Government, invited them into our labs. Shame on us. Shame on us for having lax security, shame on us for not protecting, shame on us for not having things like the gentleman from California (Mr. HUNTER) recommends today, counterintelligence clarifications, security practices, polygraph tests to make sure people are not walking home with their briefcases full of our own technology. So in the next several weeks, rather than pointing fingers at the Chinese

Government, let us look inwardly at the problems we have created ourselves.

Let us also focus on some underlying amendments such as the gentleman from Florida (Mr. GOSS) recommends on Haiti and removal of troops. The gentleman from New Jersey (Mr. FRANKS), the gentleman from Connecticut (Mr. SHAYS) and myself have an amendment on troop removal and troop reduction in Europe. We cannot be everywhere for everyone, and the American taxpayers cannot afford it. So I urge support of the rule and urge support of the bill.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

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

Mr. DINGELL. Mr. Speaker, I rise in opposition to the rule. This rule has many reasons for being opposed, but I confine myself to one glaring defect. The rule would prohibit the House from considering a very important and ill-considered provision of the bill. The provision would require the Secretary of Energy to assign all national security functions, including safeguards, security, health, safety, and environment to the Assistant Secretary for Defense Programs.

This is not putting the fox in charge of the chicken house, this is putting an imbecile in charge of an important national function and major national concerns. It is this secretary, in his many incarnations and in many diverse identities, that has been a major part of the problems that we have confronted over the years.

When I was the chairman of the Subcommittee on Oversight and Investigations of the Committee on Commerce, we investigated a continuous series of lapses on security. We brought them constantly to the attention of the administration, and nothing was done because it was all handled by the institutional holder of this particular office. The practical result of this is to assure the people that if we are concerned with the security of the national labs and other aspects of our activities within the Department of Energy, we are entrusting that responsibility to probably, institutionally, the most incapable individual in that particular place.

I have submitted an amendment to strike this section. It was a bipartisan amendment which had the support of the gentleman from Virginia (Mr. TOM BLILEY), the chairman of the Committee on Commerce; the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on Science; and the gentleman from California (Mr. BROWN), the ranking member. The amendment also had the strong support of Energy Secretary Bill Richardson, who, being aware of the situation there, has recommended that the bill be vetoed if that provision is left in the bill.

Despite the bipartisan nature of this amendment and the fact that the bill could face a veto over the provision, the rule will not even allow the House to decide the issue. That is an action of extraordinary arrogance and high-handedness on the part of the Republican leadership and on the part of the Committee on Rules. And I say that if we really want to continue jeopardizing the well-being and the security of these labs and of important national secrets, continuing to trust this responsibility to this part of the Department of Energy is a major mistake, one on which, having made our choice of fools, we can be absolutely assured that we will now reap the whirlwind.

This is something which should not be done because the security of the United States says otherwise. This is a part of the Department of Energy, which has continuously presided over failures in security at the national laboratories and at other parts of the Department of Energy. So to continue this kind of folly is simply to assure that a major calamity follows.

I urge my colleagues to reject this rule. This rule is high-handed arrogance on the part of the Committee on Rules, the Republican leadership, and also on the part of the Committee on Armed Services, which is now taking care of one of their buddies and all of his special interest lobbyists that have been cutting a fat hog at the expense of the security of the United States.

Let me give just a brief background on what this provision is all about. Currently, the Assistant Secretary for Defense Programs is responsible for our national security programs, such as weapons production and management of the nuclear stockpile. However, over time, certain oversight functions have been given to independent offices within the Department, because Secretaries have concluded that the program offices were giving too little priority to needs such as safeguards, security, safety, and the environment.

For example, during the Bush Administration, then-Secretary James Watkins established an independent Office of Safeguards and Security, after security lapses were documented at Rocky Flats and other facilities. Similarly, after asking independent ''tiger teams'' to assess the safety of our weapons facilities, Secretary Watkins was so concerned that he was forced to close many of them for repairs. This ultimately led to a Defense Facilities Safety Board, and an independent office of Health, Safety, and the Environment. This office also assumed responsibility for the clean up of weapons sites, such as Hanford, where decades of neglect had left thousands of gallons of nuclear waste seeping into the environment.

Now we are facing yet further evidence of an erosion of safeguards and security at our DOE labs. Once again we are finding that those in charge of those facilities are still failing to give these matters proper attention. This can be expected when program managers have competing priorities. Secretary Richardson has proposed creating a senior officer reporting directly to the Secretary with the single responsibility of ensuring security.

Instead, the bill would do the exact opposite, and return us to the sixties and seventies, where there was no independent oversight of security, safeguards, health, safety, and the environment.

I do not want to suggest that reorganizations alone can ever solve the problems of safeguards and security. However, requiring the Secretary to assign responsibility for these functions to the same program managers with competing priorities is certainly the wrong answer. That was the organization of the 60's, 70's and 80's. Those were the years when these facilities went into unsafe disrepair, when neighboring communities were polluted in the air and in the water, and when secrets were stolen. Obviously, more needs to be done to beef up our safeguards and security, but returning responsibility to those who created the problem is not the answer.

My attached letter to Warren Rudman underscores my view that independent assessments of security are required, and I ask unanimous consent to insert it at this point.

Responsible reforms are needed at the Energy Department, but this bill contains one poorly conceived change. Because this rule does not allow us even to vote on this change, the rule should be defeated.

Mr. Speaker, I also provide for the RECORD documentation which relates to my comments about this very serious matter.

COMMITTEE ON COMMERCE,
Washington, DC, March 24, 1999.

HON. WARREN RUDMAN,
President's Foreign Intelligence Advisory Board, Washington, DC.

DEAR WARREN: First, let me congratulate you on your recent appointment to lead the bipartisan review of security threats to the U.S. nuclear weapons laboratories over the last twenty years. I am hopeful that your review will finally focus appropriate attention on a very serious and longstanding problem that has been ignored, mismanaged, and/or covered up during several Administrations. Unfortunately, your effort is only the latest in a long line of reviews undertaken by, among others, the General Accounting Office (GAO), the Department of Energy (DOE) and its Inspector General, the U.S. Nuclear Command and Control System Support Staff, and various Congressional committees, the results of which have been uniformly ignored by the responsible officials.

I am also writing to offer you my assistance as you undertake this review. During my 14-year tenure as chairman, the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce conducted several classified and unclassified inquiries into this matter. (This letter discusses the unclassified portion of our work.) We found a disturbing pattern of security weaknesses in the contractor-run national weapons laboratories, along with extraordinary lax oversight by the Department of Energy (DOE). As you may already know, these problems included: laboratories refusing to implement basic security precautions; DOE Secretaries and other officials ignoring repeated warnings of security problems; and bureaucratic obfuscation of the problems that meant that even the National Security Council and the President received inaccurate, misleading information. Although our main focus initially was terrorism and physical security, our concerns soon broadened to encompass other significant security deficiencies and the system's management problems.

The Subcommittee, on a bipartisan basis, sought continuously to bring these problems to light, and to fix the underlying weaknesses, such as the lack of independent security oversight, that allowed problems to persist. This work required a sustained effort

over several years, work made more difficult because of the recalcitrance of the contractors running the national laboratories. You should expect significant difficulties in arriving at a full understanding of the problems, particularly if, given your right deadline, you are forced to rely on those contractors and government officials responsible for managing the laboratories over the last twenty years.

The Subcommittee's work on this matter began in 1981 in response to efforts to undermine independent review of security threats. The Department of Energy's Assistant Secretary of Energy for Defense Programs had become concerned in 1979 about the level of security at the weapons laboratories. As recommended by the General Accounting Office (GAO) in 1977, and also the Inspector General, he established an independent, interagency group that reported directly to him on the adequacy of safeguards at these facilities. This program employed some of the best experts in the country in terrorism, sabotage, protection of classified material and related activities. This group found that the safeguards at the most critical facilities—which included Los Alamos—were in shambles while, at the same time, DOE's Office of Safeguards and Security was giving the facilities a clean bill of health.

However, in 1981, when a new Administration took over, the Assistant Secretary was replaced by a high-ranking official from Los Alamos National Laboratory who immediately shut down the independent assessment program. In 1982, in a classified report to the Subcommittee, GAO strongly recommended (in part because DOE was submitting misleading reports to the National Security Council) the reinstitution of an independent assessment program which would report directly to the Under Secretary of the DOE. Two hearings by the Subcommittee in 1982 and 1983 focused on the organizational problems at DOE and the GAO recommendation. In 1983, the Committee adopted, with strong bipartisan support, an amendment to the DOE Defense Authorization bill establishing an independent Office of Safeguards Evaluation reporting directly to the Secretary. Unfortunately, the bill never received floor consideration.

Attempts by the Subcommittee and others in 1983–84 to establish an independent evaluations office within DOE were turned down by the Secretary and the Assistant Secretary for Defense Programs, who wanted the evaluations program under his control. Independence was critical because, during the Subcommittee's work, top officials misled the Subcommittee and harassed a DOE whistleblower. In 1984, the Subcommittee held a hearing on the Department's attempts to strip the employee's security clearance and issued a report. The Department rewarded the harassers with promotions, bonuses and medals. In 1984, the Department also terminated an investigation by its Inspector General into management adequacy in the safeguards and security program.

The Subcommittee also attempted to alert President Reagan to its concerns. In 1984, however, DOE officials told the President there was nothing to be concerned about. In January 1986, prior to his briefing by DOE on the status of safeguards and security, I wrote a letter to President Reagan listing general problem areas. These included: credibility of the inspection and evaluation program; inadequately trained guard forces; inadequate protection against insider threats; inability to track and recover special nuclear materials and weapons if they were stolen; inadequate protection of classified information; inverse reward and punishment system for the contractors; and lack of funding for safeguards and security upgrades. (A copy of that letter is enclosed.) In response, based on information provided by the national laboratories and DOE officials, Secretary of Energy Herrington wrote of ''significant progress'' and ''improvements,'' and Admiral Poindexter said he was ''impressed with the progress being made.''

The Subcommittee continued its work during President Bush's Administration. Among other matters, it looked at inadequate personnel security clearance practices at the laboratories where it was immediately clear that there were inadequate resources to do an effective job. That situation has not changed to this day. The Subcommittee also began to review the foreign visitors program—as did Senator Glenn, then chair of the Senate Governmental Affairs Committee—and the mysterious shutdown of an investigation into drug problems and property controls at Lawrence Livermore Laboratory.

At the same time, Secretary Watkins' Safeguards and Security Task Force recommended establishing independent oversight functions which would report directly to the Under Secretary. Once again, the recommendation was not implemented, although Secretary Watkins did move the Office of Security Evaluation out from under Defense Programs.

In 1991, the Subcommittee also reviewed the role the Department may have played in allowing Iraq to augment its nuclear capability. In May of 1989, DOE employees attempted to alert Secretary Watkins to the fact that Iraq was shopping for strategic nuclear technologies. They were not allowed to brief the Secretary. But in August of 1989, three Iraqi scientists attended the ''Ninth Symposium (International) on Detonation'' sponsored by the three weapons labs, the Army, Navy, and the Air Force. It was described by a DOE official as the place to be ''if you were a potential nuclear weapons proliferant.'' At the time, DOE didn't even have a nonproliferation policy nuclear weapons proliferant.'' At the time, DOE didn't even have a nonproliferation policy, and Secretary Watkins was not briefed on the Iraqi threat until May of 1990.

In 1991 and 1992, the Subcommittee received six GAO reports critical of DOE's safeguards and security efforts. These covered weaknesses in correcting discovered deficiencies, incomplete safeguards and security plans, weak internal controls, unreliable data on remedial efforts, inadequate accountability for classified documents, and security force weaknesses. Two other GAO reports noted that even basic control measures for non-classified property were not in place at the Lawrence Livermore National Laboratory, nor was DOE oversight adequate.

Subcommittee staff met with Secretary O'Leary and her senior staff in 1993 to outline these concerns. At the time of the Republican takeover of the House in January 1995, when my chairmanship ended, the problems had not gone away, and recent GAO reports find little, if any, improvements. In March of 1998, the U.S. Nuclear Command and Control System Support Staff, an independent, federal-level organization chartered by Presidential Directive to assess and monitor all equipment, facilities, communications, personnel and procedures used by the federal government in support of nuclear weapons operations, recommended once again a high-level, independent office to review safeguards and security at DOE.

Many of us in the Congress have tried for years to address the chronic problems at DOE's national laboratories. You now have the opportunity to take an independent, comprehensive, and bipartisan look at these security weaknesses. Independence from those who have failed to solve these problems—which includes officials at DOE and representatives of the laboratory contractors who implement and establish policies at the labs as if they are academic researchers, not the guardians of our weapons secrets—is essential for your review to accomplish more than the prior reviews. Similarly, the independence of any future evaluations office will be essential to any lasting progress.

Your review will not be easy work, but I stand ready to help.

With every good wish.

Sincerely,

JOHN D. DINGELL,
Ranking Member.

Enclosures.

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF THE COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, January 28, 1986.

Hon. RONALD W. REAGAN,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: The Subcommittee on Oversight and Investigations understands that you will soon be briefed by senior officials of the Department of Energy (DOE) on the adequacy of safeguards and security at DOE nuclear weapons facilities. The Subcommittee has been conducting an extensive review into the adequacy of DOE's safeguards and security program since mid–1982. On several occasions, I have written to you about the Subcommittee's concerns. The Subcommittee staff has also briefed the staff of the National Security Council and several members of the Council's staff have attended our closed hearings.

While many improvements have been made, serious vulnerabilities remain. Compounding this problem are unresolved management issues and a lack of confidence in the Department's Inspection and Evaluation function, which is supposed to provide independent, credible assurances as to the adequacy of safeguards and security. The Subcommittee will be holding a closed hearing in the near future concerning these issues and others. We will notify the National Security Council of the date of our upcoming hearing.

You have said many times that America will not be held hostage to terrorism. You advocate strong actions to curb this threat to the safety of not only the American people, but to this international community as well. While strong measures against terrorism are absolutely essential, we should also be doing the best job possible to protect our domestic nuclear weapons production facilities from the catastrophic consequences of a terrorist attack.

Unfortunately, the Subcommittee has found that serious safeguards and security vulnerabilities continue to exist at some DOE nuclear weapons sites. The DOE's own internal inspection reports show that plutonium and highly enriched uranium are still highly vulnerable to theft and sabotage at these locations. In meetings with the Subcommittee staff, DOE officials seemed unaware of many of these vulnerabilities. The Subcommittee will continue its vigorous oversight over this critical program until the Department is doing an adequate job to protect the nation's nuclear weapons complex.

The following are several generic problem areas that the subcommittee believes must be resolved in order to have an effective safeguards and security program and which you may want to insure are addressed in your DOE briefing:

Credibility of the DOE's Inspection and Evaluation program—The Subcommittee has

evidence that Inspection and Evaluation personnel altered ratings on inspections of safeguards and security interests having important national security significance. The rating system which is used is highly misleading.

Guards forces are inadequately trained—In one exercise using sophisticated testing apparatus known as MILES equipment, the mock terrorists were able to steal plutonium because of a bizarre sequence of blunders on the part of the guard force. One machine gunner had not been trained to load his weapon. Another guard's machine gun jammed and he was not able to unjam it because he had not been trained adequately. A helicopter was dispatched to chase the escaping terrorists. The guards, however, were unable to fire on the terrorists because they had forgotten to bring their weapons. The terrorists disappeared into the woods. This is a contractor guard force that is paid $40 million to guard this critical site. This same guard force has lost M–16 rifles, has refused to allow guards to carry loaded M–16 rifles and shotguns, and has even defied DOE authority, yet received $762,400 in an award fee in 1985 for ''excellent'' performance.

Inadequate protection against insider threat—During a recent exercise at one of our most critical facilities, an insider was able to smuggle a pistol, with a silencer, and explosives into the facility to be used several days later in a successful attempt to steal bomb parts containing plutonium.

Use of deadly force by security guards—There is a conflict with state law in some states over whether deadly force can be used to prevent the theft of Special Nuclear Materials. The DOE has been ''studying'' this matter since it was raised in our September 1982 hearing. It is not resolved and, therefore, is a continuing serious weakness.

Lack of coordination with the military; other Federal agencies and local law enforcement for external assistance in the event of an attack—At a Subcommittee hearing in September 1982, concern was raised over the failure of the DOE to provide for proper outside assistance. This issue is far from resolved.

Inability to track and recover Special Nuclear Material and nuclear weapons in the event they are stolen from the DOE—The Subcommittee believes major problems exist. In a recent test, the mock terrorists successfully stole plutonium bomb parts and disappeared. DOE officials admit they would have had a very low probability of locating the terrorists or the bomb parts. To our knowledge, this capability has never been adequately tested.

The Department's inverse rewards and punishment system—The DOE continues to promote and reward officials who have been responsible for safeguards and security problems, including the misleading of the President and the Congress, while holding back the careers of those employees who have tried to improve safeguards and security and to insure that the President and Congress are properly advised of major safeguards and security deficiencies.

Inadequate protection of classified information—The DOE has lost seven sensitive TOP SECRET documents that, to our knowledge, have not been located. Computer systems are vulnerable to compromising highly sensitive, classified data in some DOE locations.

Reduction of funds for safeguards and security upgrades—While the DOE has historically thrown money at its problems, there are essential safeguards and security programs that must be funded adequately. It is important that safeguards and security effectiveness not be hurt due to lack of adequate funding.

We both want adequate protection at these critical facilities. I hope that these concerns will be helpful in your efforts to insure that proper security throughout the nuclear weapons complex does indeed become a reality. Please inform the Subcommittee of your observations after receiving your briefing.

The Subcommittee and its staff will be pleased to assist you and the National Security Council in any way we can.

Sincerely,

JOHN D. DINGELL,
Chairman, Subcommittee on Oversight and Investigations.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I rise in support of the rule. But let me address some of the things my colleague, the gentleman from Texas (Mr. FROST), said about the bill being pulled last week.

First of all, this House had a vote and voted not to let any of the emergency supplemental spending go for the expansion of the war in Kosovo. When the President heard that we had that vote in the House, he threatened to veto the bill if that provision was in there.

Many of us feel very, very strongly that emergency spending should not be used to expand the involvement in Kosovo. We are flying 86 percent of all the sorties in Kosovo. And 90 percent of the weapons that are being dropped by NATO are from the United States of America. And when I talked to General Clark, he said, ''Well, Duke, our allies don't have the standoff weapons.'' Then they need to pay for part of this war.

With regard to the emergency spending dollars, the Joint Chiefs testified that we need $148 billion more over several years even to bring us up to the levels recommended by the QDR, or the bottom-up review. That is $22 billion a year, and when we add $6 billion more per year for Kosovo, that is $28 billion. And now let us look where we are. The President wants to pull away more dollars in the emergency spending to support Kosovo. Yes, we had a problem with that.

We are still spending $25 million a year in Haiti building infrastructure and roads. How about the infrastructure of the United States?

We are going to be lucky to get out of this with a bill of $100 billion to destroy then rebuild Kosovo. And I know the side of the gentleman from Texas (Mr. FROST) and our side as well, we do not want money to come out of Social Security. But we cannot spend $100 billion in Kosovo and take emergency money and put it in there and not touch Social Security or Medicare or medical research. My friend the gentleman from Wisconsin (Mr. OBEY) said when we wanted to double medical research that that was a fallacy. Well, we cannot double medical research when we spend $100 billion on Kosovo.

The United States and NATO have killed more civilians than Milosevic killed in the year prior to NATO bombing Kosovo; there were 2,012 people killed before the bombing began. And the liberals say, well, Milosevic had a plan to ethically kill. Well, we sure implemented that plan, did we not? We drove out a million Albanians. And when we look at those kids suffering, that's right we had a problem with the bill and wanted to kill it, because the President said he would veto it if we stopped him from expanding Kosovo.

I will not let him be nominated for the Nobel Peace Prize to save his legacy by getting people killed.

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

It is extraordinary that the majority cannot stand for the fact that President Clinton has done something right and that we are about to win a great victory in Yugoslavia. It is absolutely extraordinary. Foreign policy historically in this country has been conducted on a bipartisan basis.

We are about to succeed, and yet they stand in the well of the House and want to say what a terrible policy it was and how we should cut off funding. That is an extraordinary result.

Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. DICKS).

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

Mr. DICKS. Mr. Speaker, I support this rule and I would like to thank the gentleman from California (Mr. DREIER) and the ranking member, the gentleman from Massachusetts (Mr. MOAKLEY) for their indulgence last night as the gentleman from California (Mr. COX) and I put the finishing touches on our bipartisan amendment.

This rule makes in order the Cox-Dicks amendment as the first order of business this morning. We have a strong bipartisan response to the security problems at the Department of Energy and the other security problems identified in the report of our committee. I urge every Member to support the amendment.

The gentleman from California (Mr. COX) and I worked in good faith to identify a common ground on these issues. And the amendment, while not perfect in either of our eyes, is a good compromise. We have agreed to work on several issues in conference where we have common goals but where the amendment's language may require perfection and adjustment.

In particular, it was my intention that the amendment would not affect the nuclear navy, and this is an example of an issue that we have committed to work out in conference. We have also agreed to address in conference concerns that by requiring the Department of Defense to hire security personnel at launch campaigns we may undermine existing bilateral agreements with China and Russia. The rule makes in order a range of amendments related to similar security concerns. Members are right to be concerned about this issue, and I think most of

these amendments attack the right issues.

□ 1145

In almost every case, our amendment has a very similar or even identical provision to those being offered by other Members. While I respect every Member's right to offer their amendment in order under the rule, I urge those Members to consult our amendment and not offer it where it duplicates provisions that may have already passed the House.

In particular, I cannot support the Ryan amendment, number 7, which largely duplicates the moratorium provision in the Cox-Dicks amendment but reduces incentive for security improvements at the labs by extending a punitive moratorium on the labs well after appropriate security measures are in place. I support the rule and urge Members to support the Cox-Dicks amendment.

I also want to associate myself with the remarks of the gentleman from Texas. I think this is one of the most extraordinary situations where we would be considering cutting off money for the peacekeeping effort that is going to come after this victory in the air war. And I think we should be here today congratulating the young men and women who have flown 30,000 sorties in Kosovo for the tremendous job that they have done.

We have not lost a single American life in combat. And we have seen also for the first time the use of the B–2 bomber, the use of JDAMs. This has been one of the most effective military operations in the history of the country. And when I go over there and talk to the personnel, their faces are not dragging. They are proud of what they are doing. They are proud of what they have been trained to do, and they are accomplishing it. And they did a tremendous job.

And for this House to be voting on whether we are going to support this effort at this point is utterly ridiculous, and I hope the majority will reconsider their position and support the effort.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I would like to respond to the gentleman from Texas again. He said the President is doing the right thing.

We do not kill more civilians in Kosovo than the Serbs do and call that a victory. We do not increase the forced removal of Albanians faster than the Serbs did and call that a win. We do not cost us a hundred billion dollars in rebuilding Kosovo and the cost of this war and cut money out of Social Security, Medicare, education, and medical research and call that a win. We do not damage our relationship with Russia and China and call this a win.

Yes, I am very, very proud, I say to the gentleman from Washington (Mr. DICKS), of our military. The gentleman knows me by now, and I support them 100 percent.

But I want my colleague to take a look at this document and apply it. It says that eighty percent of the people in this country do not trust the President of the United States. Only 69 percent do not trust Milosevic.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Mr. Speaker, I rise to support this rule, and I call upon the President of the United States to bring an immediate end to the illegal and immoral bombing of the former Republic of Yugoslavia.

From the beginning of the bombing campaign, the Clinton administration has asserted that there are only two alternatives available to us: either do nothing to end the violent oppression of the people of Kosovo, or bomb.

That premise is false. And following it, President Clinton set us on a course that former President Carter correctly described as counterproductive, senseless, and excessively brutal. I would add also, entirely avoidable.

NATO made a grievous miscalculation in offering an ultimatum to Milosevic at Rambouillet that included provisions in Appendix B that amounted to a NATO military occupation of all of Serbia.

Either by design or miscalculation, we abandoned diplomatic channels that were still open in favor of ultimatums and brinksmanship. The result, as we all know, has been the worst humanitarian disaster in Europe since the end of the Second World War.

For the past 2½ months, we have seen vivid evidence of man's capacity for cruelty to his fellow man. Throughout, each side has engaged in a media bidding war each attributing to the other for foreign and domestic political consumption the greater aggression, the greatest atrocity, the most horrific violations of human dignity.

I fear that when this war ends, and I fervently hope that it will end soon, we will be subjected to another media war, with each side claiming victory. I do know that our efforts to help the people of Kosovo have left them a nation of refugees with their civilian infrastructure destroyed. We have become a military ally of a terrorist organization, the KLA, and we have effectively destroyed the non-violent Democratic opposition to Milosevic in Yugoslavia. We have trampled international law, marginalized the United Nations, ignored the War Powers Act, and violated the Geneva Convention's prohibition against targeting civilians.

Closer to home, we have diverted billions of tax dollars from Social Security and nutrition programs to weapons programs, and our relations with nuclear powers China and Russia have been set back to the days of the Cold War.

It is clear to me that there are no winners in this war, no winners, with the possible exception of the weapons makers and the undertakers.

Mr. Speaker, cluster bombs dropped on civilians are never and will never be a form of humanitarian intervention. It is time for us to put aside the egos of men and declare peace for our children. It is time to end the bombing.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Speaker, I am disappointed that today's defense authorization bill does not address the defense burden which the United States continues to shoulder for our European allies.

My colleagues, I think we need a history lesson. Lesson number one: The Second World War ended more than 50 years ago. Lesson number two: The Cold War ended 8 years ago. And in case we forget, we won.

We defeated fascism and we defeated communism. But the defense bill completely ignores this reality.

Right now many of our European allies enjoy a higher standard of living than we do here in America. Somehow these nations can support education, they can support health care, child care, and vital social programs because we keep paying their military bills. It appears that our European allies have gotten used to American taxpayers picking up the tab for their common defense and they do not feel obligated to increase their contributions. I do not know about my colleagues, but I am tired of Uncle Sam acting like Uncle Sucker.

Right now, one U.S. Army division in peaceful Europe costs the United States taxpayers $2 billion a year. With that money we could fund 50,000 new teachers. With $2 billion we could offer a college education, including tuition, fees and books to 500,000 students who could not otherwise afford college.

The time has come. The time has come, Mr. Speaker, for our allies to share the burden of their own defense. The time has come for shared responsibility. The time has come for the United States to reap the investment that we have made in our country so that we can invest in our children, our seniors, and our environment.

That is why I urge my colleagues to support the Shays-Franks amendment to increase burden sharing.

Mrs. MYRICK. Mr. Speaker, I yield 7 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I thank the gentlewoman for her excellent leadership of this very, very important rule.

I want to thank the ranking member and all the members of the Committee on Rules who did struggle to put together a rule that was laid against a background of a number of very strong

concerns by Members of the House. They have done an excellent job, and I urge all Members to vote for this rule.

My colleagues, let us take a look at the state of defense. That is the situation that this rule and this bill address. The state of defense is that we have a force structure, meaning an Army, a Navy, an Air Force and a Marines that are a little more than half the size that they were just a few years ago.

In 1990, we had 18 army divisions. Today we have been cut down to 10. We had 24 fighter air wings, active air wings. Today we are down to 13. We had 546 navy ships. Today we are down to 325 and dropping.

Now, the gentlewoman that just spoke talked about things that we could do with the money that we could cut from defense. I am here to tell her we have cut an enormous amount of money in defense. This bill is roughly $150 billion less in real dollars than the defense bill that this House passed in 1985. We have slashed defense.

The state of defense is this: We are short on ammunition. Across the spectrum, starting with cruise missiles and going down to the smallest M–16 bullets, we are short even after we passed this bill; and considering the full amount that was put into the supplemental, we will still be short, by our analysis, about $13 billion dollars below the two-war requirement that was laid out as the responsibility for this government to fulfill so that our fighting people would have enough ammo in their bandoliers should we have to fight a two-contingency or two-war situation.

With respect to spare parts, we are down on spare parts. And every time we are told by a member of the Pentagon that spare parts are looking better, that the accounts are being filled, we go out to the field and we find that all the services across the board, the Marine Corps, the Air Force, the Army and the Navy, are down about 10 percent in mission capability.

That means that if we asked the Navy how many of their fighter aircraft are able to do the mission, it is a little over 7 out of 10. That means 3 out of 10 cannot do the mission. With the Marine Corps and the Navy, actually it is down to about 61 percent mission capability. That means 4 out of 10 cannot do their mission.

With respect to personnel, we are going to be about 800 pilots short this year in the Air Force, and that figure is rising. Remember, we do not have a draft. We cannot force people to join the military and serve this country.

I know Members of this House and members of the country, our constituents, are also amazed when they travel abroad or they go to a military base or they talk to our military, our men and women in uniform, and they look at the very difficult jobs that they fulfill every day, jobs that are much less convenient, much less comfortable than most of the jobs on what they call the outside; that is, the civilian economy. And yet they do that because they have a dedication to this country.

We are low on military pay. Since 1980, we have allowed that pay gap between the civilian and the military sector to widen to 13½ percent. That means an electronics technician in the Navy gets, on the average, 13½ percent less than if he was working on the outside. And that is one reason why we are 18,000 sailors short right now and 800 pilots short in the Air Force.

And we are short Apache helicopter pilots. And we are seeing a bigger and bigger separation rate even in Marine aviation, which has also had the highest retention rate. We have lost a lot of aircraft in the last year.

One of the best examples of the best reflection of how old our force is and our equipment is, is how many of them fall down in peacetime and crash. We lost, by our calculations, in the last 14 months, 55 military aircraft crashing in peacetime operations, with 55 fatalities involved, 55 men and women in uniform dying as a result of military aircraft going down in peacetime operations.

We are not replacing aircraft as fast as we are crashing them because we have an inadequate budget. Well, let us go to the budget and what we do with this defense bill. We do increase defense spending a very small amount. We do not come anywhere close to starting to close that $150 billion gap, that cut between what we spent in 1985 and what we spend today, but we are starting to turn the corner.

We put in more money for ammunition, more money for spare parts. We are putting in a little more money for modernization. That means replacing some of those old systems that are crashing on us now with new systems, with new platforms. We are trying to address this problem with respect to the national labs.

Let me just say with respect to the Cox report and the Cox-Dicks package that is going to be put into place, I want to applaud my colleagues for putting that together.

I do want to say, with respect to the Ryan amendment, that would give a 2-year moratorium on foreign visitors to the laboratory. I think that is much more reasonable than the 30-day moratorium that has been offered in the report. In that sense, I think there has been some watering down of what I know some of the leaders of the report on both sides of the aisle would like to see.

I do not see any reason to have Iraqis and Iranian nationals coming over from their countries and go into laboratories in our nuclear procurement system, in our nuclear development system, any laboratory in the U.S.

So we have an excellent bill before us.

□ 1200

I do commend our colleagues for putting together a package with respect to lab security with respect to foreign visitors. I think we need to go with the Ryun amendment. I also see the hand of industry to some degree in neutralizing a tough supercomputer transfer to China amendment; that is, we are still going to allow supercomputers to be transferred to China even though we have done no end use verification to speak of in the last couple of years.

Mr. Speaker, this bill starts to turn the corner on rebuilding national security. Let us vote for the rule and vote for the bill and get on with our work.

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

We have a great paradox before us today. As the gentleman from Missouri (Mr. SKELTON), the ranking Democrat, outlined, this is a good piece of legislation. It is a terrible rule for a good piece of legislation, and it is a terrible rule because the majority leadership has chosen to make in order an amendment which would deny funds and also to preserve in the bill a provision that they had originally stricken 2 weeks ago but now they have put back in the bill which would deny funds for peacekeeping in Kosovo.

The rest of the bill is fundamentally a good bill. But this is truly extraordinary that as we are on the brink of a great victory and success that members on the majority cannot acknowledge success, cannot acknowledge that we have scored a victory but must persist till the very end in trying to score political points against a President and a policy that they do not like.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. FROST. I yield to the gentleman from Washington.

Mr. DICKS. It is almost as if they just cannot cope with the fact that Bill Clinton, President of the United States, the Commander in Chief, the head of the free world and NATO, has put together this coalition to stop this terrible ethnic cleansing. And I understand some of the arguments that are made but the bottom line is that it has worked. We are on the verge of establishing the peace. Yet we are here voting on whether we are going to cut off the money for the operation. In my whole career, I have not seen anything more ludicrous than this.

Mr. FROST. It is particularly extraordinary because the gentleman and I 10 years ago supported President Bush when he was attempting to succeed against Saddam Hussein and in fact was successful against Saddam Hussein. We went across party lines and joined with the Republican President and rejoiced in the success of a Republican President.

Mr. DICKS. And once the decision was made to go, if the gentleman will continue to yield, there was no undercutting or backstabbing or trying to go back and revisit the decision. The decision was made and then we rallied around the decision and we were proud of our forces when they did an outstanding job. Instead, we still have these votes day after day here to try to

undermine the policy, which is ridiculous. We should be supporting this. It is a very successful military campaign, one of the most successful in the history of this country, without the loss of a single life. Two kids in a test situation were killed unfortunately but to execute this air war, it is one of the most incredible things that I have ever seen in my 21 years on the defense subcommittee.

Mr. FROST. Reclaiming my time, as I tried to say throughout this debate, this is really a sad day for us here in the House of Representatives, that the majority feels obligated to grab hold of the President like a dog with a bone and not let go, will not let go in the face of success. I do not understand it, and I do not think people watching this and I do not think people reading about this, whether they are in the United States or whether they are in Europe, will understand what is being done here today. This is a fundamentally good bill. There are a lot of very good things in this bill. Yet the majority spoils this entire consideration today by refusing to accept a successful military operation.

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

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume. Just a couple of things in relation to the comments from the gentleman. I suggest that you ask the Apache crew if there was not a loss of life and also the Kosovo funding amendment passed overwhelmingly in the House. It was a bipartisan agreement, too, I might say. So I want to say that this is not a partisan rule that is being brought to the floor because we are going to have this discussion. There were 99 amendments total presented and 47 of them were made in order. I will say based on the percentages of each Republican and Democrat body that were presented, the percentages are very, very fair. We will have about 20 hours, anyway, of debate on this over the next couple of days. So it is very encouraging to me that we are going to be expressing the will of the House again and the debate that will go on will be very fair and open and allow us to give great discussion for this very fair rule. I also urge all of my colleagues to support the rule so we can have this open and fair debate on the floor.

GENERAL LEAVE

Mrs. MYRICK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the rule under consideration.

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

There was no objection.

Mr. SAXTON. Mr. Speaker, it is clear that over the course of the last decade the United States' military has been in a constant state of decline. With the current challenges confronting U.S. armed forces in the Yugoslav Republic of Kosovo, our ability to meet worldwide commitments is increasingly strained; our ability to conduct even smaller military operations is at risk, as well. This rule provides an answer to these concerns.

The Joint Chiefs of Staff cited the diminished quality of life, readiness, and modernization requirements that have pervaded the armed forces. With respect to the National Defense bill, allow me to state for the record that this bill begins to address each of these flaws.

The bill increases our forces' quality of life by providing $8.6 billion for military construction and family housing, $3.1 billion more than the administration's request.

The bill specifically addresses the readiness of our military, providing $106.5 billion for operations and maintenance, $2.8 billion more than the administration's request.

The bill ensures that the United States will not maintain the status quo but will continue modernization by providing $3.7 billion for the Ballistic Missile Defense Organization, a $417 million more than the administration's request.

As we near the dawn of a new millennium, the international political situation is growing increasingly unstable. Our current involvement in the Balkans reminds us that the end of the Cold War has brought with it not a more stable world, but an increasingly volatile one. Our only insurance against future confrontations is a powerful and adept military; this bill provides the funding to ensure one. Overall, this bill strengthens our military and ensures the safety of both our troops and our citizens.

This is a good rule, and I strongly urge you to support our troops by voting for it.

Mr. KIND. Mr. Speaker, I rise today to express my disappointment with this rule.

First, I am deeply troubled by the continued, misguided attempt to limit this Nation's ability to execute operation allied force and end the atrocities in the Balkans.

In addition, two weeks ago, when this authorization bill was first brought to the House floor, Mr. DEFAZIO offered an amendment that was ruled out of order. The DeFazio amendment would have increased funding for the youth challenge program by eliminating one corporate-style jet for the military.

Youth Challenge is a program that has been funded through the Army National Guard since 1993. Youth Challenge reaches out to young people aged 16 to 18 who have either dropped out of high school or are at risk for dropping out. Youth Challenge combines academics with physical fitness, job skills training, community service, counseling and leadership training. Privileges are earned through hard work, merit and discipline. Through Youth Challenge, over 12,000 young people received a G.E.D. who otherwise, very likely, would not have received any diploma at all.

I had the privilege of visiting the Wisconsin National Guard Youth Challenge Program last week at Fort McCoy. I was quite impressed by the dedicated staff of National Guard and civilian employees which includes certified teachers, counselors and nurses. Students attend from across the State, and students, parents and community leaders familiar with the program praise its results.

Youth Challenge helps kids who are at the ends of their ropes but who haven't yet fallen. In the wake of recent school shootings, we are all beginning to realize that we must reach out to young people who have become alienated from their peers and estranged from their communities. Youth Challenge works to build self-esteem in its students, and its focus on teamwork, leadership, and public service help reconnect students to their families and communities.

However, Youth Challenge programs nationwide receives many more requests for admission than they can accept given current funding levels. The DeFazio amendment would have helped get this program to more kids in more States.

Mr. Speaker, I tend to be skeptical of military authorizations and appropriations bills, not because I doubt the needs of our men and women in service, but because I doubt that Congress will sincerely act to meet those needs without loading-in special interest and pork barrel projects.

Youth Challenge is the opposite of pork barrel politics. It is a program that could be available nationwide. It enhances the stature and presence of the National Guard in local communities and provides ongoing leadership training to Guard members and gives them a chance to interact with the country's youth.

I understand that an agreement may be worked out to fully-fund Youth Challenge between now and the time we debate defense appropriations. I applaud the efforts of Mr. DEFAZIO, as well as those of Mr. SKELTON and Senators STEVENS and INOUYE in working hard to see that this excellent program is continued.

Mr. Speaker, we are here today to debate planes, ships, bombs and bullets. Youth Challenge is the kind of defense program that truly increases Americans' faith in their government and those entrusted with national security. I hope Members don't lose sight of this in their zeal for political pork and maneuvering.

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

The previous question was ordered.

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 354, nays 75, not voting 6, as follows:

[Roll No. 179]

YEAS—354

Abercrombie	Bentsen	Boucher
Ackerman	Bereuter	Boyd
Aderholt	Berkley	Brady (PA)
Allen	Berman	Brady (TX)
Andrews	Berry	Brown (FL)
Archer	Biggert	Brown (OH)
Armey	Bilbray	Bryant
Bachus	Bilirakis	Burr
Baird	Bishop	Burton
Baker	Blagojevich	Buyer
Baldacci	Bliley	Callahan
Ballenger	Blumenauer	Calvert
Barcia	Blunt	Camp
Barr	Boehlert	Campbell
Barrett (NE)	Boehner	Canady
Bartlett	Bonilla	Cannon
Barton	Bono	Capps
Bass	Borski	Carson
Bateman	Boswell	Castle

Chabot
Chambliss
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kennedy
Kildee
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Moakley
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pascrell
Pastor
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Young (AK)
Young (FL)

NAYS—75

Baldwin
Barrett (WI)
Becerra
Bonior
Capuano
Cardin
Clay
Clyburn
Conyers
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Eshoo
Evans
Fattah
Filner
Gejdenson
Gephardt
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holt
Hooley
Jackson (IL)
Jones (OH)
Kanjorski
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lee
Lewis (GA)
Lofgren
Martinez
McDermott
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Minge
Nadler
Oberstar
Obey
Olver
Owens
Pallone
Payne
Pelosi
Peterson (MN)
Rangel
Rush
Sabo
Sanders
Schakowsky
Sherman
Stabenow
Stark
Stupak
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Watt (NC)
Wu
Wynn

NOT VOTING—6

Brown (CA)
Chenoweth
Luther
McHugh
Moran (VA)
Waters

□ 1225

Mr. TOWNS and Mr. FATTAH changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

House Resolution 195 was laid on the table.

Stated for:

Mrs. CHENOWETH. Mr. Speaker, on rollcall No. 179, I was inadvertently detained. Had I been present, I would have voted ''yea.''

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 200 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1401.

□ 1228

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes, with Mr. Nethercutt in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPENCE).

□ 1230

Mr. SPENCE. Mr. Chairman, I yield myself such time as I might consume.

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

Mr. SPENCE. Mr. Chairman, on May 19, the Committee on Armed Services reported H.R. 1401 on a bipartisan vote of 55 to 1. Despite the strong vote on what I believe is a very good bill, our military is still confronting its most serious problem since the hollow military days of the 1970s. The committee's approach to this and previous bills has been shaped by long-standing concerns over the risk America's Armed Forces face today. Although public perception is that the post Cold War world is stable, three basic trends ought to give every American cause for concern.

First, the level of resources that the United States devotes to national defense remains at historical lows. Not since before World War II has defense spending represented such a small proportion of the Nation's Gross Domestic Product as it does today. Despite being the world's wealthiest Nation, a Nation with important interests all over the world and the world's only remaining superpower, we devote only 3 cents out of every dollar of the Nation's GDP to national defense.

Second, our Armed Forces are being tasked at a record pace with an average expanding list of peacekeeping, peacemaking and other contingency missions. From Panama to the Persian Gulf, to Somalia, Rwanda, Haiti, the Balkans, Korea and the Taiwan Straits, our troops are over-extended and operate at levels that simply cannot be sustained over time.

Third, the world is an increasingly dangerous place, especially in regard to the proliferation of ballistic missiles, weapons of mass destruction and other high technology capabilities through our potential adversaries. Many of our theater commanders have told us quite frankly that if we had to fight a large scale war today, we should expect higher casualties among our forces, our allied forces, and civilians.

As a result, it has become increasingly difficult for our military to protect and promote our national security interests around the world. That is why over the past nine months the Joint Chiefs of Staff have concluded that the ability of our Armed Forces to execute the national military strategy involves moderate to high risk, and this disturbing risk assessment was made before the operation in the Balkans began several months ago. Operation Allied Force now qualifies as a third major theater war, entirely separate from any threat or conflict in the Persian Gulf or in Korea. As we continue to read in the media reports, the air war in the Balkans might easily change to a peacekeeping operation on the ground.

The committee has repeatedly expressed its concerns about the declining defense budgets, increasing missions and rising threats for years. With the Joint Chiefs speaking more openly over the past year about these significant risks and problems and shortfalls, the administration seems to be turning the corner on the issue of America's national defense needs.

In his State of the Union speech earlier this year, President Clinton spoke of the need for a ''Sustained increase over the next 6 years for readiness, for modernization and for pay and benefits for our troops and their families.''

In fact, the President's three themes, quality of life, readiness and modernization, have been the focus of the Committee on Armed Services' efforts for years now. Unfortunately, the reality of the President's defense budget request has fallen short of the rhetoric. The President's defense budget request was riddled with overly optimistic economic assumptions and budget gimmicks, all of it directly linked, even held hostage, to the President's domestic political agenda on Social Security.

But even with all of the political linkages, gamesmanship and gimmicks, the President's fiscal year 2000 defense budget request provided only about one-half of the funding necessary to meet the unfunded requirements identified by the Chiefs of Staff and only about one-half of the unfunded requirements identified over the 6-year budget plan.

It is in this context that the committee has added, consistent with the budget resolution, more than $8 billion to the President's request and has targeted crucial additional funding for a variety of badly needed quality of life, readiness and equipment modernization needs. But despite the committee's best efforts, we are only managing the growing risk to our national security, not eliminating them.

In my view, a high risk strategy is an unacceptable strategy and certainly unworthy of the United States of America. Absent a long term sustained commitment to revitalizing America's Armed Forces, we will continue to run the inevitable risk that comes from asking our troops to do more with less.

As Secretary of Defense Cohen recently said, ''We have a situation where we have a smaller force and we have more missions, and so we are wearing out systems, wearing out our people.''

Mr. Chairman, in this increasingly dangerous world, there is no such thing as acceptable risk. Unless the Nation fields the forces and provides the resources necessary to execute the national military strategy, the inevitable alternative is for our country to retreat from its responsibilities and interests. This ought to be unacceptable to all Members and to all Americans.

Mr. Chairman, I will leave a discussion of the many specific initiatives contained in this bill to my colleagues on the committee who have worked very hard since February to get us to the point we are at today. However, I would like to recognize the hard work of the subcommittee and panel chairmen and ranking members. Their leadership and bipartisan approach to issues has permitted our committee to significantly improve upon the administration's request in this bill.

In closing, Mr. Chairman, I would also like to thank the staff. Without their expertise and tireless efforts, we would not be here today.

Mr. Chairman, I support this bill.

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

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

Mr. Chairman, I rise in very strong support of H.R. 1401, the National Defense Authorization Act. For some time now I have been saying that we must make this the year of the troops. This bill goes a long way towards showing the men and women in our military that we are committed to taking care of them and committed to taking care of their families. This is an excellent bill, the best defense bill that we have had in this Chamber since the early 1980s. It deserves support from every Member in this House.

Let me commend our colleague and friend, the Chairman of the Committee on Armed Services, the gentleman from South Carolina (Mr. SPENCE), and thank him, as well as the subcommittee chairmen and the ranking members of our committee, for their leadership and diligence in putting this legislation together. The overwhelming committee support, a vote of 55 to 1, approved this bill, demonstrates that we on our committee were successful in the efforts in drafting a truly bipartisan measure.

This bill is a very strong bill for our United States national security, which builds upon the President's proposal to increase defense spending by $112 billion over the next 6 years. But, most important, Mr. Chairman, the bill addresses the quality of life issues that are at the top of the agenda for the service members and their families. This is the year of the troops.

The compensation package, which includes a 4.8 percent pay raise, pay table reform, and reform of the retirement system, will help address the problems in our Armed Forces. Other provisions will help in recruiting and retention, which is very, very important. Improvements in the Tricare military healthcare system and an increase in funding for military family housing, all of these go toward quality of life and helping to make life better for those who work in uniform as well as their families.

In addition to quality of life improvements, I am pleased this bill includes increases for funding for procurement of weapons, for ammunition, for equipment, for research and development and for operations and maintenance. This will enable us to modernize our forces to where they should be.

Mr. Chairman, the only reservation about this concerns problems relating to issues about the Federal Republic of Yugoslovia. In particular, section 1006 of this bill prohibits the use of funds authorized from this legislation for the conduct of either combat or peacekeeping operations in the Federal Republic of Yugoslovia. It is way too restrictive. It could result in funds being cut off while our troops are in the field.

As we speak, we, America, the NATO forces, are on the one foot line and they are there nearing a victory. We do not walk away from the ball game with a victory well in hand. Moreover, it sends the wrong message to our troops, to the President of Yugoslovia, Mr. Milosevic. If this language remains in the DOD authorization bill, it will be subject to a veto by the President.

Therefore, I urge all Members to support an amendment which I will have which requires a striking of section 1006.

Mr. Chairman, there are other amendments that I would oppose of the gentleman from Indiana (Mr. SOUDER) and the gentlewoman from Florida (Mrs. FOWLER), both relating to Yugoslovia. I would urge people to support the amendment of the gentleman from Mississippi (Mr. TAYLOR), which outlines the goals for our operations in Yugoslovia.

Basically, Mr. Chairman, this is an excellent bill, with the one wart which I spoke about. Let us pass this bill, but let us also pass the amendment I offer to strike that section which really does not belong here.

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

Mr. SPENCE. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. BATEMAN), the chairman of the Subcommittee on Military Readiness.

Mr. BATEMAN. Mr. Chairman, I too rise today in strong support of this bill. I believe the committee has done a superb job in fulfilling its role and has done its best to provide the necessary funding and direction to support the readiness of our military forces. Is this enough to fix all of the readiness problems? Unfortunately, no. Is it in the right direction? Absolutely.

For too many years now, the readiness for our military forces has been marred by an ever increasing number of contingency operations without any additional funding to accompany those operations. This pattern has led to the decline of our military readiness which we are all now too familiar with.

At hearings in Washington and in the field, the committee repeatedly heard concerns and pleas for help to address readiness and quality of life problems in our military forces. As in previous years, these concerns focused on lack of spare parts, backlog of maintenance and repair of aging equipment and facilities, and a force that continues to do more with less.

The committee also heard disturbing testimony on the shortfalls and problems at the services major combat training centers. These concerns are not new to us. Stories of back-to-back deployment, cannibalizing combat equipment for spare parts and personnel shortages are not new to me or to anyone else on my subcommittee.

I am happy to report this year that such stories are finally reaching and affecting the administration. Leaders within the Department of Defense, the

military services, have at last come forward to express their own concerns with the status of readiness. This year the President's budget did increase the level of spending for operation and maintenance. However, an analysis of the budget quickly revealed that the touted increase in funding was much more than a mirage. Behind the smoke and mirrors, the committee could not find the increases needed to do more than slow down the decline in readiness. Nevertheless, the administration's recognition of the problem is a positive and welcome step forward.

I would like to quickly outline the areas in which the committee is most concerned and was able to increase the level of funding beyond the President's request.

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The bill recommends an increase of $271 million for aircraft spare parts, $340 million for depot maintenance, $112 million to improve training center operations, equipment, and facilities, and finally, $1.6 billion to address the backlog of facilities maintenance and shortfalls in base operation funding.

The bill also provides funding to improve the day-to-day life of our military men and women, such as providing additional funding for cold weather gear, maintenance and corrosion control of aging equipment.

As I stated earlier, this bill will not fix all the readiness and quality of life problems of our military forces, but it will go a long way to putting them on the road to recovery.

I want to thank all the members of the subcommittee for their commitment to this area of our national defense. I particularly want to thank the ranking member of the Subcommittee on Military Readiness, my good friend, the gentleman from Texas (Mr. ORTIZ). His leadership and knowledge of the issues has enabled the subcommittee to deal with several difficult issues that have transcended political lines.

I also rise to express my strong support for the recommendations of the Merchant Marine Panel, which I also chair. They are contained in this legislation, as well. The Merchant Marine Panel's recommendation consists of two parts. The first is the annual authorization for the United States Maritime Administration. This bill fully funds the Administration's request for the Maritime Administration, and provides a much needed increase of $7.6 million for the United States Maritime Academy. This money will begin to address the Academy's most serious capital maintenance problems.

In addition, the bill includes a $25 million increase to Title XI shipbuilding loan guarantee programs in order to address the expected shortfall of available shipbuilding loan guarantees.

H.R. 1401 also contains the panel's recommendations for the Panama Canal Commission. I should note that this will be the final authorization for expenditures for the Panama Canal Commission. Since the canal began operations on August 15, 1914, the United States Congress has overseen the operations of this critical waterway. This bill funds the Commission through the first quarter of Fiscal Year 2000, and includes several administrative provisions related to the transfer of the canal from the jurisdiction of the United States to the Republic of Panama on December 31, 1999.

Mr. Chairman, H.R. 1401 is a responsible, meaningful bill that will provide adequate resources for the improvement of readiness in our armed forces, and provides the necessary funding for the United States Maritime Administration and the Panama Canal Commission.

I urge my colleagues to vote yes on this important measure.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SISISKY).

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

Mr. Chairman, I ask all of my colleagues to support the FY 2000 defense authorization bill. As the ranking member on the Subcommittee on Military Procurement, I think we have produced a balanced bill that begins to reverse the downward spiral of procurement budgets over the last few years.

One of the strong points of the procurement section is that we have authorized multiyear procurements for a number of key programs. They include the Navy's F18–E and F, the Javelin missile, Bradley fighting vehicles, the Army Apache Longbow helicopter and Abrams tank upgrades.

Multiyear procurement is a good way to stabilize production while reducing costs for the taxpayer. I congratulate the gentleman from California (Chairman HUNTER) on deciding to do it. It makes good sense.

I also want to thank him for his leadership in other areas. One in particular is laying out the plan to use alternate technology in the orderly and systematic and safe destruction of chemical weapons.

We have also tried to lay out a plan for the systematic review and oversight of the F–22 program. We all worry about the projected costs of this program, and this bill requires the United States Air Force to inform Congress early about any potential problems. We do this without prejudice, and the one thing we have learned in Yugoslavia is that we need to keep the technical edge.

Another thing I want to mention is that even with what we had, and we had a limited amount of money, that said, I will affirm that the consideration given to all members in matching their interest with the services' unfunded requirement list was fair and evenhanded. We did the best we could under the circumstances in a way that achieves everyone's goal of building a stronger national defense.

For those reasons, I ask all of my colleagues to support the bill.

Mr. SPENCE. Mr. Chairman, I yield 3½ minutes to the gentleman from California (Mr. HUNTER), the chairman of our Subcommittee on Military Procurement.

Mr. HUNTER. Mr. Chairman, I want to start by thanking our chairman, the gentleman from South Carolina (Mr. FLOYD SPENCE) for his great leadership. The gentleman is a very interesting person and a very unique person. He is a guy who has us put together this defense bill without ever making requests for his own district, only giving to us the direction that we do what is right for America. I think under his leadership we have done that in this particular bill. I thank the gentleman from South Carolina for all his friendship and leadership.

I want to thank my friend, too, the gentleman from Virginia (Mr. SISISKY), my compadre and partner in putting this bill together, along with the rest of the members of the Subcommittee on Military Procurement. The gentleman from Virginia is a person with a lot of wisdom. He has a great service background of his own, and he understands the military, he understands people, and he understands systems, and most importantly, business practices. He has injected a lot of those business practices and that philosophy into his work. I want to thank him for that.

I would also thank my good friend, the gentleman from Missouri (Mr. IKE SKELTON), who has fought long and hard especially to give this country long-range air power capability. That challenge is still before us with respect to stealth capability, and I want to thank the gentleman. I know he has been monitoring the success of the B–2 bomber in its recent flights. I know it has done only a fraction of the sorties, yet it has knocked out a very large percentage of the targets. That stealth capability, married up with precision weapons, is a very important thing.

Mr. Chairman, we had a couple of themes a couple of years ago when we realized that we were not going to be building more B–2 bombers. We decided to try to arm as best we could the ones that we have. We put a lot of money, additional money, up against this challenge of arming the B–2 bombers, giving our long-range air wing what it would take to strike targets and to return safely.

We have another theme that we have embarked upon. That is to build and buy as many precision weapons as this country needs, and hopefully actually to produce a margin, a safety margin in our weapons bin so we do not run out of these precision weapons, and especially precision standoff weapons.

Now, everybody knows that for those standoff weapons, they are weapons you can launch from an aircraft. For example, if you are talking about an air launch cruise missile, hundreds of miles before you reach that heavily protected target with your aircraft and put your crew and your pilots in jeopardy you can launch that missile, you

can turn around and go back without having to enter that area of jeopardy. That saves pilot's lives, it saves equipment.

We can only do that when we have a sufficient number of long-range standoff systems that are precision systems. I am here to inform my colleagues regretfully that we do not have enough of those systems today.

Similarly, with the Tomahawk cruise missile, which can also launch from many hundreds of miles away and save that pilot that otherwise would have to fly directly over a target and drop an atom bomb. We are restarting that Tomahawk line. That will give us the power hopefully to maintain a standoff capability.

Mr. Chairman, I want to thank all my colleagues who helped to put this bill together, and urge everyone in the House to vote for it. It is a turnaround for defense, it is a turnaround for rebuilding our weapons systems.

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

Mr. Chairman, I might add just a footnote to what my friend, the gentleman from California (Mr. HUNTER) said regarding the B–2. An article was written not long ago about the success of that weapons system, and that it was a great surprise in this conflict regarding Yugoslavia.

However, to those of us that did work hard and long, it is not a surprise that it is working just as planned. We are very, very pleased with those at Whiteman Air Force Base and those pilots and the ground crew who operate the B–2 system.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. ORTIZ).

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

Mr. Chairman, I would like to echo what my good friend, the gentleman from California (Mr. HUNTER) just stated, for the leadership provided to this committee by our chairman and our good friend, the gentleman from South Carolina (Mr. SPENCE), and, of course, the ranking member, the gentleman from Missouri (Mr. SKELTON), and the rest of the subcommittee chairmen and committee chairmen for the leadership they have given to us.

Mr. Chairman, I rise today in support of H.R. 1401, the defense authorization bill for Fiscal Year 2000. The committee and particularly the Subcommittee on Military Readiness had a very challenging assignment this session. We not only spent time here gathering information, but we had the opportunity of visiting our forces in the field, both here in the United States and in Europe, witnessing firsthand readiness as seen by those brave soldiers, sailors, and airmen who shoulder the responsibility of carrying out our military strategy. For their effort, we can all be proud.

It is personally satisfying to see that some improvements are being made in the readiness posture of the total force, but I do not believe that any of us would agree that we are out of the woods yet. The readiness of the first-to-deploy forces comes at a price of reduced support for deploying future forces and for vital infrastructure support.

I remain concerned that the Department's budget is built on assumptions about savings from efficiencies, outsourcing, and privatization activities that have not materialized in the past and probably would not in the future. Migration of critical maintenance dollars remains a problem.

I will say to my colleagues that this is a good bill. The committee has worked hard. We can be proud of our soldiers who are stationed all around the world. I ask my colleagues to support this bill.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. HEFLEY), the chairman of our Subcommittee on Military Construction.

Mr. HEFLEY. Mr. Chairman, I appreciate the gentleman yielding this time to me.

Mr. Chairman, I rise in very strong support of 1401. As the chairman of the Subcommittee on Military Installations and Facilities, I want to draw the attention of the House to the important provisions in this legislation concerning the military construction and family housing programs for the coming fiscal year.

On a bipartisan basis, we have found the budget request inadequate to address the scope of the need identified by the military services. This has been a problem with the President's budget request for some time.

The administration compounded the deficiencies in its budget proposal while building its fiscal year 2000 MILCON program on a risky fiscal foundation. The incremental funding of the military construction program on an outlay rate basis would surely lead to an increase in costs and delays in the delivery of facilities.

H.R. 1401 would reject this proposal on most projects. The leadership of the full committee, the gentleman from South Carolina (Chairman SPENCE) and our ranking Democrat member, the gentleman from Missouri (Mr. IKE SKELTON) worked closely with the subcommittee to try to find a solution that would address the needs of the military services.

H.R. 1401 would restore $3.1 billion in budget authority for military construction. That seems like a lot of money even in this town, and certainly there are a lot of competing demands for these funds. However, we felt very strongly that endorsing the incremental funding concept across-the-board would be shirking our responsibility to the taxpayer. No Member of the committee, Republican or Democrat, was willing to do that.

With these funds, we set out first to fix the broken program left to us by the Department. Nowhere was the need to do this more apparent than in the area of military housing. The administration proposed to construct or renovate over 6,200 units of military family housing and begin the construction or renovation of 43 barracks, dormitories, and BEQs for the single enlisted. That requirement will cost nearly $1.4 billion for the coming fiscal year.

However, the administration asked for only $313 million, 22 cents on the dollar, to meet the fiscal year 2000 requirement. The legislation reported by the Committee on Armed Services would add nearly $1.1 billion to the budget to ensure that this housing is built and occupied as soon as possible. In addition, our recommendations would fund an additional $75 million in military housing projects.

Similarly, we have funded the training, readiness, and other requirements of the active and reserve components at the level required to get the job done, for the most part.

As just one example, the administration funded a $251 million MILCON requirement for the Guard and Reserve at $78 million. This legislation would provide the additional $173 million in funding necessary to move forward on these requirements, and would also provide an additional $187 million in support of the reserve components.

Regrettably, H.R. 1401 will not fix all of the problems in the President's budget request nor could the committee address adequately, in my judgment, the unfunded requirements that continue to pile up due to the broad inattention of the Department to critical infrastructure upgrades. I believe, however, we have done the prudent thing.

With this legislation, we will minimize risk to the most essential military construction projects and programs of the military services. We will dedicate limited, additional resources to meeting the unfunded needs of the military services. We will also continue to urge the Department of Defense to exercise appropriate stewardship on behalf of the taxpayer in the military infrastructure and facilities that serve as the platform for the defense of the Nation. The soldiers, sailors, airmen, and Marines who serve every day deserve no less than that.

In closing, I want to express again my appreciation to the members of the subcommittee I chair, especially the ranking Democratic member, GENE TAYLOR, for their contributions to this bill as well as their patience, understanding, and cooperation as we worked through a difficult budget request. The subcommittee's recommendations were adopted by voice vote in the full committee. This is truly bipartisan legislation and I urge all members to support H.R. 1401.

Mr. Chairman, I would like to encourage my colleagues to support this bill overwhelmingly.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. PICKETT).

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Mr. PICKETT. Mr. Chairman, I commend the committee chairman and the Members and staff for the balanced and responsive bill we have before us that has been thoughtfully and carefully

put together within the constraints of a defense budget that continues to decline in purchasing power. In any undertaking of this kind, the defining of and the adherence to a system of priorities is essential for realistic and responsive program.

My comments will relate primarily to the research and development part of the bill. The investment for basic research and for science and technology programs has been maintained at last year's level. It is widely acknowledged that these basic research and technology programs have been the crucial components in developing and fielding technologically superior weapon systems that have given our military forces a decided advantage over their adversaries.

In spite of the success realized in developing and fielding improved weapons systems and weapon system upgrades, there is a constant struggle to appropriately and adequately prepare our forces for the unpredictable and speculative battlefield of the 21st century.

The Army is continuing development of its top-priority new weapons systems, the Crusader Self-Propelled Howitzer and the Comanche helicopter. The Navy is moving ahead with the DD–21 Destroyer, the follow-on to the Nimitz aircraft carrier, and a new class of attack submarine. The Air Force is reaching the end of its development of the F–22 and is moving forward, along with the Navy and Marine Corps, in the development of the Joint Strike Fighter.

These visible priority programs point the way to the military of the future. Nevertheless, the pursuit of lighter and more lethal weapons, the development of speedier and more stealthy equipment, and the quest for successful leap-ahead technologies continues.

The Department of Defense has said many times that, if our forces are called into combat, we do not want a ''fair'' fight. We want our forces to have a clearly superior capability both in weapon systems and technology. That is the direction in which this bill continues to move our defense program, although I must say that the move is at a slower pace than I believe desirable.

The committee and committee staff have been alert and diligent in reallocating resources to higher priority and more timely projects. Additional support has been provided to missile defense programs.

Mr. Chairman, I ask Members to support this bill because I think that it moves that program in the right direction.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Chairman, let me first congratulate the chairman of the committee on his usual fine job.

Mr. Chairman, just before Secretary Cheney was due to leave office the better part of a decade ago, he said that we needed a smaller, more mobile force. He may have had in mind that we needed fewer Army divisions and fewer ships in our Navy and perhaps fewer fighter wings; but I am sure he did not have in mind at the time to hear statements like the ones that have been accurately stated here today relative to back-to-back deployments, relative to lack of spare parts, relative to aging, old aging equipment, relative to the effect on military personnel and decline of readiness. These were not issues that were in Secretary Cheney's mind when he talked about a smaller, more mobile force.

I think that H.R. 1401 is a beginning point to change what we have done to create a more efficient, mobile, smaller force that will meet our readiness needs.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. EVANS).

Mr. EVANS. Mr. Chairman, the bill in front of us takes important steps to address the national security resources that are being seriously neglected, our Nation's arsenals.

Our arsenals are an insurance policy that allow us to mobilize for war, produce special weapons on a moment's notice, as well as bringing technical improvements to current future weapons systems. These are unique capabilities that cannot be replaced.

Unfortunately, the Pentagon's policy of privatization at any cost has brought the arsenals to the breaking point. The loss of workload associated with this policy is draining them of skilled labor. Workers are either getting pink slips or leaving on their own because of an uncertain future. Less workload also means rising overhead costs that make the arsenals less competitive. This has led to a downward spiral, actively promoted by both DOD and the weapons contractors.

However, we can bring work to these facilities and preserve their vital capabilities. This bill does that in two significant ways. One, it extends the pilot program that allows the arsenals to sell manufactured articles and services without regard for their availability from commercial services. This provision, which only applies to defense contracts, will help lower high overhead rates due to low utilization.

Second, the bill contains important report language that gives the arsenals challenge contracting authority for components of the 155mm lightweight Howitzer. This gives the arsenals, who are unsurpassed in Howitzer technology, a chance to assist this important but troubled program, which is 2 years behind the date at this point.

While we still need to reverse DOD's policy of privatization at any cost, these provisions are an important first step in giving our arsenals the workload they need.

I hope my colleagues will support this bill and its important measures to assist our arsenals.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, there are a number of important issues in this bill that will not be discussed adequately. One of them is how we can transform our military to deal with the challenges of the future.

In last year's bill, we required a science board study to look at that question, and they came back and unanimously agreed there are compelling reasons for aggressive, urgent transformation instead of strategic pause. The task force found that ''change or die'' is a more suitable statement for the current strategic environment.

This bill moves us ahead in some significant ways. It requires us to take a closer look at the use of space. It is essential for the operations going on in Kosovo, but we have got to look beyond that. Operations in space and from space have to be studied.

We put more money into joint experimentation, which is also going to be essential if we make the most out of the resources that we have available. We also require an immediate assessment of innovative use of resources such as whether we should take old Trident submarines and convert them for more conventional purposes.

Those are just some of the ways that in this bill we tried to move ahead, making sure that we are able to meet the challenges that confront us in the future.

I commend the chairman and ranking member on the bill.

Mr. SKELTON. Mr. Chairman, may I inquire as to how much time is remaining on our side as well as the other side, please?

The CHAIRMAN. The gentleman from Missouri (Mr. SKELTON) has 17½ minutes remaining. The gentleman from South Carolina (Mr. SPENCE) has 9 minutes remaining.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Chairman, I thank the gentleman from Missouri for yielding me this time.

Mr. Chairman, I join my colleagues today in strong support of H.R. 1401, the Fiscal Year 2000 Defense Authorization bill. I want to congratulate the Chairman and the ranking member for this very strong bipartisan effort, which is well crafted and will go a long way towards ensuring that the bedrock of our security, our troops, will be well looked after at the dawn of the next millennium.

This bill is essential to stemming the decline in readiness and buttressing the security of the United States and its territories. It is no secret that our forces are tired after 33 major deployments since the Persian Gulf War. We are having problems with recruitment and retention, and we want to make sure that we supply them with the best, take care of their needs and make

sure that the infrastructure that we provide them is the best available. This bill does exactly all of those things.

But, Mr. Chairman, on a note of dissent, although H.R. 1401 has a multitude of good provisions, there is one provision, section 1006, that has rather serious overtones. This section, as drafted by the majority, if left unadulterated, will prohibit any funding authorized under this act from being used for the current NATO operations in Kosovo. This is impossible to enforce and to monitor and has a serious and demoralizing effect upon the morale and welfare of our troops currently engaged in NATO operations.

Paraphrasing my good friend, the gentleman from Mississippi (Mr. TAYLOR), that is a hell of a message to send to our young troops fighting to save lives in the Balkans.

I urge my colleagues to support the efforts to the contrary of the gentleman from Missouri (Mr. SKELTON) and to support his amendment that strikes this language.

I also would like to point out that there are many amendments that will be offered today in light of the release of the Cox report. Some of them are bad policy. Although I support the Cox-Dicks amendment, and I will try to speak to that later, I want to strongly urge all Members to exercise caution and restraint when considering all these DOE-related amendments as they may have some serious, unintended consequences for Asian and Pacific Americans. Sometimes in the rush to work hard on security issues, we sometimes stigmatize entire groups of people.

Mr. Chairman, I join my colleagues today in support of H.R. 1401—the fiscal year 2000 Defense Authorization Bill. This bi-partisan effort is well crafted and will go a long way to ensure that the bedrock of our security—our troops—will be well looked after at the dawn of the next millennium. This bill is essential to stemming the decline in readiness and buttressing the security of the United States and its territories.

Mr. Chairman, it appears that the ancient Greek curse—may you live in interesting times—has come true with a vengeance. Our global community is reeling from the effects of the post-Cold War order. Our military forces have been deployed in some 33 operations world-wide since the Persian Gulf War. At the same time our defense budget has been squeezed and capped arbitrarily without consideration or anticipation to the realities of America's security interests.

At the same time, our foreign policy makers have been faced with the very difficult task of defining the future roles and priorities for our foreign interests. Indeed this unenviable task has been made all the more difficult as regional hegemons have challenged the peaceful balance of power that has been maintained by the United States and its allies. The Persian Gulf Region, the Korean Peninsula, East Africa, South and Central Asia and, of course, the Balkans have all been the most recent scenes of instability or armed strife, thus compelling U.S. forces to become engaged in one manner or another. America's foreign policy is not so much like a rudder-less boat; but more like a boat without navigational aids. Our boat's pilot and crew are well intentioned and determined but are unsure of the mission. It is in this environment that we, here in Congress, are charged with building a military for the 21st Century.

Mr. Chairman, on a note of dissent, although H.R. 1401 has a multitude of good provisions, there is one such provision—Section 1006—that has rather odious undertones. The section, as drafted by the Republican majority, if left unadulterated will prohibit any funding authorized under this act from being used for the current NATO operations in Kosovo. While almost impossible to enforce and monitor, this section has a demoralizing effect upon the morale and welfare of our troops engaged in the NATO operations. Paraphrasing my good friend, Congressman GENE TAYLOR, that's a hell of a message to send to our young troops fighting to save lives in the Balkans. This section is completely unnecessary and sends the wrong message to Slobodan Milosevic. I applaud Congressman SKELTON's efforts to the contrary and urge my colleagues to support his amendment that strikes this language.

Mr. Chairman, there are many amendments that will be offered today, in light of the release of the Cox Report, that are just bad policy. Although I support the bi-partisan Cox/Dicks Amendment, I strongly urge all members to exercise caution and restraint when considering the DOE related amendments as they may have some unintended consequences for Asian-Pacific Americans. Often under the guise of national security, especially when faced with a crisis, it is too easy to follow the road of assumptions. Our nation has done this in the past. We can all recall that during the Oklahoma City bombing that many were too quick to accuse Arab terrorists and thus Muslim-Americans were forced to suffer many indignities. In this current debate, we must recall the talent and dedication toward our national security that Asia-Pacific Americans have contributed to in great numbers.

Nevertheless, Mr. Chairman, some of the measures that the people of Guam are concerned about have been included in this bill. In the realm of military construction, the military facilities located on Guam will benefit from over $100 million in new construction or improvements. Most notable are the MILCON projects for the Guam Army Guard Readiness Center and the U.S. Army Reserve Maintenance Shop—both desperately needed to maintain readiness and operational capabilities. Additionally, we were able to secure language that would allow the Guam Power Authority to upgrade two military transformer substations on Guam. I would like to thank MILCON subcommittee Chairman HEFLEY and Ranking Member TAYLOR, for their wise counsel and decision in recognizing the need for these vital military projects on Guam.

I worked closely with Readiness subcommittee Chairman HERB BATEMAN on language that would further define the economic reporting requirement for A–76 completion studies. This language will, I hope, make the Department of Defense more accountable and thorough in their economic analyses of communities directly impact by an impending decision to perform an A–76 study. I also worked closely with several members from both sides of the isle to prevent the lifting of a moratorium on the outsourcing of DoD security guards. Additionally, I worked closely with Congressmen ABERCROMBIE and YOUNG to exempt Guam from any pilot program for military moving of household goods. This way Guam's small household moving market will be ensured of robust competition and protection from mainland conglomerates. Finally, I submitted additional views along with Messrs. EVANS, SISISKY, ABERCROMBIE, ALLEN and ORTIZ voicing our skepticism over the Department's reliance on A–76 privatization measures to save money while sacrificing needed jobs.

Mr. Chairman, I fully support Mr. BEREUTER amendment to make permanent the waivers included in the FY 1999 Defense Authorization Act that allows the Asia-Pacific Center for Security Studies (which is a component of the Defense Department's U.S. Pacific Command) to accept foreign gifts and donations to the center, and to allow certain foreign military officers and civilian officials to attend conferences, seminars and other educational activities held by the Asia Pacific Center without reimbursing the Defense Department for the costs of such activities. This Center, led by retired Marine Corps Lt. General H.C. Stackpole, is a corner-stone in the engagement program of military-to-military exchanges through out the Asia-Pacific Region. This endeavor is a vital component in the goal of strengthening our ties with both our regional allies and potential allies. I strongly urge its adoption.

Mr. Chairman, the House Armed Services Committee also manages an vital oversight function over the Maritime Administration (MARAD). As ranking member of the Merchant Marine Panel, I worked closely with the panel's chairman, Congressman Herb Bateman, to include directive report language that requires MARAD to report on the incidents of overseas ship repairs of U.S. flagged vessels in the Maritime Security Fleet. This was in response to the Guam Shipyard's unfair experiences with subsidized foreign competition in ship repair. This report places the MARAD on notice that Congress is watching and will respond if necessary. I worked closely with Chairman Bateman on this initiative and would like to thank him for his foresight in including this important provision.

Finally, Mr. Chairman, I included additional views detailing Guam's need for a Weather Reconnaissance Squadron. In the late 1980s, one such unit on Guam was inactivated when it was deemed too costly to justify. Defense officials claimed that since there were no aircraft assets permanently stationed at Andersen, Air Force Base its mission could not be justified. Furthermore, it was maintained that improved weather imagery reconnaissance satellites would be adequate to protect the remaining military assets and the civilian population. The reality of the situation has proved otherwise. The Western Pacific is naked to accurate and readily deployable weather reconnaissance. I hope to work with my colleagues in Congress and the U.S. Air Force to explore this important resource for Guam and the Western Pacific.

Mr. Chairman, I urge the passage of this bill, notwithstanding my personal reservation over the Kosovo spending limitation language.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Chairman, today I rise in support of this legislation.

Democrats made it a top priority this year to take care of those in the armed services. And as a member of the Subcommittee on Military Personnel, I saw firsthand just how we are doing that.

Our servicemen and women make sacrifices to protect our vital national interests every day. Unfortunately, skilled military personnel are leaving the armed services and several of our services have had difficulty meeting their recruitment goals.

This legislation begins to redress numerous quality-of-life and other problems affecting today's Armed Forces. It restores a basis for the military pay raise process, and it goes a long way towards restoring the career incentive value of the military retirement system.

Veterans in my community continue to voice their concern. They continue to talk about broken promises that our country has made to them. I want to go back to my district this weekend to let them know that their voices have been heard and that we are restoring vitality to the military services.

Let us send a strong message of support to our troops and those men and women who had the ultimate sacrifice for this country.

I urge my colleagues to vote yes on H.R. 1401.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. BUYER), the chairman of our Subcommittee on Military Personnel.

Mr. BUYER. Mr. Chairman, I thank the chairman for yielding me this time, and I compliment the chairman and the gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Services.

I rise in strong support and ask my colleagues to vote for H.R. 1401, the National Defense Authorization Act for Fiscal Year 2000.

In all candor, Mr. Chairman, this is a great bill for the troops, one of the strongest I have seen in the 7 years I have served on the Committee on Armed Services.

As a matter of fact, I think we would have to put in big bold print neon lights that this bill says that ''people count.'' It has been an emphasis for a long time for the Subcommittee on Military Personnel of the Committee on Armed Services.

A lot of times, the Pentagon liked to focus on buying ships and planes and all types of other things, and they do not always take care of those who actually are placed at risk. In fact, this is what this bill is going to do. It reflects on what we have heard from the field itself. People have told us what they needed, what needs to be done to help fix the problems they face.

The gentleman from Hawaii (Mr. ABERCROMBIE) and I, together with other members of the Subcommittee on Military Personnel worked hard at listening to the troops and their families throughout the country. As a result, this bill contains first a set of core pay and retirement reforms that were recommended by the chairman and the Joint Chiefs of Staff and the Secretary of Defense; and, second, additional corrective measures like the $440 million that we added beyond the request of the present in an effort to reduce housing costs that service members and their families are paying.

Mr. Chairman, H.R. 1401 is as strong as it is in part because the Secretary of Defense and the Joint Chiefs spoke out forcefully in public to advocate for a core set of reforms and initiatives. I commend them for their effort. I am convinced that without the unanimous leadership of the Joint Chiefs and the Secretary, the core set of recruiting and retention initiatives would neither have been included in the budget request, nor be politically supported in Congress as strong as it presently is.

That the DOD's senior leadership spoke out so forcefully only underscores how serious are DOD's recruiting and retention problems. While we believe that H.R. 1401 will help to address these challenges, we also know that the services' retention and recruiting problems will not be solved in 1 year. Rather, several years of efforts at least will be needed to restore the manpower readiness of the armed services and to win the two-front war of retention and recruiting.

I believe that the committee will continue its strong, long-term commitment to national defense, and I urge my colleagues to not only join in that commitment, but also vote in favor of H.R. 1401. It is a good bill for America. It is a good bill for the men and women in uniform who serve this Nation.

I also want to compliment the gentleman from Hawaii (Mr. ABERCROMBIE). It was a pleasure to work with him on this bill as we move forward a host of bipartisan initiatives to address the serious recruiting, retention, and retirement pay compensation, and other things to help shore up the readiness of our military. I urge my colleagues to join me in voting for H.R. 1401.

□ 1315

Mr. REYES. Mr. Chairman, I yield myself 1¼ minutes.

Mr. Chairman, I rise today in support of this bill with one reservation. This bill is good for our troops, good for their families and good for the national security of this country.

For the troops, we have increased readiness accounts to ensure that they have the equipment and the training that they need to be an effective fighting force. For their families, we have increased soldier pay, including even greater increases for experienced mid-level officers and NCOs, who today are being lured into the private sector with better paying salaries. We have fixed the retirement system to put all military personnel in an equal retirement system, and we have increased the basic housing allowance to help ensure that our soldiers and their families are not living in substandard homes.

For national security we have increased the procurement accounts to ensure the current and near-term success of our military, and increased R&D accounts to ensure we maintain our position as a world leader long into the future.

Like many of my Democratic colleagues, however, my main concern with this bill is in the inclusion of the Kosovo language. I intend to support the amendment of the gentleman from Missouri (Mr. SKELTON) to remove that language. If that language is eliminated, this, in my opinion, will be a great bill.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. MCKEON).

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

Mr. MCKEON. Mr. Chairman, I rise in strong support of H.R. 1401.

I want to thank Chairman SPENCE and ranking member SKELTON for their work in bringing this vital piece of legislation to the floor.

As many of my colleagues follow the military conflict in Kosovo, they may be surprised to hear that much of our success has been a direct result of the B–2 stealth bomber and its critical role as a key strategic component of our armed forces within the US–NATO mission.

Contrary to what opponents have claimed in the past, the B–2 has proved to be extremely durable and reliable, even after flying through terrible rain storms and skies filled with dense clouds. In fact, it was the first manned aircraft to penetrate the Kosovo region at the outset of the air strikes while other types of aircraft were deterred from the bad weather conditions.

As the B–2 missions were increased with the progression of the air strikes, the accuracy and reliability of the B–2 was confirmed. The incredible success of our most advanced strategic bomber only proves how critical it is to our national defense strategy.

With our national security at stake, I am very pleased that H.R. 1401 includes almost $500 million for the modernization of our B–2 fleet—nearly $187 million more than the President had requested. These funds will be used to improve the B–2 stealth and communications capabilities, increase its memory capacity, and update targeting information to support reactive real-time targeting.

Additionally, this critical funding will also provide for a software upgrade to increase the survivability and flexibility of the B–2 when attacking the most heavily defended enemy targets.

I am proud to support H.R. 1401 and strongly urge my colleagues to vote in favor of this legislation.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON), the chairman of the Subcommittee on Military Research and Development of the Committee on Armed Services.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank my distinguished

chairman for yielding me this time, and I want to thank the distinguished ranking member and the chairman for their outstanding work on this bipartisan bill.

I also want to thank the gentleman from Virginia (Mr. PICKETT), who I have the pleasure of working with on the Subcommittee on Military Research and Development, who is one of the tireless advocates on behalf of our Nation's national security.

Mr. Chairman, I am pleased to rise and state, as I have many times, the fact that defense in this body has been bipartisan. There are Democrat and Republican leaders who tirelessly fight for what is right for our troops. Our battle has not been within the House, it has actually been between the White House and the Congress. And it has been a bipartisan effort over the past several years to restore dignity and support for our troops.

This year in the R&D portion of our budget we had a very severe problem. The administration, while publicly saying they were going to increase defense spending, actually took a $3 billion cut out of the R&D account lines. They shifted that money over to procurement and called that an increase in defense spending. Now, I still cannot believe they did that. They cut the R&D account by $3 billion, shifted it to procurement, and they called that publicly a $3 billion increase in funding.

They did not talk about what we were doing to those programs that are the future threats to America: The need to research weapons of mass destruction and how to deal with them; the need to deal with issues involving missile defense systems which are an emerging priority for all of us, both theater and national missile defense; and the need to deal with the issue of information dominance or what John Hamre calls cyber terrorism.

So while the administration was talking a good game about refocusing its priority on national security, their words were not in fact following their deeds. These cuts were outrageous and they were beyond what we could live with.

Working with the distinguished chairman and the ranking member of the full committee, we were able to find an additional $1.4 billion to restore a portion of that money that this administration proposed cutting. We could not restore the entire $3 billion, so there are some programs that we should be funding that will not be funded next year, but we did in fact find approximately one-half of that money that we are putting back in.

In fact, in some areas, like information dominance, the supports, the great work of the services, especially the Army with their LIWA facility at Ft. Belvoir, we have increased funding by about $40 million more than what the administration asked for. We have also restored the only cooperative program with the Russians to build a stable relationship on the issue of missile defense. The administration actually proposed canceling the RAMOS project, which would have been devastating to building confidence. We restore that program in this bill and the effort to work in a more transparent way with the Russians.

But let me say this, Mr. Chairman. While we do good things in this bill, we do not solve the problem. We need to understand that the need to commit to more funding is a long-term commitment, and I hope our colleagues will work together toward that end.

Mr. REYES. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. HILL).

Mr. HILL of Indiana. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I am a new member of the House Committee on Armed Services, but I understand the importance of a strong military. I support this bill because I believe our Armed Forces have urgent unfunded needs, including the military infrastructure, equipment and spare parts. Most importantly, I believe that this is the year of the troops, and I support a pay raise, pay scale reform, and retirement benefits reform.

I am also glad to see this bill includes $378 million for the Army's Environmental Restoration Account. The fund in this account benefits areas such as the Indiana Army Ammunition Plant in Charleston, Indiana. For many years, the Charleston facility and the men and women who worked there served our national defense by manufacturing essential parts of the ammunition used in combat in World War II, Korea and Vietnam.

Now that our military no longer needs this facility, the Army Corps of Engineers is cleaning up this land and preparing it for the transfer to a civilian reuse authority. I am proud of the thousands of Hoosiers who worked in the ammunition plant over the years, and I am pleased that the army is helping these communities make the site an engine for future economic growth.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah (Mr. HANSEN).

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

Mr. HANSEN. Mr. Chairman, I rise in full support of this legislation.

While I rise in support of this bill, and commend our Chairman for his diligent leadership, I believe that even he shares my mixed feelings.

The good news is that for the fifth year in a row we were able to add billions of dollars to the President's grossly inadequate defense budget. This year we add some $8 billion to meet our most critical shortfalls. I sincerely hope that we can keep our word and match this increase during the appropriations process.

I am proud that we funded a 4.8 percent pay raise for the troops—.4 percent more than the President.

That we added $2 billion to basic readiness accounts to reduce the maintenance backlog and purchase spare parts.

That we added $300 million to purchase new Tomahawk missiles to replace the 700 missiles this President has fired in the last year alone.

The bad news is that with all of the good work we did in this bill—it is not nearly enough.

Our investment in national security is dangerously inadequate.

We spend less on defense today as a percentage of federal expenditures than at any time since Pearl Harbor. This trend must be reversed.

The Joint Chiefs of Staff have testified that the President's budget is short by over $23 billion. I believe that we must commit a minimum of $40 billion per year to restore our American military preparedness.

When the Air Force has less missiles than bombers to fire them;

When F–16 fighters are falling from the sky in alarming rates;

When Navy warships leave port with hundreds of battle stations unmanned;

When the Air Force needs to implement a stop-loss for pilots and call up 2,000 reservists to handle a minor military engagement such as Kosovo;

When all of the Services face a $13 billion shortage in basic ammunition, we must begin to act.

The list of casualties in this administration's seven year campaign of military neglect goes on and on. I am still not sure what effect our air assault is having on the Serb military but I am sure that it is further degrading ours.

I commend our Chairman for bringing these issues to our attention and doing the best job we could under the circumstances. But we need to do more. We need to do whatever it takes, including lifting the budget caps to insure America's Armed Forces remain the best equipped, the best trained and the most effective in the world.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. PITTS).

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

Mr. PITTS. Mr. Speaker, I rise in strong support of this bill.

Mr. Chairman, today we are considering an excellent FY 2000 Defense Authorization bill, and I thank Chairman SPENCE for his leadership in bringing this bill to the floor.

In Committee, we have spent the past several months hearing testimony from armed services personnel and military experts detailing the alarming state of our military.

With rapidly growing threats worldwide to our national security, now is the time to begin to rebuild our military from years of decimation and escalating deployments. Mr. Chairman, this authorization responds to these concerns.

As a former navigator and EWO of B–52 bombers, in the Air Force and a Vietnam veteran, I am particularly excited about the authorizations for upgrades and procurement of Air Force aircraft, as well as the replenishment of ammunition and the modernization of military equipment. Further, the pilot retention reforms contained in the Authorization are essential. We have the best Air Force in the world—no country comes close. Yet we have trouble holding on to the best pilots because we simply do not take care of them.

Most importantly, this Authorization reaches out a hand to military families. The 4.8 percent across-the-board pay increase and pay table reform, the major reform in military bonuses, and the implementation of new housing allowances helps close the pay gap with the private sector and will enable military personnel to better take care of their families.

We frequently ask our men and women in the military to leave their families, fight for our national security, and even die for our freedom and liberty. Yet, we do not provide our service personnel with the pay or equipment it takes to get the job done right. It is appalling that even one of these families must seek welfare just to put food on the table and buy clothes for their children. I honestly believe that the authorization we have before us today will go a long way in correcting this problem.

I urge my colleagues to support this authorization, which will provide for the dedicated soldiers in our armed services and adequately fund our military so that American families are safe from hostile threat.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. CHAMBLISS).

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

Mr. CHAMBLISS. Mr. Chairman, this bill is a bold step toward putting America's defense funding back on a sound footing. Our military is currently overextended and underfunded. Right now we have a quarter of a million American troops serving in 135 countries around the world. The military is 40 percent smaller than it was during the Persian Gulf War while operational commitments around the world have increased by 300 percent.

This bill establishes additional quality of life functions for the members of our Armed Services that are going to be of tremendous benefit. We also provide for four new Marine Corps KC–130J tankers, a 14th JSTARS aircraft, long-lead funding for a 15th, and the F–22 advanced technical fighter.

Finally, we reaffirm our belief that depot maintenance capabilities for critical mission essential systems must be retained organically in the military depot system. The Air Force has chosen an ill-defined and unclear policy to support critical weapon systems in the future. This bill requires the Air Force to report to us on their future sustainment plans and specifically identify the core logistics requirements for the C–17 aircraft, a unique military system that has proven its importance in supporting our deployed forces.

We owe it to our warfighters to ensure that core capabilities will be there when they are called upon in the future. I urge the support of this bill.

Mr. REYES. Mr. Chairman, may I ask how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Texas (Mr. REYES) has 12 minutes remaining, and the gentleman from South Carolina (Mr. SPENCE) has 2 minutes remaining.

Mr. REYES. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I thank my friend for yielding me this time. I want to thank the gentleman from South Carolina (Mr. SPENCE), and the ranking member, the gentleman from Missouri (Mr. SKELTON) and all our colleagues on the committee for bringing this bill to the floor. I support it.

I support it because it supports the men and women who wear the uniform of this country with such pride. I do not believe I have ever seen that strength more on display than I did a few weeks ago when I visited Fort Dix, which is in the District of my friend and neighbor the gentleman from New Jersey (Mr. SAXTON), to visit with the ethnic Albanian refugees who had come to this country from the horror they had faced the in the Balkans.

On the first night that they were in that camp, a little girl about the same age as my oldest daughter, who is 6, saw an American soldier walking toward her. Her reaction was to scream, to turn around and run as fast as she could in the other direction, telling her mother and father and sisters and brothers that they had to run away because the soldiers were coming. It is understandable why she would have had that reaction, given where she grew up.

Her mother went over to her and comforted her and said that she did not have to run away; that here soldiers were different; that this was a different place; that soldiers could be trusted. And she reacted in a way that many of us would want to react in expressing support for people wearing a uniform. She ran in the other direction, she jumped up in the arms of that American soldier and hugged him around the neck as fiercely as she could.

Our people are strong not only because of the strength of the weapons that we give them, of the training that they achieve, but they are strong because of the strength of their character. The best way that we can show our respect for that strength is to raise their pay, and this bill does that; it is to respect their retirement, and this bill does that; it is to provide better living conditions for their families, and this bill does that; and, finally, it is to give them the finest training and the finest weaponry, and this bill does that.

Mr. Chairman, I am proud to support it.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce.

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

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

At the present time there are 46,000 women, infants and children who belong to our military overseas who are not covered by WIC. Fortunately, thanks to this committee, that will be remedied and we will not have that imbalance. They will get the same benefits that they would get if they, as a matter of fact, were stationed in the United States.

I want to also touch briefly on another area. Some years ago I came before the committee to indicate that we were buying our buoy chains from China, and I wondered where we were going to get them if we were in war, and this committee corrected that. And now we have the military buying weights for their exercise programs from China because they are cheap, because, of course, they are made with slave labor. And they have taken some steps in this legislation to correct that.

So I would hope all would support this effort to make our military strong and proud once again, because for 4 of the last 6 years it has not been treated very well.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Chairman, I rise in support of H.R. 1401 and congratulate the gentleman from South Carolina (Mr. SPENCE) and the ranking member, the gentleman from Missouri (Mr. Skelton) for their leadership on this issue.

There is one provision, though, that troubles me, and I respectfully raise it today. Section 113 concerns the U.S. Army's family of medium tactical vehicles. They are trucks for the army. Specifically, this section, 113, allows the U.S. Army to ignore the will of Congress, to drop a proven volume discount for producing the trucks and pursue a second source contract award without proving any economic savings to the government.

Well, that does not make sense. Congress made it clear last year, in law, that we wanted justification from the Army. Now, they did a report to justify it, but they will not release it. Now, what does that tell us?

We should not change the law to allow the Army to go forward on this because it is bad for the taxpayers and it is going to be proven to be very ill-advised. It is my sincere hope, Mr. Chairman, that the distinguished chairman and the ranking member and the Members to be named on the conference committee will provide the best trucks for the Army at the best price to the taxpayers.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to commend the gentleman from South Carolina (Mr. SPENCE), the chairman, and the gentleman from Missouri (Mr. SKELTON), the ranking member, for an excellent bill that I think should get the full support of every Member here.

I also want to especially thank the gentleman from Colorado (Mr. HEFLEY)

for rejecting the Clinton administration's flawed and misguided proposal to gut administration's funding for our military construction through the Administration's phased funding scheme. Thankfully, that has been rejected. And I especially want to thank the gentleman from Colorado (Mr. HEFLEY) and the superb work of Phil Grone for including the super lab for Navy Lakehurst.

□ 1330

Nothing is launched from our aircraft carriers or recovered, the catapults and the arresting gear, unless it has first been prototyped and bugs worked out at Lakehurst.

Lakehurst means safety for our pilots and the likelihood of a successful mission.

Lakehurst has an impeccable record of success, of providing an expertise that keeps our aircraft capable. I am just so glad that this new superlab will be built and provide the synergism and take us into the next millennium. The superlab will give us that ability to continue to have a viable aircraft carrier force. The superlab is absolutely instrumental and important for that endeavor. I want to thank the gentleman from Colorado (Mr. HEFLEY) for his great service to our nation. I urge support for it.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

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

Mr. Chairman, I rise today to express my opposition to this defense authorization bill. I believe that this budget is counterproductive to our domestic requirements and goes far beyond our national security needs.

Today national defense consumes 48 percent of our discretionary budget. The proposed 2000 budget will consume 51 percent of the discretionary budget. American cities receive only 25 cents for every $1 that the Pentagon collects. That 25 cents must be spread thin to protect our environment, feed and house families, educate our children, provide health care for the elderly, and to fund other essential programs.

We must also make sure that our courageous men and women serving in the armed services are adequately compensated for their very courageous duty. However, we must stop giving the Pentagon more money than it asks for or that it requires, to the detriment of our country's basic needs.

I urge a ''no'' vote on this costly bill.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, I would like to take this opportunity to respond to the previous speaker, who I do have the greatest respect for, who was elected by just as many people as I was elected by and represents just as many people.

But I would encourage her to support the bill. Particularly, I would encourage her to support the bill because I think it is important that the minority Members of this body support an Armed Forces that has a more than fair share of minorities on board.

We have a strange situation in our country where folks are willing to spend their money but not ask their children to serve. We have another group of people whose children serve but who say, you cannot have our money.

We need to correct that. We need to treat those young people who are serving our country with respect. We need to fund the G.I. bill. We need to give them a good barracks. We need to see to it that they are well fed. We need to see to it that there are enough of them that they do not have to be gone from their families all the time.

To my colleagues who are saying, you can have my money but not my son, I would encourage their children to enlist.

The gentleman from Missouri (Mr. SKELTON) and I have visited a corporate board last summer, a company that does 99 percent of its work with the United States Navy; and we asked that board, ''How many of you have a young son or young daughter in the Armed Forces?'' Not one hand went up.

So I do think that what we are doing today is a step in the right direction. I want to compliment the chairman and the ranking member on that. I would encourage us to go on to fulfill our promise of lifetime health care to our military retirees. I do see that as a readiness problem.

I want to see to it that our young people are able to have their ailments treated and their children born on a base hospital rather than to have to go out and put up with the hassle of Tricare. And above all, we need to start replacing these ancient weapon systems, like the HUEYs, like the CH–46s and 47s, that endanger the very young people that all of us care about, and see to it that they are given weapons worthy of them.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I thank my colleague and friend for yielding me this time to speak. My statement is in opposition to the Gilman-Goss amendment that is included here in this bill.

Mr. Chairman, I rise in strong opposition to the Gilman-Goss amendment because it would mandate the removal of our military support in Haiti. This amendment undercuts the President's authority as Commander in Chief to deploy forces abroad for noncombat purposes where important United States foreign policy and security interests are at stake.

The withdrawal of our forces from Haiti at this time would send the wrong message, Mr. Chairman. It would have a serious destabilizing effect on Haiti at the very time that they approach their legislative elections. And these legislative elections will lead toward the full restoration of the Parliament and local governments.

It is so significant that at this time we do our best to assist in restoring democracy to Haiti and not take troops out of Haiti but to try, if possible, to add more because this is a very, very crucial time. The supporters of this amendment speak generally of the need to evaluate our commitments carefully and the need to get out of something and not simply accumulate additional constituencies.

All of us agree that we need to evaluate our commitments carefully. Yet adherence to this general principle has very, very little, Mr. Chairman, to do with this debate.

It is instructive that none of the military authorities cited in the ''Dear Colleague'' letter sent out about my fellow Floridian in support of the amendment states that we can or should withdraw all of our military forces from Haiti at this time. It is also instructive that none of the supporters of this amendment have offered a standard to be used in assessing whether to discontinue a military presence.

What is the standard, Mr. Chairman? It has not been stated. Will there be one standard for Kosovo and one for Haiti? Lots of questions, Mr. Chairman. And I say that we should not support this part of the amendment.

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

Mr. Chairman, let me take this opportunity to commend some very fine airmen and women, in particular those at Whiteman Air Force Base who are flying and working on and maintaining the B–2 stealth bomber.

In this Chamber, for a number of times, we debated the issue as to whether we would build any such bombers. In this conflict over Yugoslavia, they have proven themselves, both the planes as well as the young men and women who work so hard with them and flying them, they have proved themselves to be invaluable. I am proud of them.

Let me say a special word of thanks and gratitude to the leader, Brigadier General Leroy Barnidge, who is the Wing Commander of the 509th bomb group at Whiteman Air Force Base. They are certainly today's heroes, and I thank them for their wonderful efforts for our country.

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

Mr. SKELTON. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to commend the gentleman for his leadership for the great work done at Whiteman Air Force Base, for the military construction facilities that are there. I know that he worked hard to make sure that that facility in his district was one of the finest in the country.

He and I had the great privilege of going out there the first day that the B–2 flew in combat and to greet the first 4 pilots who had flown those two

planes, 2 pilots per plane. Thirty-one hours round-trip from Whiteman Air Force Base to Kosovo and back.

I think it is a very important point to pause and think about the revolutionary impact of having a stealth bomber with precision-guided weapons. The accuracy, the number of targets that the B–2 hit, is just extraordinary.

Also, I had a chance, I would tell my colleagues, to go and visit with our pilots at Fairfort, England, who flew the B–52s and the B–1s. And we have a small bomber force but a good one.

In this very bill, I want to compliment the gentleman from California (Mr. DUNCAN HUNTER), the chairman, and the gentleman from Virginia (Mr. SISISKY) for putting in the bomber package of money to enhance all of our existing bombers.

I think this war has proven that these bombers are much more valuable than we gave them credit for. And the fact that the B–2 could fly in all weather, day, night, all weather, when nobody else could, was absolutely crucial in keeping the momentum of the air war early on.

So, again, it was an honor to go out with my friend from Missouri. He and I came to Congress the same year. We have fought together four times on this floor to vote for the B–2. And I only wish that in the other body we had had the support to keep this program going, because I think it is one of the historic mistakes of this institution that we did not keep production of this airplane moving forward.

Mr. SKELTON. Mr. Chairman, reclaiming my time, we are very, very blessed to have the number of planes that we have. As my colleague knows, 10 are currently at Whiteman Air Force Base and a good number of them are being used in this effort.

It is interesting to note that only 3 percent of the sorties, the entire sorties, were flown by B–2 stealth bombers but they did some 20 percent of the strikes. That speaks well for the system, for the young men and young women at Whiteman Air Force Base.

I thank the gentleman for his kind words about those people in Missouri who are doing so remarkably well.

Mr. SPENCE. Mr. Chairman, I yield the balance of the time to the gentleman from North Carolina (Mr. HAYES).

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

The CHAIRMAN. The gentleman from North Carolina (Mr. HAYES) is recognized for 1 minute.

Mr. HAYES. Mr. Chairman, I am proud to rise in support of the defense authorization bill. I commend all of my colleagues, especially the gentleman from South Carolina (Mr. SPENCE), the gentleman from Missouri (Mr. SKELTON), the ranking member, for a fine bill.

The committee has put forth legislation that signifies the great support this Congress has for the million and a half patriotic Americans who voluntarily defend our freedom.

Mr. Chairman, I recently visited Ft. Bragg in the 8th District of North Carolina. Over the past 6 months, I have been to Ft. Bragg and Pope Air Force Base a number of times. My last visit was unique. I went to the base with my wife, Barbara, to speak with our soldiers and their spouses about issues important to our military families.

Once again, we came away from our discussions thoroughly impressed by the quality of men and women who serve in the Armed Forces. After meeting with three separate groups of personnel, junior enlisted soldiers, senior commissioned officers, and junior officers, it was clear that our troops demonstrate a ''can do'' spirit and pride in their service unrivaled anywhere in the world. They deserve this bill.

Unfortunately, we also heard stories of hardship from our soldiers and their families that made me ashamed, ashamed that the government of a Nation so rich in military tradition could be so negligent in meeting the needs of our military families. I came away convinced we should add to this budget things that take care of their needs.

Mr. Chairman, I am pleased to report that the House Committee on Armed Services has successfully accomplished its mission and this bill reflects our efforts. We have included in the bill measures which will enhance quality of life for our personnel and their families, 4.8 percent increase in pay, reform pay tables, repealed REDUX.

Mr. Chairman, I look forward to returning to Bragg and Pope and telling those wonderful young soldiers that this is indeed the year of the troops. I thank the committee. Our troops protect us. We must support them. This bill does that.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today to discuss two recent events in my life; in order to better relate the common concerns among our troops and veterans. Our veterans and troops are concerned about military pay and benefits, readiness, and modernization shortfalls confronting our military services.

Mr. Chairman, it has nearly been a month since I joined a congressional delegation that traveled to Germany, Albania, Macedonia, Italy and Belgium. While it was somewhat disheartening to see the effects of this tragedy up close, it was comforting to see the courageous spirit that persevered among our troops and the many non-government organizations aiding in the current crisis in the Balkans.

It is incomprehensible to imagine the scope of this tragedy until you see it in person. On the ground and among the refugees, I was able to interact and listen to the stories of this human tragedy. Putting faces behind tragic accounts, I heard about the killing of innocent men and boys, the wanton burning of homes, and the brutal rape of Kosovar women.

In addition to confronting the humanitarian crisis, I had the good fortune of interacting with our troops. I am pleased to report that our troops had high spirits and that they remain committed to the NATO operation. As is customary with U.S. Armed Forces their preparedness, attention to detail, and commitment to duty and country was very impressive.

Mr. Chairman, I also had the privilege of joining in the 50th Anniversary of the Houston Department of Veterans Affairs Medical Center. This Medical Center is dedicated to upholding President Lincoln's call ''to care for him who shall have borne the battle.'' The men and women of this facility have answered the challenge of their dedication by providing the best medical care to veterans residing in the Houston community and southeast Texas.

The common theme from my two experiences has been the unwavering dedication to our nation's defense and national security interests displayed by our veterans in the past and by our young men and women today in the Balkan region and throughout the world. Mr. Speaker, as we approach the Memorial Day holiday we owe it to our nation to pass a defense authorization that will provide for a viable and cost effective defense. We owe it to the young service men and women I met during my trip to the Balkan region and to the veterans in the Houston Veterans Affairs Medical Center to address their concerns and issues.

Mr. Chairman, this bill authorizes a total of $288.8 billion for defense programs. This request is approximately $8.3 billion (3%) more than the administration's request. On May 21, President Clinton signed H.R. 1141, which included an additional $1.8 billion to pay for increases in military pay and pensions in fiscal year 2000. Thus, the total increase over Clinton's defense budget request would be more than $10 million.

This bill does reflect Congress's continuing efforts to address systemic quality of life, readiness and modernization shortfalls. The bill addresses those programs like pay, housing, retirement that have the most noticeable and direct effect on service personnel and their families. The bill also addresses other significant areas of military readiness including meeting the recruitment challenge and the training of our soldiers.

While this bill addresses significant quality of life issues and provides significant funds for modernization and procurement of weapons systems, it fails in three significant aspects. First, this bill prohibits the use of FY 2000 funds authorized in this bill for ongoing operations in Yugoslavia, and directs the administration to submit a supplemental budget in the military operations continue into FY 2000.

Mr. Chairman, if this body adopts this provision we would be sending the wrong message to the Yugoslavian President Slobodan Milosevic. As negotiations continue and the air campaign inflicts continuing damage on the Yugoslavian army and police units, this body cannot send mixed signals. This measure of the defense authorization bill will only encourage Milosevic to hold out against the NATO terms.

This body must remain committed to NATO's objective of a peaceful multi-ethnic democratic Kosovo in which all its people live in security. You know when I was walking among the refugees in that camp in Albania, I had the chance to ask many of them, if they thought NATO's action were to blame for their current situation. Mr. Speaker, every person in that camp placed the responsibility for this crisis squarely at the feet of Milosevic. The body cannot relent from our mission of peace and must ensure that Milosevic pays a heavy price for his present policy of repression.

The second area in which this bill fails, is its failure to eliminate a provision that interferes with a woman's right of choice. The fiscal 1996 defense authorization law bars female service members or military dependents stationed overseas from obtaining abortions in U.S. military hospitals abroad, even if they pay for the procedure, except in cases where the pregnancy threatens the woman's life.

This bill slightly expands current law by allowing the use of appropriated funds to support abortions for military beneficiaries whose pregnancy is the result of an act of forcible rape or incest—but only when such incidents have been reported to a law enforcement agency. Though this change is welcome the law still denies women who have volunteered to serve their country, their legally protected right to choose abortion, simply because they are stationed overseas. Prohibiting women from using their own funds to obtain abortion services at overseas military facilities continues to endanger women's health.

Finally, I oppose the extent of funding increases for defense programs proposed in H.R. 1401. The democratic alternative provides for an increase over FY 1999 levels and ensures that critical readiness needs are met. Our plan allows for weapons modernization and proposes a generous military compensation package for our service men and women. But our plan ensures that other critical priorities like education and agriculture receive sufficient funding.

This bill could be improved in these three areas while still providing for a viable defense and more importantly addressing the needs of our service men and women and of our veterans.

Ms. GRANGER. Mr. Chairman, I want to commend Chairman SPENCE and the members of the House Armed Services Committee for their hard work and dedication to our nation's armed services. Like many members who spoke today, I am very concerned about the current state of our military and the very serious breech of national security information at our nation's Department of Energy Research laboratories. Once again, the Republican Congress has done the best we can to provide for our national defense, but the reality remains that more resources are needed if the United States is going to remain the world's last remaining Superpower.

Members who know me, know that I am very supportive of the Marines' MV–22 ''Osprey'' and I believe—like the Acting Secretary of the Air Force—that we need many more new F–16s. But, I never forget the number one asset—and the best weapons—in our armed services: the men and women who proudly serve our nation.

I have had the opportunity to visit with our servicemen and women around the world on several occasions since I was elected to Congress. After each visit I have come away with a greater appreciation for the dedication and capabilities of our military men and women. There is no question they are the best trained and most effective fighting force in the world. But we cannot take them for granted. We cannot continue to deploy them at the current rate. We cannot continue to ask them to do more with very old equipment, in some cases. We cannot continue to expect to retain our best officers and enlisted personnel when there is such a substantial pay differential between the military and civilian jobs.

There has been much discussion of the Joint Chiefs of Staff's list of immediate unfunded requirements—totaling around $20 billion. This is very serious, but it should come as no surprise when you consider the way this administration has vastly increased the operations tempo of our military, while vastly under-funding its personnel, procurement, R&D, and modernization needs.

That is a nice way of saying the Clinton administration's military and foreign polices have strained our military to the breaking point, first by failing to adequately invest in our national security and then by committing our forces to a disturbing number of missions around the world.

H.R. 1401 deserves the support of every member of the House of Representatives because it addresses many of the disturbing long-term trends in our military, such as: (1) declining service-wide mission capable rates for aircraft; (2) equipment shortfalls; (3) service-wide problems with aging equipment; (4) acute shortfalls in basic ammunition in the Army and the Marine Corps; and (5) personnel shortages.

All of these problems are very serious, but let me talk about aging equipment for a moment. The Marine Corps' new MV–22 tilt-rotor aircraft will replace a helicopter that is almost 40 years old, the CH–46. How many of you would drive a car that is 40 years old?

We're not talking about a vintage car that you take out of the garage on nice, sunny, spring days. We're talking about a helicopter that we pack our young marines into and ask them to accomplish missions in dangerous situations—situations in which there can be no margin for error!

This is an intolerable situation. While I applaud the Armed Services Committee's decision to add an additional MV–22 to the president's request, I strongly urge the House conferees to support the Senate's decision to add two MV–22s to the administration's FY 2000 budget request.

I also want to thank the administration and the Armed Services Committee for recognizing the need for new F–16s, and that current operations are only increasing the need for new F–16s in the future. I strongly urge my colleagues on the Appropriations Defense Subcommittee to follow that sentiment of the House today, and the Senate, by fully funding the F–16 in fiscal year 2000.

In conclusion, it is clear that we cannot continue to willingly send our troops all over the world when here at home we are unwilling to give our troops the equipment and the pay they need and deserve. To those who say we cannot afford to have the best military in the world, I say we cannot afford not to have it. To those who say we do not need the best military in the world, I say the events of the last few weeks show that we do.

I am pleased to support passage of H.R. 1401 and I urge all of my colleagues to support our armed forces by voting for this very important legislation.

Mr. GOODLING. Mr. Chairman, the United States has long been the leader in manufacturing. Our ingenuity and efficiency drove our economy from a largely agrarian society to the pulsing industrial powerhouse that it is today. However, over the years, many foreign countries with government controlled economies have steadily cut into our markets because their subsidized products clearly have an economic advantage in our open markets.

While I applaud efforts of the United States government to level the playing field by controlling the flood of subsidized imports, I cannot condone the actions by our government that facilitate the continued import of these cheap products. I encountered these troubles during the 103rd Congress when I shepherded legislation through the Congress requiring the U.S. Coast Guard to purchase buoy chain manufactured in the United States because an overabundance of their purchases relied on foreign sources. Today, a similar problem is occurring when the Department of Defense purchases free weight strength training equipment.

Despite having quality, domestically manufactured products available to provide to our troops, various installations of the United States Armed Services are purchasing free weight strength training equipment manufactured in foreign countries, predominantly in the Peoples Republic of China. As a result, many of our troops are training with equipment that not only is manufactured by a Communist government that has worked to undermine the national security of the United States, but also might be manufactured with slave labor.

These cheap, lower-grade Chinese products are imported by American fitness companies and sold to our government under domestic labels at the expense of our domestic manufacturers. Consequently, American producers have suffered.

Buy American legislation was enacted to protect our domestic labor market by providing a preference for American goods in government purchases. This Act is critical to protecting the market share of our domestic producers from foreign government-subsidized manufacturers. However, the Buy American Act is not always obeyed.

According to an audit conducted last year by the Inspector General of the Department of Defense, an astonishing 59 percent of the contracts procuring military clothing and related items did not include the appropriate clause to implement the Buy American Act. This troubles me because many of our domestic producers are the ones that feel the blow.

Despite this audit and the subsequent instruction by the Defense Department to its procurement officials that the Buy American Act must be adhered to, to date, at least five defense installations provide predominately foreign made free weight products for their personnel to weight train. Unfortunately, I believe this may signify a trend in purchases of foreign manufactured free weights under the Department of Defense.

For this reason, I have offered an amendment that would prohibit the Secretary of Defense from procuring free weight equipment used by our troops for strength training and conditioning if those weights were not domestically manufactured.

Should Congress not agree with my estimation as to the depth of this problem and fail to end repeat occurrences, I prepared a second amendment that would require the Inspector General to further investigate the Defense Department's compliance with purchases of the Buy American Act for free weight strength training equipment. However, I think it is important to note that while this approach could successfully highlight the problem, it would only delay the process, thereby, further punishing our domestic producers.

No one can argue that the physical fitness of our troops is vital. It is well known in the

Pentagon that when you're physically fit, you're also mentally prepared for any conflict. It is the cornerstone of readiness. In fact, a recent survey of nearly 1,000 Marine Corps officers, whose results appeared in a May 5 article of the Marine Corps Times, cited fitness as the number one program offered under the Morale, Welfare and Recreation program.

In addition, the importance of using free weights to train our military cannot be understated. The Marine Corps Times article further demonstrated the need for free weights by explaining the access to free weights was the number one requested activity by deployed units and the second most popular request by units about to be deployed; second only to E-mail access. Clearly, the demand for free weights is present.

However, the fact that some of our troops use Chinese manufactured weights when a higher quality domestic product is available, I find remarkable.

Although the Department of Defense may have taken steps to curb Buy American Act procurement abuses in the aftermath of the Inspector General's report on clothing procurement, I am concerned that widespread abuses of foreign free weight procurements may continue unless Congress acts to end this practice.

I believe Congress needs to protect our domestic interests by ensuring that U.S. manufacturers are insulated from cheap imports being sold to the United States government, and that our troops train with a high quality product manufactured in the United States, not Communist China. Accordingly, it is my intention to prohibit our military from spending U.S. tax dollars on free weight strength training products that are produced by a Communist government that has little respect for our national security and human rights.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1401

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 2000''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Reserve components.
Sec. 106. Defense Inspector General.
Sec. 107. Chemical demilitarization program.
Sec. 108. Defense health programs.
Sec. 109. Defense Export Loan Guarantee program.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for Army programs.
Sec. 112. Extension of pilot program on sales of manufactured articles and services of certain Army industrial facilities without regard to availability from domestic sources.
Sec. 113. Revision to conditions for award of a second-source procurement contract for the Family of Medium Tactical Vehicles.

Subtitle C—Navy Programs

Sec. 121. F/A–18E/F Super Hornet aircraft program.

Subtitle D—Chemical Stockpile Destruction Program

Sec. 141. Destruction of existing stockpile of lethal chemical agents and munitions.
Sec. 142. Alternative technologies for destruction of assembled chemical weapons.

Subtitle E—Other Matters

Sec. 151. Limitation on expenditures for satellite communications.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic and applied research.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Collaborative program to evaluate and demonstrate advanced technologies for advanced capability combat vehicles.
Sec. 212. Revisions in manufacturing technology program.

Subtitle C—Ballistic Missile Defense

Sec. 231. Additional program elements for ballistic missile defense programs.

Subtitle D—Other Matters

Sec. 241. Designation of Secretary of the Army as executive agent for high energy laser technologies.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Transfer from National Defense Stockpile Transaction Fund.
Sec. 305. Transfer to Defense Working Capital Funds to support Defense Commissary Agency.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 311. Reimbursement of Navy Exchange Service Command for relocation expenses.

Subtitle C—Environmental Provisions

Sec. 321. Remediation of asbestos and lead-based paint.

Subtitle D—Performance of Functions by Private-Sector Sources

Sec. 331. Expansion of annual report on contracting for commercial and industrial type functions.
Sec. 332. Congressional notification of A–76 cost comparison waivers.
Sec. 333. Improved evaluation of local economic effect of changing defense functions to private sector performance.
Sec. 334. Annual reports on expenditures for performance of depot-level maintenance and repair workloads by public and private sectors.
Sec. 335. Applicability of competition requirement in contracting out workloads performed by depot-level activities of Department of Defense.
Sec. 336. Treatment of public sector winning bidders for contracts for performance of depot-level maintenance and repair workloads formerly performed at certain military installations.
Sec. 337. Process for modernization of computer systems at Army computer centers.
Sec. 338. Evaluation of total system performance responsibility program.
Sec. 339. Identification of core logistics capability requirements for maintenance and repair of C–17 aircraft.

Subtitle E—Defense Dependents Education

Sec. 341. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 342. Continuation of enrollment at Department of Defense domestic dependent elementary and secondary schools.
Sec. 343. Technical amendments to Defense Dependents' Education Act of 1978.

Subtitle F—Military Readiness Issues

Sec. 351. Independent study of Department of Defense secondary inventory and parts shortages.
Sec. 352. Independent study of adequacy of department restructured sustainment and reengineered logistics product support practices.
Sec. 353. Independent study of military readiness reporting system.
Sec. 354. Review of real property maintenance and its effect on readiness.
Sec. 355. Establishment of logistics standards for sustained military operations.

Subtitle G—Other Matters

Sec. 361. Discretionary authority to install telecommunication equipment for persons performing voluntary services.
Sec. 362. Contracting authority for defense working capital funded industrial facilities.
Sec. 363. Clarification of condition on sale of articles and services of industrial facilities to persons outside Department of Defense.
Sec. 364. Special authority of disbursing officials regarding automated teller machines on naval vessels.
Sec. 365. Preservation of historic buildings and grounds at United States Soldiers' and Airmen's Home, District of Columbia.
Sec. 366. Clarification of land conveyance authority, United States Soldiers' and Airmen's Home.
Sec. 367. Treatment of Alaska, Hawaii, and Guam in defense household goods moving programs.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

Sec. 402. Revision in permanent end strength minimum levels.
Sec. 403. Appointments to certain senior joint officer positions.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Increase in number of Army and Air Force members in certain grades authorized to serve on active duty in support of the Reserves.
Sec. 415. Selected Reserve end strength flexibility.

Subtitle C—Authorization of Appropriations

Sec. 421. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Recommendations for promotion by selection boards.
Sec. 502. Technical amendments relating to joint duty assignments.

Subtitle B—Matters Relating to Reserve Components

Sec. 511. Continuation on Reserve active status list to complete disciplinary action.
Sec. 512. Authority to order reserve component members to active duty to complete a medical evaluation.
Sec. 513. Eligibility for consideration for promotion.
Sec. 514. Retention until completion of 20 years of service for reserve component majors and lieutenant commanders who twice fail of selection for promotion.
Sec. 515. Computation of years of service exclusion.
Sec. 516. Authority to retain reserve component chaplains until age 67.
Sec. 517. Expansion and codification of authority for space-required travel for Reserves.
Sec. 518. Financial assistance program for specially selected members of the Marine Corps Reserve.
Sec. 519. Options to improve recruiting for the Army Reserve.

Subtitle C—Military Technicians

Sec. 521. Revision to military technician (dual status) law.
Sec. 522. Civil service retirement of technicians.
Sec. 523. Revision to non-dual status technicians statute.
Sec. 524. Revision to authorities relating to National Guard technicians.
Sec. 525. Effective date.
Sec. 526. Secretary of Defense review of Army technician costing process.
Sec. 527. Fiscal year 2000 limitation on number of non-dual status technicians.

Subtitle D—Service Academies

Sec. 531. Waiver of reimbursement of expenses for instruction at service academies of persons from foreign countries.
Sec. 532. Compliance by United States Military Academy with statutory limit on size of Corps of Cadets.
Sec. 533. Dean of Academic Board, United States Military Academy and Dean of the Faculty, United States Air Force Academy.
Sec. 534. Exclusion from certain general and flag officer grade strength limitations for the superintendents of the service academies.

Subtitle E—Education and Training

Sec. 541. Establishment of a Department of Defense international student program at the senior military colleges.
Sec. 542. Authority for Army War College to award degree of master of strategic studies.
Sec. 543. Authority for air university to award graduate-level degrees.
Sec. 544. Correction of Reserve credit for participation in health professional scholarship and financial assistance program.
Sec. 545. Permanent expansion of ROTC program to include graduate students.
Sec. 546. Increase in monthly subsistence allowance for senior ROTC cadets selected for advanced training.
Sec. 547. Contingent funding increase for Junior ROTC program.
Sec. 548. Change from annual to biennial reporting under the Reserve component Montgomery GI Bill.
Sec. 549. Recodification and consolidation of statutes denying Federal grants and contracts by certain departments and agencies to institutions of higher education that prohibit Senior ROTC units or military recruiting on campus.

Subtitle F—Decorations and Awards

Sec. 551. Waiver of time limitations for award of certain decorations to certain persons.
Sec. 552 Sense of Congress concerning Presidential Unit Citation for crew of the U.S.S. INDIANAPOLIS.

Subtitle G—Other Matters

Sec. 561. Revision in authority to order retired members to active duty.
Sec. 562. Temporary authority for recall of retired aviators.
Sec. 563. Service review agencies covered by professional staffing requirement.
Sec. 564. Conforming amendment to authorize Reserve officers and retired regular officers to hold a civil office while serving on active duty for not more than 270 days.
Sec. 565. Revision to requirement for honor guard details at funerals of veterans.
Sec. 566. Purpose and funding limitations for National Guard Challenge Program.
Sec. 567. Access to secondary school students for military recruiting purposes.
Sec. 568. Survey of members leaving military service on attitudes toward military service.
Sec. 569. Improvement in system for assigning personnel to warfighting units.
Sec. 570. Requirement for Department of Defense regulations to protect the confidentiality of communications between dependents and professionals providing therapeutic or related services regarding sexual or domestic abuse.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2000 increase in military basic pay and reform of basic pay rates.
Sec. 602. Pay increases for fiscal years after fiscal year 2000.
Sec. 603. Additional amount available for fiscal year 2000 increase in basic allowance for housing inside the United States.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonuses and special pay authorities for reserve forces.
Sec. 612. Extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.
Sec. 613. Extension of authorities relating to payment of other bonuses and special pays.
Sec. 614. Aviation career incentive pay for air battle managers.
Sec. 615. Expansion of authority to provide special pay to aviation career officers extending period of active duty.
Sec. 616. Diving duty special pay.
Sec. 617. Reenlistment bonus.
Sec. 618. Enlistment bonus.
Sec. 619. Revised eligibility requirements for reserve component prior service enlistment bonus.
Sec. 620. Increase in special pay and bonuses for nuclear-qualified officers.
Sec. 621. Increase in authorized monthly rate of foreign language proficiency pay.
Sec. 622. Authorization of retention bonus for special warfare officers extending period of active duty.
Sec. 623. Authorization of surface warfare officer continuation pay.
Sec. 624. Authorization of career enlisted flyer incentive pay.
Sec. 625. Authorization of judge advocate continuation pay.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Provision of lodging in kind for Reservists performing training duty and not otherwise entitled to travel and transportation allowances.
Sec. 632. Payment of temporary lodging expenses for members making their first permanent change of station.
Sec. 633. Emergency leave travel cost limitations.

Subtitle D—Retired Pay Reform

Sec. 641. Redux retired pay system applicable only to members electing new 15-year career status bonus.
Sec. 642. Authorization of 15-year career status bonus.
Sec. 643. Conforming amendments.
Sec. 644. Effective date.

Subtitle E—Other Retired Pay and Survivor Benefit Matters

Sec. 651. Effective date of disability retirement for members dying in civilian medical facilities.
Sec. 652. Extension of annuity eligibility for surviving spouses of certain retirement eligible reserve members.
Sec. 653. Presentation of United States flag to retiring members of the uniformed services not previously covered.
Sec. 654. Accrual funding for retirement system for commissioned corps of National Oceanic and Atmospheric Administration.

Subtitle F—Other Matters

Sec. 671. Payments for unused accrued leave as part of reenlistment.
Sec. 672. Clarification of per diem eligibility for military technicians serving on active duty without pay outside the United States.
Sec. 673. Overseas special supplemental food program.
Sec. 674. Special compensation for severely disabled uniformed services retirees.
Sec. 675. Tuition assistance for members deployed in a —— contingency operation.

TITLE VII—HEALTH CARE MATTERS

Subtitle A—Health Care Services

Sec. 701. Provision of health care to members on active duty at certain remote locations.
Sec. 702. Provision of chiropractic health care.
Sec. 703. Continuation of provision of domiciliary and custodial care for certain CHAMPUS beneficiaries.
Sec. 704. Removal of restrictions on use of funds for abortions in certain cases of rape or incest.

Subtitle B—TRICARE Program

Sec. 711. Improvements to claims processing under the TRICARE program.
Sec. 712. Authority to waive certain TRICARE deductibles.

Subtitle C—Other Matters

Sec. 721. Pharmacy benefits program.
Sec. 722. Improvements to third-party payer collection program.
Sec. 723. Authority of Armed Forces medical examiner to conduct forensic pathology investigations.
Sec. 724. Trauma training center.
Sec. 725. Study on joint operations for the Defense Health Program.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Sec. 801. Sale, exchange, and waiver authority for coal and coke.
Sec. 802. Extension of authority to issue solicitations for purchases of commercial items in excess of simplified acquisition threshold.
Sec. 803. Expansion of applicability of requirement to make certain procurements from small arms production industrial base.
Sec. 804. Repeal of termination of provision of credit towards subcontracting goals for purchases benefiting severely handicapped persons.
Sec. 805. Extension of test program for negotiation of comprehensive small business subcontracting plans.
Sec. 806. Facilitation of national missile defense system.
Sec. 807. Options for accelerated acquisition of precision munitions.
Sec. 808. Program to increase opportunity for small business innovation in defense acquisition programs.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Sec. 901. Limitation on amount available for contracted advisory and assistance services.
Sec. 902. Responsibility for logistics and sustainment functions of the Department of Defense.
Sec. 903. Management headquarters and headquarters support activities.
Sec. 904. Further reductions in defense acquisition and support workforce.
Sec. 905. Center for the Study of Chinese Military Affairs.
Sec. 906. Responsibility within Office of the Secretary of Defense for monitoring OPTEMPO and PERSTEMPO.
Sec. 907. Report on military space issues.
Sec. 908. Employment and compensation of civilian faculty members of Department of Defense African Center for Strategic Studies.
Sec. 909. Additional matters for annual report on joint warfighting experimentation.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Transfer authority.
Sec. 1002. Incorporation of classified annex.
Sec. 1003. Authorization of prior emergency military personnel appropriations.
Sec. 1004. Repeal of requirement for two-year budget cycle for the Department of Defense.
Sec. 1005. Consolidation of various Department of the Navy trust and gift funds.
Sec. 1006. Budgeting for operations in Yugoslavia.

Subtitle B—Naval Vessels and Shipyards

Sec. 1011. Revision to congressional notice-and-wait period required before transfer of a vessel stricken from the Naval Vessel Register.
Sec. 1012. Authority to consent to retransfer of former naval vessel.
Sec. 1013. Report on naval vessel force structure requirements.
Sec. 1014. Auxiliary vessels acquisition program for the Department of Defense.
Sec. 1015. Authority to provide advance payments for the National Defense Features program.

Subtitle C—Matters Relating to Counter Drug Activities

Sec. 1021. Support for detection and monitoring activities in the eastern Pacific Ocean.
Sec. 1022. Condition on development of forward operating locations for United States Southern Command counter-drug detection and monitoring flights.
Sec. 1023. United States military activities in Colombia.

Subtitle D—Other Matters

Sec. 1031. Identification in budget materials of amounts for declassification activities and limitation on expenditures for such activities.
Sec. 1032. Notice to congressional committees of compromise of classified information within defense programs of the United States.
Sec. 1033. Revision to limitation on retirement or dismantlement of strategic nuclear delivery systems.
Sec. 1034. Annual report by Chairman of Joint Chiefs of Staff on the risks in executing the missions called for under the National Military Strategy.
Sec. 1035. Requirement to address unit operations tempo and personnel tempo in Department of Defense annual report.
Sec. 1036. Preservation of certain defense reporting requirements.
Sec. 1037. Technical and clerical amendments.
Sec. 1038. Contributions for Spirit of Hope endowment fund of United Service Organizations, Incorporated.
Sec. 1039. Chemical defense training facility.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

Sec. 1101. Increase of pay cap for nonappropriated fund senior executive employees.
Sec. 1102. Restoration of leave for certain Department of Defense employees who deploy to a combat zone outside the United States.
Sec. 1103. Expansion of Guard-and-Reserve purposes for which leave under section 6323 of title 5, United States Code, may be used.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Sec. 1201. Report on strategic stability under START III.
Sec. 1202. One-year extension of counterproliferation authorities for support of United Nations weapons inspection regime in Iraq.
Sec. 1203. Military-to-military contacts with Chinese People's Liberation Army.
Sec. 1204. Report on allied capabilities to contribute to major theater wars.
Sec. 1205. Limitation on funds for Bosnia peacekeeping operations for fiscal year 2000.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Prohibition on use of funds for specified purposes.
Sec. 1304. Limitations on use of funds for fissile material storage facility.
Sec. 1305. Limitation on use of funds for chemical weapons destruction.
Sec. 1306. Limitation on use of funds for biological weapons proliferation prevention activities.
Sec. 1307. Limitation on use of funds until submission of report and multiyear plan.
Sec. 1308. Requirement to submit report.
Sec. 1309. Report on Expanded Threat Reduction Initiative.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Authorization to accept electrical substation improvements, Guam.
Sec. 2206. Correction in authorized use of funds, Marine Corps Combat Development Command, Quantico, Virginia.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Improvements to military family housing units.
Sec. 2403. Military housing improvement program.
Sec. 2404. Energy conservation projects.
Sec. 2405. Authorization of appropriations, Defense Agencies.
Sec. 2406. Increase in fiscal year 1997 authorization for military construction projects at Pueblo Chemical Activity, Colorado.
Sec. 2407. Condition on obligation of military construction funds for drug interdiction and counter-drug activities.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.

Sec. 2702. Extension of authorizations of certain fiscal year 1997 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 1996 projects.
Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Contributions for North Atlantic Treaty Organizations Security Investment.
Sec. 2802. Development of Ford Island, Hawaii.
Sec. 2803. Restriction on authority to acquire or construct ancillary supporting facilities for housing units.
Sec. 2804. Planning and design for military construction projects for reserve components.
Sec. 2805. Limitations on authority to carry out small projects for acquisition of facilities for reserve components.
Sec. 2806. Expansion of entities eligible to participate in alternative authority for acquisition and improvement of military housing.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Extension of authority for lease of land for special operations activities.
Sec. 2812. Utility privatization authority.
Sec. 2813. Acceptance of funds to cover administrative expenses relating to certain real property transactions.
Sec. 2814. Study and report on impacts to military readiness of proposed land management changes on public lands in Utah.

Subtitle C—Defense Base Closure and Realignment

Sec. 2821. Continuation of authority to use Department of Defense Base Closure Account 1990 for activities required to close or realign military installations.

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

Sec. 2831. Transfer of jurisdiction, Fort Sam Houston, Texas.
Sec. 2832. Land conveyance, Army Reserve Center, Kankakee, Illinois.
Sec. 2833. Land conveyance, Fort Des Moines, Iowa.
Sec. 2834. Land conveyance, Army Maintenance Support Activity (Marine) Number 84, Marcus Hook, Pennsylvania.
Sec. 2835. Land conveyances, Army docks and related property, Alaska.
Sec. 2836. Land conveyance, Fort Huachuca, Arizona.
Sec. 2837. Land conveyance, Army Reserve Center, Cannon Falls, Minnesota.
Sec. 2838. Land conveyance, Nike Battery 80 family housing site, East Hanover Township, New Jersey.
Sec. 2839. Land exchange, Rock Island Arsenal, Illinois.
Sec. 2840. Modification of land conveyance, Joliet Army Ammunition Plant, Illinois.
Sec. 2841. Land conveyances, Twin Cities Army Ammunition Plant, Minnesota.

PART II—NAVY CONVEYANCES

Sec. 2851. Land conveyance, Naval Weapons Industrial Reserve Plant No. 387, Dallas, Texas.
Sec. 2852. Land conveyance, Naval and Marine Corps Reserve Center, Orange, Texas.
Sec. 2853. Land conveyance, Marine Corps Air Station, Cherry Point, North Carolina.

PART III—AIR FORCE CONVEYANCES

Sec. 2861. Conveyance of fuel supply line, Pease Air Force Base, New Hampshire.
Sec. 2862. Land conveyance, Tyndall Air Force Base, Florida.
Sec. 2863. Land conveyance, Port of Anchorage, Alaska.
Sec. 2864. Land conveyance, Forestport Test Annex, New York.

Subtitle E—Other Matters

Sec. 2871. Expansion of Arlington National Cemetery.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. Weapons activities.
Sec. 3102. Defense environmental restoration and waste management.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.
Sec. 3105. Defense environmental management privatization.

Subtitle B—Recurring General Provisions

Sec. 3121. Reprogramming.
Sec. 3122. Limits on general plant projects.
Sec. 3123. Limits on construction projects.
Sec. 3124. Fund transfer authority.
Sec. 3125. Authority for conceptual and construction design.
Sec. 3126. Authority for emergency planning, design, and construction activities.
Sec. 3127. Funds available for all national security programs of the Department of Energy.
Sec. 3128. Availability of funds.
Sec. 3129. Transfers of defense environmental management funds.

Subtitle C—Program Authorizations, Restrictions, and Limitations

Sec. 3131. Limitation on use at Department of Energy laboratories of funds appropriated for the initiatives for proliferation prevention program.
Sec. 3132. Prohibition on use for payment of Russian Government taxes and customs duties of funds appropriated for the initiatives for proliferation prevention program.
Sec. 3133. Modification of laboratory-directed research and development to provide funds for theater ballistic missile defense.
Sec. 3134. Support of theater ballistic missile defense activities of the Department of Defense.

Subtitle D—Commission on Nuclear Weapons Management

Sec. 3151. Establishment of commission.
Sec. 3152. Duties of commission.
Sec. 3153. Reports.
Sec. 3154. Powers.
Sec. 3155. Commission procedures.
Sec. 3156. Personnel matters.
Sec. 3157. Miscellaneous administrative provisions.
Sec. 3158. Funding.
Sec. 3159. Termination of the commission.

Subtitle E—Other Matters

Sec. 3161. Procedures for meeting tritium production requirements.
Sec. 3162. Extension of authority of Department of Energy to pay voluntary separation incentive payments.
Sec. 3163. Fellowship program for development of skills critical to the Department of Energy nuclear weapons complex.
Sec. 3164. Department of Energy records declassification.
Sec. 3165. Management of nuclear weapons production facilities and national laboratories.
Sec. 3166. Notice to congressional committees of compromise of classified information within nuclear energy defense programs.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Definitions.
Sec. 3302. Authorized uses of stockpile funds.
Sec. 3303. Elimination of congressionally imposed disposal restrictions on specific stockpile materials.

TITLE XXXIV—MARITIME ADMINISTRATION

Sec. 3401. Short title.
Sec. 3402. Authorization of appropriations for fiscal year 2000.
Sec. 3403. Amendments to title XI of the Merchant Marine Act, 1936.
Sec. 3404. Extension of war risk insurance authority.
Sec. 3405. Ownership of the JEREMIAH O'BRIEN.

TITLE XXXV—PANAMA CANAL COMMISSION

Sec. 3501. Short title.
Sec. 3502. Authorization of expenditures.
Sec. 3503. Purchase of vehicles.
Sec. 3504. Office of Transition Administration.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term ''congressional defense committees'' means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Army as follows:

(1) For aircraft, $1,415,211,000.

(2) For missiles, $1,415,959,000.

(3) For weapons and tracked combat vehicles, $1,575,096,000.

(4) For ammunition, $1,196,216,000.

(5) For other procurement, $3,799,895,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Navy as follows:

(1) For aircraft, $8,804,051,000.

(2) For weapons, including missiles and torpedoes, $1,764,655,000.

(3) For shipbuilding and conversion, $6,687,172,000.

(4) For other procurement, $4,260,444,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Marine Corps in the amount of 1,297,463,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for procurement of ammunition for the Navy and the Marine Corps in the amount of $612,900,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Air Force as follows:

(1) For aircraft, $9,647,651,000.

(2) For missiles, $2,303,661,000.

(3) For ammunition, $560,537,000.

(4) For other procurement, $7,077,762,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2000 for Defense-wide procurement in the amount of $2,107,839,000.

SEC. 105. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $10,000,000.

(2) For the Air National Guard, $10,000,000.

(3) For the Army Reserve, $10,000,000.

(4) For the Naval Reserve, $10,000,000.

(5) For the Air Force Reserve, $10,000,00.

(6) For the Marine Corps Reserve, $10,000,000.

SEC. 106. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Inspector General of the Department of Defense in the amount of $2,100,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 2000 the amount of $1,012,000,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 108. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $356,970,000.

SEC. 109. DEFENSE EXPORT LOAN GUARANTEE PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the Department of Defense for carrying out the Defense Export Loan Guarantee Program under section 2540 of title 10, United States Code, in the total amount of $1,250,000.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR ARMY PROGRAMS.

(a) MULTIYEAR PROCUREMENT AUTHORITY.—Subject to subsection (b), the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract beginning with the fiscal year 2000 program year for procurement for each of the following programs.

(1) The Javelin missile system.

(2) M2A3 Bradley fighting vehicles.

(3) AH–64D Longbow Apache attack helicopters.

(4) The M1A2 Abrams main battle tank upgrade program combined with the Heavy Assault Bridge program.

(b) REQUIRED REPORT.—The Secretary of the Army may not enter into a multiyear contract under subsection (a) for a program named in one of the paragraphs of that subsection until the Secretary of Defense submits to the congressional defense committees a report with respect to that contract that provides the following information, shown for each year in the current future-years defense program and in the aggregate over the period of the current future-years defense program:

(1) The amount of total obligational authority under the contract and the percentage that such amount represents of (A) the applicable procurement account, and (B) the service procurement total.

(2) The amount of total obligational authority under all Army multiyear procurements (determined without regard to the amount of the multiyear contract) under multiyear contracts in effect immediately before the contract under subsection (a) is entered into and the percentage that such amount represents of (A) the applicable procurement account, and (B) the service procurement total.

(3) The amount equal to the sum of the amounts under paragraphs (1) and (2) and the percentage that such amount represents of (A) the applicable procurement account, and (B) the service procurement total.

(4) The amount of total obligational authority under all Department of Defense multiyear procurements (determined without regard to the amount of the multiyear contract), including the contract under subsection (a) and each additional multiyear contract authorized by this Act, and the percentage that such amount represents of the procurement accounts of the Department of Defense treated in the aggregate.

(5) For purposes of this subsection:

(A) The term ''applicable procurement account'' means, with respect to the multiyear contract under subsection (a), the Department of the Army procurement account from which funds to discharge obligations under the contract will be provided.

(B) The term ''service procurement total'' means, with respect to the multiyear contract under subsection (a), the procurement accounts of the Army treated in the aggregate.

SEC. 112. EXTENSION OF PILOT PROGRAM ON SALES OF MANUFACTURED ARTICLES AND SERVICES OF CERTAIN ARMY INDUSTRIAL FACILITIES WITHOUT REGARD TO AVAILABILITY FROM DOMESTIC SOURCES.

Section 141 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 4543 note) is amended—

(1) in subsection (a), by striking ''fiscal years 1998 and 1999'' and inserting ''fiscal years 1998 through 2001'';

(2) in subsection (b), by striking ''fiscal year 1998 or 1999'' and inserting ''the period during which the pilot program is being conducted''; and

(3) by adding at the end the following new subsection:

''(d) UPDATE OF REPORT.—Not later March 1, 2001, the Inspector General of the Department of Defense shall submit to Congress an update of the report required to be submitted under subsection (c) and an assessment of the success of the pilot program.''.

SEC. 113. REVISION TO CONDITIONS FOR AWARD OF A SECOND-SOURCE PROCUREMENT CONTRACT FOR THE FAMILY OF MEDIUM TACTICAL VEHICLES.

The text of section 112 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1973) is amended to read as follows:

''(a) LIMITATION ON SECOND-SOURCE AWARD.—The Secretary of the Army may award a full-rate production contract (known as a Phase III contract) for production of the Family of Medium Tactical Vehicles to a second source only after the Secretary submits to the congressional defense committees a certification in writing of the following:

''(1) That the total quantity of trucks within the Family of Medium Tactical Vehicles program that the Secretary will require to be delivered (under all contracts) in any 12-month period will be sufficient to enable the prime contractor to maintain a minimum production level of 150 trucks per month.

''(2) That the total cost to the Army of the procurements under the prime and second-source contracts over the period of those contracts will be the same as or lower than the amount that would be the total cost of the procurements if such a second-source contract were not awarded.

''(3) That the trucks to be produced under those contracts will be produced with common components that will be interchangeable among similarly configured models.

''(b) DEFINITIONS.—In this section:

''(1) The term 'prime contractor' means the contractor under the production contract for the Family of Medium Tactical Vehicles program as of the date of the enactment of this Act.

''(2) The term 'second source' means a firm other than the prime contractor.''.

Subtitle C—Navy Programs

SEC. 121. F/A–18E/F SUPER HORNET AIRCRAFT PROGRAM.

(a) MULTIYEAR PROCUREMENT AUTHORITY.—Subject to subsection (b) and (c), the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract beginning with the fiscal year 2000 program year for procurement for the F/A–18E/F aircraft program.

(b) REQUIRED REPORT.—The Secretary of the Navy may not enter into a multiyear contract under subsection (a) until the Secretary of Defense submits to the congressional defense committees a report with respect to that contract that provides the following information, shown for each year in the current future-years defense program and in the aggregate over the period of the current future-years defense program:

(1) The amount of total obligational authority under the contract and the percentage that such amount represents of (A) the applicable procurement account, and (B) the service procurement total.

(2) The amount of total obligational authority under all Navy multiyear procurements (determined without regard to the amount of the multiyear contract) under multiyear contracts in effect immediately before the contract under subsection (a) is entered into and the percentage that such amount represents of (A) the applicable procurement account, and (B) the service procurement total.

(3) The amount equal to the sum of the amounts under paragraphs (1) and (2) and the percentage that such amount represents of (A) the applicable procurement account, and (B) the service procurement total.

(4) The amount of total obligational authority under all Department of Defense multiyear procurements (determined without regard to the amount of the multiyear contract), including the contract under subsection (a) and each additional multiyear contract authorized by this Act, and the percentage that such amount represents of the procurement accounts of the Department of Defense treated in the aggregate.

(5) For purposes of this subsection:

(A) The term ''applicable procurement account'' means, with respect to the multiyear contract under subsection (a), the Aircraft Procurement, Navy account.

(B) The term ''service procurement total'' means, with respect to the multiyear contract under subsection (a), the procurement accounts of the Navy treated in the aggregate.

(c) LIMITATION WITH RESPECT TO OPERATIONAL TEST AND EVALUATION.—The Secretary of the Navy may not enter into a multiyear procurement contract authorized by subsection (a) until—

(1) the Secretary of Defense submits to the congressional defense committees a certification described in subsection (c); and

(2) a period of 30 continuous days of a Congress (as determined under subsection (d)) elapses after the submission of that certification.

(d) REQUIRED CERTIFICATION.—A certification referred to in subsection (c)(1) is a certification by the Secretary of Defense of each of the following:

(1) That the results of the Operational Test and Evaluation program for the F/A–18E/F aircraft indicate—

(A) that the aircraft meets the requirements for operational effectiveness and suitability established by the Secretary of the Navy; and

(B) that the aircraft meets key performance specifications established by the Secretary of the Navy.

(2) That the cost of procurement of that aircraft using a multiyear procurement contract as authorized by subsection (a), assuming procurement of 222 aircraft, is at least 7.4 percent less

than the cost of procurement of the same number of aircraft through annual contracts.

(e) CONTINUITY OF CONGRESS.—For purposes of subsection (c)(2)—

(1) the continuity of a Congress is broken only by an adjournment of the Congress sine die at the end of the final session of the Congress; and

(2) any day on which either House of Congress is not in session because of an adjournment of more than three days to a day certain, or because of an adjournment sine die at the end of the first session of a Congress, shall be excluded in the computation of such 30-day period.

Subtitle D—Chemical Stockpile Destruction Program

SEC. 141. DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS.

(a) PROGRAM ASSESSMENT.—(1) The Secretary of Defense shall conduct an assessment of the current program for destruction of the United States' stockpile of chemical agents and munitions, including the Assembled Chemical Weapons Assessment, for the purpose of reducing significantly the cost of such program and ensuring completion of such program in accordance with the obligations of the United States under the Chemical Weapons Convention while maintaining maximum protection of the general public, the personnel involved in the demilitarization program, and the environment.

(2) Based on the results of the assessment conducted under paragraph (1), the Secretary may take those actions identified in the assessment that may be accomplished under existing law to achieve the purposes of such assessment and the chemical agents and munitions stockpile destruction program.

(3) Not later than March 1, 2000, the Secretary shall submit to Congress a report on—

(A) those actions taken, or planned to be taken, under paragraph (2); and

(B) any recommendations for additional legislation that may be required to achieve the purposes of the assessment conducted under paragraph (1) and of the chemical agents and munitions stockpile destruction program.

(b) CHANGES AND CLARIFICATIONS REGARDING PROGRAM.—Section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 50 U.S.C. 1521) is amended—

(1) in subsection (c)—

(A) by striking paragraph (2) and inserting the following new paragraph:

''(2) Facilities constructed to carry out this section shall, when no longer needed for the purposes for which they were constructed, be disposed of in accordance with applicable laws and regulations and mutual agreements between the Secretary of the Army and the Governor of the State in which the facility is located.'';

(B) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(C) by inserting after paragraph (2) (as amended by subparagraph (A)) the following new paragraph:

''(3)(A) Facilities constructed to carry out this section may not be used for a purpose other than the destruction of the stockpile of lethal chemical agents and munitions that exists on November 8, 1985.

''(B) The prohibition in subparagraph (A) shall not apply with respect to items designated by the Secretary of Defense as lethal chemical agents, munitions, or related materials after November 8, 1985, if the State in which a destruction facility is located issues the appropriate permit or permits for the destruction of such items at the facility.'';

(2) in subsection (f)(2), by striking ''(c)(4)'' and inserting ''(c)(5)''; and

(3) in subsection (g)(2)(B), by striking ''(c)(3)'' and inserting ''(c)(4)''.

(c) DEFINITIONS.—As used in this section:

(1) The term ''Assembled Chemical Weapons Assessment'' means the pilot program carried out under section 8065 of the Department of Defense Appropriations Act, 1997 (section 101(b) of Public Law 104–208; 110 Stat. 3009–101; 50 U.S.C. 1521 note).

(2) The term ''Chemical Weapons Convention'' means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and Their Destruction, ratified by the United States on April 25, 1997, and entered into force on April 29, 1997.

SEC. 142. ALTERNATIVE TECHNOLOGIES FOR DESTRUCTION OF ASSEMBLED CHEMICAL WEAPONS.

Section 142(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 1521 note) is amended to read as follows:

''(a) PROGRAM MANAGEMENT.—(1) The program manager for the Assembled Chemical Weapons Assessment program shall manage the development and testing of technologies for the destruction of lethal chemical munitions that are potential or demonstrated alternatives to the baseline incineration program.

''(2) The Under Secretary of Defense for Acquisition and Technology and the Secretary of the Army shall jointly submit to Congress, not later than December 1, 1999, a plan for the transfer of oversight of the Assembled Chemical Weapons Assessment program from the Under Secretary to the Secretary.

''(3) Oversight of the Assembled Chemical Weapons Assessment program shall be transferred from the Under Secretary of Defense for Acquisition and Technology to the Secretary of the Army pursuant to the plan submitted under paragraph (2) not later than 90 days after the date of the submission of the notice required under section 152(f)(2) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 50 U.S.C. 1521).

''(4) The Under Secretary of Defense for Acquisition and Technology and the Secretary of the Army shall ensure coordination of the activities and plans of the program manager for the Assembled Chemical Weapons Assessment program and the program manager for Chemical Demilitarization during the demonstration and pilot plant facility phase for an alternative technology.

''(5) For those baseline demilitarization facilities for which the Secretary decides that implementation of an alternative technology may be recommended, the Secretary may take those measures necessary to facilitate the integration of the alternative technology.''.

Subtitle E—Other Matters

SEC. 151. LIMITATION ON EXPENDITURES FOR SATELLITE COMMUNICATIONS.

(a) IN GENERAL.—Chapter 136 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2282. Purchase or lease of communications services: limitation

''The Secretary of Defense may not obligate any funds after September 30, 2000, to buy a commercial satellite communications system or to lease a communications service, including mobile satellite communications, unless the Secretary determines that the system or service to be purchased or leased has been proven through independent testing—

''(1) not to cause harmful interference to, or to disrupt the use of, colocated commercial or military Global Positioning System receivers used by the Department of Defense; and

''(2) to be safe for use with such receivers in all other respects.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2282. Purchase or lease of communications services: limitation.''.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $4,708,194,000.

(2) For the Navy, $8,358,529,000.

(3) For the Air Force, $13,212,671,000.

(4) For Defense-wide activities, $9,556,285,000, of which—

(A) $253,457,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $24,434,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.

(a) FISCAL YEAR 2000.—Of the amounts authorized to be appropriated by section 201, $4,248,465,000 shall be available for basic research and applied research projects.

(b) BASIC RESEARCH AND APPLIED RESEARCH DEFINED.—For purposes of this section, the term ''basic research and applied research'' means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. COLLABORATIVE PROGRAM TO EVALUATE AND DEMONSTRATE ADVANCED TECHNOLOGIES FOR ADVANCED CAPABILITY COMBAT VEHICLES.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense shall establish and carry out a program to provide for the evaluation and competitive demonstration of concepts for advanced capability combat vehicles for the Army.

(b) COVERED PROGRAM.—The program under subsection (a) shall be carried out collaboratively pursuant to a memorandum of agreement to be entered into between the Secretary of the Army and the Director of the Defense Advanced Research Projects Agency. The program shall include the following activities:

(1) Consideration and evaluation of technologies having the potential to enable the development of advanced capability combat vehicles that are significantly superior to the existing M1 series of tanks in terms of capability for combat, survival, support, and deployment, including but not limited to the following technologies:

(A) Weapon systems using electromagnetic power, directed energy, and kinetic energy.

(B) Propulsion systems using hybrid electric drive.

(C) Mobility systems using active and semi-active suspension and wheeled vehicle suspension.

(D) Protection systems using signature management, lightweight materials, and full-spectrum active protection.

(E) Advanced robotics, displays, man-machine interfaces, and embedded training.

(F) Advanced sensory systems and advanced systems for combat identification, tactical navigation, communication, systems status monitoring, and reconnaissance.

(G) Revolutionary methods of manufacturing combat vehicles.

(2) Incorporation of the most promising such technologies into demonstration models.

(3) Competitive testing and evaluation of such demonstration models.

(4) Identification of the most promising such demonstration models within a period of time to enable preparation of a full development program capable of beginning by fiscal year 2007.

(c) REPORT.—Not later than January 31, 2000, the Secretary of the Army and the Director of the Defense Advanced Research Projects Agency shall submit to the congressional defense committees a joint report on the implementation of the program under subsection (a). The report shall include the following:

(1) A description of the memorandum of agreement referred to in subsection (b).

(2) A schedule for the program.

(3) An identification of the funding required for fiscal year 2001 and for the future-years defense program to carry out the program.

(4) A description and assessment of the acquisition strategy for combat vehicles planned by the Secretary of the Army that would sustain the existing force of M1-series tanks, together with a complete identification of all operation, support, ownership, and other costs required to carry out such strategy through the year 2030.

(5) A description and assessment of one or more acquisition strategies for combat vehicles, alternative to the strategy referred to in paragraph (4), that would develop a force of advanced capability combat vehicles significantly superior to the existing force of M1-series tanks and, for each such alternative acquisition strategy, an estimate of the funding required to carry out such strategy.

(d) FUNDS.—Of the amount authorized to be appropriated for Defense-wide activities by section 201(4) for the Defense Advanced Research Projects Agency, $56,200,000 shall be available only to carry out the program under subsection (a).

SEC. 212. REVISIONS IN MANUFACTURING TECHNOLOGY PROGRAM.

(a) ADDITIONAL PURPOSE OF PROGRAM.—Subsection (b) of section 2525 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively; and

(2) by inserting after paragraph (3) the following new paragraph:

''(4) to address broad defense-related manufacturing inefficiencies and requirements;''.

(b) REPEAL OF COST-SHARE GOAL.—Subsection (d) of such section is amended by striking paragraph (3).

Subtitle C—Ballistic Missile Defense

SEC. 231. ADDITIONAL PROGRAM ELEMENTS FOR BALLISTIC MISSILE DEFENSE PROGRAMS.

Section 223(a) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (5) through (12) as paragraphs (6) through (13), respectively;

(2) by inserting after paragraph (4) the following new paragraph (5):

''(5) Upper Tier.''; and

(3) by adding at the end the following new paragraphs:

''(14) Space Based Infrared System Low.

''(15) Space Based Infrared System High.''.

Subtitle D—Other Matters

SEC. 241. DESIGNATION OF SECRETARY OF THE ARMY AS EXECUTIVE AGENT FOR HIGH ENERGY LASER TECHNOLOGIES.

(a) DESIGNATION.—The Secretary of Defense shall designate the Secretary of the Army as the Department of Defense executive agent for oversight of research, development, test, and evaluation of specified high energy laser technologies.

(b) LOCATION FOR CARRYING OUT OVERSIGHT FUNCTIONS.—The functions of the Secretary of the Army as such executive agent shall be carried out through the Army Space and Missile Defense Command at the High Energy Laser Systems Test Facility at White Sands Missile Range, New Mexico.

(c) FUNCTIONS.—The responsibilities of the Secretary of the Army as such executive agent shall include the following:

(1) Developing policy and overseeing the establishment of, and adherence to, procedures for ensuring that projects of the Department of Defense involving specified high energy laser technologies are initiated and administered effectively.

(2) Assessing and making recommendations to the Secretary of Defense regarding the capabilities demonstrated by specified high energy laser technologies and the potential of such technologies to meet operational military requirements.

(d) SPECIFIED HIGH ENERGY LASER TECHNOLOGIES.—For purposes of this section, the term ''specified high energy laser technologies'' means technologies that—

(1) use lasers of one or more kilowatts; and

(2) have potential weapons applications.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $19,476,694,000.

(2) For the Navy, $22,785,215,000.

(3) For the Marine Corps, $2,777,429,000.

(4) For the Air Force, $21,514,958,000.

(5) For Defense-wide activities, $10,968,614,000.

(6) For the Army Reserve, $1,512,513,000.

(7) For the Naval Reserve, $965,847,000.

(8) For the Marine Corps Reserve, $137,266,000.

(9) For the Air Force Reserve, $1,730,937,000.

(10) For the Army National Guard, $3,141,049,000.

(11) For the Air National Guard, $3,185,918,000.

(12) For the Defense Inspector General, $130,744,000.

(13) For the United States Court of Appeals for the Armed Forces, $7,621,000.

(14) For Environmental Restoration, Army, $378,170,000.

(15) For Environmental Restoration, Navy, $284,000,000.

(16) For Environmental Restoration, Air Force, $376,800,000.

(17) For Environmental Restoration, Defense-wide, $25,370,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $199,214,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $50,000,000.

(20) For Drug Interdiction and Counter-drug Activities, Defense-wide, $811,700,000.

(21) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, $15,000,000.

(22) For Defense Health Program, $10,496,687,000.

(23) For Cooperative Threat Reduction programs, $444,100,000.

(24) For Overseas Contingency Operations Transfer Fund, $2,387,600,000.

(25) For Quality of Life Enhancements, $1,845,370,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $90,344,000.

(2) For the National Defense Sealift Fund, $434,700,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2000 from the Armed Forces Retirement Home Trust Fund the sum of $68,295,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 2000 in amounts as follows:

(1) For the Army, $50,000,000.

(2) For the Navy, $50,000,000.

(3) For the Air Force, $50,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

SEC. 305. TRANSFER TO DEFENSE WORKING CAPITAL FUNDS TO SUPPORT DEFENSE COMMISSARY AGENCY.

(a) ARMY OPERATION AND MAINTENANCE FUNDS.—The Secretary of the Army shall transfer $346,154,000 of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army to the Defense Working Capital Funds for the purpose of funding operations of the Defense Commissary Agency.

(b) NAVY OPERATION AND MAINTENANCE FUNDS.—The Secretary of the Navy shall transfer $263,070,000 of the amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy to the Defense Working Capital Funds for the purpose of funding operations of the Defense Commissary Agency.

(c) MARINE CORPS OPERATION AND MAINTENANCE FUNDS.—The Secretary of the Navy shall transfer $90,834,000 of the amount authorized to be appropriated by section 301(3) for operation and maintenance for the Marine Corps to the Defense Working Capital Funds for the purpose of funding operations of the Defense Commissary Agency.

(d) AIR FORCE OPERATION AND MAINTENANCE FUNDS.—The Secretary of the Air Force shall transfer $309,061,000 of the amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force to the Defense Working Capital Funds for the purpose of funding operations of the Defense Commissary Agency.

(e) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, other amounts in the Defense Working Capital Funds available for the purpose of funding operations of the Defense Commissary Agency; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(f) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfers required by this section are in addition to the transfer authority provided in section 1001.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 311. REIMBURSEMENT OF NAVY EXCHANGE SERVICE COMMAND FOR RELOCATION EXPENSES.

Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $8,700,000 shall be available to the Secretary of Defense for the purpose of reimbursing the Navy Exchange Service Command for costs incurred by the Navy Exchange Service Command, and ultimately paid by the Navy Exchange Service Command using nonappropriated funds, to relocate to Virginia Beach, Virginia, and to lease headquarters space in Virginia Beach.

Subtitle C—Environmental Provisions

SEC. 321. REMEDIATION OF ASBESTOS AND LEAD-BASED PAINT.

(a) USE OF CERTAIN CONTRACTS.—The Secretary of Defense shall use Army Corps of Engineers indefinite delivery, indefinite quantity

contracts for the remediation of asbestos and lead-based paint at military installations within the United States in accordance with all applicable Federal and State laws and Department of Defense regulations.

(b) WAIVER AUTHORITY.—The Secretary of Defense may waive subsection (a) with regard to a military installation that requires asbestos or lead-based paint remediation if the military installation is not included in an Army Corps of Engineers indefinite delivery, indefinite quantity contract. The Secretary shall grant any such waiver on a case-by-case basis.

Subtitle D—Performance of Functions by Private-Sector Sources

SEC. 331. EXPANSION OF ANNUAL REPORT ON CONTRACTING FOR COMMERCIAL AND INDUSTRIAL TYPE FUNCTIONS.

Section 2461(g) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before the first sentence;

(2) in the second sentence, by striking ''The Secretary shall'' and inserting the following:

''(3) The Secretary shall also''; and

(3) by inserting after the first sentence the following new paragraph:

''(2) The Secretary shall include in each such report a summary of the number of work year equivalents performed by employees of private contractors in providing services to the Department (including both direct and indirect labor attributable to the provision of the services) and the total value of the contracted services. The work year equivalents and total value of the services shall be categorized by Federal supply class or service code (using the first character of the code), the appropriation from which the services were funded, and the major organizational element of the Department procuring the services.''.

SEC. 332. CONGRESSIONAL NOTIFICATION OF A–76 COST COMPARISON WAIVERS.

(a) NOTIFICATION REQUIRED.—Section 2467 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) CONGRESSIONAL NOTIFICATION OF COST COMPARISON WAIVER.—(1) Not later than 10 days after a decision is made to waive the cost comparison study otherwise required under Office of Management and Budget Circular A–76 as part of the process to convert to contractor performance any commercial activity of the Department of Defense, the Secretary of Defense shall submit to Congress a report describing the commercial activity subject to the waiver and the rationale for the waiver.

''(2) The report shall also include the following:

''(A) The total number of civilian employees or military personnel adversely affected by the decision to waive the cost comparison study and convert the commercial activity to contractor performance.

''(B) An explanation of whether the contractor was selected, or will be selected, on a competitive basis or sole source basis.

''(C) The anticipated savings to result from the waiver and resulting conversion to contractor performance.''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 2467. Cost comparisons: inclusion of retirement costs; consultation with employees; waiver of comparison''.

(2) The table of sections at the beginning of chapter 146 of such title is amended by striking the item relating to section 2467 and inserting the following new item:

''2467. Cost comparisons: inclusion of retirement costs; consultation with employees; waiver of comparison.''.

SEC. 333. IMPROVED EVALUATION OF LOCAL ECONOMIC EFFECT OF CHANGING DEFENSE FUNCTIONS TO PRIVATE SECTOR PERFORMANCE.

Section 2461(b)(3)(B) of title 10, United States Code, is amended by striking clause (ii) and inserting the following new clause (ii):

''(ii) The local community and the local economy, identifying and taking into consideration any unique circumstances affecting the local community or the local economy, if more than 50 employees of the Department of Defense perform the function.''.

SEC. 334. ANNUAL REPORTS ON EXPENDITURES FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS BY PUBLIC AND PRIVATE SECTORS.

Subsection (e) of section 2466 of title 10, United States Code, is amended to read as follows:

''(e) ANNUAL REPORTS.—(1) Not later than February 1 of each year, the Secretary of Defense shall submit to Congress a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency, the percentage of the funds referred to in subsection (a) that were expended during the preceding two fiscal years for performance of depot-level maintenance and repair workloads by the public and private sectors, as required by this section.

''(2) Not later than April 1 of each year, the Secretary of Defense shall submit to Congress a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency, the percentage of the funds referred to in subsection (a) that are projected to be expended during each of the next five fiscal years for performance of depot-level maintenance and repair workloads by the public and private sectors, as required by this section.

''(3) Not later than 60 days after the date on which the Secretary submits a report under this subsection, the Comptroller General shall submit to Congress the Comptroller General's views on whether—

''(A) in the case of a report under paragraph (1), the Department of Defense has complied with the requirements of subsection (a) for the fiscal years covered by the report; and

''(B) in the case of a report under paragraph (2), the expenditure projections for future fiscal years are reasonable.''.

SEC. 335. APPLICABILITY OF COMPETITION REQUIREMENT IN CONTRACTING OUT WORKLOADS PERFORMED BY DEPOT-LEVEL ACTIVITIES OF DEPARTMENT OF DEFENSE.

Section 2469(b) of title 10, United States Code, is amended by inserting ''(including the cost of labor and materials)'' after ''$3,000,000''.

SEC. 336. TREATMENT OF PUBLIC SECTOR WINNING BIDDERS FOR CONTRACTS FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS FORMERLY PERFORMED AT CERTAIN MILITARY INSTALLATIONS.

Section 2469a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(i) OVERSIGHT OF CONTRACTS AWARDED PUBLIC ENTITIES.—The Secretary of Defense or the Secretary concerned may not impose on a public sector entity awarded a contract for the performance of any depot-level maintenance and repair workload described in subsection (b) any requirements regarding management systems, reviews, oversight, or reporting different from the requirements used in the performance and management of other depot-level maintenance and repair workloads by the entity, unless specifically provided in the solicitation for the contract.''.

SEC. 337. PROCESS FOR MODERNIZATION OF COMPUTER SYSTEMS AT ARMY COMPUTER CENTERS.

(a) COVERED ARMY COMPUTER CENTERS.—This section applies with respect to the following computer centers of the of the Army Communications Electronics Command of the Army Material Command:

(1) Logistics Systems Support Center in St. Louis, Missouri.

(2) Industrial Logistics System Center in Chambersburg, Pennsylvania.

(b) DEVELOPMENT OF MOST EFFICIENT ORGANIZATION.—Before selecting any entity to develop and implement a new computer system for the Army Material Command to perform the functions currently performed by the Army computer centers specified in subsection (a), the Secretary of the Army shall provide the computer centers with an opportunity to establish their most efficient organization. The most efficient organization shall be in place not later than May 31, 2001.

(c) MODERNIZATION PROCESS.—After the most efficient organization is in place at the Army computer centers specified in subsection (a), civilian employees of the Department of Defense at these centers shall work in partnership with the entity selected to develop and implement a new computer system to perform the functions currently performed by these centers to—

(1) ensure that the current computer system remains operational to meet the needs of the Army Material Command until the replacement computer system is fully operational and successfully evaluated; and

(2) to provide transition assistance to the entity for the duration of the transition from the current computer system to the replacement computer system.

SEC. 338. EVALUATION OF TOTAL SYSTEM PERFORMANCE RESPONSIBILITY PROGRAM.

(a) REPORT REQUIRED.—Not later than February 1, 2000, the Secretary of the Air Force shall submit to Congress a report identifying all Air Force programs that—

(1) are currently managed under the Total System Performance Responsibility Program or similar programs; or

(2) are presently planned to be managed using the Total System Performance Responsibility Program or a similar program.

(b) EVALUATION.—As part of the report required by subsection (a), the Secretary of the Air Force shall include an evaluation of the following:

(1) The manner in which the Total System Performance Responsibility Program and similar programs support the readiness and warfighting capability of the Armed Forces and complement the support of the logistics depots.

(2) The effect of the Total System Performance Responsibility Program and similar programs on the long-term viability of core Government logistics management skills.

(3) The process and criteria used by the Air Force to determine whether or not Government employees can perform sustainment management functions more cost effectively than the private sector.

(c) COMPTROLLER GENERAL REVIEW.—Not later than 30 days after the date on which the report required by subsection (a) is submitted to Congress, the Comptroller General shall review the report and submit to Congress a briefing evaluating the report.

SEC. 339. IDENTIFICATION OF CORE LOGISTICS CAPABILITY REQUIREMENTS FOR MAINTENANCE AND REPAIR OF C–17 AIRCRAFT.

(a) IDENTIFICATION REPORT REQUIRED.—Building upon the plan required by section 351 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261), the Secretary of the Air Force shall submit to Congress a report identifying the core logistics capability requirements for depot-level maintenance and repair for the C–17 aircraft. To identify such requirements, the Secretary shall comply with section 2464 of title 10, United States Code. The Secretary shall submit the report to Congress not later than February 1, 2000.

(b) EFFECT ON EXISTING CONTRACT.—After February 1, 2000, the Secretary of the Air Force may not extend the Interim Contract for the C–17 Flexible Sustainment Program before the end of the 60-day period beginning on the date on which the report required by subsection (a) is received by Congress.

(c) COMPTROLLER GENERAL REVIEW.—During the period specified in subsection (b), the Comptroller General shall review the report submitted

under subsection (a) and submit to Congress a report evaluating the following:

(1) The merits of the report submitted under subsection (a).

(2) The extent to which the Air Force is relying on systems for core logistics capability where the workload of Government-owned and Government-operated depots is phasing down because the systems are phasing out of the inventory.

(3) The cost effectiveness of the C-17 Flexible Sustainment Program—

(A) by identifying depot maintenance and materiel costs for contractor support; and

(B) by comparing those costs to the costs originally estimated by the Air Force and to the cost of similar work in an Air Force Logistics Center.

Subtitle E—Defense Dependents Education

SEC. 341. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) MODIFIED DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2000.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $35,000,000 shall be available only for the purpose of providing educational agencies assistance (as defined in subsection (d)(1)) to local educational agencies.

(b) NOTIFICATION.—Not later than June 30, 2000, the Secretary of Defense shall notify each local educational agency that is eligible for educational agencies assistance for fiscal year 2000 of—

(1) that agency's eligibility for educational agencies assistance; and

(2) the amount of the educational agencies assistance for which that agency is eligible.

(c) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse funds made available under subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).

(d) DEFINITIONS.—In this section:

(1) The term ''educational agencies assistance'' means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(2) The term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(e) DETERMINATION OF ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Section 386(c)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note) is amended by striking ''in that fiscal year are'' and inserting ''during the preceding school year were''.

SEC. 342. CONTINUATION OF ENROLLMENT AT DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.

Section 2164 of title 10, United States Code, is amended—

(1) in subsection (c), by striking paragraph (3); and

(2) by adding at the end the following new subsection:

''(h) CONTINUATION OF ENROLLMENT DESPITE CHANGE IN STATUS.—(1) A dependent of a member of the armed forces or a dependent of a Federal employee may continue enrollment in an educational program provided by the Secretary of Defense pursuant to subsection (a) for the remainder of a school year notwithstanding a change during such school year in the status of the member or Federal employee that, except for this paragraph, would otherwise terminate the eligibility of the dependent to be enrolled in the program.

''(2) A dependent of a member of the armed forces, or a dependent of a Federal employee, who was enrolled in an educational program provided by the Secretary pursuant to subsection (a) while a junior in that program may be enrolled as a senior in that program in the next school year, notwithstanding a change in the enrollment eligibility status of the dependent that, except for this paragraph, would otherwise terminate the eligibility of the dependent to be enrolled in the program.

''(3) Paragraphs (1) and (2) do not limit the authority of the Secretary to remove a dependent from enrollment in an educational program provided by the Secretary pursuant to subsection (a) at any time for good cause determined by the Secretary.''.

SEC. 343. TECHNICAL AMENDMENTS TO DEFENSE DEPENDENTS' EDUCATION ACT OF 1978.

The Defense Dependents' Education Act of 1978 (title XIV of Public Law 95–561) is amended as follows:

(1) Section 1402(b)(1) (20 U.S.C. 921(b)(1)) is amended by striking ''recieve'' and inserting ''receive''.

(2) Section 1403 (20 U.S.C. 922) is amended—

(A) by striking the matter in that section preceding subsection (b) and inserting the following:

''ADMINISTRATION OF DEFENSE DEPENDENTS' EDUCATION SYSTEM

''SEC. 1403. (a) The defense dependents' education system is operated through the field activity of the Department of Defense known as the Department of Defense Education Activity. That activity is headed by a Director, who is a civilian and is selected by the Secretary of Defense. The Director reports to an Assistant Secretary of Defense designated by the Secretary of Defense for purposes of this title.'';

(B) in subsection (b), by striking ''this Act'' and inserting ''this title'';

(C) in subsection (c)(1), by inserting ''(20 U.S.C. 901 et seq.)'' after ''Personnel Practices Act'';

(D) in subsection (c)(2), by striking the period at the end and inserting a comma;

(E) in subsection (c)(6), by striking ''Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics'' and inserting ''the Assistant Secretary of Defense designated under subsection (a)'';

(F) in subsection (d)(1), by striking ''for the Office of Dependents' Education'';

(G) in subsection (d)(2)—

(i) by striking the first sentence;

(ii) by striking ''Whenever the Office of Dependents' Education'' and inserting ''Whenever the Department of Defense Education Activity'';

(iii) by striking ''after the submission of the report required under the preceding sentence'' and inserting ''in a manner that affects the defense dependents' education system''; and

(iv) by striking ''an additional report'' and inserting ''a report''; and

(H) in subsection (d)(3), by striking ''the Office of Dependents' Education'' and inserting ''the Department of Defense Education Activity''.

(3) Section 1409 (20 U.S.C. 927) is amended—

(A) in subsection (b), by striking ''Department of Health, Education, and Welfare in accordance with section 431 of the General Education Provisions Act'' and inserting ''Secretary of Education in accordance with section 437 of the General Education Provisions Act (20 U.S.C. 1232)'';

(B) in subsection (c)(1), by striking ''by academic year 1993–1994''; and

(C) in subsection (c)(3)—

(i) by striking ''IMPLEMENTATION TIMELINES.—In carrying out'' and all that follows through ''a comprehensive'' and inserting ''IMPLEMENTATION.—In carrying out paragraph (2), the Secretary shall have in effect a comprehensive'';

(ii) by striking the semicolon after ''such individuals'' and inserting a period; and

(iii) by striking subparagraphs (B) and (C).

(4) Section 1411(d) (20 U.S.C. 929(d)) is amended by striking ''grade GS–18 in section 5332 of title 5, United States Code'' and inserting ''level IV of the Executive Schedule under section 5315 of title 5, United States Code''.

(5) Section 1412 (20 U.S.C. 930) is amended—

(A) in subsection (a)(1)—

(i) by striking ''As soon as'' and all that follows through ''shall provide for'' and inserting ''The Director may from time to time, but not more frequently than once a year, provide for''; and

(ii) by striking ''system, which'' and inserting ''system. Any such study'';

(B) in subsection (a)(2)—

(i) by striking ''The study required by this subsection'' and inserting ''Any study under paragraph (1)''; and

(ii) by striking ''not later than two years after the effective date of this title'';

(C) in subsection (b), by striking ''the study'' and inserting ''any study'';

(D) in subsection (c)—

(i) by striking ''not later than one year after the effective date of this title the report'' and inserting ''any report''; and

(ii) by striking ''the study'' and inserting ''a study''; and

(E) by striking subsection (d).

(6) Section 1413 (20 U.S.C. 931) is amended by striking ''Not later than 180 days after the effective date of this title, the'' and inserting ''The''.

(7) Section 1414 (20 U.S.C. 932) is amended by adding at the end the following new paragraph:

''(6) The term 'Director' means the Director of the Department of Defense Education Activity.''.

Subtitle F—Military Readiness Issues

SEC. 351. INDEPENDENT STUDY OF DEPARTMENT OF DEFENSE SECONDARY INVENTORY AND PARTS SHORTAGES.

(a) INDEPENDENT STUDY REQUIRED.—In accordance with this section, the Secretary of Defense shall provide for an independent study of—

(1) current levels of Department of Defense inventories of spare parts and other supplies, known as secondary inventory items, including wholesale and retail inventories; and

(2) reports and evidence of Department of Defense inventory shortages adversely affecting readiness.

(b) PERFORMANCE BY INDEPENDENT ENTITY.—To conduct the study under this section, the Secretary of Defense shall select a private sector entity or other entity outside the Department of Defense that has experience in parts and secondary inventory management.

(c) MATTERS TO BE INCLUDED IN STUDY.—The Secretary of Defense shall require the entity conducting the study under this section to specifically evaluate the following:

(1) How much of the secondary inventory retained by the Department of Defense for economic, contingency, and potential reutilization during the five-year period ending December 31, 1998, was actually used during each year of the period.

(2) How much of the retained secondary inventory currently held by the Department could be declared to be excess.

(3) Alternative methods for the disposal or other disposition of excess inventory and the cost to the Department to dispose of excess inventory under each alternative.

(4) The total cost per year of storing secondary inventory, to be determined using traditional private sector cost calculation models.

(d) TIMETABLE FOR ELIMINATION OF EXCESS INVENTORY.—As part of the consideration of alternative methods to dispose of excess secondary inventory, as required by subsection (c)(3), the entity conducting the study under this section shall prepare a timetable for disposal of the excess inventory over a period of time not to exceed three years.

(e) REPORT ON RESULTS OF STUDY.—The Secretary of Defense shall require the entity conducting the study under this section to submit to

the Secretary and to the Comptroller General a report containing the results of the study, including the entity's findings and conclusions concerning each of the matters specified in subsection (c), and the disposal timetable required by subsection (d). The entity shall submit the report at such time as to permit the Secretary to comply with subsection (f).

(f) REVIEW AND COMMENTS OF THE SECRETARY OF DEFENSE.—Not later than September 1, 2000, the Secretary of Defense shall submit to Congress a report containing the following:

(1) The report submitted under subsection (d), together with the Secretary's comments and recommendations regarding the report.

(2) A plan to address the issues of excess and excessive inactive inventory and part shortages and a timetable to implement the plan throughout the Department.

(g) GAO EVALUATION.—Not later than 180 days after the Secretary of Defense submits to Congress the report under subsection (f), the Comptroller General shall submit to Congress an evaluation of the report submitted by the independent entity under subsection (e) and the report submitted by the Secretary under subsection (f).

SEC. 352. INDEPENDENT STUDY OF ADEQUACY OF DEPARTMENT RESTRUCTURED SUSTAINMENT AND REENGINEERED LOGISTICS PRODUCT SUPPORT PRACTICES.

(a) INDEPENDENT STUDY REQUIRED.—In accordance with this section, the Secretary of Defense shall provide for an independent study of restructured sustainment and reengineered logistics product support practices within the Department of Defense, which are designed to provide spare parts and other supplies to military units and installations as needed during a transition to war fighting rather than relying on large stockpiles of such spare parts and supplies. The purpose of the study is to determine whether restructured sustainment and reengineered logistics product support practices would be able to provide adequate sustainment supplies to military units and installations should it ever be necessary to execute the National Military Strategy prescribed by the Chairman of the Joint Chiefs of Staff.

(b) PERFORMANCE BY INDEPENDENT ENTITY.—The Secretary of Defense shall select an experienced private sector entity or other entity outside the Department of Defense to conduct the study under this section.

(c) MATTERS TO BE INCLUDED IN STUDY.—The Secretary of Defense shall require the entity conducting the study under this section to specifically evaluate (and recommend improvements in) the following:

(1) The assumptions that are used to determine required levels of war reserve and prepositioned stocks.

(2) The adequacy of supplies projected to be available to support the fighting of two, nearly simultaneous, major theater wars, as required by the National Military Strategy.

(3) The expected availability through the national technology and industrial base of spare parts and supplies not readily available in the Department inventories, such as parts for aging equipment that no longer have active vendor support.

(d) REPORT ON RESULTS OF STUDY.—The Secretary of Defense shall require the entity conducting the study under this section to submit to the Secretary and to the Comptroller General a report containing the results of the study, including the entity's findings, conclusions, and recommendations concerning each of the matters specified in subsection (c). The entity shall submit the report at such time as to permit the Secretary to comply with subsection (e).

(e) REVIEW AND COMMENTS OF THE SECRETARY OF DEFENSE.—Not later than March 1, 2000, the Secretary of Defense shall submit to Congress a report containing the report submitted under subsection (d), together with the Secretary's comments and recommendations regarding the report.

(f) GAO EVALUATION.—Not later than 180 days after the Secretary of Defense submits to Congress the report under subsection (e), the Comptroller General shall submit to Congress an evaluation of the report submitted by the independent entity under subsection (d) and the report submitted by the Secretary under subsection (e).

SEC. 353. INDEPENDENT STUDY OF MILITARY READINESS REPORTING SYSTEM.

(a) INDEPENDENT STUDY REQUIRED.—(1) The Secretary of Defense shall provide for an independent study of requirements for a comprehensive readiness reporting system for the Department of Defense as provided in section 117 of title 10, United States Code (as added by section 373 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1990).

(2) The Secretary shall provide for the study to be conducted by the Rand Corporation. The amount of a contract for the study may not exceed $1,000,000.

(3) The Secretary shall require that all components of the Department of Defense cooperate fully with the organization carrying out the study.

(b) MATTERS TO BE INCLUDED IN STUDY.—The Secretary shall require that the organization conducting the study under this section specifically consider the requirements for providing an objective, accurate, and timely readiness reporting system for the Department of Defense meeting the characteristics and having the capabilities established in section 373 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999.

(c) REPORT.—(1) The Secretary of Defense shall require the organization conducting the study under this section to submit to the Secretary a report on the study not later than March 1, 2000. The organization shall include in the report its findings and conclusions concerning each of the matters specified in subsection (b).

(2) The Secretary shall submit the report under paragraph (1), together with the Secretary's comments on the report, to Congress not later than April 1, 2000.

SEC. 354. REVIEW OF REAL PROPERTY MAINTENANCE AND ITS EFFECT ON READINESS.

(a) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review of the impact that the consistent lack of adequate funding for real property maintenance of military installations during the five-year period ending December 31, 1998, has had on readiness, the quality of life of members of the Armed Forces and their dependents, and the infrastructure on military installations.

(b) MATTERS TO BE INCLUDED IN REVIEW.—In conducting the review under this section, the Secretary of Defense shall specifically consider the following for the Army, Navy, Marine Corps, and Air Force:

(1) For each year of the covered five-year period, the extent to which unit training and operating funds were diverted to meet basic base operations and real property maintenance needs.

(2) The types of training delayed, canceled, or curtailed as a result of the diversion of such funds.

(3) The level of funding required to eliminate the real property maintenance backlog at military installations so that facilities meet the standards necessary for optimum utilization during times of mobilization.

(c) PARTICIPATION OF INDEPENDENT ENTITY.—(1) As part of the review conducted under this section, Secretary of Defense shall select an independent entity—

(A) to review the method of command and management of military installations for the Army, Navy, Marine Corps, and Air Force;

(B) to develop, based on such review, a service-specific plan for the optimum command structure for military installations, to have major command status, which is designed to enhance the development of installations doctrine, privatization and outsourcing, commercial activities, environmental compliance programs, installation restoration, and military construction; and

(C) to recommend a timetable for the implementation of the plan for each service.

(2) The Secretary of Defense shall select an experienced private sector entity or other entity outside the Department of Defense to carry out this subsection.

(d) REPORT REQUIRED.—Not later than March 1, 2000, the Secretary of Defense shall submit to Congress a report containing the results of the review required under this section and the plan for an optimum command structure required by subsection (c), together with the Secretary's comments and recommendations regarding the plan.

SEC. 355. ESTABLISHMENT OF LOGISTICS STANDARDS FOR SUSTAINED MILITARY OPERATIONS.

(a) ESTABLISHMENT OF STANDARDS.—The Secretary of Defense, in consultation with senior military commanders and the Secretaries of the military departments, shall establish standards for deployable units of the Armed Forces regarding—

(1) the level of spare parts that the units must have on hand; and

(2) similar logistics and sustainment needs of the units.

(b) BASIS FOR STANDARDS.—The standards to be established under subsection (a) shall be based upon the following:

(1) The unit's wartime mission, as reflected in the war-fighting plans of the relevant combatant commanders.

(2) An assessment of the likely requirement for sustained operations under each such war-fighting plan.

(3) An assessment of the likely requirement for that unit to conduct sustained operations in an austere environment, while drawing exclusively on its own internal logistics capabilities.

(c) SUFFICIENCY CAPABILITIES.—The standards to be established under subsection (a) shall reflect those spare parts and similar logistics capabilities that the Secretary of Defense considers sufficient for units of the Armed Forces to successfully execute their missions under the conditions described in subsection (b).

(d) RELATION TO READINESS REPORTING SYSTEM.—The standards established under subsection (a) shall be taken into account in designing the comprehensive readiness reporting system for the Department of Defense required by section 117 of title 10, United States Code, and shall be an element in determining a unit's readiness status.

(e) RELATION TO ANNUAL FUNDING NEEDS.—The Secretary of Defense shall consider the standards established under subsection (a) in establishing the annual funding requirements for the Department of Defense.

(f) REPORTING REQUIREMENT.—The Secretary of Defense shall include in the annual report required by section 113(c) of title 10, United States Code, an analysis of the then current spare parts, logistics, and sustainment standards of the Armed Forces, as described in subsection (a), including any shortfalls and the cost of addressing these shortfalls.

Subtitle G—Other Matters

SEC. 361. DISCRETIONARY AUTHORITY TO INSTALL TELECOMMUNICATION EQUIPMENT FOR PERSONS PERFORMING VOLUNTARY SERVICES.

Section 1588 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f) AUTHORITY TO INSTALL EQUIPMENT.—(1) The Secretary concerned may install telephone lines and any necessary telecommunication equipment in the private residences of designated persons providing voluntary services accepted under subsection (a)(3) and pay the

charges incurred for the use of the equipment for authorized purposes.

''(2) Notwithstanding section 1348 of title 31, the Secretary concerned may use appropriated or nonappropriated funds of the military department under the jurisdiction of the Secretary or, with respect to the Coast Guard, the department in which the Coast Guard is operating, to carry out this subsection.

''(3) The Secretary of Defense and, with respect to the Coast Guard, the Secretary of the department in which the Coast Guard is operating, shall prescribe regulations to carry out this subsection.''.

SEC. 362. CONTRACTING AUTHORITY FOR DEFENSE WORKING CAPITAL FUNDED INDUSTRIAL FACILITIES.

Section 2208(j) of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ''or remanufacturing'' and inserting '', remanufacturing, and engineering'';

(2) in paragraph (1), by inserting ''or a subcontract under a Department of Defense contract'' before the semicolon; and

(3) in paragraph (2), by striking ''Department of Defense solicitation for such contract'' and inserting ''solicitation for the contract or subcontract''.

SEC. 363. CLARIFICATION OF CONDITION ON SALE OF ARTICLES AND SERVICES OF INDUSTRIAL FACILITIES TO PERSONS OUTSIDE DEPARTMENT OF DEFENSE.

Section 2553(g) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) The term 'not available', with respect to an article or service proposed to be sold under this section, means that the article or service is unavailable from a commercial source in the required quantity and quality, within the time required, or at prices less than the price available through an industrial facility of the armed forces.''.

SEC. 364. SPECIAL AUTHORITY OF DISBURSING OFFICIALS REGARDING AUTOMATED TELLER MACHINES ON NAVAL VESSELS.

Section 3342 of title 31, United States Code, is amended by adding at the end the following new subsection:

''(f) With respect to automated teller machines on naval vessels of the Navy, the authority of a disbursing official of the United States Government under subsection (a) also includes the following:

''(1) The authority to provide operating funds to the automated teller machines.

''(2) The authority to accept, for safekeeping, deposits and transfers of funds made through the automated teller machines.''.

SEC. 365. PRESERVATION OF HISTORIC BUILDINGS AND GROUNDS AT UNITED STATES SOLDIERS' AND AIRMEN'S HOME, DISTRICT OF COLUMBIA.

The Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101–510; 24 U.S.C. 401 et seq.) is amended by adding at the end of subtitle A the following new section:

''SEC. 1523. PRESERVATION OF HISTORIC BUILDINGS AND GROUNDS AT UNITED STATES SOLDIERS' AND AIRMEN'S HOME

''(a) HISTORIC NATURE OF FACILITY.—Congress finds the following:

''(1) Four buildings located on six acres of the establishment of the Retirement Home known as the United States Soldiers' and Airmen's Home are included on the National Register of Historic Places maintained by the Secretary of the Interior.

''(2) Amounts in the Armed Forces Retirement Home Trust Fund, which consists primarily of deductions from the pay of members of the Armed Forces, are insufficient to both maintain and operate the Retirement Home for the benefit of the residents of the Retirement Home and adequately maintain, repair, and preserve these historic buildings and grounds.

''(3) Other sources of funding are available to contribute to the maintenance, repair, and preservation of these historic buildings and grounds.

''(b) AUTHORITY TO ACCEPT ASSISTANCE.—The Chairman of the Retirement Home Board and the Director of the United States Soldiers' and Airmen's Home may apply for and accept a direct grant from the Secretary of the Interior under section 101(e)(3) of the National Historic Preservation Act (16 U.S.C. 470a(e)(3)) for the purpose of maintaining, repairing, and preserving the historic buildings and grounds of the United States Soldiers' and Airmen's Home included on the National Register of Historic Places.

''(c) REQUIREMENTS AND LIMITATIONS.—Amounts received as a grant under subsection (b) shall be deposited in the Fund, but shall be kept separate from other amounts in the Fund. The amounts received may only be used for the purpose specified in subsection (b).''.

SEC. 366. CLARIFICATION OF LAND CONVEYANCE AUTHORITY, UNITED STATES SOLDIERS' AND AIRMEN'S HOME.

(a) MANNER OF CONVEYANCE.—Subsection (a)(1) of section 1053 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2650) is amended by striking ''convey by sale'' and inserting ''convey, by sale or lease,''.

(b) TIME FOR CONVEYANCE.—Subsection (a)(2) of such section is amended to read as follows:

''(2) The Armed Forces Retirement Home Board shall sell or lease the property described in subsection (a) within 12 months after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000.''.

(c) MANNER, TERMS, AND CONDITIONS OF CONVEYANCE.—Subsection (b) of such section is amended—

(1) by striking paragraph (1) and inserting the following new paragraph: ''(1) The Armed Forces Retirement Home Board shall determine the manner, terms, and conditions for the sale or lease of the real property under subsection (a), except as follows:

''(A) Any lease of the real property under subsection (a) shall include an option to purchase.

''(B) The conveyance may not involve any form of public/private partnership, but shall be limited to fee-simple sale or long-term lease.

''(C) Before conveying the property by sale or lease to any other person or entity, the Board shall provide the Catholic University of America with the opportunity to match or exceed the highest bona fide offer otherwise received for the purchase or lease of the property, as the case may be, and to acquire the property.''; and

(2) in paragraph (2), by adding at the end the following new sentence: ''In no event shall the sale or lease of the property be for less than the appraised value of the property in its existing condition and on the basis of its highest and best use.''.

SEC. 367. TREATMENT OF ALASKA, HAWAII, AND GUAM IN DEFENSE HOUSEHOLD GOODS MOVING PROGRAMS.

(a) LIMITATION ON INCLUSION IN TEST PROGRAMS.—Alaska, Hawaii, and Guam shall not be included as a point of origin in any test or demonstration program of the Department of Defense regarding the moving of household goods of members of the Armed Forces.

(b) SEPARATE REGIONS; DESTINATIONS.—In any Department of Defense household goods moving program that is not subject to the prohibition in subsection (a)—

(1) Alaska, Hawaii, and Guam shall each constitute a separate region; and

(2) Hawaii and Guam shall be considered international destinations.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personel as of September 30, 2000, as follows:

(1) The Army, 480,000.

(2) The Navy, 372,037.

(3) The Marine Corps, 172,518.

(4) The Air Force, 360,877.

SEC. 402. REVISION IN PERMANENT END STRENGTH MINIMUM LEVELS.

(a) REVISED END STRENGTH FLOORS.—Section 691(b) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''372,696'' and inserting ''371,781'';

(2) in paragraph (3), by striking ''172,200'' and inserting ''172,148''; and

(3) in paragraph (4), by striking ''370,802'' and inserting ''360,877''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

SEC. 403. APPOINTMENTS TO CERTAIN SENIOR JOINT OFFICER POSITIONS.

(a) PERMANENT EXEMPTION AUTHORITY.—Paragraph (5) of section 525(b) of title 10, United States Code, is amended by striking subparagraph (C).

(b) PERMANENT REQUIREMENT FOR MILITARY DEPARTMENT SUBMISSIONS FOR CERTAIN JOINT 4-STAR DUTY ASSIGNMENTS.—Section 604 of such title is amended by striking subsection (c).

(c) CLARIFICATION OF CERTAIN LIMITATIONS ON NUMBER OF ACTIVE-DUTY GENERALS AND ADMIRALS.—Paragraph (5) of section 525(b) of such title is further amended by adding at the end of subparagraph (A) the following new sentence: ''Any increase by reason of the preceding sentence in the number of officers of an armed force serving on active duty in grades above major general or rear admiral may only be realized by an increase in the number of lieutenant generals or vice admirals, as the case may, serving on active duty, and any such increase may not be construed as authorizing an increase in the limitation on the total number of general or flag officers for that armed force under section 526(a) of this title or in the number of general and flag officers that may be designated under section 526(b) of this title.''.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2000, as follows:

(1) The Army National Guard of the United States, 350,000.

(2) The Army Reserve, 205,000.

(3) The Naval Reserve, 90,288.

(4) The Marine Corps Reserve, 39,624.

(5) The Air National Guard of the United States, 106,678.

(6) The Air Force Reserve, 73,708.

(7) The Coast Guard Reserve, 8,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any

fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2000, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 22,563.

(2) The Army Reserve, 12,804.

(3) The Naval Reserve, 15,010.

(4) The Marine Corps Reserve, 2,272.

(5) The Air National Guard of the United States, 11,025.

(6) The Air Force Reserve, 1,078.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2000 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 6,474.

(2) For the Army National Guard of the United States, 23,125.

(3) For the Air Force Reserve, 9,785.

(4) For the Air National Guard of the United States, 22,247.

SEC. 414. INCREASE IN NUMBER OF ARMY AND AIR FORCE MEMBERS IN CERTAIN GRADES AUTHORIZED TO SERVE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) OFFICERS.—The table in section 12011(a) of title 10, United States Code, is amended to read as follows:

''Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,219	1,071	843	140
Lieutenant Colonel or Commander	1,595	520	746	90
Colonel or Navy Captain	471	188	297	30''.

(b) SENIOR ENLISTED MEMBERS.—The table in section 12012(a) of such title is amended to read as follows:

''Grade	Army	Navy	Air Force	Marine Corps
E–9	645	202	403	20
E–8	2,585	429	1,029	94''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

SEC. 415. SELECTED RESERVE END STRENGTH FLEXIBILITY.

Section 115(c) of title 10, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(3) vary the end strength authorized pursuant to subsection (a)(2) for a fiscal year for the Selected Reserve of any of the reserve components by a number equal to not more than 2 percent of that end strength.''.

Subtitle C—Authorization of Appropriations

SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2000 a total of $72,115,367,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2000.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. RECOMMENDATIONS FOR PROMOTION BY SELECTION BOARDS.

Section 575(b)(2) of title 10, United States Code, is amended by adding at the end the following new sentence: ''If the number determined under this subsection within a grade (or grade and competitive category) is less than one, the board may recommend one such officer from within that grade (or grade and competitive category).''.

SEC. 502. TECHNICAL AMENDMENTS RELATING TO JOINT DUTY ASSIGNMENTS.

(a) JOINT DUTY ASSIGNMENTS FOR GENERAL AND FLAG OFFICERS.—Subsection (g) of section 619a of title 10, United States Code, is amended to read as follows:

''(g) LIMITATION FOR GENERAL AND FLAG OFFICERS PREVIOUSLY RECEIVING JOINT DUTY ASSIGNMENT WAIVER.—A general officer or flag officer who before January 1, 1999, received a waiver of subsection (a) under the authority of this subsection (as in effect before that date) may not be appointed to the grade of lieutenant general of vice admiral until the officer completes a full tour of duty in a joint duty assignment.''.

(b) NUCLEAR PROPULSION OFFICERS.—Subsection (h) of that section is amended—

(1) by striking ''(1) Until January 1, 1997, an'' inserting ''An'';

(2) by striking ''may be'' and inserting ''who before January 1, 1997, is'';

(3) by striking ''. An officer so appointed''; and

(4) by striking paragraph (2).

Subtitle B—Matters Relating to Reserve Components

SEC. 511. CONTINUATION ON RESERVE ACTIVE STATUS LIST TO COMPLETE DISCIPLINARY ACTION.

(a) IN GENERAL.—Chapter 1407 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 14518. Continuation on reserve active status list to complete disciplinary action

''When an action is commenced against a Reserve officer with a view to trying the officer by court-martial, as authorized by section 802(d) of this title, the Secretary concerned may delay the separation or retirement of the officer under this chapter until the completion of the disciplinary action under chapter 47 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter 1407 is amended by adding at the end the following new item:

''14518. Continuation on reserve active status list to complete disciplinary action.''.

SEC. 512. AUTHORITY TO ORDER RESERVE COMPONENT MEMBERS TO ACTIVE DUTY TO COMPLETE A MEDICAL EVALUATION.

Section 12301 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h)(1) When authorized by the Secretary of Defense, the Secretary of the military department concerned may order a member of a reserve component to active duty, with the consent of that member, to receive authorized medical care, to be medically evaluated for disability or other purposes, or to complete a required Department of Defense health care study, which may include an associated medical evaluation of the member.

''(2) A member ordered to active duty under this subsection may be retained with the member's consent, when the Secretary concerned considers it appropriate, for medical treatment for a condition associated with the study or evaluation, if that treatment of the member otherwise is authorized by law.

''(3) A member of the Army National Guard of the United States or the Air National Guard of the United States may not be ordered to active duty under this subsection without the consent of the Governor or other appropriate authority of the State concerned.''.

SEC. 513. ELIGIBILITY FOR CONSIDERATION FOR PROMOTION.

(a) AMENDMENT.—Section 14301 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h) OFFICERS ON EDUCATIONAL DELAY.—A Reserve officer who is in an educational delay status for the purpose of attending an approved institution of higher education for advanced training, subsidized by the military department concerned in the form of a scholarship or stipend, is ineligible for consideration for promotion while in that status. The officer shall remain on the Reserve active status list while in such an educational delay status.''.

(b) RETROACTIVE EFFECT.—The Secretary concerned, upon application, shall expunge from the record of any officer a nonselection for promotion if the nonselection occurred during a period the officer was serving in an educational delay status that occurred during the period beginning on October 1, 1996, and ending on the date of the enactment of this Act.

SEC. 514. RETENTION UNTIL COMPLETION OF 20 YEARS OF SERVICE FOR RESERVE COMPONENT MAJORS AND LIEUTENANT COMMANDERS WHO TWICE FAIL OF SELECTION FOR PROMOTION.

Section 14506 of title 10, United States Code, is amended by striking ''section 14513'' and all that follows and inserting ''section 14513 of this title on the later of—

''(1) the first day of the month after the month in which the officer completes 20 years of commissioned service; or

''(2) the first day of the seventh month after the month in which the President approves the report of the board which considered the officer for the second time.''.

SEC. 515. COMPUTATION OF YEARS OF SERVICE EXCLUSION.

The text of section 14706 of title 10, United States Code, is amended to read as follows:

''(a) For the purpose of this chapter and chapter 1407 of this title, a Reserve officer's years of service include all service of the officer as a commissioned officer of a uniformed service other than—

''(1) service as a warrant officer;

''(2) constructive service; and

''(3) service after appointment as a commissioned officer of a reserve component while in a program of advanced education to obtain the first professional degree required for appointment, designation, or assignment as an officer in the Medical Corps, the Dental Corps, the Veterinary Corps, the Medical Service Corps, the Nurse Corps, the Army Medical Specialists Corps, or as an officer designated as a chaplain or judge advocate, provided such service occurs before the officer commences initial service on active duty or initial service in the Ready Reserve in the specialty that results from such a degree.

''(b) The exclusion under subsection (a)(3) does not apply to service performed by an officer who previously served on active duty or participated as a member of the Ready Reserve in other than a student status for the period of

service preceding the member's service in a student status.''.

SEC. 516. AUTHORITY TO RETAIN RESERVE COMPONENT CHAPLAINS UNTIL AGE 67.

Section 14703(b) of title 10, United States Code, is amended by striking ''(or, in the case of a Reserve officer of the Army in the Chaplains or a Reserve officer of the Air Force designated as a chaplain, 60 years of age)''.

SEC. 517. EXPANSION AND CODIFICATION OF AUTHORITY FOR SPACE-REQUIRED TRAVEL FOR RESERVES.

(a) CODIFICATION.—(1) Chapter 1209 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 12323. Space-required travel for Reserves

''A member of a reserve component is authorized to travel in a space-required status on aircraft of the armed forces between home and place of inactive duty training, or place of duty in lieu of unit training assembly, when there is no road or railroad transportation (or combination of road and railroad transportation) between those locations. A member traveling in that status on a military aircraft pursuant to the authority provided in this section is not authorized to receive travel, transportation, or per diem allowances in connection with that travel.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''12323. Space-required travel for Reserves.''.

(b) EFFECTIVE DATE.—Section 12323 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1999.

SEC. 518. FINANCIAL ASSISTANCE PROGRAM FOR SPECIALLY SELECTED MEMBERS OF THE MARINE CORPS RESERVE.

(a) IN GENERAL.—Chapter 1205 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 12216. Financial assistance for members of the Marine Corps platoon leader's class program

''(a) PROGRAM AUTHORITY.—The Secretary of the Navy may provide payment of not more than $5,200 per year for a period not to exceed three consecutive years of educational expenses (including tuition, fees, books, and laboratory expenses) to an eligible enlisted member of the Marine Corps Reserve for completion of—

''(1) baccalaureate degree requirements in an approved academic program that requires less than five academic years to complete; or

''(2) doctor of jurisprudence or bachelor of laws degree requirements in an approved academic program which requires not more than three years to complete.

''(b) ELIGIBLE RESERVISTS.—To be eligible for receipt of educational expenses as authorized by subsection (a), an enlisted member of the Marine Corps Reserve must—

''(1) either—

''(A) be under 27 years of age on June 30 of the calendar year in which the member is eligible for appointment as a second lieutenant in the Marine Corps for such persons in a baccalaureate degree program described in subsection (a)(1), except that any such member who has served on active duty in the armed forces may exceed such age limitation on such date by a period equal to the period such member served on active duty, but only if such member will be under 30 years of age on such date; or

''(B) be under 31 years of age on June 30 of the calendar year in which the member is eligible for appointment as a second lieutenant in the Marine Corps for such persons in a doctor of jurisprudence or bachelor of laws degree program described in subsection (a)(2), except that any such member who has served on active duty in the armed forces may exceed such age limitation on such date by a period equal to the period such member served on active duty, but only if such member will be under 35 years of age on such date;

''(2) be satisfactorily enrolled at any accredited civilian educational institution authorized to grant baccalaureate, doctor of jurisprudence or bachelor of law degrees;

''(3) be selected as an officer candidate in the Marine Corps Platoon Leader's Class Program and successfully complete one increment of military training of not less than six weeks' duration; and

''(4) agree in writing—

''(A) to accept an appointment as a commissioned officer in the Marine Corps, if tendered by the President;

''(B) to serve on active duty for a minimum of five years; and

''(C) under such terms and conditions as shall be prescribed by the Secretary of the Navy, to serve in the Marine Corps Reserve until the eighth anniversary of the receipt of such appointment.

''(c) APPOINTMENT.—Upon satisfactorily completing the academic and military requirements of the Marine Corps Platoon Leaders Class Program, an officer candidate may be appointed by the President as a Reserve officer in the Marine Corps in the grade of second lieutenant.

''(d) LIMITATION ON NUMBER.—Not more than 1,200 officer candidates may participate in the financial assistance program authorized by this section at any one time.

''(e) REMEDIAL AUTHORITY OF SECRETARY.—An officer candidate may be ordered to active duty in the Marine Corps by the Secretary of the Navy to serve in an appropriate enlisted grade for such period of time as the Secretary prescribes, but not for more than four years, when such person—

''(1) accepted financial assistance under this section; and

''(2) either—

''(A) completes the military and academic requirements of the Marine Corps Platoon Leaders Class Program and refuses to accept a commission when offered;

''(B) fails to complete the military or academic requirements of the Marine Corps Platoon Leaders Class Program; or

''(C) is disenrolled from the Marine Corps Platoon Leaders Class Program for failure to maintain eligibility for an original appointment as a commissioned officer under section 532 of this title.

''(d) PERSONS NOT QUALIFIED FOR APPOINTMENT.—Except under regulations prescribed by the Secretary of the Navy, a person who is not physically qualified for appointment under section 532 of this title and subsequently is determined by the Secretary of the Navy under section 505 of this title to be unqualified for service as an enlisted member of the Marine Corps due to a physical or medical condition that was not the result of misconduct or grossly negligent conduct may request a waiver of obligated service of such financial assistance.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''12216. Financial assistance for members of the Marine Corps platoon leader's class program.''.

(c) COMPUTATION OF SERVICE CREDITABLE.—Section 205 of title 37, United States Code, is amended by adding at the end the following new subsection:

''(f) Notwithstanding subsection (a), a commissioned officer appointed under sections 12209 and 12216 of title 10 may not count in computing basic pay a period of service after January 1, 2000, that the officer performed concurrently as a member of the Marine Corps Platoon Leaders Class Program and the Marine Corps Reserve, except that service after that date that the officer performed before commissioning while serving as an enlisted member on active duty or as a member of the Selected Reserve may be so counted.''.

(d) TRANSITION PROVISION.—An enlisted member of the Marine Corps Reserve selected for training as officer candidates under section 12209 of title 10, United States Code, before October 1, 2000 may, upon submitting an appropriate application, participate in the financial assistance program established in subsection (a) if—

(1) the member is eligible for financial assistance under the qualification requirements of subsection (a);

(2) the member submits to the Secretary of the Navy a request for such financial assistance not later than 180 days after the date of the enactment of this Act; and

(3) the member agrees in writing to accept an appointment, if offered in the Marine Corps Reserve, and to comply with the length of obligated service provisions in subsection (a)(2)(D) of section 12216 of title 10, United States Code, as added by subsection (a).

(e) LIMITATION ON CREDITING OF PRIOR SERVICE.—In computing length of service for any purpose, a person who requests financial assistance under subsection (d) may not be credited with service either as an officer candidate or concurrent enlisted service, other than concurrent enlisted service while serving on active duty other than for training while a member of the Marine Corps Reserve.

SEC. 519. OPTIONS TO IMPROVE RECRUITING FOR THE ARMY RESERVE.

(a) REVIEW.—The Secretary of the Army shall conduct a review of the manner, process, and organization used by the Army to recruit new members for the Army Reserve. The review shall seek to determine the reasons for the continuing inability of the Army to meet recruiting objectives for the Army Reserve and to identify measures the Secretary could take to correct that inability.

(b) REORGANIZATION TO BE CONSIDERED.—Among the possible corrective measures to be examined by the Secretary of the Army as part of the review shall be a transfer of the recruiting function for the Army Reserve from the Army Recruiting Command to a new, fully resourced recruiting organization under the command and control of the Chief, Army Reserve.

(c) REPORT.—Not later than July 1, 2000, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report setting forth the results of the review under this section. The report shall include a description of any corrective measures the Secretary intends to implement.

Subtitle C—Military Technicians

SEC. 521. REVISION TO MILITARY TECHNICIAN (DUAL STATUS) LAW.

(a) DEFINITION.—Subsection (a)(1) of section 10216 of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking ''section 709'' and inserting ''section 709(b)''; and

(2) in subparagraph (C), by inserting ''civilian'' after ''is assigned to a''.

(b) DUAL STATUS REQUIREMENT.—Subsection (e) of such section is amended—

(1) in paragraph (1), by inserting ''(dual status)'' after ''military technician'' the second place it appears; and

(2) in paragraph (2)—

(A) by striking ''The Secretary'' and inserting ''Except as otherwise provided by law, the Secretary''; and

(B) by striking ''six months'' and inserting ''up to 12 months''.

SEC. 522. CIVIL SERVICE RETIREMENT OF TECHNICIANS.

(a) IN GENERAL.—(1) Chapter 1007 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 10218. Army and Air Force Reserve Technicians: conditions for retention; mandatory retirement under civil service laws

''(a) SEPARATION AND RETIREMENT OF MILITARY TECHNICIANS (DUAL STATUS).—(1) An individual employed by the Army Reserve or the Air

Force Reserve as a military technician (dual status) who after the date of the enactment of this section loses dual status is subject to paragraph (2) or (3), as the case may be.

''(2) If a technician described in paragraph (1) is eligible at the time dual status is lost for an unreduced annuity, the technician shall be separated, subject to subsection (e), not later than 30 days after the date on which dual status is lost.

''(3)(A) If a technician described in paragraph (1) is not eligible at the time dual status is lost for an unreduced annuity, the technician shall be offered the opportunity to—

''(i) reapply for, and if qualified be appointed to, a position as a military technician (dual status); or

''(ii) apply for a civil service position that is not a technician position.

''(B) If such a technician continues employment with the Army Reserve or the Air Force Reserve as a non-dual status technician, the technician—

''(i) shall not be permitted, after the end of the one-year period beginning on the date of the enactment of this subsection, to apply for any voluntary personnel action; and

''(ii) shall, subject to subsection (e), be separated or retired—

''(I) in the case of a technician first hired as a military technician (dual status) on or before February 10, 1996, not later than 30 days after becoming eligible for an unreduced annuity; and

''(II) in the case of a technician first hired as a military technician (dual status) after February 10, 1996, not later than one year after the date on which dual status is lost.

''(4) For purposes of this subsection, a military technician is considered to lose dual status upon—

''(A) being separated from the Selected Reserve; or

''(B) ceasing to hold the military grade specified by the Secretary concerned for the position held by the technician.

''(b) NON-DUAL STATUS TECHNICIANS.—(1) An individual who on the date of the enactment of this section is employed by the Army Reserve or the Air Force Reserve as a non-dual status technician and who on that date is eligible for an unreduced annuity shall, subject to subsection (e), be separated not later than six months after the date of the enactment of this section.

''(2)(A) An individual who on the date of the enactment of this section is employed by the Army Reserve or the Air Force Reserve as a non-dual status technician and who on that date is not eligible for an unreduced annuity shall be offered the opportunity to—

''(i) reapply for, and if qualified be appointed to, a position as a military technician (dual status); or

''(ii) apply for a civil service position that is not a technician position.

''(B) If such a technician continues employment with the Army Reserve or the Air Force Reserve as a non-dual status technician, the technician—

''(i) shall not be permitted, after the end of the one-year period beginning on the date of the enactment of this subsection, to apply for any voluntary personnel action; and

''(ii) shall, subject to subsection (e), be separated or retired—

''(I) in the case of a technician first hired as a technician on or before February 10, 1996, and who on the date of the enactment of this section is a non-dual status technician, not later than 30 days after becoming eligible for an unreduced annuity; and

''(II) in the case of a technician first hired as a technician after February 10, 1996, and who on the date of the enactment of this section is a non-dual status technician, not later than one year after the date on which dual status is lost.

''(3) An individual employed by the Army Reserve or the Air Force Reserve as a non-dual status technician who is ineligible for appointment to a military technician (dual status) position, or who decides not to apply for appointment to such a position, or who, within six months of the date of the enactment of this section is not appointed to such a position, shall for reduction-in-force purposes be in a separate competitive category from employees who are military technicians (dual status).

''(c) UNREDUCED ANNUITY DEFINED.—For purposes of this section, a technician shall be considered to be eligible for an unreduced annuity if the technician is eligible for an annuity under section 8336, 8412, or 8414 of title 5 that is not subject to a reduction by reason of the age or years of service of the technician.

''(d) VOLUNTARY PERSONNEL ACTION DEFINED.—In this section, the term 'voluntary personnel action', with respect to a non-dual status technician, means any of the following:

''(1) The hiring, entry, appointment, reassignment, promotion, or transfer of the technician into a position for which the Secretary concerned has established a requirement that the person occupying the position be a military technician (dual status).

''(2) Promotion to a higher grade if the technician is in a position for which the Secretary concerned has established a requirement that the person occupying the position be a military technician (dual status).

''(e) ANNUAL LIMITATION ON MANDATORY RETIREMENTS.—Until October 1, 2004, the Secretary of the Army and the Secretary of the Air Force may not during any fiscal year approve a total of more than 25 mandatory retirements under this section. A technician who is subject to mandatory separation under this section in any fiscal year and who, but for this subsection, would be eligible to be retired with an unreduced annuity shall, if not sooner separated under some other provision of law, be eligible to be retained in service until mandatorily retired consistent with the limitation in this subsection.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''10218. Army and Air Force Reserve Technicians: conditions for retention; mandatory retirement under civil service laws.''.

(3) During the six-month period beginning on the date of the enactment of this Act, the provisions of subsections (a)(3)(B)(ii)(I) and (b)(2)(B)(ii)(I) of section 10218 of title 10, United States Code, as added by paragraph (1), shall be applied by substituting ''six months'' for ''30 days''.

(b) EARLY RETIREMENT.—Section 8414(c) of title 5, United States Code, is amended to read as follows:

''(c)(1) An employee who was hired as a military reserve technician on or before February 10, 1996 (under the provisions of this title in effect before that date), and who is separated from technician service, after becoming 50 years of age and completing 25 years of service, by reason of being separated from the Selected Reserve of the employee's reserve component or ceasing to hold the military grade specified by the Secretary concerned for the position held by the employee is entitled to an annuity.

''(2) An employee who is initially hired as a military technician (dual status) after February 10, 1996, and who is separated from the Selected Reserve or ceases to hold the military grade specified by the Secretary concerned for the position held by the technician—

''(A) after completing 25 years of service as a military technician (dual status), or

''(B) after becoming 50 years of age and completing 20 years of service as a military technician (dual status),

is entitled to an annuity.''.

(c) CONFORMING AMENDMENTS.—Chapter 84 of title 5, United States Code, is amended as follows:

(1) Section 8415(g)(2) is amended by striking ''military reserve technician'' and inserting ''military technician (dual status)''.

(2) Section 8401(30) is amended to read as follows:

''(30) the term 'military technician (dual status)' means an employee described in section 10216 of title 10;''.

(d) DISABILITY RETIREMENT.—Section 8337(h) of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ''or section 10216 of title 10'' after ''title 32'';

(B) by striking ''such title'' and all that follows through the period and inserting ''title 32 or section 10216 of title 10, respectively, to be a member of the Selected Reserve.'';

(2) in paragraph (2)(A)(i)—

(A) by inserting ''or section 10216 of title 10'' after ''title 32''; and

(B) by striking ''National Guard or from holding the military grade required for such employment'' and inserting ''Selected Reserve''; and

(3) in paragraph (3)(C), by inserting ''or section 10216 of title 10'' after ''title 32''.

SEC. 523. REVISION TO NON-DUAL STATUS TECHNICIANS STATUTE.

(a) REVISION.—Section 10217 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''military'' after ''non-dual status'' in the matter preceding paragraph (1); and

(B) by striking paragraphs (1) and (2) and inserting the following:

''(1) was hired as a technician before November 18, 1997, under any of the authorities specified in subsection (b) and as of that date is not a member of the Selected Reserve or after such date has ceased to be a member of the Selected Reserve; or

''(2) is employed under section 709 of title 32 in a position designated under subsection (c) of that section and when hired was not required to maintain membership in the Selected Reserve.''; and

(2) by adding at the end the following new subsection:

''(c) PERMANENT LIMITATIONS ON NUMBER.—(1) Effective October 1, 2007, the total number of non-dual status technicians employed by the Army Reserve and Air Force Reserve may not exceed 175. If at any time after the preceding sentence takes effect the number of non-dual status technicians employed by the Army Reserve and Air Force Reserve exceeds the number specified in the limitation in the preceding sentence, the Secretary of Defense shall require that the Secretary of the Army or the Secretary of the Air Force, or both, take immediate steps to reduce the number of such technicians in order to comply with such limitation.

''(2) Effective October 1, 2001, the total number of non-dual status technicians employed by the National Guard may not exceed 1,950. If at any time after the preceding sentence takes effect the number of non-dual status technicians employed by the National Guard exceeds the number specified in the limitation in the preceding sentence, the Secretary of Defense shall require that the Secretary of the Army or the Secretary of the Air Force, or both, take immediate steps to reduce the number of such technicians in order to comply with such limitation.''.

(c) CONFORMING AMENDMENTS.—The heading of such section and the item relating to such section in the table of sections at the beginning of chapter 1007 of such title are each amended by striking the penultimate word.

SEC. 524. REVISION TO AUTHORITIES RELATING TO NATIONAL GUARD TECHNICIANS.

Section 709 of title 32, United States Code, is amended to read as follows:

''§ 709. Technicians: employment, use, status

''(a) Under regulations prescribed by the Secretary of the Army or the Secretary of the Air Force, as the case may be, and subject to subsections (b) and (c), persons may be employed as technicians in—

''(1) the administration and training of the National Guard; and

''(2) the maintenance and repair of supplies issued to the National Guard or the armed forces.

''(b) Except as authorized in subsection (c), a person employed under subsection (a) must meet each of the following requirements:

''(1) Be a military technician (dual status) as defined in section 10216(a) of title 10.

''(2) Be a member of the National Guard.

''(3) Hold the military grade specified by the Secretary concerned for that position.

''(4) While performing duties as a military technician (dual status), wear the uniform appropriate for the member's grade and component of the armed forces .

''(c)(1) A person may be employed under subsection (a) as a non-dual status technician (as defined by section 10217 of title 10) if the technician position occupied by the person has been designated by the Secretary concerned to be filled only by a non-dual status technician.

''(2) The total number of non-dual status technicians in the National Guard is specified in section 10217(c)(2) of title 10.

''(d) The Secretary concerned shall designate the adjutants general referred to in section 314 of this title to employ and administer the technicians authorized by this section.

''(e) A technician employed under subsection (a) is an employee of the Department of the Army or the Department of the Air Force, as the case may be, and an employee of the United States. However, a position authorized by this section is outside the competitive service if the technician employed in that position is required under subsection (b) to be a member of the National Guard.

''(f) Notwithstanding any other provision of law and under regulations prescribed by the Secretary concerned—

''(1) a person employed under subsection (a) who is a military technician (dual status) and otherwise subject to the requirements of subsection (b) who—

''(A) is separated from the National Guard or ceases to hold the military grade specified by the Secretary concerned for that position shall be promptly separated from military technician (dual status) employment by the adjutant general of the jurisdiction concerned; and

''(B) fails to meet the military security standards established by the Secretary concerned for a member of a reserve component under his jurisdiction may be separated from employment as a military technician (dual status) and concurrently discharged from the National Guard by the adjutant general of the jurisdiction concerned;

''(2) a technician may, at any time, be separated from his technician employment for cause by the adjutant general of the jurisdiction concerned;

''(3) a reduction in force, removal, or an adverse action involving discharge from technician employment, suspension, furlough without pay, or reduction in rank or compensation shall be accomplished by the adjutant general of the jurisdiction concerned;

''(4) a right of appeal which may exist with respect to paragraph (1), (2), or (3) shall not extend beyond the adjutant general of the jurisdiction concerned; and

''(5) a technician shall be notified in writing of the termination of his employment as a technician and, unless the technician is serving under a temporary appointment, is serving in a trial or probationary period, or has voluntarily ceased to be a member of the National Guard when such membership is a condition of employment, such notification shall be given at least 30 days before the termination date of such employment.

''(g) Sections 2108, 3502, 7511, and 7512 of title 5 do not apply to a person employed under this section.

''(h) Notwithstanding sections 5544(a) and 6101(a) of title 5 or any other provision of law, the Secretary concerned may prescribe the hours of duty for technicians. Notwithstanding sections 5542 and 5543 of title 5 or any other provision of law, such technicians shall be granted an amount of compensatory time off from their scheduled tour of duty equal to the amount of any time spent by them in irregular or overtime work, and shall not be entitled to compensation for such work.

''(i) The Secretary concerned may not prescribe for purposes of eligibility for Federal recognition under section 301 of this title a qualification applicable to technicians employed under subsection (a) that is not applicable pursuant to that section to the other members of the National Guard in the same grade, branch, position, and type of unit or organization involved.''.

SEC. 525. EFFECTIVE DATE.

The amendments made by sections 523 and 524 shall take effect 180 days after the date of the receipt by Congress of the plan required by section 523(d) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1737) or a report by the Secretary of Defense providing an alternative proposal to the plan required by that section.

SEC. 526. SECRETARY OF DEFENSE REVIEW OF ARMY TECHNICIAN COSTING PROCESS.

(a) REVIEW.—The Secretary of Defense shall review the process used by the Army, including use of the Civilian Manpower Obligation Resources (CMOR) model, to develop estimates of the annual authorizations and appropriations required for civilian personnel of the Department of the Army generally and for National Guard and Army Reserve technicians in particular. Based upon the review, the Secretary shall direct that any appropriate revisions to that process be implemented.

(b) PURPOSE OF REVIEW.—The purpose of the review shall be to ensure that the process referred to in subsection (a) does the following:

(1) Accurately and fully incorporates all the actual cost factors for such personnel, including particularly those factors necessary to recruit, train, and sustain a qualified technician workforce.

(2) Provides estimates of required annual appropriations required to fully fund all the technicians (both dual status and non-dual status) requested in the President's budget.

(3) Eliminates inaccuracies in the process that compel both the Army Reserve and the Army National Guard either (A) to reduce the number of military technicians (dual status) below the statutory floors without corresponding force structure reductions, or (B) to transfer funds from other appropriations simply to provide the required funding for military technicians (dual status).

(c) REPORT.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the review undertaken under this section, together with a description of corrective actions taken and proposed, not later than March 31, 2000.

SEC. 527. FISCAL YEAR 2000 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

The number of civilian employees who are non-dual status technicians of a reserve component of the Army or Air Force as of September 30, 2000, may not exceed the following:

(1) For the Army Reserve, 1,295.

(2) For the Army National Guard of the United States, 1,800.

(3) For the Air Force Reserve, 0.

(4) For the Air National Guard of the United States, 342.

Subtitle D—Service Academies

SEC. 531. WAIVER OF REIMBURSEMENT OF EXPENSES FOR INSTRUCTION AT SERVICE ACADEMIES OF PERSONS FROM FOREIGN COUNTRIES.

(a) UNITED STATES MILITARY ACADEMY.—Section 4344(b)(3) of title 10, United States Code, is amended—

(1) by striking ''35 percent'' and inserting ''50 percent''; and

(2) by striking ''five persons'' and inserting ''20 persons''.

(b) NAVAL ACADEMY.—Section 6957(b)(3) of such title is amended—

(1) by striking ''35 percent'' and inserting ''50 percent''; and

(2) by striking ''five persons'' and inserting ''20 persons''.

(c) AIR FORCE ACADEMY.—Section 9344(b)(3) of such title is amended—

(1) by striking ''35 percent'' and inserting ''50 percent''; and

(2) by striking ''five persons'' and inserting ''20 persons''.

(d) EFFECTIVE DATE.—The amendments made by this section apply with respect to students from a foreign country entering the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy on or after May 1, 1999.

SEC. 532. COMPLIANCE BY UNITED STATES MILITARY ACADEMY WITH STATUTORY LIMIT ON SIZE OF CORPS OF CADETS.

(a) COMPLIANCE REQUIRED.—(1) The Secretary of the Army shall take such action as necessary to ensure that the United States Military Academy is in compliance with the USMA cadet strength limit not later than the day before the last day of the 2001-2001 academic year.

(2) The Secretary of the Army may provide for a variance to the USMA cadet strength limit—

(A) as of the day before the last day of the 1999-2000 academic year of not more than 5 percent; and

(B) as of the day before the last day of the 2000-2001 academic year of not more than 2½ percent.

(3) For purposes of this subsection—

(A) the USMA cadet strength limit is the maximum of 4,000 cadets established for the Corps of Cadets at the United States Military Academy by section 511 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 4342 note), reenacted in section 4342(a) of title 10, United States Code, by the amendment made by subsection (b)(1); and

(B) the last day of the 2001–2002 academic year is the day on which the class of 2002 graduates.

(b) REENACTMENT OF LIMITATION.—

(1) ARMY.—Section 4342 of title 10, United States Code, is amended—

(A) in subsection (a), by striking ''is as follows:'' in the matter preceding paragraph (1) and inserting ''(determined for any year as of the day before the last day of the academic year) is 4,000. Subject to that limitation, cadets are selected as follows:''; and

(B) by adding at the end the following new subsection:

''(i) For purposes of the limitation under subsection (a), the last day of an academic year is graduation day.''.

(2) NAVY.—Section 6954 of such title is amended—

(A) by striking the matter preceding paragraph (1) and inserting the following:

''(a) The authorized strength of the Brigade of Midshipmen (determined for any year as of the day before the last day of the academic year) is 4,000. Subject to that limitation, midshipmen are selected as follows:''; and

(B) by adding at the end the following new subsection:

''(g) For purposes of the limitation under subsection (a), the last day of an academic year is graduation day.''.

(3) AIR FORCE.—Section 9342 of such title is amended—

(A) in subsection (a), by striking ''is as follows:'' in the matter preceding paragraph (1) and inserting ''(determined for any year as of the day before the last day of the academic year) is 4,000. Subject to that limitation, Air Force Cadets are selected as follows:''; and

(B) by adding at the end the following new subsection:

''(i) For purposes of the limitation under subsection (a), the last day of an academic year is graduation day.''.

(4) CONFORMING REPEAL.—Section 511 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 4342 note) is repealed.

SEC. 533. DEAN OF ACADEMIC BOARD, UNITED STATES MILITARY ACADEMY AND DEAN OF THE FACULTY, UNITED STATES AIR FORCE ACADEMY.

(a) DEAN OF THE ACADEMIC BOARD, USMA.—Section 4335 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) While serving as Dean of the Academic Board, an officer of the Army who holds a grade lower than brigadier general shall hold the grade of brigadier general, if appointed to that grade by the President, by and with the advice and consent of the Senate. The retirement age of an officer so appointed is that of a permanent professor of the Academy. An officer so appointed is counted for purposes of the limitation in section 526(a) of this title on general officers of the Army on active duty.''.

(b) DEAN OF THE FACULTY, USAFA.—Section 9335 of title 10, United States Code, is amended—

(1) by inserting ''(a)'' at the beginning of the text of the section; and

(2) by adding at the end the following new subsection:

''(b) While serving as Dean of the Faculty, an officer of the Air Force who holds a grade lower than brigadier general shall hold the grade of brigadier general, if appointed to that grade by the President, by and with the advice and consent of the Senate. The retirement age of an officer so appointed is that of a permanent professor of the Academy An officer so appointed is counted for purposes of the limitation in section 526(a) of this title on general officers of the Air Force on active duty.''.

SEC. 534. EXCLUSION FROM CERTAIN GENERAL AND FLAG OFFICER GRADE STRENGTH LIMITATIONS FOR THE SUPERINTENDENTS OF THE SERVICE ACADEMIES.

Section 525(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(7) An officer of the Army while serving as Superintendent of the United States Military Academy, if serving in the grade of lieutenant general, is in addition to the number that would otherwise be permitted for the Army for officers serving on active duty in grades above major general under paragraph (1). An officer of the Navy or Marine Corps while serving as Superintendent of the United States Naval Academy, if serving in the grade of vice admiral or lieutenant general, is in addition to the number that would otherwise be permitted for the Navy or Marine Corps, respectively, for officers serving on active duty in grades above major general or rear admiral under paragraph (1) or (2). An officer while serving as Superintendent of the United Air Force Academy, if serving in the grade of lieutenant general, is in addition to the number that would otherwise be permitted for the Air Force for officers serving on active duty in grades above major general under paragraph (1).''.

Subtitle E—Education and Training

SEC. 541. ESTABLISHMENT OF A DEPARTMENT OF DEFENSE INTERNATIONAL STUDENT PROGRAM AT THE SENIOR MILITARY COLLEGES.

(a) IN GENERAL.—(1) Chapter 103 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2111b. Senior military colleges: Department of Defense international student program

''(a) PROGRAM REQUIREMENT.—The Secretary of Defense shall establish a program to facilitate the enrollment and instruction of persons from foreign countries as international students at the senior military colleges.

''(b) PURPOSES.—The purposes of the program shall be—

''(1) to provide a high-quality, cost-effective military-based educational experience for international students in furtherance of the military-to-military program objectives of the Department of Defense; and

''(2) to enhance the educational experience and preparation of future United States military leaders through increased, extended interaction with highly qualified potential foreign military leaders.

''(c) COORDINATION WITH THE SENIOR MILITARY COLLEGES.—Guidelines for implementation of the program shall be developed in coordination with the senior military colleges.

''(d) RECOMMENDATIONS FOR ADMISSION OF STUDENTS UNDER THE PROGRAM.—The Secretary of Defense shall annually identify to the senior military colleges the international students who, based on criteria established by the Secretary, the Secretary recommends be considered for admission under the program. The Secretary shall identify the recommended international students to the senior military colleges as early as possible each year to enable those colleges to consider them in a timely manner in their respective admissions processes.

''(e) DOD FINANCIAL SUPPORT.—An international student who is admitted to a senior military college under the program under this section is responsible for the cost of instruction at that college. The Secretary of Defense may, from funds available to the Department of Defense other than funds available for financial assistance under section 2107a of this title, provide some or all of the costs of instruction for any such student.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2111b. Senior military colleges: Department of Defense international student program.''.

(b) EFFECTIVE DATE.—The Secretary of Defense shall implement the program under section 2111b of title 10, United States Code, as added by subsection (a), with students entering the senior military colleges after May 1, 2000.

(c) REPEAL OF OBSOLETE PROVISION.—Section 2111a(e)(1) of title 10, United States Code, is amended by striking the second sentence.

(d) FISCAL YEAR 2000 FUNDING.—Of the amounts made available to the Department of Defense for fiscal year 2000 pursuant to section 301, $2,000,000 shall be available for financial support for international students under section 2111b of title 10, United States Code, as added by subsection (a).

SEC. 542. AUTHORITY FOR ARMY WAR COLLEGE TO AWARD DEGREE OF MASTER OF STRATEGIC STUDIES.

(a) AUTHORITY.—Chapter 401 of title 10, United States Code, is amended by adding at the end the following new section:

§ 4321. United States Army War College: master of strategic studies degree

''Under regulations prescribed by the Secretary of the Army, the Commandant of the United States Army War College, upon the recommendation of the faculty and dean of the college, may confer the degree of master of strategic studies upon graduates of the college who have fulfilled the requirements for that degree.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''4321. United States Army War College: master of strategic studies degree.''.

SEC. 543. AUTHORITY FOR AIR UNIVERSITY TO AWARD GRADUATE-LEVEL DEGREES.

(a) IN GENERAL.—Subsection (a) of section 9317 of title 10, United States Code, is amended to read as follows:

''(a) AUTHORITY.—Upon recommendation of the faculty of the appropriate school, the commander of the Air University may confer—

''(1) the degree of master of strategic studies upon graduates of the Air War College who fulfill the requirements for that degree;

''(2) the degree of master of military operational art and science upon graduates of the Air Command and Staff College who fulfill the requirements for that degree; and

''(3) the degree of master of airpower art and science upon graduates of the School of Advanced Air power Studies who fulfill the requirements for that degree.''.

(b) CLERICAL AMENDMENTS.—(1) The heading for that section is amended to read:

''§ 9317. Air University: graduate-level degrees''.

(2) The item relating to that section in the table of sections at the beginning of chapter 901 of such title is amended to read as follows:

''9317. Air University: graduate-level degrees.''.

SEC. 544. CORRECTION OF RESERVE CREDIT FOR PARTICIPATION IN HEALTH PROFESSIONAL SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

Section 2126(b) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking ''only for'' and all that follows through ''Award of'' and inserting ''only for the award of''; and

(B) by striking subparagraph (B);

(2) in paragraph (3) by striking ''paragraph (2)(A), a member'' and inserting ''paragraph (2), a member who completes a satisfactory year of service in the Selected Reserve'';

(3) by redesignating paragraph (5) as paragraph (6); and

(4) by inserting after paragraph (4) the following new paragraph (5):

''(5) A member of the Selected Reserve who is awarded points or service credit under this subsection shall not be considered to have been in an active status, by reason of the award of the points or credit, while pursuing a course of study under this subchapter for purposes of any provision of law other than sections 12732(a) and 12733(3) of this title.''.

SEC. 545. PERMANENT EXPANSION OF ROTC PROGRAM TO INCLUDE GRADUATE STUDENTS.

(a) PERMANENT AUTHORITY FOR THE ROTC GRADUATE PROGRAM.—Paragraph (2) of section 2107(c)(2) of title 10, United States Code, is amended to read as follows:

''(2) The Secretary concerned may provide financial assistance, as described in paragraph (1), to a student enrolled in an advanced education program beyond the baccalaureate degree level if the student also is a cadet or midshipman in an advanced training program. Not more than 15 percent of the total number of scholarships awarded under this section in any year may be awarded under the program.''.

(b) AUTHORITY TO ENROLL IN ADVANCED TRAINING PROGRAM.—Section 2101(3) of title 10, United States Code, is amended by inserting ''students enrolled in an advanced education program beyond the baccalaureate degree level or to'' after ''instruction offered in the Senior Reserve Officers' Training Corps to''.

SEC. 546. INCREASE IN MONTHLY SUBSISTENCE ALLOWANCE FOR SENIOR ROTC CADETS SELECTED FOR ADVANCED TRAINING.

(a) INCREASE.—Section 209(a) of title 37, United States Code, is amended by striking ''$150 a month'' and inserting ''$200 a month''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999.

SEC. 547. CONTINGENT FUNDING INCREASE FOR JUNIOR ROTC PROGRAM.

(a) IN GENERAL.—(1) Chapter 102 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2033. Contingent funding increase

''If for any fiscal year the amount appropriated for the National Guard Challenge Program under section 509 of title 32 is in excess of $62,500,000, the Secretary of Defense shall (notwithstanding any other provision of law) make the amount in excess of $62,500,000 available for the Junior Reserve Officers' Training Corps program under section 2031 of this title, and such excess amount may not be used for any other purpose.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2033. Contingent funding increase.''.

(b) EFFECTIVE DATE.—Section 2033 of title 10, United States Code, as added by subsection (a), shall apply only with respect to funds appropriated for fiscal years after fiscal year 1999.

SEC. 548. CHANGE FROM ANNUAL TO BIENNIAL REPORTING UNDER THE RESERVE COMPONENT MONTGOMERY GI BILL.

(a) IN GENERAL.—Section 16137 of title 10, United States Code, is amended to read as follows:

''§ 16137. Biennial report to Congress

''The Secretary of Defense shall submit to Congress a report not later than March 1 of each odd-numbered year concerning the operation of the educational assistance program established by this chapter during the preceding two fiscal years. Each such report shall include the number of members of the Selected Reserve of the Ready Reserve of each armed force receiving, and the number entitled to receive, educational assistance under this chapter during those fiscal years.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1606 of such title is amended to read as follows:

''16137. Biennial report to Congress.''.

SEC. 549. RECODIFICATION AND CONSOLIDATION OF STATUTES DENYING FEDERAL GRANTS AND CONTRACTS BY CERTAIN DEPARTMENTS AND AGENCIES TO INSTITUTIONS OF HIGHER EDUCATION THAT PROHIBIT SENIOR ROTC UNITS OR MILITARY RECRUITING ON CAMPUS.

(a) RECODIFICATION AND CONSOLIDATION FOR LIMITATIONS ON FEDERAL GRANTS AND CONTRACTS.—(1) Section 983 of title 10, United States Code, is amended to read as follows:

''§ 983. Institutions of higher education that prevent ROTC access or military recruiting on campus: denial of grants and contracts from Department of Defense, Department of Education, and certain other departments and agencies

''(a) DENIAL OF FUNDS FOR PREVENTING ROTC ACCESS TO CAMPUS.—No funds described in subsection (d) may be provided by contract or by grant (including a grant of funds to be available for student aid) to a covered educational entity if the Secretary of Defense determines that the covered educational entity has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents—

''(1) the Secretary of a military department from maintaining, establishing, or operating a unit of the Senior Reserve Officer Training Corps (in accordance with section 654 of this title and other applicable Federal laws) at the covered educational entity; or

''(2) a student at the covered educational entity from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

''(b) DENIAL OF FUNDS FOR PREVENTING MILITARY RECRUITING ON CAMPUS.—No funds described in subsection (d) may be provided by contract or by grant (including a grant of funds to be available for student aid) to a covered educational entity if the Secretary of Defense determines that the covered educational entity has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents—

''(1) the Secretary of a military department from gaining entry to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of military recruiting; or

''(2) access by military recruiters for purposes of military recruiting to the following information pertaining to students (who are 17 years of age or older) enrolled at the covered educational entity:

''(A) Names, addresses, and telephone listings.

''(B) Date and place of birth, levels of education, academic majors, degrees received, and the most recent educational institution enrolled in by the student.

''(c) EXCEPTIONS.—The limitation established in subsection (a) or (b) shall not apply to a covered educational entity if the Secretary of Defense determines that—

''(1) the covered educational entity has ceased the policy or practice described in that subsection; or

''(2) the institution of higher education involved has a longstanding policy of pacifism based on historical religious affiliation.

''(d) COVERED FUNDS.—The limitations established in subsections (a) and (b) apply to the following:

''(1) Any funds made available for the Department of Defense.

''(2) Any funds made available in a Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

''(e) NOTICE OF DETERMINATIONS.—Whenever the Secretary of Defense makes a determination under subsection (a), (b), or (c), the Secretary—

''(1) shall transmit a notice of the determination to the Secretary of Education and to Congress; and

''(2) shall publish in the Federal Register a notice of the determination and the effect of the determination on the eligibility of the covered educational entity for contracts and grants.

''(f) SEMIANNUAL NOTICE IN FEDERAL REGISTER.—The Secretary of Defense shall publish in the Federal Register once every six months a list of each covered educational entity that is currently ineligible for contracts and grants by reason of a determination of the Secretary under subsection (a) or (b).

''(g) COVERED EDUCATIONAL ENTITY.—In this section, the term 'covered educational entity' means an institution of higher education, or a subelement of an institution of higher education.''.

(2) The item relating to section 983 in the table of sections at the beginning of such chapter is amended to read as follows:

''983. Institutions of higher education that prevent ROTC access or military recruiting on campus: denial of grants and contracts from Department of Defense, Department of Education, and certain other departments and agencies.''.

(b) REPEAL OF CODIFIED PROVISIONS.—The following provisions of law are repealed:

(1) Section 558 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 503 note).

(2) Section 514 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997 (as contained in section 101(e) of division A of Public Law 104–208; 110 Stat. 3009–270; 10 U.S.C. 503 note).

Subtitle F—Decorations and Awards

SEC. 551. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO CERTAIN PERSONS.

(a) WAIVER.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply to awards of decorations described in this section, the award of each such decoration having been determined by the Secretary of the military department concerned to be warranted in accordance with section 1130 of title 10, United States Code.

(b) DISTINGUISHED FLYING CROSS.—Subsection (a) applies to the award of the Distinguished Flying Cross for service during World War II or Korea (including multiple awards to the same individual) in the case of each individual concerning whom the Secretary of the Navy (or an officer of the Navy acting on behalf of the Secretary) submitted to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, during the period beginning on October 17, 1998, and ending on the day before the date of the enactment of this Act, a notice as provided in section 1130(b) of title 10, United States Code, that the award of the Distinguished Flying Cross to that individual is warranted and that a waiver of time restrictions prescribed by law for recommendation for such award is recommended.

SEC. 552. SENSE OF CONGRESS CONCERNING PRESIDENTIAL UNIT CITATION FOR CREW OF THE U.S.S. INDIANAPOLIS.

(a) FINDINGS.—Congress reaffirms the findings made in section 1052(a) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2844) that the heavy cruiser U.S.S. INDIANAPOLIS (CA–35)—

(1) served the people of the United States with valor and distinction throughout World War II in action against enemy forces in the Pacific Theater of Operations from December 7, 1941 to July 29, 1945;

(2) with her courageous and capable crew, compiled an impressive combat record during the war in the Pacific, receiving in the process 10 battle stars in actions from the Aleutians to Okinawa;

(3) rendered invaluable service in anti-shipping, shore bombardment, anti-air, and invasion support roles and serving as flagship for the Fifth Fleet under Admiral Raymond Spruance and flagship for the Third Fleet under Admiral William F. Halsey; and

(4) transported the world's first operational atomic bomb from the United States to the Island of Tinian, accomplishing that mission at a record average speed of 29 knots.

(b) FURTHER FINDINGS.—Congress further finds that—

(1) from participation in the earliest offensive actions in the Pacific during World War II to her pivotal role in delivering the weapon that brought the war to an end, the U.S.S. INDIANAPOLIS and her crew left an indelible imprint on the Nation's struggle to eventual victory in the war in the Pacific; and

(2) the selfless, courageous, and outstanding performance of duty by that ship and her crew throughout the war in the Pacific reflects great credit upon the ship and her crew, thus upholding the very highest traditions of the United States Navy.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the President should award a Presidential Unit Citation to the crew of the U.S.S. INDIANAPOLIS (CA–35) in recognition of the courage and skill displayed by the members of the crew of that vessel throughout World War II.

(2) A citation described in paragraph (1) may be awarded without regard to any provision of

law or regulation prescribing a time limitation that is otherwise applicable with respect to recommendation for, or the award of, such a citation.

Subtitle G—Other Matters

SEC. 561. REVISION IN AUTHORITY TO ORDER RETIRED MEMBERS TO ACTIVE DUTY.

(a) PERIOD OF RECALL SERVICE FOR RETIRED MEMBERS ORDERED TO ACTIVE DUTY.—Section 688(e) of title 10, United States Code, is amended by striking ''for more than 12 months within 24 months'' and inserting ''for more than 36 months within 48 months''.

(b) LIMITATION ON NUMBER.—Section 690(b)(1) of such title is amended by striking ''Not more than 25 officers'' and inserting ''In addition to the officers subject to subsection (a), not more than 150 officers''.

(c) EXCLUSION FROM LIMITATION OF MEMBERS OF RETIREE COUNCILS.—Section 690(b)(2) of such title is amended by adding at the end the following new subparagraph:

''(D) Any officer assigned to duty as a member of the Army, Navy, or Air Force Retiree Council for the period of active duty to which ordered.''.

(d) EXCLUSION FROM LIMITATION OF OFFICERS RECALLED FOR 60 DAYS OR LESS.—Section 690 of such title is further amended—

(1) by striking the second sentence of subsection (a);

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection (c):

''(c) EXCLUSION FROM LIMITATIONS OF OFFICERS RECALLED FOR 60 DAYS OR LESS.—A retired officer ordered to active duty for a period of 60 days or less shall not be counted for the purposes of subsection (a) or (b).''.

SEC. 562. TEMPORARY AUTHORITY FOR RECALL OF RETIRED AVIATORS.

(a) AUTHORITY.—During the retired aviator recall period, the Secretary of a military department may recall to active duty any retired officer having expertise as an aviator to fill staff positions normally filled by active duty aviators. Any such recall may only be with the consent of the officer recalled.

(b) LIMITATION.—No more than a total of 500 officers may be on active duty at any time under subsection (a).

(c) TERMINATION.—Each officer recalled to active duty under subsection (a) during the retired aviator recall period shall be released from active duty not later than one year after the end of such period.

(d) WAIVERS.—Officers recalled to active duty under subsection (a) shall not be counted for purposes of section 668 or 690 of title 10, United States Code.

(e) RETIRED AVIATOR RECALL PERIOD.—For purposes of this section, the term ''retired aviator recall period'' means the period beginning on October 1, 1999, and ending on September 30, 2002.

(f) REPORT.—Not later than March 31, 2002, the Secretary of Defense submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report on the use of the authority under this section, together with the Secretary's recommendation for extension of that authority.

SEC. 563. SERVICE REVIEW AGENCIES COVERED BY PROFESSIONAL STAFFING REQUIREMENT.

Section 1555(c)(2) of title 10, United States Code, is amended by inserting ''the Navy Council of Personnel Boards and'' after ''Department of the Navy,''.

SEC. 564. CONFORMING AMENDMENT TO AUTHORIZE RESERVE OFFICERS AND RETIRED REGULAR OFFICERS TO HOLD A CIVIL OFFICE WHILE SERVING ON ACTIVE DUTY FOR NOT MORE THAN 270 DAYS.

Section 973(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking ''180 days'' and inserting ''270 days''; and

(2) in subparagraph (C), by striking ''180 days'' and inserting ''270 days''.

SEC. 565. REVISION TO REQUIREMENT FOR HONOR GUARD DETAILS AT FUNERALS OF VETERANS.

(a) COMPOSITION OF HONOR GUARD DETAILS.—Subsection (b) of section 1491 of title 10, United States Code, is amended by striking ''consists of'' and all that follows through the period and inserting ''consists of not less than two persons, who shall, at a minimum, perform a ceremony to fold and present a United States flag to the deceased veteran's family and who shall (unless a bugler is part of the detail) have the capability to play a recorded version of Taps. At least one member of an honor guard detail provided in response to a request to the Department of Defense shall be a member of the same armed force as the deceased veteran.''.

(b) SUPPORT FOR NONGOVERNMENTAL ORGANIZATIONS.—Such section is further amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (h), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) SUPPORT FOR NONGOVERNMENTAL ORGANIZATIONS.—The Secretary of a military department may provide material, equipment, and training to support nongovernmental organizations, as necessary for the support of honor guard activities.''.

(c) IMPLEMENTING OSD REGULATIONS.—Subsection (e) of such section, as redesignated by subsection (b)(1), is amended by striking the last two sentences and inserting the following: ''The Secretary shall require that procedures be established by the Secretaries of the military departments for coordinating and responding to requests for honor guard details, for establishing standards and protocols for, responding to requests for and conducting military funeral honors, and for providing training and quality control.''.

(d) WAIVER AUTHORITY.—Such section is further amended by inserting after subsection (f), as redesignated by subsection (b)(1), the following new subsection:

''(g) WAIVER AUTHORITY.—(1) The Secretary of Defense may waive any of the provisions of this section when the Secretary determines that such a waiver is necessary because of a contingency operation or when the Secretary otherwise considers such a waiver to be necessary to meet military requirements. The authority to make such a waiver may not be delegated to any official of a military department other than the Secretary of the military department and may not be delegated within the Office of the Secretary of Defense to an official at a level below Under Secretary of Defense.''.

''(2) Whenever a waiver is granted under paragraph (1), the Secretary of Defense shall promptly submit notice of the waiver to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.''.

(e) COVERAGE OF CERTAIN RESERVISTS.—Such section is further amended by striking the period at the end of subsection (h), as redesignated by subsection (b)(1), and inserting ''and includes a deceased member or former member of the Selected Reserve described in section 2301(f) of title 38.''.

(f) AUTHORITY TO ACCEPT VOLUNTARY SERVICES.—Section 1588(a) of such title is amended by adding at the end the following new paragraph:

''(4) Voluntary services as a member of an honor guard detail under section 1491 of this title.''.

(g) EFFECTIVE DATE.—(1) Section 1491 of title 10, United States Code, as amended by this section, shall apply with respect to funerals of veterans that occur after December 31, 1999.

(2) Subsection (a) of such section is amended by striking ''that occurs after December 31, 1999''.

(h) NATIONAL GUARD FUNERAL HONORS DUTY.—(1) Section 114 of title 32, United States Code, is amended—

(A) by striking ''honor guard'' both places it appears and inserting ''funeral honors''; and

(B) by striking ''otherwise required'' and inserting '', but may be performed as funeral honors duty as prescribed in section 115 of this title''.

(2) Chapter 1 of such title is amended by adding at the end the following new section:

''§ 115. Funeral honors duty performed as a Federal function

''(a) Under regulations prescribed by the Secretary of Defense, a member of the Army National Guard of the United States or the Air National Guard of the United States may be ordered to funeral honors duty, with the consent of the member, to prepare for or perform funeral honors functions at the funeral of a veteran (as defined in section 1491 of title 10).

''(b) A member ordered to funeral honors duty under this section shall be required to perform a minimum of two hours of such duty in order to receive service credit under section 1273(a)(2)(E) of title 10 and compensation under section 435 of title 37 if authorized by the Secretary concerned.

''(c) Funeral honors duty (and travel directly to and from that duty) under this section shall be treated as the equivalent of inactive-duty training (and travel directly to and from that training) for the purposes of this section and the provisions of title 10, title 37, and title 38, including provisions relating to the determination of eligibility for and the receipt of benefits and entitlements provided under those titles for Reserves performing inactive-duty training and for their dependents and survivors, except that a member is not entitled by reason of performance of funeral honors duty to any pay, allowances, or other compensation provided for in title 37 other than that provided in section 435 of that title and in subsection (d).

''(d) A member who performs funeral honors duty under this section is entitled to reimbursement for travel and transportation expenses incurred in conjunction with such duty as authorized under chapter 7 of title 37, if such duty is performed at a location 50 miles or more from the member's residence.''.

(3)(A) The heading of section 114 of such title is amended to read as follows:

''§ 114. Funeral honors functions at funerals for veterans''.

(B) The table of sections at the beginning of chapter 1 of such title is amended by striking the item relating to section 114 and inserting the following:

''114. Funeral honors functions at funerals for veterans.

''115. Funeral honors duty performed as a Federal function.''.

(i) READY RESERVE FUNERAL HONORS DUTY.—(1)(A) Chapter 1213 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 12503. Ready Reserve: funeral honors duty

''(a) Under regulations prescribed by the Secretary of Defense, a member of the Ready Reserve may be ordered to funeral honors duty, with the consent of the member, in preparation for or to perform funeral honors functions at the funeral of a veteran (as defined in section 1491 of this title). However, a member of the Army National Guard of the United States or the Air National Guard of the United States may not be ordered to perform funeral honors functions under this section without the consent of the Governor or other appropriate authority of the State concerned.

''(b) A member ordered to funeral honors duty under this section shall be required to perform a minimum of two hours of such duty in order to

receive service credit under section 12732(a)(2)(E) of this title and compensation under section 435 of title 37 if authorized by the Secretary concerned.

''(c) Funeral honors duty (and travel directly to and from that duty) under this section shall be treated as the equivalent of inactive-duty training (and travel directly to and from that training) for the purposes of this title, title 37, and title 38, including provisions relating to the determination of eligibility for and receipt of benefits and entitlements provided under those titles for Reserves performing inactive-duty training and for their dependents and survivors, except that a member is not entitled by reason of performance of funeral honors duty to any pay, allowances, or other compensation provided for in title 37 other than that provided in section 435 of that title and in subsection (d).

''(d) A member who performs funeral honors duty under this section is entitled to reimbursement for travel and transportation expenses incurred in conjunction with such duty as authorized under chapter 7 of title 37, if such duty is performed at a location 50 miles or more from the member's residence.''.

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''12503. Ready Reserve: funeral honors duty.''.

(2)(A) Section 12552 of such title is amended to read as follows:

''§ 12552. Funeral honors functions at funerals for veterans

''Performance by a Reserve of funeral honors functions at the funeral of a veteran (as defined in section 1491 of this title) may not be considered to be a period of drill or training, but may be performed as funeral honors duty under section 12503 of this title.''.

(B) The item relating to such section in the table of sections at the beginning of chapter 1215 of such title is amended to read as follows:

''12552. Funeral honors functions at funerals for veterans.''.

(j) CREDITING FOR RETIREMENT PURPOSES.—Paragraph (2) of section 12732(a) of title 10, United States Code, is amended—

(1) by inserting after subparagraph (D) the following new subparagraph:

''(E) One point for each day in which funeral honors functions were performed under section 12503 of this title or section 115 of title 32.''; and

(2) by striking ''and (D)'' in the last sentence of such paragraph and inserting ''(D), and (E)''.

(k) ALLOWANCE FOR FUNERAL HONORS DUTY.—(1) Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 435. Funeral honors duty: flat rate allowance

''(a) ALLOWANCE AUTHORIZED.—Under uniform regulations prescribed by the Secretary of Defense, a member of the Ready Reserve of an armed force may be paid an allowance of $50, at the discretion of the Secretary concerned, for funeral honors duty performed pursuant to section 12305 of title 10 or section 115 of title 32, if the member is engaged in the performance of that duty for at least two hours.

''(b) RELATION TO PERFORMANCE OF FUNERAL HONORS DUTY.—The allowance under this section shall constitute the single, flat-rate monetary allowance authorized for the performance of funeral honors duty pursuant to section 12503 of title 10 or section 115 of title 32 and shall constitute payment in full to the member, regardless of grade in which serving.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''435. Funeral honors duty: flat rate allowance.''.

SEC. 566. PURPOSE AND FUNDING LIMITATIONS FOR NATIONAL GUARD CHALLENGE PROGRAM.

(a) PROGRAM AUTHORITY AND PURPOSE.—Subsection (a) of section 509 of title 32, United States Code, is amended to read as follows:

''(a) PROGRAM AUTHORITY AND PURPOSE.—The Secretary of Defense, acting through the Chief of the National Guard Bureau, may use the National Guard to conduct a civilian youth opportunities program, to be known as the 'National Guard Challenge Program', which shall consist of at least a 22-week residential program and a 12-month post-residential mentoring period. The National Guard Challenge Program shall seek to improve life skills and employment potential of participants by providing military-based training and supervised work experience, together with the core program components of assisting participants to receive a high school diploma or its equivalent, leadership development, promoting fellowship and community service, developing life coping skills and job skills, and improving physical fitness and health and hygiene.''.

(b) ANNUAL FUNDING LIMITATION.—Subsection (b) of such section is amended by striking ''$50,000,000'' and inserting ''$62,500,000''.

SEC. 567. ACCESS TO SECONDARY SCHOOL STUDENTS FOR MILITARY RECRUITING PURPOSES.

Section 503 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) Each local educational agency is requested to provide to the Department of Defense, upon a request made for military recruiting purposes, the same access to secondary school students, and to directory information concerning such students, as is provided generally to post-secondary educational institutions or to prospective employers of those students.''.

SEC. 568. SURVEY OF MEMBERS LEAVING MILITARY SERVICE ON ATTITUDES TOWARD MILITARY SERVICE.

(a) EXIT SURVEY.—The Secretary of Defense shall develop and implement a survey on attitudes toward military service to be completed by all members of the Armed Forces who during the period beginning on January 1, 2000, and ending on June 30, 2000, are discharged or separated from the Armed Forces or transfer from a regular component to a reserve component.

(b) MATTERS TO BE COVERED.—The survey shall, at a minimum, cover the following subjects:

(1) Reasons for leaving military service.

(2) Command climate.

(3) Attitude toward civilian and military leadership.

(4) Attitude toward pay and benefits.

(5) Job satisfaction.

(6) Such other matters as the Secretary determines appropriate to the survey concerning reasons why military personnel are leaving military service.

(c) REPORT TO CONGRESS.—Not later than October 1, 2000, the Secretary shall submit to Congress a report containing the results of the survey under subsection (a). The Secretary shall compile the information in the report so as to assist in assessing reasons why military personnel are leaving military service.

SEC. 569. IMPROVEMENT IN SYSTEM FOR ASSIGNING PERSONNEL TO WARFIGHTING UNITS.

(a) REVIEW OF PERSONNEL ASSIGNMENT SYSTEMS.—The Secretary of each military department shall review the military personnel system under that Secretary's jurisdiction in order to identify those policies that prevent warfighting units from being fully manned.

(b) REVISION TO POLICIES.—Following the review under subsection (a), the Secretary shall alter the policies identified in the review with the goal of raising the priority in the personnel system for the assignment of personnel to warfighting units.

(c) REPORT.—Not later than December 31, 2000, the Secretary shall submit to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives a report on the changes to the military personnel system under that Secretary's jurisdiction that have been, or will be, adopted under subsection (b).

(d) DEFINITION.—For the purposes of this section, the term ''warfighting unit'' means a battalion, squadron, or vessel that (1) has a combat, combat support, or combat service support mission, and (2) is not considered to be in the supporting establishment for its service.

SEC. 570. REQUIREMENT FOR DEPARTMENT OF DEFENSE REGULATIONS TO PROTECT THE CONFIDENTIALITY OF COMMUNICATIONS BETWEEN DEPENDENTS AND PROFESSIONALS PROVIDING THERAPEUTIC OR RELATED SERVICES REGARDING SEXUAL OR DOMESTIC ABUSE.

(a) IN GENERAL.—(1) Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1562. Confidentiality of communications between dependents and professionals providing therapeutic or related services regarding sexual or domestic abuse

''(a) REGULATIONS.—The Secretary of Defense shall prescribe in regulations such policies and procedures as the Secretary considers necessary to provide the maximum possible protection for the confidentiality of communications described in subsection (b) relating to misconduct described in that subsection. Those regulations shall be consistent with—

''(1) the standards of confidentiality and ethical standards issued by relevant professional organizations;

''(2) applicable requirements of Federal and State law;

''(3) the best interest of victims of sexual harassment, sexual assault, or intrafamily abuse; and

''(4) such other factors as the Secretary, in consultation with the Attorney General, considers appropriate.

''(b) COVERED COMMUNICATIONS.—Subsection (a) applies to communications between—

''(1) a dependent of a member of the armed forces who—

''(A) is a victim of sexual harassment, sexual assault, or intrafamily abuse; or

''(B) has engaged in such misconduct; and

''(2) a therapist, counselor, advocate, or other professional from whom the dependent seeks professional services in connection with effects of such misconduct.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1562. Confidentiality of communications between dependents and professionals providing therapeutic or related services regarding sexual or domestic abuse.''.

(b) GAO STUDY.—(1) The Comptroller General shall study the policies, procedures, and practices of the military departments for protecting the confidentiality of communications between—

(A) a dependent of a member of the Armed Forces who—

(i) is a victim of sexual harassment, sexual assault, or intrafamily abuse; or

(ii) has engaged in such misconduct; and

(B) a therapist, counselor, advocate, or other professional from whom the dependent seeks professional services in connection with effects of such misconduct.

(2) The Comptroller General shall conclude the study and submit to the Secretary of Defense and Congress a report on the results of the study. The report shall be submitted not later than 180 days after the date of the enactment of this Act.

(c) INITIAL REGULATIONS.—The initial regulations under section 1562 of title 10, United States

Code, as added by subsection (a), shall be prescribed not later than 90 days after the date on which the Secretary of Defense receives the report of the Comptroller General under subsection (b). In prescribing those regulations, the Secretary shall ensure that those regulations are consistent with the findings of the Comptroller General in that report.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2000 INCREASE IN MILITARY BASIC PAY AND REFORM OF BASIC PAY RATES.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2000 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) JANUARY 1, 2000, INCREASE IN BASIC PAY.—Effective on January 1, 2000, the rates of monthly basic pay for members of the uniformed services are increased by 4.8 percent.

(c) REFORM OF BASIC PAY RATES.—Effective on July 1, 2000, the rates of monthly basic pay for members of the uniformed services within each pay grade are as follows:

COMMISSIONED OFFICERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O–10[2] ...	$0.00	$0.00	$0.00	$0.00	$0.00
O–9	0.00	0.00	0.00	0.00	0.00
O–8	6,594.30	6,810.30	6,953.10	6,993.30	7,171.80
O–7	5,479.50	5,851.80	5,851.50	5,894.40	6,114.60
O–6	4,061.10	4,461.60	4,754.40	4,754.40	4,772.40
O–5	3,248.40	3,813.90	4,077.90	4,127.70	4,291.80
O–4	2,737.80	3,333.90	3,556.20	3,606.04	3,812.40
O–3[3]	2,544.00	2,884.20	3,112.80	3,364.80	3,525.90
O–2[3]	2,218.80	2,527.20	2,910.90	3,000.00	3,071.10
O–1[3]	1,926.30	2,004.90	2,423.10	2,423.10	2,423.10
	Over 8	Over 10	Over 12	Over 14	Over 16
O–10[2] ...	$0.00	$0.00	$0.00	$0.00	$0.00
O–9	0.00	0.00	0.00	0.00	0.00
O–8	7,471.50	7,540.80	7,824.60	7,906.20	8,150.10
O–7	6,282.00	6,475.80	6,669.00	6,863.10	7,471.50
O–6	4,976.70	5,004.00	5,004.00	5,169.30	5,791.20
O–5	4,291.80	4,420.80	4,659.30	4,971.90	5,286.00
O–4	3,980.40	4,251.50	4,464.00	4,611.00	4,758.90
O–3[3]	3,702.60	3,850.20	4,040.40	4,139.10	4,139.10
O–2[3]	3,071.10	3,071.10	3,071.10	3,071.10	3,071.10
O–1[3]	2,423.10	2,423.10	2,423.10	2,423.10	2,423.10
	Over 18	Over 20	Over 22	Over 24	Over 26
O–10[2] ...	$0.00	$10,655.10	$10,707.60	$10,930.20	$11,318.40
O–9	0.00	9,319.50	9,453.60	9,647.70	9,986.40
O–8	8,503.80	8,830.20	9,048.00	9,048.00	9,048.00
O–7	7,985.40	7,985.40	7,985.40	7,985.40	8,025.60
O–6	6,086.10	6,381.30	6,549.00	6,719.10	7,049.10
O–5	5,436.00	5,583.60	5,751.90	5,751.90	5,751.90
O–4	4,808.70	4,808.70	4,808.70	4,808.70	4,808.70
O–3[3]	4,139.10	4,139.10	4,139.10	4,139.10	4,139.10
O–2[3]	3,071.10	3,071.10	3,071.10	3,071.10	3,071.10
O–1[3]	2,423.10	2,423.10	2,423.10	2,423.10	2,423.10

[1] Notwithstanding the pay rates specified in this table, the actual basic pay for commissioned officers in grades 0–7 through O–10 may not exceed the rate of pay for level III of the Executive Schedule and the actual basic pay for all other officers, including warrant officers, may not exceed the rate of pay for level V of the Executive Schedule.

[2] Subject to the preceding footnote, while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, basic pay for this grade is calculated to be $12,441.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] This table does not apply to commissioned officers in the grade O–1, O–2, or O–3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O–3E	$0.00	$0.00	$0.00	$3,364.80	$3,525.90
O–2E	0.00	0.00	0.00	3,009.00	3,071.10
O–1E	0.00	0.00	0.00	2,423.10	2,588.40
	Over 8	Over 10	Over 12	Over 14	Over 16
O–3E	$3,702.60	$3,850.20	$4,040.40	$4,200.30	$4,291.80
O–2E	3,168.60	3,333.90	3,461.40	3,556.20	3,556.20
O–1E	2,683.80	2,781.30	2,877.60	3,009.00	3,009.00
	Over 18	Over 20	Over 22	Over 24	Over 26
O–3E	$4,416.90	$4,416.90	$4,416.90	$4,416.90	$4,416.90
O–2E	3,556.20	3,556.20	3,556.20	3,556.20	3,556.20
O–1E	3,009.00	3,009.00	3,009.00	3,009.00	3,009.00

WARRANT OFFICERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W–5	$0.00	$0.00	$0.00	$0.00	$0.00
W–4	2,592.00	2,788.50	2,868.60	2,947.50	3,083.40
W–3	2,355.90	2,555.40	2,555.40	2,588.40	2,694.30
W–2	2,063.40	2,232.60	2,232.60	2,305.80	2,423.10
W–1	1,719.00	1,971.00	1,971.00	2,135.70	2,232.60

WARRANT OFFICERS—Continued

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
	Over 8	Over 10	Over 12	Over 14	Over 16
W–5	$0.00	$0.00	$0.00	$0.00	$0.00
W–4	3,217.20	3,352.80	3,485.10	3,622.20	3,753.60
W–3	2,814.90	2,974.20	3,071.10	3,177.00	3,298.20
W–2	2,555.40	2,852.60	2,749.80	2,844.30	2,949.00
W–1	2,332.80	2,433.30	2,533.20	2,634.00	2,734.80
	Over 18	Over 20	Over 22	Over 24	Over 26
W–5	$0.00	$4,475.10	$4,628.70	$4,782.90	$4,937.40
W–4	3,888.00	4,019.00	4,155.60	4,289.70	4,427.10
W–3	3,418.50	3,539.10	3,659.40	3,780.00	3,900.90
W–2	3,058.40	3,163.80	3,270.90	3,378.30	3,378.30
W–1	2,835.00	2,910.90	2,910.90	2,910.90	2,910.90

ENLISTED MEMBERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E–9[2]	$0.00	$0.00	$0.00	$0.00	$0.00
E–8	0.00	0.00	0.00	0.00	0.00
E–7	1,765.80	1,927.80	2,001.00	2,073.00	2,147.70
E–6	1,518.90	1,678.20	1,752.60	1,824.30	1,899.30
E–5	1,332.60	1,494.00	1,566.00	1,640.40	1,714.50
E–4	1,242.90	1,373.10	1,447.20	1,520.10	1,593.90
E–3	1,171.50	1,260.60	1,334.10	1,335.90	1,335.90
E–2	1,127.40	1,127.40	1,127.40	1,127.40	1,127.40
E–1	[3] 1,005.60	1,005.60	1,005.60	1,005.60	1,005.60
	Over 8	Over 10	Over 12	Over 14	Over 16
E–9[2]	$0.00	$3,015.30	$3,083.40	$3,169.80	$3,271.50
E–8	2,528.40	2,601.60	2,669.70	2,751.60	2,840.10
E–7	2,220.90	2,294.10	2,367.30	2,439.30	2,514.00
E–6	1,973.10	2,047.20	2,118.60	2,191.50	2,244.60
E–5	1,789.50	1,861.50	1,936.20	1,936.20	1,936.20
E–4	1,593.90	1,593.90	1,593.90	1,593.90	1,593.90
E–3	1,335.90	1,335.90	1,335.90	1,335.90	1,335.90
E–2	1,127.40	1,127.40	1,127.40	1,127.40	1,127.40
E–1	1,005.60	1,005.60	1,005.60	1,005.60	1,005.60
	Over 18	Over 20	Over 22	Over 24	Over 26
E–9[2]	$3,373.20	$3,473.40	$3,609.30	$3,744.00	$3,915.80
E–8	2,932.50	3,026.10	3,161.10	3,295.50	3,483.60
E–7	2,588.10	2,660.40	2,787.60	2,926.20	3,134.40
E–6	2,283.30	2,283.30	2,285.70	2,285.70	2,285.70
E–5	1,936.20	1,936.20	1,936.20	1,936.20	1,936.20
E–4	1,593.90	1,593.90	1,593.90	1,593.90	1,593.90
E–3	1,335.90	1,335.90	1,335.90	1,335.90	1,335.90
E–2	1,127.40	1,127.40	1,127.40	1,123.20	1,127.40
E–1	1,005.60	1,005.60	1,005.60	1,005.60	1,005.60

[1] Notwithstanding the pay rates specified in this table, the actual basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

[2] Subject to the preceding footnote, while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, basic pay for this grade is $4,701.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] In the case of members in the grade E–1 who have served less than 4 months on active duty, basic pay is $930.30.

(d) LIMITATION ON PAY ADJUSTMENTS.—Section 1009(a) of title 37, United States Code, is amended—

(1) by inserting ''(1)'' before ''Whenever''; and

(2) by adding at the end the following new paragraph:

''(2) On and after April 30, 1999, the actual basic pay for commissioned officers in grades 0–7 through O–10 may not exceed the rate of pay for level III of the Executive Schedule, and the actual basic pay for all other officers and enlisted members may not exceed the rate of pay for level V of the Executive Schedule.''.

SEC. 602. PAY INCREASES FOR FISCAL YEARS AFTER FISCAL YEAR 2000.

Effective on October 1, 2000, subsection (c) of section 1009 of title 37, United States Code, is amended to read as follows:

''(c) PERCENTAGE INCREASE FOR ALL MEMBERS.—(1) Subject to subsection (d), an adjustment taking effect under this section during a fiscal year shall provide all eligible members with an increase in the monthly basic pay by the percentage equal to the sum of—

''(A) 0.5 percent; plus

''(B) the percentage calculated as provided under section 5303(a) of title 5.

''(2) The calculation required by paragraph (1)(B) shall be made without regard to whether rates of pay under the statutory pay systems (as defined in section 5302 of title 5) are actually increased during that fiscal year under section 5303 of such title by the percentage so calculated.''.

SEC. 603. ADDITIONAL AMOUNT AVAILABLE FOR FISCAL YEAR 2000 INCREASE IN BASIC ALLOWANCE FOR HOUSING INSIDE THE UNITED STATES.

In addition to the amount determined by the Secretary of Defense under section 403(b)(3) of title 37, United States Code, to be the total amount that may be paid during fiscal year 2000 for the basic allowance for housing for military housing areas inside the United States, $442,500,000 of the amount authorized to be appropriated by section 421 for military personnel shall be used by the Secretary to further increase the total amount available for the basic allowance for housing for military housing areas inside the United States.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of title 37, United States Code, is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of such title is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of such title is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of such title is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of such title is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(f) of such title is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking ''January 1, 2000'' and inserting ''January 1, 2001''.

SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

SEC. 613. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 1999,'' and inserting ''December 31, 2000,''.

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(c) ENLISTMENT BONUS FOR PERSONS WITH CRITICAL SKILLS.—Section 308a(d) of such title, as redesignated by section 618(b), is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(d) ARMY ENLISTMENT BONUS.—Section 308f(c) of such title is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(e) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of such title is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(f) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(g) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''October 1, 1998,'' and all that follows through the period at the end and inserting ''December 31, 2000.''.

SEC. 614. AVIATION CAREER INCENTIVE PAY FOR AIR BATTLE MANAGERS.

(a) AVAILABILITY OF INCENTIVE PAY.—Section 301a(b) of title 37, United States Code is amended by adding at the end the following new paragraph:

''(4) An officer serving as an air battle manager who is entitled to aviation career incentive pay under this section and who, before becoming entitled to aviation career incentive pay, was entitled to incentive pay under section 301(a)(11) of this title, is entitled to monthly incentive pay at a rate equal to the greater of the following:

''(A) The rate applicable under this subsection.

''(B) The rate at which the member was receiving incentive pay under section 301(c)(2)(A) of this title immediately before the member's entitlement to aviation career incentive pay under this section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

SEC. 615. EXPANSION OF AUTHORITY TO PROVIDE SPECIAL PAY TO AVIATION CAREER OFFICERS EXTENDING PERIOD OF ACTIVE DUTY.

(a) ELIGIBILITY CRITERIA.—Subsection (b) of section 301b of title 37, United States Code, is amended—

(1) by striking paragraphs (2) and (5);

(2) in paragraph (3), by striking ''grade O–6'' and inserting ''grade O–7'';

(3) by inserting ''and'' at the end of paragraph (4); and

(4) by redesignating paragraphs (3), (4), and (6) as paragraphs (2), (3), and (4), respectively.

(b) AMOUNT OF BONUS.—Subsection (c) of such section is amended by striking ''than—'' and all that follows through the period at the end and inserting ''than $25,000 for each year covered by the written agreement to remain on active duty.''.

(c) PRORATION AUTHORITY FOR COVERAGE OF INCREASED PERIOD OF ELIGIBILITY.—Subsection (d) of such section is amended by striking ''14 years of commissioned service'' and inserting ''25 years of aviation service''.

(d) REPEAL OF CONTENT REQUIREMENTS FOR ANNUAL REPORT.—Subsection (i)(1) of such section is amended by striking the second sentence.

(e) DEFINITIONS REGARDING AVIATION SPECIALTY.—Subsection (j) of such section is amended—

(1) by striking paragraphs (2) and (3); and

(2) by redesignating paragraph (4) as paragraph (2).

(f) TECHNICAL AMENDMENT.—Subsection (g)(3) of such section if amended by striking the second sentence.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

SEC. 616. DIVING DUTY SPECIAL PAY.

(a) INCREASE IN PAYMENT AMOUNT.—Subsection (b) of section 304 of title 37, United States Code, is amended—

(1) by striking ''$200'' and inserting ''$240''; and

(2) by striking ''$300'' and inserting ''$340''.

(b) RELATION TO HAZARDOUS DUTY INCENTIVE PAY.—Subsection (c) of such section 304 is amended to read as follows:

''(c) If, in addition to diving duty, a member is assigned by orders to one or more hazardous duties described in section 301 of this title, the member may be paid, for the same period of service, special pay under this section and incentive pay under such section 301 for each hazardous duty for which the member is qualified.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

SEC. 617. REENLISTMENT BONUS.

(a) MINIMUM MONTHS OF ACTIVE DUTY.—Subsection (a)(1)(A) of section 308 of title 37, United States Code, is amended by striking ''twenty-one months'' and inserting ''17 months''.

(b) AMOUNT OF BONUS.—Subsection (a)(2) of such section is amended—

(1) in subparagraph (A)(i), by striking ''ten'' and inserting ''15''; and

(2) in subparagraph (B), by striking ''$45,000'' and inserting ''$60,000''.

SEC. 618. ENLISTMENT BONUS.

(a) INCREASE IN BONUS AMOUNT.—Subsection (a) of section 308a of title 37, United States Code, is amended by striking ''$12,000'' and inserting ''$20,000''.

(b) PAYMENT METHODS.—Such section is further amended—

(1) in subsection (a), by striking the second sentence;

(2) by redesignating subsections (b) and (c) as subsections (c) and (d); and

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

''(b) PAYMENT METHODS.—A bonus under this section may be paid in a single lump sum, or in periodic installments, to provide an extra incentive for a member to successfully complete the training necessary for the member to be technically qualified in the skill for which the bonus is paid.''.

(c) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting ''BONUS AUTHORIZED; BONUS AMOUNT.—'' after ''(a)'';

(2) in subsection (c), as redesignated by subsection (b)(2) of this section, by inserting ''REPAYMENT OF BONUS.—'' after ''(c)''; and

(3) in subsection (d), as redesignated by subsection (b)(2) of this section, by inserting ''TERMINATION OF AUTHORITY.—'' after ''(d)''.

SEC. 619. REVISED ELIGIBILITY REQUIREMENTS FOR RESERVE COMPONENT PRIOR SERVICE ENLISTMENT BONUS.

Paragraph (2) of section 308i(a) of title 37, United States Code, is amended to read as follows:

''(2) A bonus may only be paid under this section to a person who meets each of the following requirements:

''(A) The person has completed a military service obligation, but has less than 14 years of total military service, and received an honorable discharge at the conclusion of that military service obligation.

''(B) The person was not released, or is not being released, from active service for the purpose of enlistment in a reserve component.

''(C) The person is projected to occupy, or is occupying, a position as a member of the Selected Reserve in a specialty in which the person—

''(i) successfully served while a member on active duty and attained a level of qualification while on active duty commensurate with the grade and years of service of the member; or

''(ii) has completed training or retraining in the specialty skill that is designated as critically short and attained a level of qualification in the specialty skill that is commensurate with the grade and years of service of the member.

''(D) The person has not previously been paid a bonus (except under this section) for enlistment, reenlistment, or extension of enlistment in a reserve component.''.

SEC. 620. INCREASE IN SPECIAL PAY AND BONUSES FOR NUCLEAR-QUALIFIED OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(a) of title 37, United States Code, is amended by striking ''$15,000'' and inserting ''$25,000''.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(a)(1) of such title is amended by striking ''$10,000'' and inserting ''$20,000''.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUSES.—Section 312c of such title is amended—

(1) in subsection (a)(1), by striking ''$12,000'' and inserting ''$22,000''; and

(2) in subsection (b)(1), by striking ''$5,500'' and inserting ''$10,000''.

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect on October 1, 1999.

(2) The amendments made by subsections (a) and (b) shall apply with respect to agreements accepted under section 312(a) and 312b(a), respectively, of title 37, United States Code, on or after October 1, 1999.

(3) The amendments made by subsection (c) shall apply with respect to nuclear service years beginning on or after October 1, 1999.

SEC. 621. INCREASE IN AUTHORIZED MONTHLY RATE OF FOREIGN LANGUAGE PROFICIENCY PAY.

(a) INCREASE.—Section 316(b) of title 37, United States Code, is amended by striking ''$100'' and inserting ''$300''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first

day of the first month that begins on or after the date of the enactment of this Act.

SEC. 622. AUTHORIZATION OF RETENTION BONUS FOR SPECIAL WARFARE OFFICERS EXTENDING PERIODS OF ACTIVE DUTY.

(a) BONUS AUTHORIZED.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 318. Special pay: special warfare officers extending period of active duty

''(a) SPECIAL WARFARE OFFICER DEFINED.—In this section, the term 'special warfare officer' means an officer of a uniformed service who—

''(1) is qualified for a military occupational specialty or designator identified by the Secretary concerned as a special warfare military occupational specialty or designator; and

''(2) is serving in a position for which that specialty or designator is authorized.

''(b) RETENTION BONUS AUTHORIZED.—A special warfare officer who meets the eligibility requirements specified in subsection (c) and who executes a written agreement, on or after October 1, 1999, to remain on active duty in special warfare service for at least one year may, upon the acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

''(c) ELIGIBLE OFFICERS.—A special warfare officer may apply to enter into an agreement referred to in subsection (b) if the officer—

''(1) is in pay grade O–3, or is in pay grade O–4 and is not on a list of officers recommended for promotion, at the time the officer applies to enter into the agreement;

''(2) has completed at least 6, but not more than 14, years of active commissioned service; and

''(3) has completed any service commitment incurred to be commissioned as an officer.

''(d) AMOUNT OF BONUS.—The amount of a retention bonus paid under this section may not be more than $15,000 for each year covered by the agreement.

''(e) PRORATION.—The term of an agreement under subsection (b) and the amount of the retention bonus payable under subsection (d) may be prorated as long as the agreement does not extend beyond the date on which the officer executing the agreement would complete 14 years of active commissioned service.

''(f) PAYMENT METHODS.—(1) Upon acceptance of an agreement under subsection (b) by the Secretary concerned, the total amount payable pursuant to the agreement becomes fixed.

''(2) The amount of the retention bonus may be paid as follows:

''(A) At the time the agreement is accepted by the Secretary concerned, the Secretary may make a lump sum payment equal to half the total amount payable under the agreement. The balance of the bonus amount shall be paid in equal annual installments on the anniversary of the acceptance of the agreement.

''(B) The Secretary concerned may make graduated annual payments under regulations prescribed by the Secretary, with the first payment being payable at the time the agreement is accepted by the Secretary and subsequent payments being payable on the anniversary of the acceptance of the agreement.

''(g) ADDITIONAL PAY.—A retention bonus paid under this section is in addition to any other pay and allowances to which an officer is entitled.

''(h) REPAYMENT.—(1) If an officer who has entered into an agreement under subsection (b) and has received all or part of a retention bonus under this section fails to complete the total period of active duty in special warfare service as specified in the agreement, the Secretary concerned may require the officer to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid the officer under this section.

''(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

''(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement entered into under subsection (a) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

''(i) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out this section, including the definition of the term 'special warfare service' for purposes of this section. Regulations prescribed by the Secretary of a military department under this section shall be subject to the approval of the Secretary of Defense.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 37, United States Code is amended by adding at the end the following new item:

''318. Special pay: special warfare officers extending period of active duty.''.

SEC. 623. AUTHORIZATION OF SURFACE WARFARE OFFICER CONTINUATION PAY.

(a) INCENTIVE PAY AUTHORIZED.—Chapter 5 of title 37, United States Code, is amended by inserting after section 318, as added by section 622, the following new section:

"§ 319. Special pay: surface warfare officer continuation pay

''(a) ELIGIBLE SURFACE WARFARE OFFICER DEFINED.—In this section, the term 'eligible surface warfare officer' means an officer of the Regular Navy or Naval Reserve on active duty who—

''(1) is qualified and serving as a surface warfare officer;

''(2) has been selected for assignment as a department head on a surface vessel; and

''(3) has completed any service commitment incurred through the officer's original commissioning program.

''(b) SPECIAL PAY AUTHORIZED.—An eligible surface warfare officer who executes a written agreement, on or after October 1, 1999, to remain on active duty to complete one or more tours of duty to which the officer may be ordered as a department head on a surface ship may, upon the acceptance of the agreement by the Secretary of the Navy, be paid an amount not to exceed $50,000.

''(c) PRORATION.—The term of the written agreement under subsection (b) and the amount payable under the agreement may be prorated.

''(d) PAYMENT METHODS.—Upon acceptance of the written agreement under subsection (b) by the Secretary of the Navy, the total amount payable pursuant to the agreement becomes fixed. The Secretary shall prepare an implementation plan specifying the amount of each installment payment under the agreement and the times for payment of the installments.

''(e) ADDITIONAL PAY.—Any amount paid under this section is in addition to any other pay and allowances to which an officer is entitled.

''(f) REPAYMENT.—(1) If an officer who has entered into a written agreement under subsection (b) and has received all or part of the amount payable under the agreement fails to complete the total period of active duty as a department head on a surface ship specified in the agreement, the Secretary of the Navy may require the officer to repay the United States, to the extent that the Secretary of the Navy determines conditions and circumstances warrant, any or all sums paid under this section.

''(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owned to the United States.

''(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement entered into under subsection (b) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

''(g) REGULATIONS.—The Secretary of the Navy shall prescribe regulations to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item relating to section 318 the following new item:

''319. Special pay: surface warfare officer continuation pay''.

SEC. 624. AUTHORIZATION OF CAREER ENLISTED FLYER INCENTIVE PAY.

(a) INCENTIVE PAY AUTHORIZED.—Chapter 5 of title 37, United States Code, is amended by inserting after section 319, as added by section 623, the following new section:

"§ 320. Incentive pay: career enlisted flyers

''(a) ELIGIBLE CAREER ENLISTED FLYER DEFINED.—In this section, the term 'eligible career enlisted flyer' means an enlisted member of the armed forces who—

''(1) is entitled to basic pay under section 204 of this title, or is entitled to pay under section 206 of this title as described in subsection (e) of this section;

''(2) holds an enlisted military occupational specialty or enlisted military rating designated as a career enlisted flyer specialty or rating by the Secretary concerned, performs duty as a dropsonde system operator, or is in training leading to qualification and designation of such a specialty or rating or the performance of such duty;

''(3) is qualified for aviation service under regulations prescribed by the Secretary concerned; and

''(4) satisfies the operational flying duty requirements applicable under subsection (c).

''(b) INCENTIVE PAY AUTHORIZED.—(1) The Secretary concerned may pay monthly incentive pay to an eligible career enlisted flyer in an amount not to exceed the monthly maximum amounts specified in subsection (d). The incentive pay may be paid as continuous monthly incentive pay or on a month-to-month basis, dependent upon the operational flying duty performed by the eligible career enlisted flyer as prescribed in subsection (c).

''(2) Continuous monthly incentive pay may not be paid to an eligible career enlisted flyer after the member completes 25 years of aviation service. Thereafter, an eligible career enlisted flyer may still receive incentive pay on a month-to-month basis under subsection (c)(4) for the frequent and regular performance of operational flying duty.

''(c) OPERATIONAL FLYING DUTY REQUIREMENTS.—(1) An eligible career enlisted flyer must perform operational flying duties for 6 of the first 10, 9 of the first 15, and 14 of the first 20 years of aviation service, to be eligible for continuous monthly incentive pay under this section.

''(2) Upon completion of 10, 15, or 20 years of aviation service, an enlisted member who has not performed the minimum required operational flying duties specified in paragraph (1) during the prescribed period, although otherwise meeting the definition in subsection (a), may no longer be paid continuous monthly incentive pay except as provided in paragraph (3). Payment of continuous monthly incentive pay if the member meets the minimum operational flying duty requirement upon completion of the next established period of aviation service.

''(3) For the needs of the service, the Secretary concerned may permit, on a case-by-case basis, a member to continue to receive continuous monthly incentive pay despite the member's failure to perform the operational flying duty required during the first 10, 15, or 20 years of aviation service, but only if the member otherwise meets the definition in subsection (a) and has performed at least 5 years of operational flying duties during the first 10 years of aviation service, 8 years of operational flying duties during the first 15 years of aviation service, or

12 years of operational flying duty during the first 20 years of aviation service. The authority of the Secretary concerned under this paragraph may not be delegated below the level of the Service Personnel Chief.

''(4) If the eligibility of an eligible career enlisted flyer to continuous monthly incentive pay ceases under subsection (b)(2) or paragraph (2), the member may still receive month-to-month incentive pay for subsequent frequent and regular performance of operational flying duty. The rate payable is the same rate authorized by the Secretary concerned under subsection (d) for a member of corresponding years of aviation service.

''(d) MONTHLY MAXIMUM INCENTIVE PAY.—The monthly rate for incentive pay under this section may not exceed the amounts specified in the following table for the applicable years of aviation service:

''Years of aviation service:	Monthly rate
4 or less	$150
Over 4	$225
Over 8	$350
Over 14	$400

''(e) ELIGIBILITY OF RESERVE COMPONENT MEMBERS WHEN PERFORMING INACTIVE DUTY TRAINING.—Under regulations prescribed by the Secretary concerned, when a member of a reserve component or the National Guard, who is entitled to compensation under section 206 of this title, meets the definition of eligible career enlisted flyer, the Secretary concerned may increase the member's compensation by an amount equal to 1/30 of the monthly incentive pay authorized by the Secretary concerned under subsection (d) for a member of corresponding years of aviation service who is entitled to basic pay under section 204 of this title. The reserve component member may receive the increase for as long as the member is qualified for it, for each regular period of instruction or period of appropriate duty, at which the member is engaged for at least two hours, or for the performance of such other equivalent training, instruction, duty or appropriate duties, as the Secretary may prescribe under section 206(a) of this title.

''(f) RELATION TO HAZARDOUS DUTY INCENTIVE PAY OR DIVING DUTY SPECIAL PAY.—A member receiving special pay under section 301(a) or 304 of this title may not be paid incentive pay under this section for the same period of service.

''(g) SAVE PAY PROVISION.—If, immediately before a member receives incentive pay under this section, the member was entitled to incentive pay under section 301(a) of this title, the rate at which the member is paid incentive pay under this section shall be equal to the higher of the monthly amount applicable under subsection (d) or the rate of incentive pay the member was receiving under subsection (b) or (c)(2)(A) of section 301 of this title.

''(h) SPECIALTY CODE OF DROPSONDE SYSTEM OPERATORS.—Within the Air Force, the Secretary of the Air Force shall assign to members who are dropsonde system operators a specialty code that identifies such members as serving in a weather specialty.

''(i) DEFINITIONS.—In this section:

''(1) The term 'aviation service' means participation in aerial flight performed, under regulations prescribed by the Secretary concerned, by an eligible career enlisted flyer.

''(2) The term 'operational flying duty' means flying performed under competent orders while serving in assignments, including an assignment as a dropsonde system operator, in which basic flying skills normally are maintained in the performance of assigned duties as determined by the Secretary concerned, and flying duty performed by members in training that leads to the award of an enlisted aviation rating or military occupational specialty designated as a career enlisted flyer rating or specialty by the Secretary concerned.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item relating to section 319 the following new item:

''320. Incentive pay: career enlisted flyers.''.

SEC. 625. AUTHORIZATION OF JUDGE ADVOCATE CONTINUATION PAY.

(a) INCENTIVE PAY AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 320, as added by section 624, the following new section:

''§321. Special pay: judge advocate continuation pay

''(a) ELIGIBLE JUDGE ADVOCATE DEFINED.—In this section, the term 'eligible judge advocate' means an officer of the armed forces on full-time active duty who—

''(1) is qualified and serving as a judge advocate, as defined in section 801 of title 10; and

''(2) has completed any service commitment incurred through the officer's original commissioning program.

''(b) SPECIAL PAY AUTHORIZED.—An eligible judge advocate who executes a written agreement, on or after October 1, 1999, to remain on active duty for a period of obligated service specified in the agreement may, upon the acceptance of the agreement by the Secretary concerned, be paid an amount not to exceed $60,000.

''(c) PRORATION.—The term of the written agreement under subsection (b) and the amount payable under the agreement may be prorated.

''(d) PAYMENT METHODS.—Upon acceptance of the written agreement under subsection (b) by the Secretary concerned, the total amount payable pursuant to the agreement becomes fixed. The Secretary shall prepare an implementation plan specifying the amount of each installment payment under the agreement and the times for payment of the installments.

''(e) ADDITIONAL PAY.—Any amount paid under this section is in addition to any other pay and allowances to which an officer is entitled.

''(f) REPAYMENT.—(1) If an officer who has entered into a written agreement under subsection (b) and has received all or part of the amount payable under the agreement fails to complete the total period of active duty specified in the agreement, the Secretary concerned may require the officer to repay the United States, to the extent that the Secretary determines conditions and circumstances warrant, any or all sums paid under this section.

''(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owned to the United States.

''(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement entered into under subsection (b) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

''(g) REGULATIONS.—The Secretary concerned shall prescribe regulations to carry out this section.''

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item relating to section 320 the following new item:

''321. Special pay: judge advocate continuation pay.''.

(b) STUDY AND REPORT ON ADDITIONAL RECRUITMENT AND RETENTION INITIATIVES.—(1) The Secretary of Defense shall conduct a study regarding the need for additional incentives to improve the recruitment and retention of judge advocates for the Armed Forces. At a minimum, the Secretary shall consider as possible incentives constructive service credit for basic pay, educational loan repayment, and Federal student loan relief.

(2) Not later than March 31, 2000, the Secretary shall submit to Congress a report containing the findings and recommendations resulting from the study.

Subtitle C—Travel and Transportation Allowances

SEC. 631. PROVISION OF LODGING IN KIND FOR RESERVISTS PERFORMING TRAINING DUTY AND NOT OTHERWISE ENTITLED TO TRAVEL AND TRANSPORTATION ALLOWANCES.

Section 404(i) of title 37, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new sentence: ''If transient government housing is unavailable, the Secretary concerned may provide the member with lodging in kind in the same manner as members entitled to such allowances under subsection (a).''; and

(2) in paragraph (3)—

(A) by inserting after ''paragraph (1)'' the following: ''and expenses of providing lodging in kind under such paragraph''; and

(B) by adding at the end the following new sentence: ''Use of Government charge cards is authorized for payment of these expenses.''.

SEC. 632. PAYMENT OF TEMPORARY LODGING EXPENSES FOR MEMBERS MAKING THEIR FIRST PERMANENT CHANGE OF STATION.

(a) AUTHORITY TO PAY OR REIMBURSE.—Section 404a(a) of title 37, United States Code, is amended

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

(2) in paragraph (2), by inserting ''or'' after the semicolon; and

(3) by inserting after paragraph (2) the following new paragraph:

''(3) in the case of an enlisted member who is reporting to the member's first permanent duty station, from the member's home of record or initial technical school to that first permanent duty station;''.

(b) DURATION.—Such section is further amended—

(1) in the second sentence, by striking ''clause (1)'' and inserting ''paragraph (1) or (3)''; and

(2) in the third sentence, by striking ''clause (2)'' and inserting ''paragraph (2)''.

SEC. 633. EMERGENCY LEAVE TRAVEL COST LIMITATIONS.

Section 411d(b)(1) of title 37, United States Code, is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

''(B) to any airport in the continental United States to which travel can be arranged at the same or a lower cost as travel obtained under subparagraph (A); or''.

Subtitle D—Retired Pay Reform

SEC. 641. REDUX RETIRED PAY SYSTEM APPLICABLE ONLY TO MEMBERS ELECTING NEW 15-YEAR CAREER STATUS BONUS.

(a) RETIRED PAY MULTIPLIER.—Paragraph (2) of section 1409(b) of title 10, United States Code, is amended by inserting ''has elected to receive a bonus under section 321 of title 37,'' after ''July 31, 1986,''.

(b) COST-OF-LIVING ADJUSTMENTS.—Paragraph (3) of section 1401a(b) of such title is amended to read as follows:

''(3) POST-AUGUST 1, 1986 MEMBERS.—

''(A) MEMBERS ELECTING 15-YEAR CAREER STATUS BONUS.—In the case of a member or former member who first became a member on or after August 1, 1986, and who elected to receive a bonus under section 321 of title 37, the Secretary shall increase the retired pay of the member or former member (unless the percent determined under paragraph (2) is less than 1 percent) by the difference between—

''(i) the percent determined under paragraph (2); and

''(ii) 1 percent.

''(B) MEMBERS NOT ELECTING 15-YEAR CAREER STATUS BONUS.—In the case of a member or

former member who first became a member on or after August 1, 1986, and who did not elect to receive a bonus under section 321 of title 37, the Secretary shall increase the retired pay of the member or former member—

''(i) if the percent determined under paragraph (2) is equal to or greater than 3 percent, by the difference between—

''(I) the percent determined under paragraph (2); and

''(II) 1 percent; and

''(ii) if the percent determined under paragraph (2) is less than 3 percent, by the lesser of—

''(I) the percent determined under paragraph (2); or

''(II) 2 percent.''.

(c) RECOMPUTATION OF RETIRED PAY AT AGE 62.—Section 1410 of such title is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''In the case of'';

(2) by inserting after ''62 years of age,'' the following: ''in accordance with subsection (b) or (c), as applicable.

''(b) MEMBERS RECEIVING CAREER STATUS BONUS.—In the case of a member or former member described in subsection (a) who received a bonus under section 321 of title 37, the retired pay of the member or former member shall be recomputed under subsection (a)'';

(3) by striking ''that date'' and inserting ''the effective date of the recomputation''; and

(4) by adding at the end the following:

''(c) MEMBERS NOT RECEIVING CAREER STATUS BONUS.—In the case of a member or former member described in subsection (a) who did not receive a bonus under section 321 of title 37, the retired pay of the member or former member shall be recomputed under subsection (a) so as to be the amount equal to the amount of retired pay to which the member or former member would be entitled on the effective date of the recomputation if increases in the retired pay of the member or former member under section 1401a(b) of this title had been computed as provided in paragraph (2) of that section (rather than under paragraph (3)(B) of that section).''.

SEC. 642. AUTHORIZATION OF 15-YEAR CAREER STATUS BONUS.

(a) CAREER SERVICE BONUS.—Chapter 5 of title 37, United States Code, is amended by inserting after section 321, as added by section 625, the following new section:

''§ 322. Special pay: 15-year career status bonus for members entering service on or after August 1, 1986

''(a) ELIGIBLE CAREER BONUS MEMBER DEFINED.—In this section, the term 'eligible career bonus member' means a member of a uniformed service serving on active duty who—

''(1) first became a member on or after August 1, 1986; and

''(2) has completed 15 years of active duty in the uniformed services (or has received notification under subsection (e) that the member is about to complete that duty).

''(b) AVAILABILITY OF BONUS.—The Secretary concerned shall pay a bonus under this section to an eligible career bonus member if the member—

''(1) elects to receive the bonus under this section; and

''(2) executes a written agreement (prescribed by the Secretary concerned) to remain continuously on active duty until the member has completed 20 years of active-duty service creditable under section 1405 of title 10, if the member is not already obligated to remain on active duty for a period that would result in at least 20 years of active-duty service.

''(c) ELECTION METHOD.—The election under subsection (b)(1) shall be made in such form and within such period as the Secretary concerned may prescribe. An election under such subsection is irrevocable.

''(d) AMOUNT OF BONUS; PAYMENT.—(1) A bonus under this section shall be paid in one lump sum of $30,000.

''(2) The bonus shall be paid to an eligible career bonus member not later than the first month that begins on or after the date that is 60 days after the date on which the Secretary concerned receives from the member the election required under subsection (b)(1) and the written agreement required under subsection (b)(2), if applicable.

''(e) NOTIFICATION OF ELIGIBILITY.—(1) The Secretary concerned shall transmit to each member who satisfies the definition of eligible career bonus member a written notification of the opportunity of the member to elect to receive a bonus under this section. The Secretary shall provide the notification not later than 180 days before the date on which the member will complete 15 years of active duty.

''(2) The notification shall include the following:

''(A) The procedures for electing to receive the bonus.

''(B) An explanation of the effects under sections 1401a, 1409, and 1410 of title 10 that such an election has on the computation of any retired or retainer pay that the member may become eligible to receive.

''(f) REPAYMENT OF BONUS.—(1) If a person paid a bonus under this section fails to complete the total period of active duty specified in subsection (b)(2), the person shall refund to the United States the amount that bears the same ratio to the amount of the bonus payment as the unserved part of that total period bears to the total period.

''(2) Subject to paragraph (3), an obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

''(3) The Secretary concerned may waive, in whole or in part, a refund required under paragraph (1) if the Secretary concerned determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

''(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the member signing such agreement from a debt arising under the agreement or this subsection.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 321 the following new item:

''322. Special pay: 15-year career status bonus for members entering service on or after August 1, 1986.''.

SEC. 643. CONFORMING AMENDMENTS.

(a) CONFORMING AMENDMENT TO SURVIVOR BENEFIT PLAN PROVISION.—Section 1451(h)(3) of title 10, United States Code, is amended by inserting ''OF CERTAIN MEMBERS'' after ''RETIREMENT''.

(b) RELATED TECHNICAL AMENDMENTS.—Chapter 71 of such title is amended as follows:

(1) Section 1401a(b) is amended by striking the heading for paragraph (1) and inserting ''INCREASE REQUIRED.—''.

(2) Section 1409(b)(2) is amended by inserting ''CERTAIN'' in the paragraph heading after ''REDUCTION APPLICABLE TO''.

SEC. 644. EFFECTIVE DATE.

The amendments made by sections 641, 642, and 643 shall take effect on October 1, 1999.

Subtitle E—Other Retired Pay and Survivor Benefit Matters

SEC. 651. EFFECTIVE DATE OF DISABILITY RETIREMENT FOR MEMBERS DYING IN CIVILIAN MEDICAL FACILITIES.

(a) IN GENERAL.—(1) Chapter 61 of title 10, United States Code, is amended by inserting after section 1219 the following new section:

''§ 1220. Members dying in civilian medical facilities: authority for determination of later time of death to allow disability retirement

''(a) AUTHORITY FOR LATER TIME-OF-DEATH DETERMINATION TO ALLOW DISABILITY RETIREMENT.—In the case of a member of the armed forces who dies in a civilian medical facility in a State, the Secretary concerned may, solely for the purpose of allowing retirement of the member under section 1201 or 1204 of this title and subject to subsection (b), specify a date and time of death of the member later than the date and time of death determined by the attending physician in that civilian medical facility.

''(b) LIMITATIONS.—A date and time of death may be determined by the Secretary concerned under subsection (a) only if that date and time—

''(1) are consistent with the date and time of death that reasonably could have been determined by an attending physician in a military medical facility if the member had died in a military medical facility in the same State as the civilian medical facility; and

''(2) are not more than 48 hours later than the date and time of death determined by the attending physician in the civilian medical facility.

''(c) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia and any Commonwealth or possession of the United States.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1219 the following new item:

''1220. Members dying in civilian medical facilities: authority for determination of later time of death to allow disability retirement.''.

(b) EFFECTIVE DATE.—(1) Section 1220 of title 10, United States Code, as added by subsection (a), shall apply with respect to any member of the Armed Forces dying in a civilian medical facility on or after January 1, 1998.

(2) In the case of any such member dying on or after such date and before the date of the enactment of this Act, any specification by the Secretary concerned under such section with respect to the date and time of death of such member shall be made not later than 180 days after the date of the enactment of this Act.

SEC. 652. EXTENSION OF ANNUITY ELIGIBILITY FOR SURVIVING SPOUSES OF CERTAIN RETIREMENT ELIGIBLE RESERVE MEMBERS.

(a) COVERAGE OF SURVIVING SPOUSES OF ALL GRAY AREA RETIREES.—Section 644(a)(1)(B) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1800) is amended by striking ''during the period beginning on September 21, 1972, and ending on'' and inserting ''before''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to annuities payable for months beginning after September 30, 1999.

SEC. 653. PRESENTATION OF UNITED STATES FLAG TO RETIRING MEMBERS OF THE UNIFORMED SERVICES NOT PREVIOUSLY COVERED.

(a) NONREGULAR SERVICE MILITARY RETIREES.—(1) Chapter 1217 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 12605. Presentation of United States flag: members transferred from an active status or discharged after completion of eligibility for retired pay

''(a) PRESENTATION OF FLAG.—Upon the transfer from an active status or discharge of a Reserve who has completed the years of service required for eligibility for retired pay under chapter 1223 of this title, the Secretary concerned shall present a United States flag to the member.

''(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—A member is not eligible for presentation of a flag under subsection (a) if the member has previously been presented a flag under this section or any provision of law providing for the presentation of a United States flag incident to release from active service for retirement.

''(c) NO COST TO RECIPIENT.—The presentation of a flag under this section shall be at no cost to the recipient.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''12605. Presentation of United States flag: members transferred from an active status or discharged after completion of eligibility for retired pay.''.

(b) PUBLIC HEALTH SERVICE.—Title II of the Public Health Service Act is amended by inserting after section 212 (42 U.S.C. 213) the following new section:

''PRESENTATION OF UNITED STATES FLAG UPON RETIREMENT

''SEC. 213. (a) Upon the release of an officer of the commissioned corps of the Service from active commissioned service for retirement, the Secretary of Health and Human Services shall present a United States flag to the officer.

''(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—An officer is not eligible for presentation of a flag under subsection (a) if the officer has previously been presented a flag under this section or any other provision of law providing for the presentation of a United States flag incident to release from active service for retirement.

''(c) NO COST TO RECIPIENT.—The presentation of a flag under this section shall be at no cost to the recipient.''.

(c) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—The Coast and Geodetic Survey Commissioned Officers' Act of 1948 is amended by inserting after section 24 (33 U.S.C. 853u) the following new section:

''SEC. 25. (a) Upon the release of a commissioned officer from active commissioned service for retirement, the Secretary of Commerce shall present a United States flag to the officer.

''(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—An officer is not eligible for presentation of a flag under subsection (a) if the officer has previously been presented a flag under this section or any other provision of law providing for the presentation of a United States flag incident to release from active service for retirement.

''(c) NO COST TO RECIPIENT.—The presentation of a flag under this section shall be at no cost to the recipient.''.

(d) EFFECTIVE DATE.—Section 12605 of title 10, United States Code (as added by subsection (a)), section 413 of the Public Health Service Act (as added by subsection (b)), and section 25 of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (as added by subsection (c)) shall apply with respect to releases from service described in those sections on or after October 1, 1999.

(e) CONFORMING AMENDMENTS TO PRIOR LAW.—Sections 3681(b), 6141(b), and 8681(b) of title 10, United States Code, and section 516(b) of title 14, United States Code, are each amended by striking ''under this section'' and all that follows through the period and inserting ''under this section or any other provision of law providing for the presentation of a United States flag incident to release from active service for retirement.''.

SEC. 654. ACCRUAL FUNDING FOR RETIREMENT SYSTEM FOR COMMISSIONED CORPS OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) INCLUSION OF NOAA OFFICERS IN DOD MILITARY RETIREMENT FUND.—Section 1461 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting ''and the Department of Commerce'' after ''Department of Defense'';

(2) in subsection (b)—

(A) by inserting ''and the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853a et seq.)'' in paragraph (1) after ''this title'';

(B) by striking ''and'' at the end of paragraph (2);

(C) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(D) by adding at the end the following new paragraph:

''(4) the programs under the jurisdiction of the Department of Commerce providing annuities for survivors of members and former members of the NOAA Corps.''; and

(3) by adding at the end the following new subsection:

''(c) In this chapter, the term 'NOAA Corps' means the National Oceanic and Atmospheric Administration Commissioned Corps and its predecessors.''.

(b) PAYMENTS FROM THE FUND.—Section 1463(a) of such title is amended—

(1) in paragraph (1), by striking ''and Marine Corps'' and inserting ''Marine Corps, and the NOAA Corps''; and

(2) in paragraph (4)—

(A) by inserting ''and the Department of Commerce'' after ''Department of Defense''; and

(B) by striking ''armed forces'' and inserting ''uniformed services''.

(c) REPORTS BY BOARD OF ACTUARIES.—Section 1464(b) of such title is amended by inserting ''and the Secretary of Commerce with respect to the NOAA Corps'' after ''Secretary of Defense''.

(d) DEPARTMENT OF COMMERCE CONTRIBUTIONS TO THE FUND.—Section 1465 of such title is amended as follows:

(1) Subsection (a) is amended—

(A) by inserting ''(1)'' after ''(a)''; and

(B) by adding at the end the following new paragraph:

''(2) Not later than January 1, 2000, the Secretary of Commerce shall provide to the Board the amount that is the present value (as of October 1, 1999) of future benefits payable from the Fund that are attributable to service in the NOAA Corps performed before October 1, 1999. That amount is the NOAA Corps original unfunded liability of the Fund. The Board shall determine the period of time over which that unfunded liability should be liquidated and shall determine an amortization schedule for the liquidation of such liability over that period. Contributions to the Fund for the liquidation of the original unfunded liability in accordance with that schedule shall be made as provided in section 1466(b) of this title.''.

(2) Subsection (b) is amended—

(A) in paragraph (1)—

(i) by inserting ''and the Secretary of Commerce'' after ''Secretary of Defense'' in the matter preceding subparagraph (A);

(ii) by inserting ''and the Department of Commerce contributions with respect to the NOAA Corps'' after ''Department of Defense contributions'' in the matter preceding subparagraph (A); and

(iii) by adding at the end the following new subparagraph:

''(C) The product of—

''(i) the current estimate of the value of the single level percentage of basic pay to be determined under subsection (c)(1)(C) at the time of the next actuarial valuation under subsection (c); and

''(ii) the total amount of basic pay expected to be paid during that fiscal year to members of the NOAA Corps.''; and

(B) in paragraph (2)—

(i) by inserting ''and the Department of Commerce'' after ''Department of Defense''; and

(ii) by inserting ''and shall include separate amounts for the Department of Defense and the Department of Commerce'' after ''section 1105 of title 31''.

(3) Subsection (c)(1) is amended—

(A) by inserting ''and the Secretary of Commerce with respect to the NOAA Corps'' in the first sentence after ''Secretary of Defense'';

(B) by striking ''and'' at the end of subparagraph (A);

(C) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(D) by inserting after subparagraph (B) the following new subparagraph:

''(C) a determination (using the aggregate entry-age normal cost method) of a single level percentage of basic pay for members of the NOAA Corps.''.

(e) PAYMENTS INTO THE FUND.—Section 1466 of such title is amended—

(1) in subsection (a)—

(A) by inserting ''and the Secretary of Commerce with respect to the NOAA Corps'' after ''Secretary of Defense'';

(B) by striking ''Department of Defense'' after ''each month as the'';

(C) by inserting ''and 1465(c)(1)(C)'' in paragraph (1)(A) after ''section 1465(c)(1)(A)'';

(D) by inserting ''and by members of the NOAA Corps'' in paragraph (1)(B) before the period; and

(E) by inserting ''or members of the NOAA Corps'' before the period at the end of the last sentence of that subsection;

(2) in subsection (b)(2), by inserting ''and the NOAA original unfunded liability'' after ''original unfunded liability''; and

(3) by adding at the end the following new subsection:

''(c)(1) The Secretary of Transportation shall process, on behalf of the Fund, payments under section 1463 of this title to members on the retired list of the NOAA Corps and to survivors of members and former members of the NOAA Corps.

''(2) Payments made by the Secretary of Transportation under paragraph (1) shall be charged against the Fund.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

Subtitle F—Other Matters

SEC. 671. PAYMENTS FOR UNUSED ACCRUED LEAVE AS PART OF REENLISTMENT.

Section 501 of title 37, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking ''conditions or'' and inserting ''conditions,''; and

(B) by adding before the semicolon the following: '', or a reenlistment of the member (regardless of when the reenlistment occurs)''; and

(2) in subsection (b)(2), by striking '', or entering into an enlistment,''.

SEC. 672. CLARIFICATION OF PER DIEM ELIGIBILITY FOR MILITARY TECHNICIANS SERVING ON ACTIVE DUTY WITHOUT PAY OUTSIDE THE UNITED STATES.

(a) AUTHORITY TO PROVIDE PER DIEM ALLOWANCE.—Section 1002(b) of title 37, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following new paragraph:

''(2) If a military technician (dual status), as described in section 10216 of title 10, is performing active duty without pay while on leave from technician employment, as authorized by section 6323(d) of title 5, the Secretary concerned may authorize the payment of a per diem allowance to the military technician in lieu of commutation for subsistence and quarters under paragraph (1).''.

(b) TYPES OF OVERSEAS OPERATIONS.—Section 6323(d)(1) of title 5, United States Code, is amended by striking ''noncombat''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as of February 10, 1996, as if included in section 1039 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat.432).

SEC. 673. OVERSEAS SPECIAL SUPPLEMENTAL FOOD PROGRAM.

(a) PROGRAM REQUIRED.—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking ''AUTHORITY.—The Secretary of Defense may'' and inserting ''PROGRAM REQUIRED.—The Secretary of Defense shall''.

(b) FUNDING SOURCE.—Subsection (b) of such section is amended to read as follows:

''(b) FUNDING MECHANISM.—The Secretary of Defense shall use funds available for the Department of Defense to carry out the program under subsection (a).''.

(c) PROGRAM ADMINISTRATION.—Subsection (c) of such section is amended—

(1) by striking paragraph (1)(B) and inserting the following:

''(B) In determining income eligibility standards for families of individuals participating in the program under this section, the Secretary of Defense shall, to the extent practicable, use the criterion described in subparagraph (A). The Secretary shall also consider the value of housing in kind provided to the individual when determining program eligibility.'';

(2) in paragraph (2), by adding before the period at the end the following: '', particularly with respect to nutrition education and counseling''; and

(3) by adding at the end the following new paragraph:

''(3) The Secretary of Agriculture shall provide technical assistance to the Secretary of Defense, if so requested by the Secretary of Defense, for the purpose of carrying out the program under subsection (a).''.

(d) CONFORMING AMENDMENT.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by adding at the end the following new subsection:

''(q) The Secretary of Agriculture shall provide technical assistance to the Secretary of Defense, if so requested by the Secretary of Defense, for the purpose of carrying out the overseas special supplemental food program established under section 1060a(a) of title 10, United States Code.''.

SEC. 674. SPECIAL COMPENSATION FOR SEVERELY DISABLED UNIFORMED SERVICES RETIREES.

(a) AUTHORITY.—(1) Chapter 71 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1413. Special compensation for certain severely disabled uniformed services retirees

''(a) AUTHORITY.—The Secretary concerned shall, subject to the availability of appropriations for such purpose, pay to each eligible disabled uniformed services retiree a monthly amount determined under subsection (b).

''(b) AMOUNT.—The amount to be paid (subject to the availability of appropriations) to an eligible disabled uniformed services retiree in accordance with subsection (a) is the following:

''(1) For any month for which the retiree has a qualifying service-connected disability rated as total, $300.

''(2) For any month for which the retiree has a qualifying service-connected disability rated as 90 percent, $200.

''(3) For any month for which the retiree has a qualifying service-connected disability rated as 80 percent or 70 percent, $100.

''(c) ELIGIBLE DISABLED UNIFORMED SERVICES RETIREE DEFINED.—In this section, the term 'eligible disabled military retiree' means a member of the uniformed services in a retired status (who is retired under a provision of law other than chapter 61 of this title) who—

''(1) completed at least 20 years of service in the uniformed services that are creditable for purposes of computing the amount of retired pay to which the member is entitled; and

''(2) has a qualifying service-connected disability.

''(d) QUALIFYING SERVICE-CONNECTED DISABILITY DEFINED.—In this section, the term 'qualifying service-connected disability' means a service-connected disability that—

''(1) was incurred or aggravated in the performance of duty as a member of a uniformed service, as determined by the Secretary concerned; and

''(2) is rated as not less than 70 percent disabling—

''(A) by the Secretary concerned as of the date on which the member is retired from the uniformed services; or

''(B) by the Secretary of Veterans Affairs within four years following the date on which the member is retired from the uniformed services.

''(e) STATUS OF PAYMENTS.—Payments under this section are not retired pay.

''(f) SOURCE OF FUNDS.—(1) Payments under this section for any fiscal year shall be paid out of funds appropriated for pay and allowances payable by the Secretary concerned for that fiscal year.

''(2) If the amount of funds available to the Secretary concerned for any fiscal year for payments under this section is less than the amount required to make such payments to all eligible disabled uniformed services retirees for that year, the Secretary shall make such payments first to retirees described in paragraph (1) of subsection (b), then (to the extent funds are available) to retirees described in paragraph (2) of that subsection, and then (to the extent funds are available) to retirees described in paragraph (3) of that subsection.

''(g) OTHER DEFINITIONS.—In this section:

''(1) The terms 'compensation' and 'service-connected' have the meanings given those terms in section 101 of title 38.

''(2) The term 'disability rated as total' means—

''(A) a disability that is rated as total under the standard schedule of rating disabilities in use by the Department of Veterans Affairs; or

''(B) a disability for which the schedular rating is less than total but for which a rating of total is assigned by reason of inability of the disabled person concerned to secure or follow a substantially gainful occupation as a result of service-connected disabilities.

''(3) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1413. Special compensation for certain severely disabled uniformed services retirees.''.

(b) EFFECTIVE DATE.—Section 1413 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1999, and shall apply to months that begin on or after that date. No benefit may be paid to any person by reason of that section for any period before that date.

SEC. 675. TUITION ASSISTANCE FOR MEMBERS DEPLOYED IN A —— CONTINGENCY OPERATION.

Section 2007(a) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''and'';

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(4) in the case of a member serving in a contingency operation or similar operational mission (other than for training) designated by the Secretary concerned, all of the charges may be paid.''.

TITLE VII—HEALTH CARE MATTERS

Subtitle A—Health Care Services

SEC. 701. PROVISION OF HEALTH CARE TO MEMBERS ON ACTIVE DUTY AT CERTAIN REMOTE LOCATIONS.

(a) IN GENERAL.—The Secretary of Defense shall enter into agreements with designated providers under which such providers will provide health care services in or through managed care plans to an eligible member of the Armed Forces who resides within the service area of the designated provider. The provisions in section 722(b)(2) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) shall apply with respect to such agreements.

(b) ADHERENCE TO TRICARE PRIME REMOTE PROGRAM POLICIES.—A designated provider who provides health care to an eligible member described in subsection (a) shall, in providing such care, adhere to policies of the Department of Defense with respect to the TRICARE Prime Remote program, including policies regarding coordination with appropriate military medical authorities for specialty referrals and hospitalization.

(c) REIMBURSEMENT RATES.—The Secretary shall negotiate with each designated provider reimbursement rates that do not exceed reimbursement rates allowable under TRICARE Standard.

(d) DEFINITIONS.—In this section:

(1) The term ''eligible member'' has the meaning given that term in section 731(c) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 1074 note).

(1) The term ''designated provider'' has the meaning given that term in section 721(5) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note).

SEC. 702. PROVISION OF CHIROPRACTIC HEALTH CARE.

(a) IN GENERAL.—Section 731 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1092 note) is amended—

(1) in the heading, by striking ''DEMONSTRATION PROGRAM'';

(2) in subsection (a), by adding at the end the following new paragraph:

''(4) During fiscal year 2000, the Secretary shall continue to furnish the same chiropractic care in the military medical treatment facilities designated pursuant to paragraph (2)(A) as the chiropractic care furnished during the demonstration program.'';

(3) in subsection (c)—

(A) in paragraph (3), by striking ''Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives'' and inserting ''Committees on Armed Services of the Senate and the House of Representatives''; and

(B) in paragraph (5), by striking ''May 1, 2000'' and inserting ''January 31, 2000'';

(4) in subsection (d)—

(A) in paragraph (3)—

(i) by striking ''; and'' at the end of subparagraph (C) and inserting a semicolon;

(ii) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

(iii) by adding at the end the following new subparagraph:

''(E) if the Secretary submits an implementation plan pursuant to subsection (e), the preparation of such plan.''; and

(B) by adding at the end the following new paragraph:

''(5) The Secretary shall—

''(A) make full use of the oversight advisory committee in preparing—

''(i) the final report on the demonstration program conducted under this section; and

''(ii) the implementation plan described in subsection (e); and

''(B) provide opportunities for members of the committee to provide views as part of such final report and plan.'';

(5) by redesignating subsection (e) as subsection (f); and

(6) by inserting after subsection (d) the following new subsection:

''(e) IMPLEMENTATION PLAN.—If the Secretary of Defense recommends in the final report submitted under subsection (c) that chiropractic health care services should be offered in medical care facilities of the Armed Forces or as a health care service covered under the TRICARE program, the Secretary shall, not later than March 31, 2000, submit to the Committees on Armed Services of the House of Representatives and the Senate an implementation plan for the full integration of chiropractic health care services into the military health care system of the Department of Defense, including the TRICARE program. Such implementation plan shall include—

''(1) a detailed analysis of the projected costs of fully integrating chiropractic health care services into the military health care system;

''(2) the proposed scope of practice for chiropractors who would provide services to covered beneficiaries under chapter 55 of title 10, United States Code;

''(3) the proposed military medical treatment facilities at which such services would be provided;

''(4) the military readiness requirements for chiropractors who would provide services to such covered beneficiaries; and

''(5) any other relevant factors that the Secretary considers appropriate.''.

(b) CONFORMING AMENDMENT.—The item relating to section 731 in the table of contents at the beginning of such Act is amended to read as follows:

''731. Chiropractic health care.''

SEC. 703. CONTINUATION OF PROVISION OF DOMICILIARY AND CUSTODIAL CARE FOR CERTAIN CHAMPUS BENEFICIARIES.

(a) CONTINUATION OF CARE.—(1) The Secretary of Defense may, in any case in which the Secretary makes the determination described in paragraph (2), continue to provide payment under the Civilian Health and Medical Program of the Uniformed Services (as defined in section 1072 of title 10, United States Code), for domiciliary or custodial care services provided to an eligible beneficiary that would otherwise be excluded from coverage under regulations implementing section 1077(b)(1) of such title.

(2) A determination under this paragraph is a determination that discontinuation of payment for domiciliary or custodial care services or transition to provision of care under the individual case management program authorized by section 1079(a)(17) of such title would be—

(A) inadequate to meet the needs of the eligible beneficiary; and

(B) unjust to such beneficiary.

(b) ELIGIBLE BENEFICIARY DEFINED.—As used in this section, the term ''eligible beneficiary'' means a covered beneficiary (as that term is defined in section 1072 of title 10, United States Code) who, before the effective date of final regulations to implement the individual case management program authorized by section 1079(a)(17) of such title, were provided domiciliary or custodial care services for which the Secretary provided payment.

SEC. 704. REMOVAL OF RESTRICTION ON USE OF FUNDS FOR ABORTIONS IN CERTAIN CASES OF RAPE OR INCEST.

Section 1093(a) of title 10, United States Code, is amended by inserting ''or in a case in which the pregnancy is the result of an act of forcible rape or incest which has been reported to a law enforcement agency'' before the period.

Subtitle B—TRICARE Program

SEC. 711. IMPROVEMENTS TO CLAIMS PROCESSING UNDER THE TRICARE PROGRAM.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1095b the following new section:

''§ 1095c. TRICARE program: facilitation of processing of claims

''(a) REDUCTION OF PROCESSING TIME.—(1) With respect to claims for payment for medical care provided under the TRICARE program, the Secretary of Defense shall implement a system for processing of claims under which—

''(A) 95 percent of all mistake-free claims must be processed not later than 30 days after the date that such claims are submitted to the claims processor; and

''(B) 100 percent of all mistake-free claims must be processed not later than 100 days after the date that such claims are submitted to the claims processor.

''(2) The Secretary may, under the system required by paragraph (1) and consistent with the provisions in chapter 39 of title 31, United States Code (commonly referred to as the 'Prompt Payment Act'), require that interest be paid on claims that are not processed within 30 days.

''(b) REQUIREMENT TO PROVIDE START-UP TIME FOR CERTAIN CONTRACTORS.—(1) The Secretary of Defense shall not require that a contractor described in paragraph (2) begin to provide managed care support pursuant to a contract to provide such support under the TRICARE program until at least nine months after the date of the award of the contract. In such case the contractor may begin to provide managed care support pursuant to the contract as soon as practicable after the award of the contract, but in no case later than one year after the date of such award.

''(2) A contractor under this paragraph is a contractor who is awarded a contract to provide managed care support under the TRICARE program—

''(A) who has not previously been awarded such a contract by the Department of Defense; or

''(B) who has previously been awarded such a contract by the Department of Defense but for whom the subcontractors have not previously been awarded the subcontracts for such a contract.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1095b the following new item:

''1095c. TRICARE program: facilitation of processing of claims.''.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on—

(1) the status of claims processing backlogs in each TRICARE region;

(2) the estimated time frame for resolution of such backlogs;

(3) efforts to reduce the number of change orders with respect to contracts to provide managed care support under the TRICARE program and to make such change orders in groups on a quarterly basis rather than one at a time;

(4) the extent of success in simplifying claims processing procedures through reduction of reliance of the Department of Defense on, and the complexity of, the health care service record;

(5) application of best industry practices with respect to claims processing, including electronic claims processing; and

(6) any other initiatives of the Department of Defense to improve claims processing procedures.

(c) DEADLINE FOR IMPLEMENTATION.—The system for processing claims required under section 1095c(a) of title 10, United States Code (as added by subsection (a)), shall be implemented not later than 6 months after the date of the enactment of this Act.

(d) APPLICABILITY.—Section 1095c(b) of title 10, United States Code (as added by subsection (a)), shall apply with respect to any contract to provide managed care support under the TRICARE program negotiated after the date of the enactment of this Act.

SEC. 712. AUTHORITY TO WAIVE CERTAIN TRICARE DEDUCTIBLES.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1095c (as added by section 711) the following new section:

''§ 1095d. TRICARE program: waiver of certain deductibles

''(a) WAIVER AUTHORIZED.—The Secretary of Defense may waive the deductible payable for medical care provided under the TRICARE program to an eligible dependent of—

''(1) a member of a reserve component on active duty pursuant to a call or order to active duty for a period of less than one year; or

''(2) a member of the National Guard on full-time National Guard duty pursuant to a call or order to full-time National Guard duty for a period of less than one year.

''(b) ELIGIBLE DEPENDENT.—As used in this section, the term 'eligible dependent' means a dependent described subparagraphs (A), (D), or (I) of section 1072(2) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1095c the following new item:

''1095d. TRICARE: program waiver of certain deductibles.''.

Subtitle C—Other Matters

SEC. 721. PHARMACY BENEFITS PROGRAM.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074f the following new section:

''§ 1074g. Pharmacy benefits program

''(a) PHARMACY BENEFITS.—(1) The Secretary of Defense, after consultation with the other administering Secretaries, shall establish an effective, efficient, integrated pharmacy benefits program under this chapter (hereinafter in this section referred to as the 'pharmacy benefits program').

''(2)(A) The pharmacy benefits program shall include a uniform formulary of pharmaceutical agents, which shall assure the availability of pharmaceutical agents in a complete range of therapeutic classes. The selection for inclusion on the uniform formulary of particular pharmaceutical agents in each therapeutic class shall be based on the relative clinical and cost effectiveness of the agents in such class.

''(B) The Secretary shall establish procedures for the selection of particular pharmaceutical agents for the uniform formulary, and shall begin to implement the uniform formulary not later than October 1, 2000.

''(C) Pharmaceutical agents included on the uniform formulary shall be available to eligible covered beneficiaries through—

''(i) facilities of the uniformed services, consistent with the scope of health care services offered in such facilities;

''(ii) retail pharmacies designated or eligible under the TRICARE program or the Civilian Health and Medical Program of the Uniformed Services to provide pharmaceutical agents to eligible covered beneficiaries; or

''(iii) the national mail order pharmacy program.

''(3) The pharmacy benefits program shall assure the availability of clinically appropriate pharmaceutical agents to members of the armed forces, including, if appropriate, agents not included on the uniform formulary described in paragraph (2).

''(4) The pharmacy benefits program may provide that prior authorization be required for certain categories of pharmaceutical agents to assure that the use of such agents is clinically appropriate. Such categories shall be the following:

''(A) High-cost injectable agents.

''(B) High-cost biotechnology agents.

''(C) Pharmaceutical agents with high potential for inappropriate use.

''(D) Pharmaceutical agents otherwise determined by the Secretary to require prior authorization.

''(5)(A) The pharmacy benefits program shall include procedures for eligible covered beneficiaries to receive pharmaceutical agents not included on the uniform formulary. Such procedures shall include peer review procedures under which the Secretary may determine that there is a clinical justification for the use of a pharmaceutical agent that is not on the uniform formulary, in which case the pharmaceutical agent shall be provided under the same terms and conditions as an agent on the uniform formulary.

''(B) If the Secretary determines that there is not a clinical justification for the use of a pharmaceutical agent that is not on the uniform formulary under the procedures established pursuant to subparagraph (A), such pharmaceutical

agent shall be available through at least one of the means described in paragraph (2)(C) under terms and conditions that may include cost sharing by the eligible covered beneficiary in addition to any such cost sharing applicable to agents on the uniform formulary.

''(6) The Secretary of Defense shall, after consultation with the other administering Secretaries, promulgate regulations to carry out this subsection.

''(7) Nothing in this subsection shall be construed as authorizing a contractor to penalize an eligible covered beneficiary with respect to, or decline coverage for, a maintenance pharmaceutical that is not on the list of preferred pharmaceuticals of the contractor and that was prescribed for the beneficiary before the date of the enactment of this section and stabilized the medical condition of the beneficiary.

''(b) ESTABLISHMENT OF COMMITTEE.—(1) The Secretary of Defense shall, in consultation with the Secretaries of the military departments, establish a pharmaceutical and therapeutics committee for the purpose of developing the uniform formulary of pharmaceutical agents required by subsection (a), reviewing such formulary on a periodic basis, and making additional recommendations regarding the formulary as the committee determines necessary and appropriate. The committee shall include representatives of pharmacies of the uniformed services facilities, contractors responsible for the TRICARE retail pharmacy program, contractors responsible for the national mail order pharmacy program, providers in facilities of the uniformed services, and TRICARE network providers. Committee members shall have expertise in treating the medical needs of the populations served through such entities and in the range of pharmaceutical and biological medicines available for treating such populations.

''(2) Not later than 90 days after the establishment of the pharmaceutical and therapeutics committee by the Secretary, the committee shall submit a proposed uniform formulary to the Secretary .

''(c) ADVISORY PANEL.—(1) Concurrent with the establishment of the pharmaceutical and therapeutics committee under subsection (b), the Secretary shall establish a Uniform Formulary Beneficiary Advisory Panel to review and comment on the development of the uniform formulary. The Secretary shall consider the comments of the panel before implementing the uniform formulary or implementing changes to the uniform formulary.

''(2) The Secretary shall determine the size and membership of the panel established under paragraph (1), which shall include members that represent nongovernmental organizations and associations that represent the views and interests of a large number of eligible covered beneficiaries.

''(d) PROCEDURES.—In the operation of the pharmacy benefits program under subsection (a), the Secretary of Defense shall assure through management and new contractual arrangements that financial resources are aligned such that the cost of prescriptions is borne by the organization that is financially responsible for the health care of the eligible covered beneficiary.

''(e) PHARMACY DATA TRANSACTION SERVICE.—Not later than April 1, 2000, the Secretary of Defense shall implement the use of the Pharmacy Data Transaction Service in all fixed facilities of the uniformed services under the jurisdiction of the Secretary, the TRICARE network retail pharmacy program, and the national mail order pharmacy program.

''(f) DEFINITION OF ELIGIBLE COVERED BENEFICIARY.—As used in this section, the term 'eligible covered beneficiary' means a covered beneficiary for whom eligibility to receive pharmacy benefits through the means described in subsection (a)(2)(C) is established under this chapter or another provision of law.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074f the following new item:

''1074g. Pharmacy benefits program.''.

(b) DEADLINE FOR ESTABLISHMENT OF COMMITTEE.—The Secretary shall establish the pharmaceutical and therapeutics committee required under section 1074g(b) of title 10, United States Code, not later than 30 days after the date of enactment of this Act.

(c) REPORTS REQUIRED.—Not later than April 1 and October 1 of fiscal years 2000 and 2001, the Secretary of Defense shall submit to Congress a report on—

(1) implementation of the uniform formulary required under subsection (a) of section 1074g of title 10, United States Code (as added by subsection (a));

(2) the results of a confidential survey conducted by the Secretary of prescribers for military medical treatment facilities and TRICARE contractors to determine—

(A) during the most recent fiscal year, how often prescribers attempted to prescribe non-formulary or non-preferred prescription drugs, how often such prescribers were able to do so, and whether covered beneficiaries were able to fill such prescriptions without undue delay;

(B) the understanding by prescribers of the reasons that military medical treatment facilities or civilian contractors preferred certain pharmaceuticals to others; and

(C) the impact of any restrictions on access to non-formulary prescriptions on the clinical decisions of the prescribers and the aggregate cost, quality, and accessibility of health care provided to covered beneficiaries;

(3) the operation of the Pharmacy Data Transaction Service required by subsection (e) of such section 1074g; and

(4) any other actions taken by the Secretary to improve management of the pharmacy benefits program under such section.

(d) STUDY FOR DESIGN OF PHARMACY BENEFIT FOR CERTAIN COVERED BENEFICIARIES.—(1) Not later than April 15, 2001, the Secretary of Defense shall prepare and submit to Congress—

(A) a study on a design for a comprehensive pharmacy benefit for covered beneficiaries under chapter 55 of title 10, United States Code, who are entitled to benefits under part A, and enrolled under part B, of title XVIII of the Social Security Act; and

(B) an estimate of the costs of implementing and operating such design.

(2) The design described in paragraph (1)(A) shall incorporate the elements of the pharmacy benefits program required to be established under section 1074g of title 10, United States Code (as added by subsection (a)).

SEC. 722. IMPROVEMENTS TO THIRD-PARTY PAYER COLLECTION PROGRAM.

Section 1095 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking ''the reasonable costs of'' and inserting ''reasonable charges for'';

(B) by striking ''such costs'' and inserting ''such charges''; and

(C) by striking ''the reasonable cost of'' and inserting ''a reasonable charge for'';

(2) by amending subsection (f) to read as follows:

''(f) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section. Such regulations shall provide for the computation of reasonable charges for inpatient services, outpatient services, and other health care services. Computation of such reasonable charges may be based on—

''(1) per diem rates;

''(2) all-inclusive per visit rates;

''(3) diagnosis-related groups;

''(4) rates prescribed under the regulations prescribed to implement sections 1079 and 1086 of this title; or

''(5) such other method as may be appropriate.'';

(3) in subsection (g), by striking ''the costs of''; and

(4) in subsection (h)(1), by striking the first sentence and inserting ''The term 'third-party payer' means an entity that provides an insurance, medical service, or health plan by contract or agreement, including an automobile liability insurance or no fault insurance carrier, and any other plan or program that is designed to provide compensation or coverage for expenses incurred by a beneficiary for health care services or products.''.

SEC. 723. AUTHORITY OF ARMED FORCES MEDICAL EXAMINER TO CONDUCT FORENSIC PATHOLOGY INVESTIGATIONS.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 130b. Authority of armed forces medical examiner to conduct forensic pathology investigations

''(a) IN GENERAL.—The Armed Forces Medical Examiner may conduct a forensic pathology investigation, including an autopsy, to determine the cause or manner of death of an individual in any case in which—

''(1) the individual was killed, or from any cause died an unnatural death;

''(2) the cause or manner of death is unknown;

''(3) there is reasonable suspicion that the death was by unlawful means;

''(4) the death appears to be from an infectious disease or the result of the effects of a hazardous material that may have an adverse effect on the installation or community in which the individual died or was found dead; or

''(5) the identity of the deceased individual is unknown.

''(b) LIMITATIONS ON AUTHORITY.—(1) The authority provided under subsection (a) may only be exercised with respect to an individual in a case in which—

''(A) the individual died or is found dead at an installation garrisoned by units of the armed forces and under the exclusive jurisdiction of the United States;

''(B) the individual was, at the time of death, a member of the armed forces on active duty or inactive duty for training or a member of the armed forces who recently retired under chapter 61 of this title and died as a result of an injury or illness incurred while on active duty;

''(C) the individual was a civilian dependent of a member of the armed forces and died or was found dead at a location outside the United States;

''(D) the Armed Forces Medical Examiner determines, pursuant to an authorized investigation by the Department of Defense of matters involving the death of an individual or individuals, that a factual determination of the cause or manner of the death of the individual is necessary; or

''(E) pursuant to an authorized investigation being conducted by the Federal Bureau of Investigation, the National Transportation Safety Board, or other Federal agency, an official of such agency with authority to direct a forensic pathology investigation requests that an investigation be conducted by the Armed Forces Medical Examiner.

''(2) The authority provided in subsection (a) shall be subject to the primary jurisdiction, to the extent exercised, of a State or local government with respect to the conduct of an investigation or, if outside the United States, of authority exercised under any applicable Status-of-Forces or other international agreement between the United States and the country in which the individual died or was found dead.

''(c) DESIGNATION OF PATHOLOGIST.—The Armed Forces Medical Examiner may designate any qualified pathologist to carry out the authority provided in subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

''130b. Authority of armed forces medical examiner to conduct forensic pathology investigations.''.

SEC. 724. TRAUMA TRAINING CENTER.

(a) START-UP COSTS.—Of the funds authorized to be appropriated in section 301(22) for the Defense Health Program, $4,000,000, shall be used for startup costs for a Trauma Training Center to enhance the capability of the Army to train forward surgical teams.

(b) AMENDMENT TO EXISTING AUTHORITY.—Section 742 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2074) is amended to read as follows:

''SEC. 742. AUTHORIZATION TO ESTABLISH A TRAUMA TRAINING CENTER.

''The Secretary of the Army is hereby authorized to establish a Trauma Training Center in order to provide the Army with a trauma center capable of training forward surgical teams.''.

SEC. 725. STUDY ON JOINT OPERATIONS FOR THE DEFENSE HEALTH PROGRAM.

Not later than October 1, 2000, the Secretary of Defense shall prepare and submit to Congress a study identifying areas with respect to the Defense Health Program for which joint operations might be increased, including organization, training, patient care, hospital management, and budgeting. The study shall include a discussion of the merits and feasibility of—

(1) establishing a joint command for the Defense Health Program as a military counterpart to the Assistant Secretary of Defense for Health Affairs;

(2) establishing a joint training curriculum for the Defense Health Program; and

(3) creating a unified chain of command and budgeting authority for the Defense Health Program.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

SEC. 801. SALE, EXCHANGE, AND WAIVER AUTHORITY FOR COAL AND COKE.

(a) IN GENERAL.—Section 2404 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''petroleum or natural gas'' and inserting ''a defined fuel source'';

(B) in paragraph (1)—

(i) by striking ''petroleum market conditions or natural gas market conditions, as the case may be,'' and inserting ''market conditions for the defined fuel source''; and

(ii) by striking ''acquisition of petroleum or acquisition of natural gas, respectively,'' and inserting ''acquisition of that defined fuel source''; and

(C) in paragraph (2), by striking ''petroleum or natural gas, as the case may be,'' and inserting ''that defined fuel source'';

(3) in subsection (b), by striking ''petroleum or natural gas'' in the second sentence and inserting ''a defined fuel source'';

(4) in subsection (c), by striking ''petroleum'' and all that follows through the period and inserting ''a defined fuel source or services related to a defined fuel source by exchange of a defined fuel source or services related to a defined fuel source.'';

(5) in subsection (d)—

(A) by striking ''petroleum or natural gas'' in the first sentence and inserting ''a defined fuel source''; and

(B) by striking ''petroleum'' in the second sentence and all that follows through the period and inserting ''a defined fuel source or services related to a defined fuel source.''; and

(6) by adding at the end the following new subsection:

''(f) DEFINED FUEL SOURCES.—In this section, the term 'defined fuel source' means any of the following:

''(1) Petroleum.

''(2) Natural gas.

''(3) Coal.

''(4) Coke.''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 2404. Acquisition of certain fuel sources: authority to waive contract procedures; acquisition by exchange; sales authority''.

(2) The item relating to such section in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

''2404. Acquisition of certain fuel sources: authority to waive contract procedures; acquisition by exchange; sales authority.''.

SEC. 802. EXTENSION OF AUTHORITY TO ISSUE SOLICITATIONS FOR PURCHASES OF COMMERCIAL ITEMS IN EXCESS OF SIMPLIFIED ACQUISITION THRESHOLD.

Section 4202(e) of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 10 U.S.C. 2304 note) is amended by striking ''three years after the date on which such amendments take effect pursuant to section 4401(b)'' and inserting ''January 1, 2002''.

SEC. 803. EXPANSION OF APPLICABILITY OF REQUIREMENT TO MAKE CERTAIN PROCUREMENTS FROM SMALL ARMS PRODUCTION INDUSTRIAL BASE.

Section 2473(d) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(6) M2 machine gun.

''(7) M60 machine gun.''.

SEC. 804. REPEAL OF TERMINATION OF PROVISION OF CREDIT TOWARDS SUBCONTRACTING GOALS FOR PURCHASES BENEFITING SEVERELY HANDICAPPED PERSONS.

Section 2410d(c) of title 10, United States Code, is repealed.

SEC. 805. EXTENSION OF TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS.

Subsection (e) of section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 15 U.S.C. 637 note) is amended by striking ''2000.'' and inserting ''2003''.

SEC. 806. FACILITATION OF NATIONAL MISSILE DEFENSE SYSTEM.

(a) AUTHORIZATION OF WAIVER OF REQUIREMENT FOR COMPLETION OF INITIAL OT&E BEFORE PRODUCTION BEGINS.—Notwithstanding section 2399(a) of title 10, United States Code, the Secretary of Defense may make a determination to proceed with production of a national missile defense system without regard to whether initial operational testing and evaluation of the system has been completed.

(b) REQUIREMENT FOR COMPLETION OF INITIAL OT&E.—If the Secretary makes such a determination as provided by subsection (a), the Secretary shall ensure that such a national missile defense system successfully completes an adequate operational test and evaluation as soon as practicable following that determination and before the operational deployment of such system.

(c) NOTIFICATION TO CONGRESSIONAL COMMITTEES.—The Secretary shall promptly notify the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, in writing, upon making a determination that production of a national missile defense system may be carried out before initial operational testing and evaluation of that system has been completed, as authorized by subsection (a).

SEC. 807. OPTIONS FOR ACCELERATED ACQUISITION OF PRECISION MUNITIONS.

(a) FINDINGS.—Congress finds the following:

(1) Current inventories of many precision munitions of the United States do not meet the requirements of the Department of Defense for two Major Theater Wars, and with respect to some precision munitions, such requirements will not be met even after planned acquisitions are made.

(2) Production lines for certain critical precision munitions have been shut down, and the start-up production of replacement precision munitions leaves a critical gap in acquisition of follow-on precision munitions.

(3) Shortages of conventional air-launched cruise missiles and Tomahawk missiles during Operation Allied Force indicate the critical need to maintain robust inventories of precision munitions.

(b) REPORTS.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the requirements of the Department of Defense for quantities of precision munitions for two Major Theater Wars, and when such requirements will be met for each precision munition.

(2) Not later than March 15, 2000, the Secretary shall submit to the congressional defense committees a report on—

(A) the options recommended by the teams formed under subsection (c) for acceleration of acquisition of precision munitions; and

(B) a plan for implementing such options.

(c) RECOMMENDATIONS FOR OPTIONS.—The Secretary of Defense shall form teams of experts from industry and the military departments to recommend to the Secretary options for accelerating the acquisition of precision munitions in order that, with respect to any such munition for which the requirements of the Department of Defense for two Major Theater Wars are not expected to be met by October 1, 2002, such requirements may be met for such munitions by such date.

SEC. 808. PROGRAM TO INCREASE OPPORTUNITY FOR SMALL BUSINESS INNOVATION IN DEFENSE ACQUISITION PROGRAMS.

(a) REQUIREMENT TO IMPLEMENT PROGRAM.—The Secretary of Defense shall implement a program to provide for increased opportunity for small-business concerns to provide innovative technology for acquisition programs of the Department of Defense.

(b) ELEMENTS OF PROGRAM.—The program required by subsection (a) shall consist of the following elements:

(1) The Secretary shall establish procedures through which small-business concerns may submit challenge proposals to existing components of acquisition programs of the Department of Defense which shall be designed to encourage small-business concerns to recommend cost-saving and innovative ideas to acquisition program managers.

(2) The Secretary shall establish a challenge proposal review board, the purpose of which shall be to review and make recommendations on the merit and viability of the challenge proposals submitted under paragraph (1). The Secretary shall ensure that such recommendations receive active consideration for incorporation into applicable acquisition programs of the Department of Defense at the appropriate point in the acquisition cycle.

(c) REPORT.—The Secretary of Defense shall report to Congress annually on the implementation of this section and the progress of providing increased opportunity for small-business concerns to provide innovative technology for acquisition programs of the Department of Defense.

(d) SMALL-BUSINESS CONCERN DEFINED.—In this section, the term ''small-business concern'' has the same meaning as the meaning of such term as used in the Small Business Act (15 U.S.C. 631 et seq.).

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. LIMITATION ON AMOUNT AVAILABLE FOR CONTRACTED ADVISORY AND ASSISTANCE SERVICES.

(a) REDUCTION.—From amounts appropriated for the Department of Defense for fiscal year

2000, the total amount obligated for contracted advisory and assistance services may not exceed the amount equal to the sum of the amounts specified in the President's budget for fiscal year 2000 for those services for components of the Department of Defense reduced by $100,000,000.

(b) LIMITATION PENDING RECEIPT OF REQUIRED REPORT.—Not more than 90 percent of the amount available to the Department of Defense for fiscal year 2000 for contracted advisory and assistance services (taking into account the limitation under subsection (a)) may be obligated until the Secretary of Defense submits to Congress the first annual report under section 2212(c) of title 10, United States Code.

SEC. 902. RESPONSIBILITY FOR LOGISTICS AND SUSTAINMENT FUNCTIONS OF THE DEPARTMENT OF DEFENSE.

(a) UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY.—(1) The position of Under Secretary of Defense for Acquisition and Technology in the Department of Defense is hereby redesignated as the Under Secretary of Defense for Acquisition, Technology, and Logistics. Any reference in any law, regulation, document, or other record of the United States to the Under Secretary of Defense for Acquisition and Technology shall be treated as referring to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(2) Section 133 of title 10, United States Code, is amended—

(A) in subsections (a), (b), and (e)(1), by striking ''Under Secretary of Defense for Acquisition and Technology'' and inserting ''Under Secretary of Defense for Acquisition, Technology, and Logistics''; and

(B) in subsection (b)—

(i) by striking ''logistics,'' in paragraph (2);

(ii) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(iii) by inserting after paragraph (2) the following new paragraph (3):

''(3) establishing policies for logistics, maintenance, and sustainment support for all elements of the Department of Defense;''.

(b) NEW DEPUTY UNDER SECRETARY FOR LOGISTICS AND MATERIEL READINESS.—(1) Chapter 4 of title 10, United States Code, is amended by inserting after section 133a the following new section:

''§ 133b. Deputy Under Secretary of Defense for Logistics and Materiel Readiness

''(a) There is a Deputy Under Secretary of Defense for Logistics and Materiel Readiness, appointed from civilian life by the President by and with the advice and consent of the Senate. The Deputy Under Secretary shall be appointed from among persons with an extensive background in the sustainment of major weapon systems and combat support equipment.

''(b) The Deputy Under Secretary is the principal adviser to the Secretary and the Under Secretary of Defense for Acquisition, Technology, and Logistics on logistics and materiel readiness in the Department of Defense and is the principal logistics official within the senior management of the Department of Defense.

''(c) The Deputy Under Secretary shall perform such duties relating to logistics and materiel readiness as the Under Secretary of Defense for Acquisition, Technology and Logistics may assign, including—

''(1) prescribing, by authority of the Secretary of Defense, policies and procedures for the conduct of logistics, maintenance, materiel readiness, and sustainment support in the Department of Defense;

''(2) advising and assisting the Secretary of Defense, the Deputy Secretary of Defense, and the Under Secretary of Defense for Acquisition and Technology, and providing guidance to and consulting with the Secretaries of the military departments, with respect to logistics, maintenance, materiel readiness, and sustainment support in the Department of Defense; and

''(3) monitoring and reviewing all logistics, maintenance, materiel readiness, and sustainment support programs in the Department of Defense.''.

(2) Section 5314 of title 5, United States Code, is amended by inserting after the paragraph relating to the Deputy Under Secretary of Defense for Acquisition and Technology the following new paragraph:

''Deputy Under Secretary of Defense for Logistics and Materiel Readiness.''.

(c) REVISIONS TO LAW PROVIDING FOR DEPUTY UNDER SECRETARY FOR ACQUISITION AND TECHNOLOGY.—Section 133a(b) of title 10, United States Code, is amended—

(1) by striking ''his duties'' in the first sentence and inserting ''the Under Secretary's duties relating to acquisition and technology''; and

(2) by striking the second sentence.

(d) CONFORMING AMENDMENTS TO CHAPTER 4.— Chapter 4 of such title is further amended as follows:

(1) Sections 131(b)(2), 134(c), 137(b), and 139(b) are amended by striking ''Under Secretary of Defense for Acquisition and Technology'' each place it appears and inserting ''Under Secretary of Defense for Acquisition, Technology, and Logistics''.

(2) The heading of section 133 is amended to read as follows:

''§ 133. Under Secretary of Defense for Acquisition, Technology, and Logistics''.

(3) The table of sections at the beginning of the chapter is amended—

(A) by striking the item relating to section 133 and inserting the following:

''133. Under Secretary of Defense for Acquisition, Technology, and Logistics.''; and

(B) by inserting after the item relating to section 133a the following new item:

''133b. Deputy Under Secretary of Defense for Logistics and Materiel Readiness.''.

(e) ADDITIONAL CONFORMING AMENDMENTS.—Section 5313 of title 5, United States Code, is amended by striking ''Under Secretary of Defense for Acquisition and Technology'' and inserting ''Under Secretary of Defense for Acquisition, Technology, and Logistics''.

SEC. 903. MANAGEMENT HEADQUARTERS AND HEADQUARTERS SUPPORT ACTIVITIES.

(a) REVISION TO DEFENSE DIRECTIVE RELATING TO MANAGEMENT HEADQUARTERS AND HEADQUARTERS SUPPORT ACTIVITIES.—Not later than October 1, 2000, the Secretary of Defense shall issue a revision to Department of Defense Directive 5100.73, entitled ''Department of Defense Management Headquarters and Headquarters Support Activities'', so as to incorporate in that directive the following:

(1) A threshold specified by command (or other organizational element) such that any headquarters activity below the threshold is not considered for the purpose of the directive to be a management headquarters or headquarters support activity.

(2) A definition of the term ''management headquarters and headquarters support activities'' that (A) is based upon function (rather than organization), and (B) includes any activity (other than an operational activity) that reports directly to such an activity.

(3) Uniform application of those definitions throughout the Department of Defense.

(b) TECHNICAL AMENDMENTS TO UPDATE LIMITATION ON OSD PERSONNEL.—Effective October 1, 1999, section 143 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''Effective October 1, 1999, the'' and inserting ''The''; and

(B) by striking ''75 percent of the baseline number'' and inserting ''3,767''.

(2) by striking subsections (b), (c), and (f); and

(3) by redesignating subsections (d) and (e) as subsections (b) and (c), respectively.

SEC. 904. FURTHER REDUCTIONS IN DEFENSE ACQUISITION AND SUPPORT WORKFORCE.

(a) REDUCTION OF DEFENSE ACQUISITION AND SUPPORT WORKFORCE.—The Secretary of Defense shall accomplish reductions in defense acquisition and support personnel positions during fiscal year 2000 so that the total number of such personnel as of October 1, 2000, is less than the total number of such personnel as of October 1, 1999, by at least 25,000.

(b) DEFENSE ACQUISITION AND SUPPORT PERSONNEL DEFINED.—For purposes of this section, the term ''defense acquisition and support personnel'' means military and civilian personnel (other than civilian personnel who are employed at a maintenance depot) who are assigned to, or employed in, acquisition organizations of the Department of Defense (as specified in Department of Defense Instruction numbered 5000.58 dated January 14, 1992), and any other organizations which the Secretary may determine to have a predominantly acquisition mission.

SEC. 905. CENTER FOR THE STUDY OF CHINESE MILITARY AFFAIRS.

(a) FINDINGS.—The Congress finds the following:

(1) The strategic relationship between the United States and the People's Republic of China will be very important for future peace and security, not only in the Asia-Pacific region but around the world.

(2) The United States does not view China as an enemy, nor consider that the coming century necessarily will see a new great power competition between the two nations.

(3) The end of the cold war has eliminated what had been the one fundamental common strategic interest of the United States and China, that of containing the Soviet Union.

(4) The sustained economic rise, stated geopolitical ambitions, and increasingly confrontational actions of China cast doubt on whether the United States will be able to form a satisfactory strategic partnership with the People's Republic of China and will pose challenges that will require careful management in order to preserve peace and protect the national security interests of the United States.

(5) The ability of the Department of Defense, and the United States Government more generally, to develop sound security and military strategies is hampered by a limited understanding of Chinese strategic goals and military capabilities. The low priority accorded the study of Chinese strategic and military affairs within the Government and within the academic community has contributed to this limited understanding.

(6) There is a need for a United States national institute for research and assessment of political, strategic, and military affairs in the People's Republic of China. Such an institute should be capable of providing analysis for the purpose of shaping United States military strategy and policy with regard to China and should be readily accessible to senior leaders within the Department of Defense, but should maintain academic and intellectual independence so that that analysis is not first shaped by policy.

(b) ESTABLISHMENT OF CENTER FOR THE STUDY OF CHINESE MILITARY AFFAIRS.—(1) Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2166. National Defense University: Center for the Study of Chinese Military Affairs

''(a) ESTABLISHMENT.—(1) The Secretary of Defense shall establish a Center for the Study of Chinese Military Affairs (hereinafter in this section referred to as the 'Center') as part of the National Defense University. The Center shall be organized as an independent institute under the University.

''(2) The Director of the Center shall be appointed by the Secretary of Defense. The Secretary shall appoint as the Director an individual who is a distinguished scholar of proven

academic, management, and leadership credentials with a superior record of achievement and publication regarding Chinese political, strategic, and military affairs.

''(b) MISSION.—The mission of the Center is to study the national goals and strategic posture of the People's Republic of China and the ability of that nation to develop, field, and deploy an effective military instrument in support of its national strategic objectives.

''(c) AREAS OF STUDY.—The Center shall conduct research relating to the People's Republic of China as follows:

''(1) To assess the potential of that nation to act as a global great power, the Center shall conduct research that considers the policies and capabilities of that nation in a regional and world-wide context, including Central Asia, Southwest Asia, Europe, and Latin America, as well as the Asia-Pacific region.

''(2) To provide a fuller assessment of the areas of study referred to in paragraph (1), the Center shall conduct research on—

''(A) economic trends relative to strategic goals and military capabilities;

''(B) strengths and weaknesses in the scientific and technological sector; and

''(C) relevant demographic and human resource factors on progress in the military sphere.

''(3) The Center shall conduct research on the armed forces of the People's Republic of China, taking into account the character of those armed forces and their role in Chinese society and economy, the degree of their technological sophistication, and their organizational and doctrinal concepts. That research shall include inquiry into the following matters:

''(A) Concepts concerning national interests, objectives, and strategic culture.

''(B) Grand strategy, military strategy, military operations, and tactics.

''(C) Doctrinal concepts at each of the four levels specified in subparagraph (B).

''(D) The impact of doctrine on China's force structure choices.

''(E) The interaction of doctrine and force structure at each level to create an integrated system of military capabilities through procurement, officer education, training, and practice and other similar factors.

''(d) FACULTY OF THE CENTER.—(1) The core faculty of the Center should comprise scholars capable of providing diverse perspectives on Chinese political, strategic, and military thought. Center scholars shall demonstrate the following competencies and capabilities:

''(A) Analysis of national strategy, military strategy, and doctrine.

''(B) Analysis of force structure and military capabilities.

''(C) Analysis of—

''(i) issues relating to weapons of mass destruction, military intelligence, defense economics, trade, and international economics; and

''(ii) the relationship between those issues and grand strategy, science and technology, the sociology of human resources and demography, and political science.

''(2) A substantial number of Center scholars shall be competent in the Chinese language. The Center shall include a core of junior scholars capable of providing linguistics and translation support to the Center.

''(e) ACTIVITIES OF THE CENTER.—The activities of the Center shall include other elements appropriate to its mission, including the following:

''(1) The Center should include an active conference program with an international reach.

''(2) The Center should conduct an international competition for a Visiting Fellowship in Chinese Military Affairs and Chinese Security Issues. The term of the fellowship should be for one year, renewable for a second.

''(3) The Center shall provide funds to support at least one trip per analyst per year to China and the region and to support visits of Chinese military leaders to the Center.

''(4) The Center shall support well defined, distinguished, signature publications.

''(5) Center scholars shall have appropriate access to intelligence community assessments of Chinese military affairs.

''(f) STUDIES AND REPORTS.—The Director may contract for studies and reports from the private sector to supplement the work of the Center.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2166. National Defense University: Center for the Study of Chinese Military Affairs.''.

(c) IMPLEMENTATION REPORT.—Not later than January 1, 2000, the Secretary of Defense shall submit to Congress a report stating the timetable and organizational plan for establishing the Center for the Study of Chinese Military Affairs under section 2166 of title 10, United States Code, as added by subsection (b).

(d) STARTUP OF CENTER.—The Secretary shall establish the Center for the Study of Chinese Military Affairs under section 2166 of title 10, United States Code, as added by subsection (b), not later than March 1, 2000, and shall appoint the first Director of the Center not later than June 1, 2000.

SEC. 906. RESPONSIBILITY WITHIN OFFICE OF THE SECRETARY OF DEFENSE FOR MONITORING OPTEMPO AND PERSTEMPO.

Section 136 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) The Under Secretary of Defense for Personnel and Readiness is responsible, subject to the authority, direction, and control of the Secretary of Defense, for the monitoring of the operations tempo and personnel tempo of the armed forces. The Under Secretary shall establish, to the extent practicable, uniform standards within the Department of Defense for terminology and policies relating to deployment of units and personnel away from their assigned duty stations (including the length of time units or personnel may be away for such a deployment) and shall establish uniform reporting systems for tracking deployments.''.

SEC. 907. REPORT ON MILITARY SPACE ISSUES.

(a) REPORT.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on United States military space policy. The report shall address current and projected United States efforts to fully exploit space in preparation for possible conflicts in 2010 and beyond. The report shall specifically address the following:

(1) The general organization of the Department of Defense for addressing space issues, the functions of the various Department of Defense and military agencies, components, and elements with responsibility for military space issues, the practical effect of creating a new military service with responsibility for military operations in space, and the advisability of establishing an Assistant Secretary of Defense for Space.

(2) The manner in which current national military space policy is incorporated into overall United States national space policy.

(3) The manner in which the Department of Defense is organized to develop doctrine for the military use of space.

(4) The manner in which military space issues are addressed by professional military education institutions, to include a listing of specific courses offered at those institutions that focuses on military space policy.

(5) The manner in which space control issues are incorporated into current and planned experiments and exercises.

(6) The manner in which military space assets are being fully exploited to provide support for United States contingency operations.

(7) United States policy toward the use of commercial launch vehicles and facilities for the launch of military assets.

(8) The current interagency coordination process regarding the operation of military space assets, including identification of interoperability and communications issues.

(9) Policies and procedures for sharing missile launch early warning data with United States allies and friendly countries.

(10) Issues regarding the capability to detect threats to United States space assets.

(11) The manner in which the presence of space debris is expected to affect United States military space launch policy and the future design of military spacecraft.

(12) Whether military space programs should be funded separately from other service programs and whether the Global Positioning System should be funded through a Defense-wide appropriation account.

(b) CLASSIFICATION AND DEADLINE FOR REPORT.—The report required by subsection (a) shall be prepared in both classified and unclassified form and shall be submitted not later than March 1, 2000.

SEC. 908. EMPLOYMENT AND COMPENSATION OF CIVILIAN FACULTY MEMBERS OF DEPARTMENT OF DEFENSE AFRICAN CENTER FOR STRATEGIC STUDIES.

(a) FACULTY.—Subsection (c) of section 1595 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) The African Center for Strategic Studies.''.

(b) DIRECTOR AND DEPUTY DIRECTOR.—Subsection (e) of such section is amended by adding at the end the following new paragraph:

''(4) The African Center for Strategic Studies.''.

SEC. 909. ADDITIONAL MATTERS FOR ANNUAL REPORT ON JOINT WARFIGHTING EXPERIMENTATION.

Section 485(b) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(5) With respect to interoperability of equipment and forces, any recommendations that the commander considers appropriate, developed on the basis of joint warfighting experimentation, for reducing unnecessary redundancy of equipment and forces, including guidance regarding the synchronization of the fielding of advanced technologies among the armed forces to enable the development and execution of joint operational concepts.

''(6) Recommendations for mission needs statements and operational requirements related to the joint experimentation and evaluation process.

''(7) Recommendations based on the results of joint experimentation for the relative priorities for acquisition programs to meet joint requirements.''.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2000 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee on Armed Services of the House of Representatives to accompany its report on the bill H.R. 1401 of the One Hundred Sixth Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1003. AUTHORIZATION OF PRIOR EMERGENCY MILITARY PERSONNEL APPROPRIATIONS.

There is authorized to be appropriated the amount of $1,838,426,000 appropriated to the Department of Defense for military personnel accounts in section 2012 of the 1999 Emergency Supplemental Appropriations Act.

SEC. 1004. REPEAL OF REQUIREMENT FOR TWO-YEAR BUDGET CYCLE FOR THE DEPARTMENT OF DEFENSE.

Section 1405 of the Department of Defense Authorization Act, 1986 (31 U.S.C. 1105 note), is repealed.

SEC. 1005. CONSOLIDATION OF VARIOUS DEPARTMENT OF THE NAVY TRUST AND GIFT FUNDS.

(a) CONSOLIDATION OF NAVAL ACADEMY GENERAL GIFT FUND AND MUSEUM FUND.—(1) Subsection (a) of section 6973 of title 10, United States Code, is amended to read as follows:

''(a)(1) The Secretary of the Navy may accept, hold, administer, and spend gifts and bequests of personal property, and loans of personal property other than money, made on the condition that the personal property be used for the benefit of, or in connection with, the Naval Academy or the Naval Academy Museum, its collection, or its services.

''(2) Gifts or bequests of money, and the proceeds from the sales of property received as a gift or bequest, shall be deposited in the Treasury in the fund called 'United States Naval Academy Gift and Museum Fund'. The Secretary may disburse funds deposited under this paragraph for the benefit or use of the Naval Academy or the Naval Academy Museum subject to the terms of the gift or bequest.''.

(2) Subsection (c) of such section is amended by striking ''United States Naval Academy general gift fund'' both places it appears and inserting ''United States Naval Academy Gift and Museum Fund''.

(3) Such section is further amended by adding at the end the following new subsection:

''(d) The Secretary shall develop written guidelines to be used in determining whether the acceptance of money, personal property, or loans of personal property under subsection (a) would—

''(1) reflect unfavorably upon the ability of the Department of the Navy to carry out its responsibilities in a fair and objective manner;

''(2) reflect unfavorably upon the ability of any employee of the Department of the Navy to carry out the employee's official duties in a fair and objective manner; or

''(3) compromise the integrity, or the appearance of the integrity, of Navy programs or any employee involved in such programs.''.

(b) REPEAL OF NAVAL ACADEMY MUSEUM FUND.—Section 6974 of title 10, United States Code, is repealed.

(c) REPEAL OF NAVAL HISTORICAL CENTER FUND.—Section 7222 of such title is repealed.

(d) TRANSFER OF FUNDS.—The Secretary of the Navy shall transfer—

(1) all funds in the United States Naval Academy Museum Fund as of the date of the enactment of this Act to the United States Naval Academy Gift and Museum Fund established by section 6973(a) of title 10, United States Code, as amended by subsection (a); and

(2) all funds in the Naval Historical Center Fund as of the date of the enactment of this Act to the Department of the Navy General Gift Fund established by section 2601(b)(2) of such title.

(e) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 603 of title 10, United States Code, is amended by striking the item relating to section 6974.

(2) The table of sections at the beginning of chapter 631 of such title is amended by striking the item relating to section 7222.

SEC. 1006. BUDGETING FOR OPERATIONS IN YUGOSLAVIA.

(a) IN GENERAL.—None of the funds appropriated pursuant to the authorizations of appropriations in this Act may be used for the conduct of combat or peacekeeping operations in the Federal Republic of Yugoslavia.

(b) SUPPLEMENTAL APPROPRIATIONS REQUEST FOR OPERATIONS IN YUGOSLAVIA.—If the President determines that it is in the national security interest of the United States to conduct combat or peacekeeping operations in the Federal Republic of Yugoslavia during fiscal year 2000, the President shall transmit to the Congress a supplemental appropriations request for the Department of Defense for such amounts as are necessary for the costs of any such operation.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. REVISION TO CONGRESSIONAL NOTICE-AND-WAIT PERIOD REQUIRED BEFORE TRANSFER OF A VESSEL STRICKEN FROM THE NAVAL VESSEL REGISTER.

Section 7306(d) of title 10, United States Code, is amended to read as follows:

''(d) CONGRESSIONAL NOTICE-AND-WAIT PERIOD.—(1) A transfer under this section may not take effect until—

''(A) the Secretary submits to Congress notice of the proposed transfer; and

''(B) 30 days of session of Congress have expired following the date on which the notice is sent to Congress.

''(2) For purposes of paragraph (1)(B)—

''(A) the period of a session of Congress is broken only by an adjournment of Congress sine die at the end of the final session of a Congress; and

''(B) any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain, or because of an adjournment sine die at the end of the first session of a Congress, shall be excluded in the computation of such 30-day period.''.

SEC. 1012. AUTHORITY TO CONSENT TO RETRANSFER OF FORMER NAVAL VESSEL.

(a) IN GENERAL.—Subject to subsection (b), the President may consent to the retransfer by the Government of Greece of HS Rodos (ex-USS BOWMAN COUNTY (LST 391)) to the USS LST Ship Memorial, Inc., a not-for-profit organization operating under the laws of the State of Pennsylvania.

(b) CONDITIONS FOR CONSENT.—The President should not exercise the authority under subsection (a) unless the USS LST Memorial, Inc. agrees—

(1) to use the vessel for public, nonprofit, museum-related purposes; and

(2) to comply with applicable law with respect to the vessel, including those requirements related to facilitating monitoring by the United States of, and mitigating potential environmental hazards associated with, aging vessels, and has a demonstrated financial capability to so comply.

SEC. 1013. REPORT ON NAVAL VESSEL FORCE STRUCTURE REQUIREMENTS.

(a) REQUIREMENT.—Not later than February, 1, 2000, the Secretary of Defense shall submit to the Committee on Armed Service of the Senate and the Committee on Armed Services of the House of Representatives a report on naval vessel force structure requirements.

(b) MATTERS TO BE INCLUDED.— The report shall provide—

(1) a statement of the naval vessel force structure required to carry out the National Military Strategy, including that structure required to meet joint and combined warfighting requirements and missions relating to crisis response, overseas presence, and support to contingency operations; and

(2) a statement of the naval vessel force structure that is supported and funded in the President's budget for fiscal year 2001 and in the current future-years defense program.

SEC. 1014. AUXILIARY VESSELS ACQUISITION PROGRAM FOR THE DEPARTMENT OF DEFENSE.

(a) PROGRAM AUTHORIZATION.—(1) Chapter 631 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 7233. Auxiliary vessels: extended lease authority

''(a) AUTHORIZED CONTRACTS.—After September 30, 1999, the Secretary of the Navy, subject to subsection (b), may enter into contracts with private United States shipyards for the construction of new surface vessels to be long-term leased by the United States from the shipyard or other private person for any of the following:

''(1) The combat logistics force of the Navy.

''(2) The strategic sealift force of the Navy.

''(3) Other auxiliary support vessels for the Department of Defense.

''(b) CONTRACTS REQUIRED TO BE AUTHORIZED BY LAW.—A contract may be entered into under subsection (a) with respect to a specific vessel only if the Secretary is specifically authorized by law to enter into such a contract with respect to that vessel.

''(c) FUNDS FOR CONTRACT PAYMENTS.—The Secretary may make payments for contracts entered into under subsection (a) and under subsection (g) using funds available for obligation from operation and maintenance accounts during the fiscal year for which the payments are required to be made. Any such contract shall provide that the United States is not required to make a payment under the contract (other than a termination payment, if required) before October 1, 2001.

''(d) TERM OF CONTRACT.—In this section, the term 'long-term lease' means a lease, bareboat charter, or conditional sale agreement with respect to a vessel the term of which (including any option period) is for a period of 20 years or more.

''(e) OPTION TO BUY.—A contract entered into under subsection (a) may include options for the United States to purchase one or more of the vessels covered by the contract at any time during, or at the end of, the contract period (including any option period) upon payment of an

amount equal to the lesser of (1) the unamortized portion of the cost of the vessel plus amounts incurred in connection with the termination of the financing arrangements associated with the vessel, or (2) the fair market value of the vessel.

''(f) DOMESTIC CONSTRUCTION.—The Secretary shall require in any contract entered into under this section that each vessel to which the contract applies—

''(1) shall have been constructed in a shipyard within the United States; and

''(2) upon delivery, shall be documented under the laws of the United States.

''(g) VESSEL OPERATION.—(1) The Secretary shall operate a vessel held by the Secretary under a long-term lease under this section through a contract with a United States domiciled corporation with experience in the operation of vessels for the United States. Any such contract shall be for a term as determined by the Secretary.

''(2) The Secretary may provide a crew for any such vessel using civil service mariners only after an evaluation and competition taking into account—

''(A) the fully burdened cost of a civil service crew over the expected useful life of the vessel;

''(B) the effect on the private sector manpower pool; and

''(C) the operational requirements of the Department of the Navy.

''(h) CONTINGENT WAIVER OF OTHER PROVISIONS OF LAW.—A contract authorized by this section may be entered into without regard to section 2401 or 2401a of this title if the Secretary of Defense makes the following findings with respect to that contract:

''(1) The need for the vessels or services to be provided under the contract is expected to remain substantially unchanged during the contemplated contract or option period.

''(2) There is a reasonable expectation that throughout the contemplated contract or option period the Secretary of the Navy (or, if the contract is for services to be provided to, and funded by, another military department, the Secretary of that military department) will request funding for the contract at the level required to avoid contract cancellation.

''(3) The use of such contract or the exercise of such option is in the interest of the national defense.

''(i) SOURCE OF FUNDS FOR TERMINATION LIABILITY.—If a contract entered into under this section is terminated, the costs of such termination may be paid from—

''(1) amounts originally made available for performance of the contract;

''(2) amounts currently available for operation and maintenance of the type of vessels or services concerned and not otherwise obligated; or

''(3) funds appropriated for those costs.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''7233. Auxiliary vessels: extended lease authority.''.

(b) DEFINITION OF DEPARTMENT OF DEFENSE SEALIFT VESSEL.—Section 2218(k)(2) of title 10, United States Code, is amended—

(1) by striking ''that is—'' in the matter preceding subparagraph (A) and inserting ''that is any of the following:'';

(2) by striking ''a'' at the beginning of subparagraphs (A), (B), and (E) and inserting ''A'';

(3) by striking ''an'' at the beginning of subparagraphs (C) and (D) and inserting ''An'';

(4) by striking the semicolon at the end of subparagraphs (A), (B), and (C) and inserting a period;

(5) by striking ''; or'' at the end of subparagraph (D) and inserting a period; and

(6) by adding at the end the following new subparagraphs:

''(F) A large medium-speed roll-on/roll-off ship.

''(G) A combat logistics force ship.

''(H) Any other auxiliary support vessel.''.

SEC. 1015. AUTHORITY TO PROVIDE ADVANCE PAYMENTS FOR THE NATIONAL DEFENSE FEATURES PROGRAM.

(a) IN GENERAL.—Section 2218 of title 10, United States Code, is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection (k):

''(k)(1) The Secretary of Defense, after making a determination of economic soundness for any proposed offer, may provide advance payments to a contractor by lump sum or annual payments (or a combination thereof) for the following costs associated with inclusion or incorporation of defense features in a commercial vessel:

''(A) Costs to build, procure, and install the defense features in the vessel.

''(B) Costs to periodically maintain and test the defense features on the vessel.

''(C) Any increased costs of operation or any loss of revenue attributable to the inclusion or incorporation of the defense feature on the vessel.

''(D) Any additional costs associated with the terms and conditions of the contract to install and incorporate defense features.

''(2) For any contract under which the United States provides advance payments under paragraph (1) for the costs associated with incorporation or inclusion of defense features in a commercial vessel, the contractor shall provide to the United States such security interests, which may include a preferred mortgage under section 31322 of title 46, on the vessel as the Secretary may prescribe to project the interests of the United States relating to all costs associated with incorporation or inclusion of defense features in such vessel or vessels.

''(3) The functions of the Secretary under this subsection may not be delegated to an officer or employee in a position below the head of the procuring activity, as defined in section 2304(f)(6)(A) of this title.''.

(b) EFFECTIVE DATE.—Subsection (j) of section 2218 of title 10, United States Code, as added by subsection (a), shall apply to contracts entered into after September 30, 1999.

Subtitle C—Matters Relating to Counter Drug Activities

SEC. 1021. SUPPORT FOR DETECTION AND MONITORING ACTIVITIES IN THE EASTERN PACIFIC OCEAN.

(a) OPERATION CAPER FOCUS.—Of the amount authorized to be appropriated by section 301(20) for drug interdiction and counter-drug activities, $6,000,000 shall be available for the purpose of conducting the counter-drug operation known as Caper Focus, which targets the maritime movement of cocaine on vessels in the eastern Pacific Ocean.

(b) FUNDS FOR CONVERSION OF WIDE APERTURE RADAR FACILITY TO OPERATIONAL STATUS.—Of the amount authorized to be appropriated by such section, $17,500,000 shall be available for the purpose of—

(1) converting the Over-The-Horizon Radar facility known as the Wide Aperture Radar Facility in southern California from a research to operational status; and

(2) using the facility on a full-time basis to detect and track both air and maritime drug traffic in the eastern Pacific Ocean and to monitor the international border in the southwestern United States.

(c) CONTRIBUTION OF ASSETS.—The Secretary of the Air Force shall make available for use at the Wide Aperture Radar Facility described in subsection (b) two OTH-B Continental 100 KW transmitters and necessary spare parts to ensure the conversion of the facility to operational status.

(d) TEST AGAINST GO-FAST BOATS.—As part of the conversion of the Wide Aperture Radar Facility described in subsection (b) to operational status, the Secretary of Defense shall evaluate the ability of the facility to detect and track the high-speed maritime vessels typically used in the transportation of illegal drugs by water.

(e) PROGRESS REPORT.—Not later than April 15, 2000, the Secretary of Defense shall submit a report to Congress evaluating the effectiveness of the Wide Aperture Radar Facility described in subsection (b) in counter-drug detection monitoring and border surveillance.

SEC. 1022. CONDITION ON DEVELOPMENT OF FORWARD OPERATING LOCATIONS FOR UNITED STATES SOUTHERN COMMAND COUNTER-DRUG DETECTION AND MONITORING FLIGHTS.

None of the funds appropriated or otherwise made available to the Department of Defense for any fiscal year may be obligated or expended for the purpose of improving the physical infrastructure at any proposed forward operating location outside the United States from which the United States Southern Command may conduct counter-drug detection and monitoring flights until a formal agreement regarding the extent and use of, and host nation support for, the forward operating location is executed by both the host nation and the United States.

SEC. 1023. UNITED STATES MILITARY ACTIVITIES IN COLOMBIA.

Section 1033(f) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 U.S.C. 1881) is amended—

(1) by redesignating paragraph (4) as paragraph (5) and, in such paragraph, by striking ''National Security'' and inserting ''Armed Services''; and

(2) by inserting after paragraph (3) the following new paragraph:

''(4) Not later than January 1 of each year, the Secretary shall submit to the congressional committees a report detailing the number of United States military personnel deployed or otherwise assigned to duty in Colombia at any time during the preceding year, the length and purpose of the deployment or assignment, and the costs and force protection risks associated with such deployments and assignments.''.

Subtitle D—Other Matters

SEC. 1031. IDENTIFICATION IN BUDGET MATERIALS OF AMOUNTS FOR DECLASSIFICATION ACTIVITIES AND LIMITATION ON EXPENDITURES FOR SUCH ACTIVITIES.

(a) IN GENERAL.—(1) Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 229. Amounts for declassification of records

''(a) SPECIFIC IDENTIFICATION IN BUDGET.—The Secretary of Defense shall include in the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) specific identification, as a budgetary line item, of the amounts required to carry out programmed activities during that fiscal year to declassify records pursuant to Executive Order 12958 (50 U.S.C. 435 note), or any successor Executive order, or to comply with any statutory requirement to declassify Government records.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''229. Amounts for declassification of records.''.

(b) LIMITATION ON EXPENDITURES.—The total amount expended by the Department of Defense during fiscal year 2000 to carry out activities to declassify records pursuant to Executive Order 12958 (50 U.S.C. 435 note), or any successor Executive order, or to comply with any statutory requirement to declassify Government records may not exceed $20,000,000.

SEC. 1032. NOTICE TO CONGRESSIONAL COMMITTEES OF COMPROMISE OF CLASSIFIED INFORMATION WITHIN DEFENSE PROGRAMS OF THE UNITED STATES.

(a) IN GENERAL.—The Secretary of Defense shall notify the committees specified in subsection (c) of any information, regardless of its origin, that the Secretary receives that indicates that classified information relating to any defense operation, system, or technology of the United States is being, or may have been, disclosed in an unauthorized manner to a foreign power or an agent of a foreign power.

(b) MANNER OF NOTIFICATION.—A notification under subsection (a) shall be provided, in writing, not later than 30 days after the date of the initial receipt of such information by the Department of Defense.

(c) SPECIFIED COMMITTEES.—The committees referred to in subsection (a) are the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives.

(d) FOREIGN POWER.—For purposes of this section, the terms ''foreign power'' and ''agent of a foreign power'' have the meanings given those terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

SEC. 1033. REVISION TO LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

(a) REVISED LIMITATION.—Subsections (a) and (b) of section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) are amended to read as follows:

''(a) FUNDING LIMITATION.—(1) Except as provided in paragraph (2), funds available to the Department of Defense may not be obligated or expended for retiring or dismantling, or for preparing to retire or dismantle, any of the following strategic nuclear delivery systems below the specified levels:

''(A) 76 B–52H bomber aircraft.

''(B) 18 Trident ballistic missile submarines.

''(C) 500 Minuteman III intercontinental ballistic missiles.

''(D) 50 Peacekeeper intercontinental ballistic missiles.

''(2) The limitation in paragraph (1) shall cease to apply upon a certification by the President to Congress of the following:

''(A) That the effectiveness of the United States strategic deterrent will not be decreased by reductions in strategic nuclear delivery systems.

''(B) That the requirements of the Single Integrated Operational Plan can be met with a reduced number of strategic nuclear delivery systems.

''(C) That reducing the number of strategic nuclear delivery systems will not, in the judgment of the President, provide a disincentive for Russia to ratify the START II treaty or serve to undermine future arms control negotiations.

''(3) If the Presidents submits the certification described in paragraph (2), then effective upon the submission of that certification, funds available to the Department of Defense may not be obligated or expended to maintain a United States force structure of strategic nuclear delivery systems with a total capacity in warheads that is less than 98 percent of the 6,000 warhead limitation applicable to the United States and in effect under the Strategic Arms Reduction Treaty.

''(b) WAIVER AUTHORITY.—If the START II treaty enters into force, the President may waive the application of the limitation in effect under paragraph (1) or (3) of subsection (a), as the case may be, to the extent that the President determines such a waiver to be necessary in order to implement the treaty.''.

(b) COVERED SYSTEMS.—(1) Subsection (e) of such section is amended to read as follows:

''(e) STRATEGIC NUCLEAR DELIVERY SYSTEMS DEFINED.—For purposes of this section, the term 'strategic nuclear delivery systems' means the following:

''(1) B–52H bomber aircraft.

''(2) Trident ballistic missile submarines.

''(3) Minuteman III intercontinental ballistic missiles.

''(4) Peacekeeper intercontinental ballistic missiles.''.

(2) Subsection (c)(2) of such section is amended by striking ''specified in subsection (a)''.

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (c)(2), by striking ''during the strategic delivery systems retirement limitation period'' and inserting ''during the fiscal year during which the START II Treaty enters into force''; and

(2) by striking subsection (g).

SEC. 1034. ANNUAL REPORT BY CHAIRMAN OF JOINT CHIEFS OF STAFF ON THE RISKS IN EXECUTING THE MISSIONS CALLED FOR UNDER THE NATIONAL MILITARY STRATEGY.

Section 153 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) RISKS UNDER NATIONAL MILITARY STRATEGY.—(1) Not later than January 1 each year, the Chairman shall submit to the Secretary of Defense a report providing the Chairman's assessment of the nature and magnitude of the strategic and military risks associated with executing the missions called for under the current National Military Strategy.

''(2) The Secretary shall forward the report received under paragraph (1) in any year, with the Secretary's comments thereon (if any), to Congress with the Secretary's next transmission to Congress of the annual Department of Defense budget justification materials in support of the Department of Defense component of the budget of the President submitted under section 1105 of title 31 for the next fiscal year. If the Chairman's assessment in such report in any year is that risk associated with executing the missions called for under the National Military Strategy is significant, the Secretary shall include with the report as submitted to Congress the Secretary's plan for mitigating that risk.''.

SEC. 1035. REQUIREMENT TO ADDRESS UNIT OPERATIONS TEMPO AND PERSONNEL TEMPO IN DEPARTMENT OF DEFENSE ANNUAL REPORT.

(a) REPORTING REQUIREMENTS.—Chapter 23 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 486. Unit operations tempo and personnel tempo: annual report

''(a) INCLUSION IN ANNUAL REPORT.—The Secretary of Defense shall include in the annual report required by section 113(c) of this title a description of the operations tempo and personnel tempo of the armed forces.

''(b) SPECIFIC REPORTING REQUIREMENTS.—To satisfy subsection (a), the report shall include the following:

''(1) A description of the methods by which each of the armed forces measures operations tempo and personnel tempo.

''(2) A description of the personnel tempo policies of each of the armed forces and any changes to these policies since the preceding report.

''(3) A table depicting the active duty end strength for each of the armed forces for each of the preceding five years and also depicting the number of members of each of the armed forces deployed over the same period, as determined by the Secretary concerned.

''(4) An identification of the active and reserve component units of the armed forces participating at the battalion, squadron, or an equivalent level (or a higher level) in contingency operations, major training events, and other exercises and contingencies of such a scale that the exercises and contingencies receive an official designation, that were conducted during the period covered by the report and the duration of their participation.

''(5) For each of the armed forces, the average number of days a member of that armed force was deployed away from the member's home station during the period covered by the report as compared to recent previous years for which such information is available.

''(6) For each of the armed forces, the number of days that high demand, low density units (as defined by the Chairman of the Joint Chiefs of Staff) were deployed during the period covered by the report, and whether these units met the force goals for limiting deployments, as described in the personnel tempo policies applicable to that armed force.

''(c) DEFINITIONS.—In this section:

''(1) The term 'operations tempo' means the rate at which units of the armed forces are involved in all military activities, including contingency operations, exercises, and training deployments.

''(2) The term 'personnel tempo' means the amount of time members of the armed forces are engaged in their official duties, including the rate at which members are required, as a result of these duties, to spend nights away from home.

''(3) The term 'armed forces' does not include the Coast Guard when it is not operating as a service in the Department of the Navy.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''486. Unit operations tempo and personnel tempo: annual report.''.

SEC. 1036. PRESERVATION OF CERTAIN DEFENSE REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) The following sections of title 10, United States Code: sections 113, 115a, 116, 139(f), 221, 226, 401(d), 667, 2011(e), 2391(c), 2431(a), 2432, 2457(d), 2537, 2662(b), 2706(b), 2861, 2902(g)(2), 4542(g)(2), 7424(b), 7425(b), 10541, 10542, and 12302(d).

(2) Sections 301a(f) and 1008 of title 37, United States Code.

(3) Sections 11 and 14 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–2, 98h–5).

(4) Section 4(a) of Public Law 85–804 (50 U.S.C. 1434(a)).

(5) Section 10(g) of the Military Selective Service Act (50 U.S.C. App. 460(g)).

(6) Section 3134 of the National Defense Authorization Act, Fiscal Year 1991 (42 U.S.C. 7274c).

(7) Section 822(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 6687(b)).

(8) Section 1097 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (22 U.S.C. 2751 note).

(9) Sections 208, 901(b)(2), and 1211 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1118, 1241(b)(2), 1291).

(10) Section 12 of the Act of March 9, 1920 (popularly known as the ''Suits in Admiralty Act'') (46 App. U.S.C. 752).

SEC. 1037. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 136(a) is amended by inserting ''advice and'' after ''by and with the''.

(2) Section 180(d) is amended by striking ''grade GS–18 of the General Schedule under section 5332 of title 5'' and inserting ''Executive Schedule Level IV under section 5376 of title 5''.

(3) Section 192(d) is amended by striking ''the date of the enactment of this subsection'' and inserting ''October 17, 1998''.

(4) Section 374(b) is amended—

(A) in paragraph (1), by aligning subparagraphs (C) and (D) with subparagraphs (A) and (B); and

(B) in paragraph (2)(F), by striking the second semicolon at the end of clause (i).

(5) Section 664(i)(2)(A) is amended by striking ''the date of the enactment of this subsection'' and inserting ''February 10, 1996''.

(6) Section 777(d)(1) is amended by striking ''may not exceed'' and all that follows and inserting ''may not exceed 35.''.

(7) Section 977(d)(2) is amended by striking ''the lesser of'' and all that follows through ''(B)''.

(8) Section 1073 is amended by inserting ''(42 U.S.C. 14401 et seq.)'' before the period at the end of the second sentence.

(9) Section 1076a(j)(2) is amended by striking ''1 year'' and inserting ''one year''.

(10) Section 1370(d) is amended—

(A) in paragraph (1), by striking ''chapter 1225'' and inserting ''chapter 1223''; and

(B) in paragraph (5), by striking ''the date of the enactment of this paragraph'' and inserting ''October 17, 1998,''.

(11) Section 1401a(b)(2) is amended—

(A) by striking ''MEMBERS'' and all that follows through ''The Secretary shall'' and inserting ''MEMBERS.—The Secretary shall'';

(B) by striking subparagraphs (B) and (C); and

(C) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B) and realigning those subparagraphs, as so redesignated, so as to be indented four ems from the left margin.

(12) Section 1406(i)(2) is amended by striking ''on or after the date of the enactment of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999'' and inserting ''after October 16, 1998''.

(13) Section 1448(b)(3)(E)(ii) is amended by striking ''on or after the date of the enactment of the subparagraph'' and inserting ''after October 16, 1998,''.

(14) Section 1501(d) is amended by striking ''prescribed'' in the first sentence and inserting ''described''.

(15) Section 1509(a)(2) is amended by striking ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998'' in subparagraphs (A) and (B) and inserting ''November 18, 1997,''.

(16) Section 1513(1) is amended by striking '', under the circumstances specified in the last sentence of section 1509(a) of this title'' and inserting ''who is required by section 1509(a)(1) of this title to be considered a missing person''.

(17) Section 2208(l)(2)(A) is amended by inserting ''of'' after ''during a period''.

(18) Section 2212(f) is amended—

(A) in paragraphs (2) and (3), by striking ''after the date of the enactment of this section'' and inserting ''after October 17, 1998,''; and

(B) in paragraphs (2), (3) and (4), by striking ''as of the date of the enactment of this section'' and inserting ''as of October 17, 1998''.

(19) Section 2302c(b) is amended by striking ''section 2303'' and inserting ''section 2303(a)''.

(20) Section 2325(a)(1) is amended by inserting ''that occurs after November 18, 1997,'' after ''of the contractor'' in the matter that precedes subparagraph (A).

(21) Section 2469a(c)(3) is amended by striking ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998'' and inserting ''November 18, 1997''.

(22) Section 2486(c) is amended by striking ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998,'' in the second sentence and inserting ''November 18, 1997,''.

(23) Section 2492(b) is amended by striking ''the date of the enactment of this section'' and inserting ''October 17, 1998''.

(24) Section 2539b(a) is amended by striking ''secretaries of the military departments'' and inserting ''Secretaries of the military departments''.

(25) Section 2641a is amended—

(A) by striking '', United States Code,'' in subsection (b)(2); and

(B) by striking subsection (d).

(26) Section 2692(b) is amended—

(A) by striking ''apply to—'' in the matter preceding paragraph (1) and inserting ''apply to the following:'';

(B) by striking ''the'' at the beginning of each of paragraphs (1) through (11) and inserting ''The'';

(C) by striking the semicolon at the end of each of paragraphs (1) through (9) and inserting a period; and

(D) by striking ''; and'' at the end of paragraph (10) and inserting a period.

(27) Section 2696 is amended—

(A) in subsection (a), by inserting ''enacted after December 31, 1997,'' after ''any provision of law'';

(B) in subsection (b)(1), by striking ''required by paragraph (1)'' and inserting ''referred to in subsection (a)''; and

(C) in subsection (e)(4), by striking ''the date of enactment of the National Defense Authorization Act for Fiscal Year 1998'' and inserting ''November 18, 1997''.

(28) Section 2703(c) is amended by striking ''United States Code,''.

(29) Section 2837(d)(2)(C) is amended by striking ''the National Defense Authorization Act for Fiscal Year 1996'' and inserting ''this section''.

(30) Section 7315(d)(2) is amended by striking ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998'' and inserting ''November 18, 1997,''.

(31) Section 7902(e)(5) is amended by striking '', United States Code,''.

(32) The item relating to section 12003 in the table of sections at the beginning of chapter 1201 is amended by inserting ''in an'' after ''officers''.

(33) Section 14301(g) is amended by striking ''1 year'' both places it appears and inserting ''one year''.

(34) Section 16131(b)(1) is amended by inserting ''in'' after ''Except as provided''

(b) PUBLIC LAW 105–261.—Effective as of October 17, 1998, and as if included therein as enacted, the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1920 et seq.) is amended as follows:

(1) Section 402(b) (112 Stat. 1996) is amended by striking the third comma in the first quoted matter and inserting a period.

(2) Section 511(b)(2) (112 Stat. 2007) is amended by striking ''section 1411'' and inserting ''section 1402''.

(3) Section 513(a) (112 Stat. 2007) is amended by striking ''section 511'' and inserting ''section 512(a)''.

(4) Section 525(b) (112 Stat. 2014) is amended by striking ''subsection (i)'' and inserting ''subsection (j)''.

(5) Section 568 (112 Stat. 2031) is amended by striking ''1295(c)'' in the matter preceding paragraph (1) and inserting ''1295b(c)''.

(6) Section 722(c)(1)(D) (112 Stat. 2067) is amended by striking ''subsection (c)'' and inserting ''subsection (d)''.

(c) PUBLIC LAW 105–85.—The National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) is amended as follows:

(1) Section 557(b) (111 Stat. 1750) is amended by inserting ''to'' after ''with respect''.

(2) Section 563(b) (111 Stat. 1754) is amended by striking ''title'' and inserting ''subtitle''.

(3) Section 644(d)(2) (111 Stat. 1801) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (7) and (8)''.

(4) Section 934(b) (111 Stat. 1866) is amended by striking ''of'' after ''matters concerning''.

(d) OTHER LAWS.—

(1) Effective as of April 1, 1996, section 647(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 370) is amended by inserting ''of such title'' after ''Section 1968(a)''.

(2) Section 414 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 12001 note) is amended—

*(A) by striking ''pilot'' in subsection (a), ''**PILOT**'' in the heading of subsection (a), and ''**PILOT**'' in the section heading; and*

(B) in subsection (c)(1)—

(i) by striking ''2,000'' in the first sentence and inserting ''5,000''; and

(ii) by striking the second sentence.

(3) Sections 8334(c) and 8422(a)(3) of title 5, United States Code, are each amended in the item for nuclear materials couriers—

(A) by striking ''to the day before the date of the enactment of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999'' and inserting ''to October 16, 1998''; and

(B) by striking ''The date of the enactment of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999'' and inserting ''October 17, 1998''.

(4) Section 113(b)(2) of title 32, United States Code, is amended by striking ''the date of the enactment of this subsection'' and inserting ''October 17, 1998''.

(5) Section 1007(b) of title 37, United States Code, is amended by striking the second sentence.

(6) Section 845(b)(1) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2371 note) is amended by striking ''(e)(2) and (e)(3) of such section 2371'' and inserting ''(e)(1)(B) and (e)(2) of such section 2371''.

SEC. 1038. CONTRIBUTIONS FOR SPIRIT OF HOPE ENDOWMENT FUND OF UNITED SERVICE ORGANIZATIONS, INCORPORATED.

(a) GRANTS AUTHORIZED.—Subject to subsection (c), the Secretary of Defense may make grants to the United Service Organizations, Incorporated, a federally chartered corporation under chapter 2201 of title 36, United States Code, to contribute funds for the USO's Spirit of Hope Endowment Fund.

(b) GRANT INCREMENTS.—The amount of the first grant under subsection (a) may not exceed $2,000,000. The amount of the second grant under such subsection may not exceed $3,000,000, and subsequent grants may not exceed $5,000,000.

(c) MATCHING REQUIREMENT.—Each grant under subsection (a) may not be made until after the United Service Organizations, Incorporated, certifies to the Secretary of Defense that sufficient funds have been raised from non-Federal sources for deposit in the Spirit of Hope Endowment Fund to match, on a dollar-for-dollar basis, the amount of that grant.

(d) FUNDING.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $25,000,000 shall be available to the Secretary of Defense for the purpose of making grants under subsection (a).

SEC. 1039. CHEMICAL DEFENSE TRAINING FACILITY.

(a) AUTHORITY TO TRANSFER AGENTS.—(1) The Secretary of Defense may transfer to the Attorney General quantities of non-stockpile lethal chemical agents required to support training at the Chemical Defense Training Facility at the Center for Domestic Preparedness in Fort McClellan, Alabama. The quantity of non-stockpile lethal chemical agents that may be transferred under this section may not exceed that required to support training for emergency first-response personnel in addressing the health, safety and law enforcement concerns associated with potential terrorist incidents that might involve the use of lethal chemical weapons or agents, or other training designated by the Attorney General.

(2) The Secretary of Defense, in coordination with the Attorney General, shall determine the amount of non-stockpile lethal chemical agents that shall be transferred under this section. Such amount shall be transferred from quantities of non-stockpile lethal chemical agents

that are maintained by the Department of Defense for research, development, test, and evaluation of chemical defense material and for live-agent training of chemical defense personnel and other individuals by the Department of Defense.

(3) The Secretary of Defense may not transfer non-stockpile lethal chemical agents under this section until—

(A) the Chemical Defense Training Facility referred to in paragraph (1) is transferred from the Department of Defense to the Department of Justice; and

(B) the Secretary certifies that the Attorney General is prepared to receive such agents.

(4) Quantities of non-stockpile lethal chemical agents transferred under this section shall meet all applicable requirements for transportation, storage, treatment, and disposal of such agents and for any resulting hazardous waste products.

(b) ANNUAL REPORT.—The Secretary of Defense, in consultation with Attorney General and the Administrator of the Environmental Protection Agency, shall report annually to Congress regarding the disposition of non-stockpile lethal chemical agents transferred under this section.

(c) NON-STOCKPILE LETHAL CHEMICAL AGENTS.—In this section, the term ''non-stockpile lethal chemical agents'' includes those chemicals in the possession of the Department of Defense that are not part of the chemical weapons stockpile and that are applied to research, medical, pharmaceutical, or protective purposes in accordance with Article VI of the Conventional Weapons Convention Treaty.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

SEC. 1101. INCREASE OF PAY CAP FOR NONAPPROPRIATED FUND SENIOR EXECUTIVE EMPLOYEES.

Section 5373 of title 5, United States Code, is amended—

(1) in the first sentence, by striking ''Except as provided'' and inserting ''(a) Except as provided in subsection (b) and''; and

(2) by adding at the end the following new subsection:

''(b) Subsection (a) shall not affect the authority of the Secretary of Defense or the Secretary of a military department to fix the pay of a civilian employee paid from nonappropriated funds, except that the annual rate of basic pay (including any portion of such pay attributable to comparability with private-sector pay in a locality) of such an employee may not be fixed at a rate greater than the rate for level III of the Executive Schedule.''.

SEC. 1102. RESTORATION OF LEAVE FOR CERTAIN DEPARTMENT OF DEFENSE EMPLOYEES WHO DEPLOY TO A COMBAT ZONE OUTSIDE THE UNITED STATES.

Section 6304(d) of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(4)(A) For purposes of this subsection, the deployment of an emergency essential employee of the Department of Defense to a combat zone outside the United States shall be deemed an exigency of the public business, and any leave that is lost by an employee as a result of such deployment (regardless of whether such leave was scheduled) shall be—

''(i) restored to the employee; and

''(ii) credited and available in accordance with paragraph (2).

''(B) For purposes of this paragraph, the term 'Department of Defense emergency essential employee'—

''(i) means a civilian employee of the Department of Defense, including a nonappropriated fund instrumentality employee (as defined by section 1587(a)(1) of title 10) whose assigned duties and responsibilities would be necessary during a period that follows the evacuation of nonessential personnel during a declared emergency or the outbreak of combat operations or war; and

''(ii) includes an employee who is hired on a temporary or permanent basis.''.

SEC. 1103. EXPANSION OF GUARD-AND-RESERVE PURPOSES FOR WHICH LEAVE UNDER SECTION 6323 OF TITLE 5, UNITED STATES CODE, MAY BE USED.

(a) IN GENERAL.—Section 6323 of title 5, United States Code, is amended in the first sentence by inserting '', inactive-duty training (as defined in section 101 of title 37),'' after ''active duty''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall not apply with respect to any inactive-duty training (as defined in such amendment) occurring before the date of the enactment of this Act.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

SEC. 1201. REPORT ON STRATEGIC STABILITY UNDER START III.

(a) REPORT.—Not later than September 1, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report, to be prepared by the Defense Science Board in consultation with the Director of Central Intelligence, on the strategic stability of the future nuclear balance between (1) the United States, and (2) Russia and other potential nuclear adversaries.

(b) MATTERS TO BE INCLUDED.—The Secretary shall include in the report the following:

(1) The policy guidance defining the military-political objectives of the United States against potential nuclear adversaries under various nuclear conflict scenarios.

(2) The target sets and damage goals of the United States against potential nuclear adversaries under various nuclear conflict scenarios and how those target sets and damage goals relate to the achievement of the military-political objectives identified under paragraph (1).

(3) The strategic nuclear force posture of the United States and of Russia that may emerge under a further Strategic Arms Reduction Treaty (referred to as ''START III'') and how capable the United States forces envisioned under that posture would be for the achievement of the damage goals and the military objectives against potential nuclear adversaries referred to in paragraphs (1) and (2).

(4) The Secretary's assessment of (A) whether Russian strategic forces under a START III treaty would, or would not, likely be smaller, more vulnerable, and less capable of launch-on-tactical-warning than at present, and (B) in light of such assessment, whether incentives for Russia to carry out a first strike against the United States during a future crisis probably would, or would not, be greater than at present under a START III treaty.

(5) The Secretary's assessment of (A) whether China and so-called nuclear rogue states probably will, or will not, remain incapable in the foreseeable future of carrying out a launch-on-tactical-warning and be more vulnerable to United States conventional or nuclear attack than at present, and (B) in light of such assessment, whether incentives for China and nuclear rogue states to carry out a first strike against the United States during a future crisis probably would, or would not, be greater than at present.

(6) The Secretary's assessment of whether asymmetries between the United States and Russia that are favorable to Russia in active and passive defenses may be a significant strategic advantage to Russia under a START III treaty.

(7) The Secretary's assessment of whether asymmetries between the United States and Russia that are highly favorable to Russia in tactical nuclear weapons might erode strategic stability.

(8) The Secretary's assessment of whether a combination of Russia and China against the United States in a nuclear conflict could erode strategic stability under a START III treaty.

(9) The Secretary's assessment of whether doctrinal asymmetries between the United States and Russia, such as the expansion by Russia of the warfighting role of nuclear weapons while the United States is de-emphasizing the utility and purpose of nuclear weapons, could erode strategic stability.

(c) CLASSIFICATION.—The report shall be submitted in classified form and, to the extent possible, in unclassified form.

SEC. 1202. ONE-YEAR EXTENSION OF COUNTERPROLIFERATION AUTHORITIES FOR SUPPORT OF UNITED NATIONS WEAPONS INSPECTION REGIME IN IRAQ.

Effective October 1, 1999, section 1505(f) of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a(f)) is amended by striking ''1999'' and inserting ''2000''.

SEC. 1203. MILITARY-TO-MILITARY CONTACTS WITH CHINESE PEOPLE'S LIBERATION ARMY.

(a) PRINCIPLES FOR MILITARY-TO-MILITARY CONTACTS.—(1) It is the policy of the United States that military-to-military contacts between the United States Armed Forces and the People's Liberation Army of the People's Republic of China should be based on the principles of reciprocity and transparency and that those contacts should be managed within the executive branch by the Department of Defense.

(2) For purposes of this section—

(A) reciprocity is measured by the frequency and purpose of visits, the size of delegations, and similar measures; and

(B) transparency is measured by the degree of access to facilities and installations, to military personnel and units, and to exercises, and similar measures.

(b) LIMITATIONS.—The Secretary of Defense shall require that members of the People's Liberation Army (when participating in any such military-to-military contact or otherwise) be excluded from the following:

(1) Inappropriate exposure (as determined by the Secretary) to the operational capabilities of the Armed Forces, including the following:

(A) Force projection.

(B) Nuclear operations.

(C) Advanced logistics.

(D) Chemical and biological defense and other capabilities related to weapons of mass destruction.

(E) Intelligence, surveillance, and reconnaissance operations.

(F) Joint warfighting experiments and other activities related to a transformation in warfare.

(G) Military space operations.

(H) Other advanced capabilities of the Armed Forces.

(2) Arms sales or military-related technology transfers.

(3) Release of classified or restricted information.

(4) Access to a Department of Defense laboratory.

(c) CERTIFICATION BY SECRETARY.—The Secretary of Defense may authorize military-to-military contacts with the People's Liberation Army during any calendar year only after the Secretary submits to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives, not earlier than one month before the beginning of that year, a certification in writing that such contacts during that year—

(1) will be conducted in a manner consistent with the principles of reciprocity and transparency; and

(2) are in the national security interest of the United States.

(d) ANNUAL REPORT.—Not later than June 1 each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report providing the

Secretary's assessment of the current state of military-to-military contacts with the People's Liberation Army. The report shall include the following:

(1) A summary of all such military-to-military contacts during the period since the last such report, including a summary of topics discussed and questions asked by the Chinese participants in those contacts.

(2) A description of the military-to-military contacts scheduled for the next 12-month period and a five-year plan for those contacts.

(3) The Secretary's assessment of the benefits the Chinese expect to gain from those military-to-military contacts.

(4) The Secretary's assessment of the benefits the Department of Defense expects to gain from those military-to-military contacts.

(5) The Secretary's assessment of how military-to-military contacts with the People's Liberation Army fit into the larger security relationship between United States and the People's Republic of China.

SEC. 1204. REPORT ON ALLIED CAPABILITIES TO CONTRIBUTE TO MAJOR THEATER WARS.

(a) REPORT.—The Secretary of Defense shall prepare a report, in both classified and unclassified form, on the current military capabilities of allied nations to contribute to the successful conduct of the major theater wars as anticipated in the Quadrennial Defense Review of 1997.

(b) MATTERS TO BE INCLUDED.—The report shall set forth the following:

(1) The identity, size, structure, and capabilities of the armed forces of the allies expected to participate in the major theater wars anticipated in the Quadrennial Defense Review.

(2) The priority accorded in the national military strategies and defense programs of the anticipated allies to contributing forces to United States-led coalitions in such major theater wars.

(3) The missions currently being conducted by the armed forces of the anticipated allies and the ability of the allied armed forces to conduct simultaneously their current missions and those anticipated in the event of major theater war.

(4) Any Department of Defense assumptions about the ability of allied armed forces to deploy or redeploy from their current missions in the event of a major theater war, including any role United States Armed Forces would play in assisting and sustaining such a deployment or redeployment.

(5) Any Department of Defense assumptions about the combat missions to be executed by such allied forces in the event of major theater war.

(6) The readiness of allied armed forces to execute any such missions.

(7) Any risks to the successful execution of the military missions called for under the National Military Strategy of the United States related to the capabilities of allied armed forces.

(c) SUBMISSION OF REPORT.—The report shall be submitted to Congress not later than June 1, 2000.

SEC. 1205. LIMITATION ON FUNDS FOR BOSNIA PEACEKEEPING OPERATIONS FOR FISCAL YEAR 2000.

(a) LIMITATION.—(1) Of the amounts authorized to be appropriated by section 301(24) of this Act for the Overseas Contingency Operations Transfer Fund, no more than $1,824,400,000 may be obligated for incremental costs of the Armed Forces for Bosnia peacekeeping operations.

(2) The President may waive the limitation in paragraph (1) after submitting to Congress the following:

(A) The President's written certification that the waiver is necessary in the national security interests of the United States.

(B) The President's written certification that exercising the waiver will not adversely affect the readiness of United States military forces.

(C) A report setting forth the following:

(i) The reasons that the waiver is necessary in the national security interests of the United States.

(ii) The specific reasons that additional funding is required for the continued presence of United States military forces participating in, or supporting, Bosnia peacekeeping operations for fiscal year 2000.

(iii) A discussion of the impact on the military readiness of United States Armed Forces of the continuing deployment of United States military forces participating in, or supporting, Bosnia peacekeeping operations.

(D) A supplemental appropriations request for the Department of Defense for such amounts as are necessary for the additional fiscal year 2000 costs associated with United States military forces participating in, or supporting, Bosnia peacekeeping operations.

(b) BOSNIA PEACEKEEPING OPERATIONS DEFINED.—For the purposes of this section, the term ''Bosnia peacekeeping operations'' has the meaning given such term in section 1204(e) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2112).

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2000 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2000 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301, and any other funds appropriated after the date of the enactment of this Act, for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $444,100,000 authorized to be appropriated to the Department of Defense for fiscal year 2000 in section 301(23) for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $177,300,000.

(2) For strategic nuclear arms elimination in Ukraine, $43,000,000.

(3) For activities to support warhead dismantlement processing in Russia, $9,300,000.

(4) For security enhancements at chemical weapons storage sites in Russia, $24,600,000.

(5) For weapons transportation security in Russia, $15,200,000.

(6) For planning, design, and construction of a storage facility for Russian fissile material, $60,900,000.

(7) For weapons storage security in Russia, $90,000,000.

(8) For development of a cooperative program with the Government of Russia to eliminate the production of weapons grade plutonium at Russian reactors, $20,000,000.

(9) For biological weapons proliferation prevention activities in Russia, $2,000,000.

(10) For activities designated as Other Assessments/Administrative Support, $1,800,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2000 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2000 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2000 or any subsequent fiscal year for a purpose listed in any of the paragraphs in subsection (a) in excess of the amount specifically authorized for such purpose. However, the total amount obligated for Cooperative Threat Reduction programs for such fiscal year may not, by reason of the use of the authority provided in the preceding sentence, exceed the total amount authorized for such programs for such fiscal year.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for the purposes stated in any of paragraphs (3) through (10) of subsection (a) in excess of 115 percent of the amount specifically authorized for such purposes.

SEC. 1303. PROHIBITION ON USE OF FUNDS FOR SPECIFIED PURPOSES.

(a) IN GENERAL.—No fiscal year 2000 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs after the date of the enactment of this Act, may be obligated or expended for any of the following purposes:

(1) Conducting with Russia any peacekeeping exercise or other peacekeeping-related activity.

(2) Provision of housing.

(3) Provision of assistance to promote environmental restoration.

(4) Provision of assistance to promote job retraining.

(b) LIMITATION WITH RESPECT TO DEFENSE CONVERSION ASSISTANCE.—None of the funds appropriated pursuant to this Act, and no funds appropriated to the Department of Defense in any other Act enacted after the date of the enactment of this Act, may be obligated or expended for the provision of assistance to Russia or any other state of the former Soviet Union to promote defense conversion.

(c) LIMITATION WITH RESPECT TO CONVENTIONAL WEAPONS.—No fiscal year 2000 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs after the date of the enactment of this Act, may be obligated or expended for elimination of conventional weapons or the delivery vehicles of such weapons.

SEC. 1304. LIMITATIONS ON USE OF FUNDS FOR FISSILE MATERIAL STORAGE FACILITY.

(a) LIMITATIONS ON USE OF FISCAL YEAR 2000 FUNDS.—No fiscal year 2000 Cooperative Threat Reduction funds may be used—

(1) for construction of a second wing for the storage facility for Russian fissile material referred to in section 1302(6); or

(2) for design or planning with respect to such facility until 15 days after the date that the Secretary of Defense submits to Congress notification that Russia and the United States have signed a written transparency agreement that provides that the United States may verify that

material stored at the facility is of weapons origin.

(b) LIMITATION ON CONSTRUCTION.—No funds appropriated for Cooperative Threat Reduction programs may be used for construction of the storage facility referred to in subsection (a) until the Secretary of Defense submits to Congress the following:

(1) A certification that additional capacity is necessary at such facility for storage of Russian weapons-origin fissile material.

(2) A detailed cost estimate for a second wing for the facility.

SEC. 1305. LIMITATION ON USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION.

No fiscal year 2000 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs after the date of the enactment of this Act, may be obligated or expended for planning, design, or construction of a chemical weapons destruction facility in Russia.

SEC. 1306. LIMITATION ON USE OF FUNDS FOR BIOLOGICAL WEAPONS PROLIFERATION PREVENTION ACTIVITIES.

No fiscal year 2000 Cooperative Threat Reduction funds may be obligated or expended for biological weapons proliferation prevention activities in Russia until the Secretary of Defense submits to the congressional defense committees the reports described in sections 1305 and 1308 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2164, 2166).

SEC. 1307. LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF REPORT AND MULTIYEAR PLAN.

No fiscal year 2000 Cooperative Threat Reduction funds may be obligated or expended until the Secretary of Defense submits to Congress—

(1) a report describing—

(A) with respect to each purpose listed in section 1302, whether the Department of Defense is the appropriate executive agency to carry out Cooperative Threat Reduction programs for such purpose, and if so, why; and

(B) for any purpose that the Secretary determines is not appropriately carried out by the Department of Defense, a plan for migrating responsibility for carrying out such purpose to the appropriate agency; and

(2) an updated version of the multiyear plan for fiscal year 2000 required to be submitted under section 1205 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2883).

SEC. 1308. REQUIREMENT TO SUBMIT REPORT.

Not later than December 31, 1999, the Secretary of Defense shall submit to Congress a report including—

(1) an explanation of the strategy of the Department of Defense for encouraging states of the former Soviet Union that receive funds through Cooperative Threat Reduction programs to contribute financially to the threat reduction effort;

(2) a prioritization of the projects carried out by the Department of Defense under Cooperative Threat Reduction programs; and

(3) an identification of any limitations that the United States has imposed or will seek to impose, either unilaterally or through negotiations with recipient states, on the level of assistance provided by the United States for each of such projects.

SEC. 1309. REPORT ON EXPANDED THREAT REDUCTION INITIATIVE.

Not later than December 31, 1999, the President shall submit to Congress a report on the Expanded Threat Reduction Initiative. Such report shall include a description of the plans for ensuring effective coordination between executive agencies in carrying out the Expanded Threat Reduction Initiative to minimize duplication of efforts.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2000''.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Redstone Arsenal	$9,800,000
Alaska	Fort Richardson	$14,600,000
	Fort Wainwright	$32,500,000
California	Fort Irwin	$32,400,000
	Presidio of Monterey	$7,100,000
Colorado	Fort Carson	$4,400,000
	Peterson Air Force Base	$25,000,000
District of Columbia	Fort McNair	$1,250,000
	Walter Reed Medical Center	$6,800,000
Georgia	Fort Benning	$48,400,000
	Fort Stewart	$71,700,000
Hawaii	Schofield Barracks	$95,000,000
Kansas	Fort Leavenworth	$34,100,000
	Fort Riley	$3,900,000
Kentucky	Blue Grass Army Depot	$6,000,000
	Fort Campbell	$39,900,000
	Fort Knox	$1,300,000
Louisiana	Fort Polk	$6,700,000
Maryland	Fort Meade	$22,450,000
Massachusetts	Westover Air Reserve Base	$4,000,000
Missouri	Fort Leonard Wood	$27,100,000
New York	Fort Drum	$23,000,000
North Carolina	Fort Bragg	$125,400,000
	Sunny Point Military Ocean Terminal	$3,800,000
Oklahoma	Fort Sill	$33,200,000
	McAlester Army Ammunition	$16,600,000
Pennsylvania	Carlisle Barracks	$5,000,000
	Letterkenny Army Depot	$3,650,000
South Carolina	Fort Jackson	$7,400,000
Texas	Fort Bliss	$52,350,000
	Fort Hood	$84,500,000
Virginia	Fort Belvoir	$3,850,000
	Fort Eustis	$43,800,000
	Fort Myer	$2,900,000
	Fort Story	$8,000,000
Washington	Fort Lewis	$23,400,000
CONUS Various	CONUS Various	$36,400,000
	Total	$967,550,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Ansbach	$21,000,000
	Bamberg	$23,200,000
	Mannheim	$4,500,000
Korea	Camp Casey	$31,000,000

Army: Outside the United States—Continued

Country	Installation or location	Amount
	Camp Howze	$3,050,000
	Camp Stanley	$3,650,000
	Total	$86,400,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation or location	Purpose	Amount
Korea	Camp Humphreys	60 Units	$24,000,000
Virginia	Fort Lee	97 Units	$16,500,000
		Total	$40,500,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carryout architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,300,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in sections 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $35,400,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,384,417,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $879,550,000.

(2) For the military construction projects outside the United States authorized by section 2101(b), $86,400,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $9,500,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $87,205,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, $80,200,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,089,812,000.

(6) For the construction of the United States Disciplinary Barracks, Fort Leavenworth, Kansas, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1967), $18,800,000.

(7) For the construction of the force XXI soldier development center, Fort Hood, Texas, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1966), $14,000,000.

(8) For the construction of the railhead facility, Fort Hood, Texas, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2182), $14,800,000.

(9) For the construction of the cadet development center, United States Military Academy, West Point, New York, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2182), $28,500,000.

(10) For the construction of the whole barracks complex renewal, Fort Campbell, Kentucky, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal year 1999 (division B of Public Law 105–261; 112 Stat. 2182), $32,000,000.

(11) For the construction of the multi-purpose digital training range, Fort Knox, Kentucky, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2182), $16,000,000.

(12) For the construction of the power plant, Roi Namur Island, Kwajalein Atoll, Kwajalein, authorized in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2183), $35,400,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $46,000,000 (the balance of the amount authorized under section 2101(a) for the construction of the whole barracks complex renewal at Schofield Barracks, Hawaii);

(3) $22,000,000 (the balance of the amount authorized under section 2101(a) for the construction of the whole barracks complex renewal at Fort Bragg, North Carolina);

(4) $10,000,000 (the balance of the amount authorized under section 2101(a) for the construction of tank trail erosion mitigation at the Yakima Training Center, Fort Lewis, Washington); and

(5) $10,100,000 (the balance of the amount authorized under section 2101(a) for the construction of a tactical equipment shop at Fort Sill, Oklahoma).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (12) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $7,750,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma	$24,220,000
	Navy Detachment, Camp Navajo	$7,560,000
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	$34,760,000
	Marine Corps Base, Camp Pendleton	$38,460,000
	Marine Corps Logistics Base, Barstow	$4,670,000
	Marine Corps Recruit Depot, San Diego	$3,200,000
	Naval Air Station, Lemoore	$24,020,000
	Naval Air Station, North Island	$54,420,000
	Naval Air Warfare Center, China Lake	$4,000,000
	Naval Air Warfare Center, Corona	$7,070,000
	Naval Air Warfare Center, Point Magu	$6,190,000
	Naval Hospital, San Diego	$21,590,000
	Naval Hospital, Twentynine Palms	$7,640,000
	Naval Postgraduate School	$5,100,000
Florida	Naval Air Station, Whiting Field, Milton	$5,350,000
	Naval Station, Mayport	$9,560,000
Georgia	Marine Corps Logistics Base, Albany	$6,260,000
Hawaii	Marine Corps Air Station, Kaneohe Bay	$5,790,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
	Naval Shipyard, Pearl Harbor	$10,610,000
	Naval Station, Pearl Harbor	$18,600,000
	Naval Submarine Base, Pearl Harbor	$29,460,000
Idaho	Naval Surface Warfare Center, Bayview	$10,040,000
Illinois	Naval Training Center, Great Lakes	$57,290,000
Indiana	Naval Surface Warfare Center, Crone	$7,270,000
Maine	Naval Air Station, Brunswick	$16,890,000
Maryland	Naval Air Warfare Center, Patuxent River	$4,560,000
	Naval Surface Warfare Center, Indian Head	$10,070,000
Mississippi	Naval Air Station, Meridian	$7,280,000
	Naval Construction Battalion Center Gulfport	$19,170,000
Nevada	Naval Air Station, Fallon	$7,000,000
New Jersey	Naval Air Warfare Center Aircraft Division, Lakehurst	$15,710,000
North Carolina	Marine Corps Air Station, New River	$5,470,000
	Marine Corps Base, Camp Lejeune	$21,380,000
Pennsylvania	Navy Ships Parts Control Center, Mechanicsburg	$2,990,000
	Norfolk Naval Shipyard Detachment, Philadelphia	$13,320,000
South Carolina	Naval Weapons Station, Charleston	$7,640,000
	Marine Corps Air Station, Beaufort	$18,290,000
Texas	Naval Station, Ingleside	$11,780,000
Virginia	Marine Corps Combat Development Command, Quantico	$20,820,000
	Naval Air Station, Oceana	$11,490,000
	Naval Shipyard, Norfolk	$17,630,000
	Naval Station, Norfolk	$69,550,000
	Naval Weapons Station, Yorktown	$25,040,000
	Tactical Training Group Atlantic, Dam Neck	$10,310,000
Washington	Naval Ordnance Center Pacific Division Detachment, Port Hadlock	$3,440,000
	Naval Undersea Warfare Center, Keyport	$6,700,000
	Puget Sound Naval Shipyard, Bremerton	$15,610,000
	Strategic Weapons Facility Pacific, Bremerton	$6,300,000
	Total	$751,570,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Bahrain	Administrative Support Unit,	$83,090,000
Diego Garcia	Naval Support Facility, Diego Garcia	$8,150,000
Greece	Naval Support Activity, Souda Bay	$6,380,000
Italy	Naval Support Activity, Naples	$26,750,000
	Total	$124,370,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation or location	Purpose	Amount
Hawaii	Marine Corps Air Station, Kaneohe Bay	100 Units	$26,615,000
	Naval Base Pearl Harbor	133 Units	$30,168,000
	Naval Base Pearl Harbor	96 Units	$19,167,000
		Total	$75,950,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriation in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $17,715,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $162,350,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,084,107,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $737,910,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $124,370,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,342,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $70,010,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, $256,015,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $895,070,000.

(6) For the construction of berthing wharf, Naval Station Norfolk, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2189), $12,690,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $13,660,000 (the balance of the amount authorized under section 2201(a) for the construction of a berthing wharf at Naval Air Station, North Island, California).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (6) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $19,300,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

SEC. 2205. AUTHORIZATION TO ACCEPT ELECTRICAL SUBSTATION IMPROVEMENTS, GUAM.

The Secretary of the Navy may accept from the Guam Power Authority various improvements to electrical transformers at the Agana and Harmon Substations in Guam, which are valued at approximately $610,000 and are to be performed in accordance with plans and specifications acceptable to the Secretary.

SEC. 2206. CORRECTION IN AUTHORIZED USE OF FUNDS, MARINE CORPS COMBAT DEVELOPMENT COMMAND, QUANTICO, VIRGINIA.

The Secretary of the Navy may carry out a military construction project involving infrastructure development at the Marine Corps Combat Development Command, Quantico, Virginia, in the amount of $8,900,000, using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2769) for a military construction project involving a sanitary landfill at that installation, as authorized by section 2201(a) of that Act (110 Stat. 2767).

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	$10,600,000
Alaska	Eielson Air Force Base	$24,100,000
	Elmendorf Air Force Base	$32,800,000
Arizona	Davis-Monthan Air Force Base	$7,800,000
Arkansas	Little Rock Air Force Base	$7,800,000
California	Beale Air Force Base	$8,900,000
	Edwards Air Force Base	$5,500,000
	Travis Air Force Base	$11,200,000
Colorado	Peterson Air Force Base	$40,000,000
	Schriever Air Force Base	$16,100,000
	U.S. Air Force Academy	$17,500,000
CONUS Classified	Classified Location	$16,870,000
Florida	Eglin Air Force Base	$18,300,000
	Eglin Auxiliary Field 9	$18,800,000
	MacDill Air Force Base	$5,500,000
	Patrick Air Force Base	$17,800,000
	Tyndall Air Force Base	$10,800,000
Georgia	Fort Benning	$3,900,000
	Moody Air Force Base	$5,950,000
	Robins Air Force Base	$3,350,000
Hawaii	Hickam Air Force Base	$3,300,000
Idaho	Mountain Home Air Force Base	$17,000,000
Kansas	McConnell Air Force Base	$9,600,000
Kentucky	Fort Campbell	$6,300,000
Mississippi	Columbus Air Force Base	$5,100,000
	Keesler Air Force Base	$27,000,000
Missouri	Whiteman Air Force Base	$24,900,000
Nebraska	Offutt Air Force Base	$8,300,000
Nevada	Nellis Air Force Base	$18,600,000
New Jersey	McGuire Air Force Base	$11,800,000
New Mexico	Kirtland Air Force Base	$14,000,000
North Carolina	Fort Bragg	$4,600,000
	Pope Air Force Base	$7,700,000
North Dakota	Minot Air Force Base	$3,000,000
Ohio	Wright-Patterson Air Force Base	$35,100,000
Oklahoma	Tinker Air Force Base	$23,800,000
	Vance Air Force Base	$12,600,000
South Carolina	Charleston Air Force Base	$18,200,000
Tennessee	Arnold Air Force Base	$7,800,000
Texas	Dyess Air Force Base	$5,400,000
	Lackland Air Force Base	$13,400,000
	Laughlin Air Force Base	$3,250,000
	Randolph Air Force Base	$3,600,000
Utah	Hill Air Force Base	$4,600,000
Virginia	Langley Air Force Base	$6,300,000
Washington	Fairchild Air Force Base	$15,550,000
	McChord Air Force Base	$7,900,000
	Total	$632,270,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Guam	Andersen Air Force Base	$8,900,000
Italy	Aviano Air Base	$3,700,000
Korea	Osan Air Base	$19,600,000
Portugal	Lajes Field, Azores	$1,800,000
United Kingdom	Ascension Island	$2,150,000
	Royal Air Force Feltwell	$3,000,000
	Royal Air Force Lakenheath	$18,200,000
	Royal Air Force Mildenhall	$17,600,000
	Royal Air Force Molesworth	$1,700,000
	Total	$76,650,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation or location	Purpose	Amount
Arizona	Davis-Monthan Air Force Base	64 Units	$10,000,000
California	Beale Air Force Base	60 Units	$8,500,000
	Edwards Air Force Base	188 Units	$32,790,000
	Vandenberg Air Force Base	91 Units	$16,800,000
District of Columbia	Bolling Air Force Base	72 Units	$9,375,000
Florida	Eglin Air Force Base	130 Units	$14,080,000
	MacDill Air Force Base	54 Units	$9,034,000
Kansas	McConnell Air Force Base	Safety Improvements.	$1,363,000
Mississippi	Columbus Air Force Base	100 Units	$12,290,000
Montana	Malmstrom Air Force Base	34 Units	$7,570,000
Nebraska	Offutt Air Force Base	72 Units	$12,352,000
New Mexico	Hollomon Air Force Base	76 Units	$9,800,000
North Carolina	Seymour Johnson Air Force Base	78 Units	$12,187,000
North Dakota	Grand Forks Air Force Base	42 Units	$10,050,000
	Minot Air Force Base	72 Units	$10,756,000
Texas	Lackland Air Force Base	48 Units	$7,500,000
Portugal	Lajes Field, Azores	75 Units	$12,964,000
		Total	$197,411,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $17,093,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, Unites States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $124,492,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,874,053,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $602,270,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $76,650,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $8,741,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $32,104,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, $338,996,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $821,892,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $6,600,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Chemical Demilitarization	Blue Grass Army Depot, Kentucky	$206,800,000
Defense Education Activity	Laurel Bay, South Carolina	$2,874,000
	Marine Corps Base, Camp LeJeune, North Carolina	$10,570,000
Defense Logistics Agency	Defense Distribution New Cumberland,Pennsylvania	$5,000,000
	Elmendorf Air Force Base, Alaska	$23,500,000
	Eielson Air Force Base, Alaska	$26,000,000
	Fairchild Air Force Base, Washington	$12,400,000
	Various Locations	$1,300,000
Defense Manpower Data Center	Presidio, Monterey, California	$28,000,000
National Security Agency	Fort Meade, Maryland	$2,946,000
Special Operations Command	Fleet Combat Training Center, Dam Neck, Virginia	$4,700,000
	Fort Benning, Georgia	$10,200,000
	Fort Bragg, North Carolina	$20,100,000
	Mississippi Army Ammunition Plant, Mississippi	$9,600,000
	Naval Amphibious Base, Coronado, California	$6,000,000
TRICARE Management Agency	Andrews Air Force Base, Maryland	$3,000,000
	Cheatham Annex, Virginia	$1,650,000
	Davis-Monthan Air Force Base, Arizona	$10,000,000
	Fort Lewis, Washington	$5,500,000
	Fort Riley, Kansas	$6,000,000
	Fort Sam Houston, Texas	$5,800,000
	Fort Wainwright, Alaska	$133,000,000
	Los Angeles Air Force Base, California	$13,600,000
	Marine Corps Air Station, Cherry Point, North Carolina	$3,500,000
	Moody Air Force Base, Georgia	$1,250,000
	Naval Air Station, Jacksonville, Florida	$3,780,000
	Naval Air Station, Norfolk, Virginia	$4,050,000
	Naval Air Station, Patuxent River, Maryland	$4,150,000
	Naval Air Station, Pensacola, Florida	$4,300,000
	Naval Air Station, Whidbey Island, Washington	$4,700,000
	Patrick Air Force Base, Florida	$1,750,000
	Travis Air Force Base, California	$7,500,000
	Wright-Patterson Air Force Base, Ohio	$3,900,000
	Total	$587,420,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the

United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Drug Interdiction and Counter-Drug Activities	Manta, Ecuador	$25,000,000
	Curacao, Netherlands Antilles	$11,100,000
Defense Education Activity	Andersen Air Force Base, Guam	$44,170,000
	Naval Station Rota, Spain	$17,020,000
	Royal Air Force, Feltwell, United Kingdom	$4,570,000
	Royal Air Force, Lakenheath, United Kingdom	$3,770,000
Defense Logistics Agency	Andersen Air Force Base, Guam	$24,300,000
	Moron Air Base, Spain	$15,200,000
National Security Agency	Royal Air Force, Menwith Hill Station, United Kingdom	$500,000
Tri-Care Management Agency	Naval Security Group Activity, Sabana Seca, Puerto Rico	$4,000,000
	Ramstein Air Force Base, Germany	$7,100,000
	Royal Air Force, Lakenheath, United Kingdom	$7,100,000
	Yongsan, Korea	$41,120,000
	Total	$204,950,000

SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriation in section 2405(a)(8)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $50,000.

SEC. 2403. MILITARY HOUSING IMPROVEMENT PROGRAM.

Of the amount authorized to be appropriated by section 2405(a)(8)(C), $78,756,000 shall be available for credit to the Department of Defense Family Housing Fund established by section 2883(a)(1) of title 10, United States Code.

SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(6), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $6,558,000.

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $1,618,965,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $288,420,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $204,950,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $18,618,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $938,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $49,024,000.

(6) For Energy Conservation projects authorized by section 2404 of this Act, $6,558,000.

(7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $705,911,000.

(8) For military family housing functions:

(A) For improvement of military family housing and facilities, $50,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $41,440,000 of which not more than $35,639,000 may be obligated or expended for the leasing of military family housing units worldwide.

(C) For credit to the Department of Defense Family Housing Improvement Fund as authorized by section 2403 of this Act, $78,756,000.

(9) For the construction of the Ammunition Demilitarization Facility, Anniston Army Depot, Alabama, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1758), section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1992 and 1993 (division B of Public Law 102–190; 105 Stat. 1508), section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2586); and section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337, 108 Stat. 3040), $7,000,000.

(10) For the construction of the Ammunition Demilitarization Facility, Pine Bluff Arsenal, Arkansas, authorized in section 2401 of Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the National Defense Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1982), and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2197), $61,800,000.

(11) For the construction of the Ammunition Demilitarization Facility, Umatilla Army Depot, Oregon, authorized in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1982); and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2197), $35,900,000.

(12) For the construction of the Ammunition Demilitarization Facility, Aberdeen Proving Ground, Maryland, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193), $66,600,000.

(13) For the construction of the Ammunition Demilitarization Facility at Newport Army Depot, Indiana, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193), $61,200,000.

(14) For the construction of the Ammunition Demilitarization Facility, Pueblo Army Depot, Colorado, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of this Act, $11,800,000.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variation authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $115,000,000 (the balance of the amount authorized under section 2401(a) for the construction of a replacement hospital at Fort Wainwright, Alaska); and

(3) $184,000,000 (the balance of the amount authorized under section 2401(a) for the construction of a chemical demilitarization facility at Blue Grass Army Depot, Kentucky).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (14) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $20,000,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

SEC. 2406. INCREASE IN FISCAL YEAR 1997 AUTHORIZATION FOR MILITARY CONSTRUCTION PROJECTS AT PUEBLO CHEMICAL ACTIVITY, COLORADO.

The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), is amended—

(1) in the item relating to Pueblo Chemical Activity, Colorado, under the agency heading relating to Chemical Demilitarization Program by striking ''$179,000,000'' in the amount column and inserting ''$203,500,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$549,954,000''.

(b) CONFORMING AMENDMENT.—Section 2406(b)(2) of that Act (110 Stat. 2779) is amended by striking ''$179,000,000'' and inserting ''$203,500,000''.

SEC. 2407. CONDITION ON OBLIGATION OF MILITARY CONSTRUCTION FUNDS FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.

In addition to the conditions specified in section 1022 on the development of forward operating locations for United States Southern Command counter-drug detection and monitoring flights, amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2) for the projects set forth in the table in section 2401(b) under the heading ''Drug Interdiction and Counter-Drug Activities'' may not be obligated until after the end of the 30-day period beginning on the date on which the Secretary of Defense submits to Congress a report describing in detail the purposes for which the amounts will be obligated and expended.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in

section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $191,000,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1999, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $123,878,000; and

(B) for the Army Reserve, $92,515,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $21,574,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $151,170,000; and

(B) for the Air Force Reserve, $48,564,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2002; or

(2) the date of enactment of an Act authorizing funds for military construction for fiscal year 2003.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2002; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2003 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1997 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2782), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2201, 2202, or 2601 of that Act and amended by section 2406 of this Act, shall remain in effect until October 1, 2000, or the date of enactment of an Act authorizing funds for military construction for fiscal year 2001, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1997 Project Authorization

State	Installation or location	Project	Amount
Colorado	Pueblo Army Depot	Ammunition Demilitarization Facility	$203,500,000

Navy: Extension of 1997 Project Authorization

State	Installation or location	Project	Amount
Virginia	Marine Corps Combat Development Command	Infrastructure Development	$8,900,000

Navy: Extension of 1997 Family Housing Authorizations

State	Installation or location	Family Housing	Amount
Florida	Mayport Naval Station	100 units	$10,000,000
Maine	Brunswick Naval Air Station	92 units	$10,925,000
North Carolina	Camp Lejuene	94 units	$10,110,000
South Carolina	Beaufort Marine Corps Air Station	140 units	$14,000,000
Texas	Corpus Christi Naval Complex	104 units	$11,675,000
	Kingsville Naval Air Station	48 units	$7,550,000
Washington	Everett Naval Station	100 units	$15,015,000

Army National Guard: Extension of 1997 Project Authorization

State	Installation or location	Project	Amount
Mississippi	Camp Shelby	Multi-Purpose Range (Phase II)	$5,000,000

SEC. 2703. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1996 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 541), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2202 or 2601 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2199), shall remain in effect until October 1, 2000, or the date of enactment of an Act authorizing funds for military construction for fiscal year 2001, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Navy: Extension of 1996 Family Housing Authorization

State	Installation or location	Family Housing	Amount
California	Camp Pendleton	138 units	$20,000,000

Army National Guard: Extension of 1996 Project Authorizations

State	Installation or location	Project	Amount
Mississippi	Camp Shelby	Multipurpose Range Complex (Phase I)	$5,000,000
Missouri	National Guard Training Site, Jefferson City	Multipurpose Range	$2,236,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1999; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. CONTRIBUTIONS FOR NORTH ATLANTIC TREATY ORGANIZATIONS SECURITY INVESTMENT.

Section 2806(a) of title 10, United States Code, is amended by inserting before the period at the end the following: '', including support for the actual implementation of a military operations plan approved by the North Atlantic Council''.

SEC. 2802. DEVELOPMENT OF FORD ISLAND, HAWAII.

(a) CONDITIONAL AUTHORITY TO DEVELOP.—(1) Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2814. Special authority for development of Ford Island, Hawaii

''(a) IN GENERAL.—(1) Subject to paragraph (2), the Secretary of the Navy may exercise any authority or combination of authorities in this section for the purpose of developing or facilitating the development of Ford Island, Hawaii, to the extent that the Secretary determines the development is compatible with the mission of the Navy.

''(2) The Secretary of the Navy may not exercise any authority under this section until—

''(A) the Secretary submits to the appropriate committees of Congress a master plan for the development of Ford Island, Hawaii; and

''(B) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

''(b) CONVEYANCE AUTHORITY.—(1) The Secretary of the Navy may convey to any public or private person or entity all right, title, and interest of the United States in and to any real property (including any improvements thereon) or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

''(A) is excess to the needs of the Navy and all of the other armed forces; and

''(B) will promote the purpose of this section.

''(2) A conveyance under this subsection may include such terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

''(c) LEASE AUTHORITY.—(1) The Secretary of the Navy may lease to any public or private person or entity any real property or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

''(A) is excess to the needs of the Navy and all of the other armed forces; and

''(B) will promote the purpose of this section.

''(2) A lease under this subsection shall be subject to section 2667(b)(1) of this title and may include such others terms as the Secretary considers appropriate to protect the interests of the United States.

''(3) A lease of real property under this subsection may provide that, upon termination of the lease term, the lessee shall have the right of first refusal to acquire the real property covered by the lease if the property is then conveyed under subsection (b).

''(4)(A) The Secretary may provide property support services to or for real property leased under this subsection.

''(B) To the extent provided in appropriations Acts, any payment made to the Secretary for services provided under this paragraph shall be credited to the appropriation, account, or fund from which the cost of providing the services was paid.

''(d) ACQUISITION OF LEASEHOLD INTEREST BY SECRETARY.—(1) The Secretary of the Navy may acquire a leasehold interest in any facility constructed under subsection (f) as consideration for a transaction authorized by this section upon such terms as the Secretary considers appropriate to promote the purpose of this section.

''(2) The term of a lease under paragraph (1) may not exceed 10 years, unless the Secretary of Defense approves a term in excess of 10 years for purposes of this section.

''(3) A lease under this subsection may provide that, upon termination of the lease term, the United States shall have the right of first refusal to acquire the facility covered by the lease.

''(4) The Secretary of the Navy may enter into a lease under this subsection only if the lease is specifically authorized by a law enacted after the date of the enactment of this section.

''(e) REQUIREMENT FOR COMPETITION.—The Secretary of the Navy shall use competitive procedures for purposes of selecting the recipient of real or personal property under subsection (b) and the lessee of real or personal property under subsection (c).

''(f) CONSIDERATION.—(1) As consideration for the conveyance of real or personal property under subsection (b), or for the lease of real or personal property under subsection (c), the Secretary of the Navy shall accept cash, real property, personal property, or services, or any combination thereof, in an aggregate amount equal to not less than the fair market value of the real or personal property conveyed or leased.

''(2) Subject to subsection (i), the services accepted by the Secretary under paragraph (1) may include the following:

''(A) The construction or improvement of facilities at Ford Island.

''(B) The restoration or rehabilitation of real property at Ford Island.

''(C) The provision of property support services for property or facilities at Ford Island.

''(g) NOTICE AND WAIT REQUIREMENTS.—The Secretary of the Navy may not carry out a transaction authorized by this section until—

''(1) the Secretary submits to the appropriate committees of Congress a notification of the transaction, including—

''(A) a detailed description of the transaction; and

''(B) a justification for the transaction specifying the manner in which the transaction will meet the purposes of this section; and

''(2) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

''(h) FORD ISLAND IMPROVEMENT ACCOUNT.—(1) There is established on the books of the Treasury an account to be known as the 'Ford Island Improvement Account'.

''(2) There shall be deposited into the account the following amounts:

''(A) Amounts authorized and appropriated to the account.

''(2) Except as provided in subsection (c)(4)(B), the amount of any cash payment received by the Secretary for a transaction under this section.

''(i) USE OF ACCOUNT.—(1) Subject to paragraph (2), to the extent provided in advance in appropriation Acts, funds in the Ford Island Improvement Account may be used as follows:

''(A) To carry out or facilitate the carrying out of a transaction authorized by this section.

''(B) To carry out improvements of property or facilities at Ford Island.

''(C) To obtain property support services for property or facilities at Ford Island.

''(2) To extent that the authorities provided under subchapter IV of this chapter are available to the Secretary of the Navy, the Secretary may not use the authorities in this section to acquire, construct, or improve family housing units, military unaccompanied housing units, or ancillary supporting facilities related to military housing.

''(3)(A) The Secretary may transfer funds from the Ford Island Improvement Account to the following funds:

''(i) The Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of this title.

''(ii) The Department of Defense Military Unaccompanied Housing Improvement Fund established by section 2883(a)(2) of this title.

''(B) Amounts transferred under subparagraph (A) to a fund referred to in that subparagraph shall be available in accordance with the provisions of section 2883 of this title for activities authorized under subchapter IV of this chapter at Ford Island.

''(j) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—Except as otherwise provided in this section, transactions under this section shall not be subject to the following:

''(1) Sections 2667 and 2696 of this title.

''(2) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

''(3) Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484).

''(k) SCORING.—Nothing in this section shall be construed to waive the applicability to any lease entered into under this section of the budget scorekeeping guidelines used to measure compliance with the Balanced Budget Emergency Deficit Control Act of 1985.

''(l) PROPERTY SUPPORT SERVICE DEFINED.—In this section, the term 'property support service' means the following:

''(1) Any utility service or other service listed in section 2686(a) of this title.

''(2) Any other service determined by the Secretary to be a service that supports the operation and maintenance of real property, personal property, or facilities.''.

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2814. Special authority for development of Ford Island, Hawaii.''.

(b) CONFORMING AMENDMENTS.—Section 2883(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

''(E) Any amounts that the Secretary of the Navy transfers to that Fund pursuant to section 2814(i)(3) of this title, subject to the restrictions on the use of the transferred amounts specified in that section.''; and

(2) in paragraph (2), by adding at the end the following new subparagraph:

''(E) Any amounts that the Secretary of the Navy transfers to that Fund pursuant to section 2814(i)(3) of this title, subject to the restrictions on the use of the transferred amounts specified in that section.''.

SEC. 2803. RESTRICTION ON AUTHORITY TO ACQUIRE OR CONSTRUCT ANCILLARY SUPPORTING FACILITIES FOR HOUSING UNITS.

Section 2881 of title 10, United States Code, is amended—

(1) by inserting ''(a) AUTHORITY TO ACQUIRE OR CONSTRUCT.—'' before ''Any project''; and

(2) by adding at the end the following new subsection:

''(b) RESTRICTION.—The ancillary supporting facilities authorized by subsection (a) may not be in direct competition with any resale activities provided by the Defense Commissary Agency or the Army and Air Force Exchange Service, the Navy Exchange Service Command, Marine Corps exchanges, or any other nonappropriated fund instrumentality of the United States under the jurisdiction of the armed forces which is conducted for the morale, welfare and recreation of members of the armed forces.''.

SEC. 2804. PLANNING AND DESIGN FOR MILITARY CONSTRUCTION PROJECTS FOR RESERVE COMPONENTS.

Section 18233(f)(1) of title 10, United States Code, is amended by inserting ''design,'' after ''planning,''.

SEC. 2805. LIMITATIONS ON AUTHORITY TO CARRY OUT SMALL PROJECTS FOR ACQUISITION OF FACILITIES FOR RESERVE COMPONENTS.

(a) UNSPECIFIED MINOR CONSTRUCTION PROJECTS TO CORRECT LIFE, HEALTH, OR SAFETY THREATS.—Subsection (a)(2) of section 18233a of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(C) An unspecified minor construction project intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening, except that the expenditure or contribution for the project may not exceed $3,000,000.''.

(b) USE OF OPERATION AND MAINTENANCE FUNDS TO CORRECT LIFE, HEALTH, OR SAFETY THREATS.—Subsection (b) of such section is amended by inserting after ''or less'' the following: ''(or $1,000,000 or less if the project is intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening).''.

SEC. 2806. EXPANSION OF ENTITIES ELIGIBLE TO PARTICIPATE IN ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) DEFINITION OF ELIGIBLE ENTITY.—Section 2871 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8) respectively; and

(2) by inserting after paragraph (4) the following new paragraph:

''(5) The term 'eligible entity' means any individual, corporation, firm, partnership, company, State or local government, or housing authority of a State or local government.''.

(b) GENERAL AUTHORITY.—Section 2872 of such title is amended by striking ''private persons'' and inserting ''eligible entities''.

(c) DIRECT LOANS AND LOAN GUARANTEES.—Section 2873 of such title is amended—

(1) in subsection (a)(1)—

(A) by striking ''persons in the private sector'' and inserting ''an eligible entity''; and

(B) by striking ''such persons'' and inserting ''the eligible entity''; and

(2) in subsection (b)(1)—

(A) by striking ''any person in the private sector'' and inserting ''an eligible entity''; and

(B) by striking ''the person'' and inserting ''the eligible entity''.

(d) INVESTMENTS.—Section 2875 of such title is amended—

(1) in subsection (a), by striking ''nongovernmental entities'' and inserting ''an eligible entity'';

(2) in subsection (c)—

(A) by striking ''a nongovernmental entity'' both places it appears and inserting ''an eligible entity''; and

(B) by striking ''the entity'' each place it appears and inserting ''the eligible entity'';

(3) in subsection (d), by striking ''nongovernmental'' and inserting ''eligible''; and

(4) in subsection (e), by striking ''a nongovernmental entity'' and inserting ''an eligible entity''.

(e) RENTAL GUARANTEES.—Section 2876 of such title is amended by striking ''private persons'' and inserting ''eligible entities''.

(f) DIFFERENTIAL LEASE PAYMENTS.—Section 2877 of such title is amended by striking ''private''.

(g) CONVEYANCE OR LEASE OF EXISTING PROPERTY AND FACILITIES.—Section 2878(a) of such title is amended by striking ''private persons'' and inserting ''eligible entities''.

(h) CLERICAL AMENDMENTS.—(1) The heading of section 2875 of such title is amended to read as follows:

''§ 2875. Investments''.

(2) The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the item relating to such section and inserting the following new item:

''2875. Investments.''.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. EXTENSION OF AUTHORITY FOR LEASE OF LAND FOR SPECIAL OPERATIONS ACTIVITIES.

Section 2680(d) of title 10, United States Code, is amended by striking ''September 30, 2000'' and inserting ''September 30, 2005''.

SEC. 2812. UTILITY PRIVATIZATION AUTHORITY.

(a) EXTENDED CONTRACTS FOR UTILITY SERVICES.—Subsection (c) of section 2688 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) A contract for the receipt of utility services as consideration under paragraph (1), or any other contract for utility services entered into by the Secretary concerned in connection with the conveyance of a utility system under this section, may be for a period not to exceed 50 years.''.

(b) DEFINITION OF UTILITY SYSTEM.—Subsection (g)(2)(B) of such section is amended by striking ''Easements'' and inserting ''Real property, easements,''.

(c) FUNDS TO FACILITATE PRIVATIZATION.—Such section is further amended—

(1) by redesignating subsections (g) and (h) as subsections (i) and (j); and

(2) by inserting after subsection (f) the following new subsection:

''(g) ASSISTANCE FOR CONSTRUCTION, REPAIR, OR REPLACEMENT OF UTILITY SYSTEMS.—In lieu of carrying out a military construction project to construct, repair, or replace a utility system, the Secretary concerned may use funds authorized and appropriated for the project to facilitate the conveyance of the utility system under this section by making a contribution toward the cost of construction, repair, or replacement of the utility system by the entity to which the utility system is being conveyed. The Secretary concerned shall consider any such contribution in the economic analysis required under subsection (e).''.

SEC. 2813. ACCEPTANCE OF FUNDS TO COVER ADMINISTRATIVE EXPENSES RELATING TO CERTAIN REAL PROPERTY TRANSACTIONS.

Section 2695(b) of title 10, United States Code, is amended—

(1) by inserting ''involving real property under the control of the Secretary of a military department'' after ''transactions''; and

(2) by adding at the end the following new paragraph:

''(4) The disposal of real property of the United States for which the Secretary will be the disposal agent.''.

SEC. 2814. STUDY AND REPORT ON IMPACTS TO MILITARY READINESS OF PROPOSED LAND MANAGEMENT CHANGES ON PUBLIC LANDS IN UTAH.

(a) UTAH NATIONAL DEFENSE LANDS DEFINED.—In this section, the term ''Utah national defense lands'' means public lands under the jurisdiction of the Bureau of Land Management in the State of Utah that are adjacent to or near the Utah Test and Training Range and Dugway Proving Ground or beneath the Military Operating Areas, Restricted Areas, and airspace that make up the Utah Test and Training Range.

(b) READINESS IMPACT STUDY.—The Secretary of Defense shall conduct a study to evaluate the impact upon military training, testing, and operational readiness of any proposed changes in land management of the Utah national defense lands. In conducting the study, the Secretary of Defense shall consider the following:

(1) The present military requirements for and missions conducted at Utah Test and Training Range, as well as projected requirements for the support of aircraft, unmanned aerial vehicles, missiles, munitions and other military requirements.

(2) The future requirements for force structure and doctrine changes, such as the Expeditionary Aerospace Force concept, that could require the use of the Utah Test and Training Range.

(3) All other pertinent issues, such as overflight requirements, access to electronic tracking and communications sites, ground access to respond to emergency or accident locations, munitions safety buffers, noise requirements, ground safety and encroachment issues.

(c) COOPERATION AND COORDINATION.—The Secretary of Defense shall conduct the study in cooperation with the Secretary of the Air Force and the Secretary of the Army and coordinate the study with the Secretary of the Interior.

(d) EFFECT OF STUDY.—Until the Secretary of Defense submits to Congress a report containing the results of the study, the Secretary of the Interior may not proceed with the amendment of any individual resource management plan for Utah national defense lands, or any statewide environmental impact statement or statewide resource management plan amendment package for such lands, if the statewide environmental impact statement or statewide resource management plan amendment addresses wilderness characteristics or wilderness management issues affecting such lands.

Subtitle C—Defense Base Closure and Realignment

SEC. 2821. CONTINUATION OF AUTHORITY TO USE DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990 FOR ACTIVITIES REQUIRED TO CLOSE OR REALIGN MILITARY INSTALLATIONS.

(a) DURATION OF ACCOUNT.—Subsection (a) of section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

''(3) The Account shall be closed at the time and in the manner provided for appropriation accounts under section 1555 of title 31, United States Code. Unobligated funds which remain in the Account upon closure shall be held by the Secretary of the Treasury until transferred by law after the congressional defense committees receive the final report transmitted under subsection (c)(2).''.

(b) EFFECT OF CONTINUATION ON USE OF ACCOUNT.—Subsection (b)(1) of such section is amended by adding at the end the following new sentence: ''After July 13, 2001, the Account shall be the sole source of Federal funds for environmental restoration, property management, and other caretaker costs associated with any real property at military installations closed or realigned under this part or such title II.''.

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (c)—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2) and, in such paragraph, by inserting after ''this part'' the following: ''and no later than 60 days after the closure of the Account under subsection (a)(3)''; and

(2) in subsection (e), by striking ''the termination of the authority of the Secretary to carry out a closure or realignment under this part'' and inserting ''the closure of the Account under subsection (a)(3)''.

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

SEC. 2831. TRANSFER OF JURISDICTION, FORT SAM HOUSTON, TEXAS.

(a) TRANSFER OF LAND FOR INCLUSION IN NATIONAL CEMETERY.—The Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property, including any improvements thereon, consisting of approximately 152 acres and comprising a portion of Fort Sam Houston, Texas.

(b) USE OF LAND.—The Secretary of Veterans Affairs shall include the real property transferred under subsection (a) in the Fort Sam Houston National Cemetery and use the conveyed property as a national cemetery under chapter 24 of title 38, United States Code.

(c) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Army. The cost of the survey shall be borne by the Secretary of Veterans Affairs.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

SEC. 2832. LAND CONVEYANCE, ARMY RESERVE CENTER, KANKAKEE, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the City of Kankakee, Illinois (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 1600 Willow Street in Kankakee, Illinois, and contains the vacant Stefaninch Army Reserve Center for the purpose of permitting the City to use the parcel for economic development and other public purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2833. LAND CONVEYANCE, FORT DES MOINES, IOWA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Fort Des Moines Black Officers Memorial, Inc., a nonprofit corporation organized in the State of Iowa (in this section referred to as the ''Corporation''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, located at Fort Des Moines, Iowa, and containing the post chapel (building #49) and Clayton Hall (building #46) for the purpose of permitting the Corporation to develop and use the parcel as a memorial and for educational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Corporation.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2834. LAND CONVEYANCE, ARMY MAINTENANCE SUPPORT ACTIVITY (MARINE) NUMBER 84, MARCUS HOOK, PENNSYLVANIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Borough of Marcus Hook, Pennsylvania (in this section referred to as the ''Borough''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 5 acres that is located at 7 West Delaware Avenue in Marcus Hook, Pennsylvania, and contains the facility known as the Army Maintenance Support Activity (Marine) Number 84, for the purpose of permitting the Borough to develop the parcel for recreational or economic development purposes.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the Borough—

(1) use the conveyed property, directly or through an agreement with a public or private entity, for recreational or economic purposes; or

(2) convey the property to an appropriate public or private entity for use for such purposes.

(c) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used for recreational or economic development purposes, as required by subsection (b), all right, title, and interest in and to the property conveyed under subsection (a), including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Borough.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2835. LAND CONVEYANCES, ARMY DOCKS AND RELATED PROPERTY, ALASKA.

(a) JUNEAU NATIONAL GUARD DOCK.—The Secretary of the Army may convey, without consideration, to the City of Juneau, Alaska, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, located at 1030 Thane Highway in Juneau, Alaska, and consisting of approximately 0.04 acres and the appurtenant facility known as the Juneau National Guard Dock.

(b) WHITTIER DELONG DOCK.—The Secretary may convey, without consideration, to the Alaska Railroad Corporation all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, located in Whittier, Alaska, and consisting of approximately 6.13 acres and the appurtenant facility known as the DeLong Dock.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the recipient of the real property.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) and (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2836. LAND CONVEYANCE, FORT HUACHUCA, ARIZONA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Veterans Services Commission of the State of Arizona (in this section referred to as the ''Commission''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 130 acres at Fort Huachuca, Arizona, for the purpose of permitting the Commission to establish a State-run cemetery for veterans.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Commission.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2837. LAND CONVEYANCE, ARMY RESERVE CENTER, CANNON FALLS, MINNESOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Cannon Falls Area Schools, Minnesota Independent School District Number 252 (in this section referred to as the ''District''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 710 State Street East in Cannon Falls, Minnesota, and contains an Army Reserve Center for the purpose of permitting the District to develop the parcel for educational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the District.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2838. LAND CONVEYANCE, NIKE BATTERY 80 FAMILY HOUSING SITE, EAST HANOVER TOWNSHIP, NEW JERSEY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Township Council of East Hanover, New Jersey (in this section referred to as the ''Township''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 13.88 acres located near the unincorporated area of Hanover Neck in East Hanover, New Jersey, and was a former family housing site for Nike Battery 80, for the purpose of permitting the Township to develop the parcel for affordable housing and for recreational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Township.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2839. LAND EXCHANGE, ROCK ISLAND ARSENAL, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the City of Moline, Illinois (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately .3 acres at the Rock Island Arsenal for the purpose of permitting the City to construct a new entrance and exit ramp for the bridge that crosses the southeast end of the island containing the Arsenal.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall convey to the Secretary all right, title, and interest of the City in and to a parcel of real property consisting of approximately .2 acres and located in the vicinity of the parcel to be conveyed under subsection (a).

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels to be conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2840. MODIFICATION OF LAND CONVEYANCE, JOLIET ARMY AMMUNITION PLANT, ILLINOIS.

Section 2922(c) of the Military Construction Authorization Act for Fiscal Year 1996 (division

B of Public Law 104–106; 110 Stat. 605) is amended—

(1) by inserting ''(1)'' before ''The conveyance''; and

(2) by adding at the end the following new paragraph:

''(2) The landfill established on the real property conveyed under subsection (a) may contain only waste generated in the county in which the landfill is established and waste generated in municipalities located at least in part in that county. The landfill shall be closed and capped after 23 years of operation.''.

SEC. 2841. LAND CONVEYANCES, TWIN CITIES ARMY AMMUNITION PLANT, MINNESOTA.

(a) CONVEYANCE TO CITY AUTHORIZED.—The Secretary of the Army may convey to the City of Arden Hills, Minnesota (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the City to construct a city hall complex on the parcel.

(b) CONVEYANCE TO COUNTY AUTHORIZED.—The Secretary of the Army may convey to Ramsey County, Minnesota (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 35 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the County to construct a maintenance facility on the parcel.

(c) CONSIDERATION.—As consideration for the conveyances under this section, the City shall make the city hall complex available for use by the Minnesota National Guard for public meetings, and the County shall make the maintenance facility available for use by the Minnesota National Guard, as detailed in agreements entered into between the City, County, and the Commanding General of the Minnesota National Guard. Use of the city hall complex and maintenance facility by the Minnesota National Guard shall be without cost to the Minnesota National Guard.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by surveys satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the real property.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

PART II—NAVY CONVEYANCES

SEC. 2851. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT NO. 387, DALLAS, TEXAS.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey to the City of Dallas, Texas (in this section referred to as the ''City''), all right, title, and interest of the United States in and to parcels of real property consisting of approximately 314 acres and comprising the Naval Weapons Industrial Reserve Plant No. 387, Dallas, Texas.

(2)(A) As part of the conveyance authorized by paragraph (1), the Secretary may convey to the City such improvements, equipment, fixtures, and other personal property located on the parcels referred to in that paragraph as the Secretary determines to be not required by the Navy for other purposes.

(B) The Secretary may permit the City to review and inspect the improvements, equipment, fixtures, and other personal property located on the parcels referred to in paragraph (1) for purposes of the conveyance authorized by this paragraph.

(b) AUTHORITY TO CONVEY WITHOUT CONSIDERATION.—The conveyance authorized by subsection (a) may be made without consideration if the Secretary determines that the conveyance on that basis would be in the best interests of the United States.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the City—

(1) use the parcels, directly or through an agreement with a public or private entity, for economic purposes or such other public purposes as the City determines appropriate; or

(2) convey the parcels to an appropriate public entity for use for such purposes.

(d) REVERSION.—If, during the 5-year period beginning on the date the Secretary makes the conveyance authorized by subsection (a), the Secretary determines that the conveyed real property is not being used for a purpose specified in subsection (c), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property.

(e) LIMITATION ON CERTAIN SUBSEQUENT CONVEYANCES.—(1) Subject to paragraph (2), if at any time after the Secretary makes the conveyance authorized by subsection (a) the City conveys any portion of the parcels conveyed under that subsection to a private entity, the City shall pay to the United States an amount equal to the fair market value (as determined by the Secretary) of the portion conveyed at the time of its conveyance under this subsection.

(2) Paragraph (1) applies to a conveyance described in that paragraph only if the Secretary makes the conveyance authorized by subsection (a) without consideration.

(3) The Secretary shall cover over into the General Fund of the Treasury as miscellaneous receipts any amounts paid the Secretary under this subsection.

(f) INTERIM LEASE.—(1) Until such time as the real property described in subsection (a) is conveyed by deed under this section, the Secretary may continue to lease the property, together with improvements thereon, to the current tenant under the existing terms and conditions of the lease for the property.

(2) If good faith negotiations for the conveyance of the property continue under this section beyond the end of the third year of the term of the existing lease for the property, the Secretary shall continue to lease the property to the current tenant of the property under the terms and conditions applicable to the first three years of the lease of the property pursuant to the existing lease for the property.

(g) MAINTENANCE OF PROPERTY.—(1) Subject to paragraph (2), the Secretary shall be responsible for maintaining the real property to be conveyed under this section in its condition as of the date of the enactment of this Act until such time as the property is conveyed by deed under this section.

(2) The current tenant of the property shall be responsible for any maintenance required under paragraph (1) to the extent of the activities of that tenant at the property during the period covered by that paragraph.

(h) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2852. LAND CONVEYANCE, NAVAL AND MARINE CORPS RESERVE CENTER, ORANGE, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the Orange County Navigation and Port District of Orange County, Texas (in this section referred to as the ''District''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, at the Naval and Marine Corps Reserve Center in Orange, Texas, which consists of approximately 2.4 acres and contains the facilities designated as Buildings 135 and 163, for the purpose of permitting the District to develop the parcel for economic development, educational purposes, and the furtherance of navigation-related commerce.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the District.

(c) REVERSIONARY INTEREST.—During the five-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a), if the Secretary determines that the conveyed real property is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2853. LAND CONVEYANCE, MARINE CORPS AIR STATION, CHERRY POINT, NORTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the State of North Carolina (in this section referred to as the ''State''), all right, title, and interest of the United States in and to a parcel of unimproved real property consisting of approximately 20 acres at the Marine Corps Air Station, Cherry Point, North Carolina, for the purpose of permitting the State to develop the parcel for educational purposes.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the State convey to the United States such easements and rights-of-way regarding the parcel as the Secretary considers necessary to ensure use of the parcel by the State is compatible with the use of the Marine Corps Air Station.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the State.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

PART III—AIR FORCE CONVEYANCES

SEC. 2861. CONVEYANCE OF FUEL SUPPLY LINE, PEASE AIR FORCE BASE, NEW HAMPSHIRE.

(a) CONVEYANCE AUTHORIZED.—In conjunction with the disposal of property at former Pease Air Force Base, New Hampshire, under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), the Secretary of the Air Force may convey to the redevelopment authority for Pease Air Force Base all right, title, and interest of the United States in and to the deactivated fuel supply line at Pease Air Force Base, including the approximately 14.87 acres of real property associated with such supply line.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) may only be

made if the redevelopment authority agrees to make the fuel supply line available for use by the New Hampshire Air National Guard under terms and conditions acceptable to the Secretary.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the redevelopment authority.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2862. LAND CONVEYANCE, TYNDALL AIR FORCE BASE, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to Panama City, Florida (in this section referred to as the ''City''), all right, title, and interest, of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 33.07 acres in Bay County, Florida, and containing the military family housing project for Tyndall Air Force Base known as Cove Garden.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the real property to be conveyed, as determined by the Secretary.

(c) USE OF PROCEEDS.—In such amounts as are provided in advance in appropriations Acts, the Secretary may use the funds paid by the City under subsection (b) to construct or improve military family housing units at Tyndall Air Force Base and to improve ancillary supporting facilities related to such housing.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2863. LAND CONVEYANCE, PORT OF ANCHORAGE, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force and the Secretary of the Interior may convey, without consideration, to the Port of Anchorage, an entity of the City of Anchorage, Alaska (in this section referred to as the ''Port''), all right, title, and interest of the United States in and to two parcels of real property, including improvements thereon, consisting of a total of approximately 14.22 acres located adjacent to the Port of Anchorage Marine Industrial Park in Anchorage, Alaska, and leased by the Port from the Department of the Air Force and the Bureau of Land Management.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force and the Secretary of the Interior. The cost of the survey shall be borne by the Port.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force and the Secretary of the Interior may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretaries considers appropriate to protect the interests of the United States.

SEC. 2864. LAND CONVEYANCE, FORESTPORT TEST ANNEX, NEW YORK.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Town of Ohio, New York (in this section referred to as the ''Town''), all right, title, and interest, of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 164 acres in Herkimer County, New York, and approximately 18 acres in Oneida County, New York, and containing the Forestport Test Annex for the purpose of permitting the Town to develop the parcel for economic purposes and to further the provision of municipal services.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Town.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle E—Other Matters

SEC. 2871. EXPANSION OF ARLINGTON NATIONAL CEMETERY.

(a) LAND TRANSFER, NAVY ANNEX, ARLINGTON, VIRGINIA.—

(1) IN GENERAL.—The Secretary of Defense shall provide for the transfer to the Secretary of the Army of administrative jurisdiction over the following parcels of land situated in Arlington, Virginia:

(A) Certain lands which comprise approximately 26 acres bounded by Columbia Pike to the south and east, Oak Street to the west, and the boundary wall of Arlington National Cemetery to the north including Southgate Road.

(B) Certain lands which comprise approximately 8 acres bounded by Shirley Memorial Boulevard (Interstate 395) to the south, property of the Virginia Department of Transportation to the west, Columbia Pike to the north, and Joyce Street to the east.

(C) Certain lands which comprise approximately 2.5 acres bounded by Shirley Memorial Boulevard (Interstate 395) to the south, Joyce Street to the west, Columbia Pike to the north, and the cloverleaf interchange of Route 100 and Columbia Pike to the east.

(2) USE OF LAND.—The Secretary of the Army shall incorporate the parcels of land transferred under paragraph (1) into Arlington National Cemetery.

(3) REMEDIATION OF LAND FOR CEMETERY USE.—Before the transfer of administrative jurisdiction over the parcels of land under paragraph (1), the Secretary of Defense shall provide for the removal of any improvements on the parcels of land and, in consultation with the Superintendent of Arlington National Cemetery, the preparation of the land for use for interment of remains of individuals in Arlington National Cemetery.

(4) NEGOTIATION WITH LOCAL OFFICIALS.—Before the transfer of administrative jurisdiction over the parcels of land under paragraph (1), the Secretary of Defense shall enter into negotiations with appropriate State and local officials to acquire any real property, under the jurisdiction of such officials, that separates such parcels of land from each other.

(5) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report explaining in detail the measures required to prepare the land for use as a part of Arlington National Cemetery.

(6) DEADLINE.—The Secretary of Defense shall complete the transfer of administrative jurisdiction over the parcels of land under this subsection not later than the earlier of—

(A) January 1, 2010; or

(B) the date when those parcels are no longer required (as determined by the Secretary) for use as temporary office space due to the renovation of the Pentagon.

(b) MODIFICATION OF BOUNDARY OF ARLINGTON NATIONAL CEMETERY.—

(1) IN GENERAL.—The Secretary of the Army shall modify the boundary of Arlington National Cemetery to include the following parcels of land situated in Fort Myer, Arlington, Virginia:

(A) Certain lands which comprise approximately 5 acres bounded by the Fort Myer Post Traditional Chapel to the southwest, McNair Road to the northwest, the Vehicle Maintenance Complex to the northeast, and the masonry wall of Arlington National Cemetery to the southeast.

(B) Certain lands which comprise approximately 3 acres bounded by the Vehicle Maintenance Complex to the southwest, Jackson Avenue to the northwest, the water pumping station to the northeast, and the masonry wall of Arlington National Cemetery to the southeast.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report describing additional parcels of land located in Fort Myer, Arlington, Virginia, that may be suitable for use to expand Arlington National Cemetery.

(3) SURVEY.—The Secretary of the Army may determine the exact acreage and legal description of the parcels of land described in paragraph (1) by a survey.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for weapons activities in carrying out programs necessary for national security in the amount of $4,541,500,000, to be allocated as follows:

(1) STOCKPILE STEWARDSHIP.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of $2,258,700,000, to be allocated as follows:

(A) For core stockpile stewardship, $1,763,500,000, to be allocated as follows:

(i) For operation and maintenance, $1,640,355,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $123,145,000, to be allocated as follows:

Project 00–D–103, terascale simulation facility, Lawrence Livermore National Laboratory, Livermore, California, $8,000,000.

Project 00–D–105, strategic computing complex, Los Alamos National Laboratory, Los Alamos, New Mexico, $26,000,000.

Project 00–D–107, joint computational engineering laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $1,800,000.

Project 99–D–102, rehabilitation of maintenance facility, Lawrence Livermore National Laboratory, Livermore, California, $3,900,000.

Project 99–D–103, isotope sciences facilities, Lawrence Livermore National Laboratory, Livermore, California, $2,000,000.

Project 99–D–104, protection of real property (roof reconstruction, Phase II), Lawrence Livermore National Laboratory, Livermore, California, $2,400,000.

Project 99–D–105, central health physics calibration facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

Project 99–D–106, model validation and system certification test center, Sandia National Laboratories, Albuquerque, New Mexico, $6,500,000.

Project 99–D–108, renovate existing roadways, Nevada Test Site, Nevada, $7,005,000.

Project 97–D–102, dual-axis radiographic hydrotest facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $61,000,000.

Project 96–D–102, stockpile stewardship facilities revitalization, Phase VI, various locations, 2,640,000.

Project 96–D–104, processing and environmental technology laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $10,900,000.

(iii) The total amount authorized to be appropriated pursuant to clause (ii) is the sum of the amounts authorized to be appropriated in that clause, reduced by $10,000,000.

(B) For inertial fusion, $475,700,000, to be allocated as follows:

(i) For operation and maintenance, $227,600,000.

(ii) For the following plant project (including maintenance, restoration, planning, construction, acquisition, and modification of facilities, and land acquisition related thereto), $248,100,000, to be allocated as follows:

Project 96–D–111, national ignition facility, Lawrence Livermore National Laboratory, Livermore, California, $248,100,000.

(C) For technology partnership and education, $19,500,000, to be allocated for technology partnership only.

(2) STOCKPILE MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of $2,046,300,000, to be allocated as follows:

(A) For operation and maintenance, $1,897,621,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $148,679,000, to be allocated as follows:

Project 99–D–122, rapid reactivation, various locations, $11,700,000.

Project 99–D–127, stockpile management restructuring initiative, Kansas City Plant, Kansas City, Missouri, $17,000,000.

Project 99–D–128, stockpile management restructuring initiative, Pantex Plant consolidation, Amarillo, Texas, $3,429,000.

Project 99–D–132, stockpile management restructuring initiative, nuclear material safeguards and security upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $11,300,000.

Project 98–D–123, stockpile management restructuring initiative, tritium facility modernization and consolidation, Savannah River Plant, Aiken, South Carolina, $21,800,000.

Project 98–D–124, stockpile management restructuring initiative, Y–12 Plant consolidation, Oak Ridge, Tennessee, $3,150,000.

Project 98–D–125, tritium extraction facility, Savannah River Plant, Aiken, South Carolina, $33,000,000.

Project 98–D–126, accelerator production of tritium, various locations, $31,000,000.

Project 97–D–123, structural upgrades, Kansas City Plant, Kansas City, Missouri, $4,800,000.

Project 95–D–102, chemistry and metallurgy research upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $18,000,000.

Project 88–D–123, security enhancements, Pantex Plant, Amarillo, Texas, $3,500,000.

(C) The total amount authorized to be appropriated pursuant to subparagraph (B) is the sum of the amounts authorized to be appropriated in that subparagraph, reduced by $10,000,000.

(3) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for program direction in carrying out weapons activities necessary for national security programs in the amount of $236,500,000.

SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for environmental restoration and waste management in carrying out programs necessary for national security in the amount of $5,652,368,000, to be allocated as follows:

(1) CLOSURE PROJECTS.—For closure projects carried out in accordance with section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2836; 42 U.S.C. 7274n) in the amount of $1,092,492,000.

(2) SITE PROJECT AND COMPLETION.—For site project and completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,006,419,000, to be allocated as follows:

(A) For operation and maintenance, $918,129,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $88,290,000, to be allocated as follows:

Project 99–D–402, tank farm support services, F&H areas, Savannah River Site, Aiken, South Carolina, $3,100,000.

Project 99–D–404, health physics instrumentation laboratory, Idaho National Engineering Laboratory, Idaho, $7,200,000.

Project 98–D–401, H-tank farm storm water systems upgrade, Savannah River Site, Aiken, South Carolina, $2,977,000.

Project 98–D–453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, $16,860,000.

Project 98–D–700, road rehabilitation, Idaho National Engineering Laboratory, Idaho, $2,590,000.

Project 97–D–450, Actinide packaging and storage facility, Savannah River Site, Aiken, South Carolina, $4,000,000.

Project 97–D–470, regulatory monitoring and bioassay laboratory, Savannah River Site, Aiken, South Carolina, $12,220,000.

Project 96–D–406, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, $24,441,000.

Project 96–D–464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $11,971,000.

Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $931,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $2,000,000.

(3) POST-2006 COMPLETION.—For post-2006 project completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $3,005,848,000, to be allocated as follows:

(A) For operation and maintenance, $2,951,297,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $54,551,000, to be allocated as follows:

Project 00–D–401, spent nuclear fuel treatment and storage facility, Title I and II, Savannah River Site, Aiken, South Carolina, $7,000,000.

Project 99–D–403, privatization phase I infrastructure support, Richland, Washington, $13,988,000.

Project 97–D–402, tank farm restoration and safe operations, Richland, Washington, $20,516,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $4,060,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, $8,987,000.

(4) SCIENCE AND TECHNOLOGY.—For science and technology in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $240,500,000.

(5) PROGRAM DIRECTION.—For program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $327,109,000.

(b) EXPLANATION OF ADJUSTMENT.—The amount authorized to be appropriated in subsection (a) is the sum of the amounts authorized to be appropriated in paragraphs (1) through (5) of that subsection reduced by $20,000,000, to be derived from environmental restoration and waste management, environment, safety, and health programs.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for other defense activities in carrying out programs necessary for national security in the amount of $1,772,459,000, to be allocated as follows:

(1) NONPROLIFERATION AND NATIONAL SECURITY.—For nonproliferation and national security, $658,200,000, to be allocated as follows:

(A) For verification and control technology, $454,000,000, to be allocated as follows:

(i) For nonproliferation and verification research and development, $221,000,000, to be allocated as follows:

(I) For operation and maintenance, $215,000,000.

(II) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $6,000,000, to be allocated as follows:

Project 00–D–192, nonproliferation and international security center, Los Alamos National Laboratory, Los Alamos, New Mexico, $6,000,000.

(ii) For arms control, $233,000,000.

(B) For nuclear safeguards and security, $59,100,000.

(C) For international nuclear safety, $15,300,000.

(D) For security investigations, $10,000,000.

(E) For emergency management, $21,000,000.

(F) For highly enriched uranium transparency implementation, $15,750,000.

(G) For program direction, $83,050,000.

(2) INTELLIGENCE.—For intelligence, $36,059,000.

(3) COUNTERINTELLIGENCE.—For counterintelligence, $31,200,000.

(4) WORKER AND COMMUNITY TRANSITION.—For worker and community transition, $20,000,000.

(5) FISSILE MATERIALS CONTROL AND DISPOSITION.—For fissile materials control and disposition, $239,000,000, to be allocated as follows:

(A) For operation and maintenance, $168,766,000.

(B) For program direction, $7,343,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $62,891,000, to be allocated as follows:

Project 00–D–142, immobilization and associated processing facility, various locations, $21,765,000.

Project 99–D–141, pit disassembly and conversion facility, various locations, $28,751,000.

Project 99–D–143, mixed oxide fuel fabrication facility, various locations, $12,375,000.

(6) ENVIRONMENT, SAFETY, AND HEALTH.—For environment, safety, and health, defense, $104,000,000, to be allocated as follows:

(A) For the Office of Environment, Safety, and Health (Defense), $79,231,000.

(B) For program direction, $24,769,000.

(7) OFFICE OF HEARINGS AND APPEALS.—For the Office of Hearings and Appeals, $3,000,000.

(8) NAVAL REACTORS.—For naval reactors, $681,000,000, to be allocated as follows:

(A) For naval reactors development, $660,400,000, to be allocated as follows:

(i) For operation and maintenance, $636,400,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $24,000,000, to be allocated as follows:

GPN–101 general plant projects, various locations, $9,000,000.

Project 98–D–200, site laboratory/facility upgrade, various locations, $3,000,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $12,000,000.

(B) For program direction, $20,600,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $73,000,000.

SEC. 3105. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for privatization initiatives in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $228,000,000, to be allocated as follows:

Project 98–PVT–2, spent nuclear fuel dry storage, Idaho Falls, Idaho, $5,000,000.

Project 98–PVT–5, environmental management and waste disposal, Oak Ridge, Tennessee, $20,000,000.

Project 97–PVT–1, tank waste remediation system phase I, Hanford, Washington, $106,000,000.

Project 97–PVT–2, advanced mixed waste treatment facility, Idaho Falls, Idaho, $110,000,000.

Project 97–PVT–3, transuranic waste treatment, Oak Ridge, Tennessee, $12,000,000.

(b) EXPLANATION OF ADJUSTMENT.—The amount authorized to be appropriated in subsection (a) is the sum of the amounts authorized to be appropriated for the projects in that subsection reduced by $25,000,000 for use of prior year balances of funds for defense environmental management privatization.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 60 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) $1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 60-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $5,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $5,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than five percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.

(c) LIMITATION.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(2) may not be used to provide funds for an item for which Congress has specifically denied funds.

(d) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than $5,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriations Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

(a) IN GENERAL.—Except as provided in subsection (b), when so specified in an appropriations Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

(b) EXCEPTION FOR PROGRAM DIRECTION FUNDS.—Amounts appropriated for program direction pursuant to an authorization of appropriations in subtitle A shall remain available to be expended only until the end of fiscal year 2001.

SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.

(a) TRANSFER AUTHORITY FOR DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of the office to another such program or project.

(b) LIMITATIONS.—(1) Only one transfer may be made to or from any program or project under subsection (a) in a fiscal year.

(2) The amount transferred to or from a program or project under subsection (a) may not exceed $5,000,000 in a fiscal year.

(3) A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary to address a risk to health, safety, or the environment or to assure the most efficient use of defense environmental management funds at the field office.

(4) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) NOTIFICATION.—The Secretary, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) DEFINITIONS.—In this section:

(1) The term ''program or project'' means, with respect to a field office of the Department of Energy, any of the following:

(A) A program referred to or a project listed in paragraph (2) or (3) of section 3102.

(B) A program or project not described in subparagraph (A) that is for environmental restoration or waste management activities necessary for national security programs of the Department, that is being carried out by the office, and for which defense environmental management funds have been authorized and appropriated before the date of enactment of this Act.

(2) The term ''defense environmental management funds'' means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.

(f) DURATION OF AUTHORITY.—The managers of the field offices of the Department may exercise the authority provided under subsection (a) during the period beginning on October 1, 1999, and ending on September 30, 2000.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. LIMITATION ON USE AT DEPARTMENT OF ENERGY LABORATORIES OF FUNDS APPROPRIATED FOR THE INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM.

(a) LIMITATION.—Not more than 25 percent of the funds appropriated for any fiscal year for the program of the Department of Energy known as the Initiatives for Proliferation Prevention Program may be spent at the Department of Energy laboratories.

(b) EFFECTIVE DATE.—The limitation in subsection (a) applies with respect to funds appropriated for any fiscal year after fiscal year 1999.

SEC. 3132. PROHIBITION ON USE FOR PAYMENT OF RUSSIAN GOVERNMENT TAXES AND CUSTOMS DUTIES OF FUNDS APPROPRIATED FOR THE INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM.

Funds appropriated for the program of the Department of Energy known as the Initiatives for Proliferation Prevention Program may not be used to pay any tax or customs duty levied by the government of the Russian Federation.

SEC. 3133. MODIFICATION OF LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT TO PROVIDE FUNDS FOR THEATER BALLISTIC MISSILE DEFENSE.

(a) CONDUCT OF PROGRAMS.—The Secretary of Energy shall ensure that the national laboratories carry out theater ballistic missile defense development programs in accordance with—

(1) the memorandum of understanding between the Secretary of Energy and the Secretary of Defense required by section 3131(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2034; 10 U.S.C. 2431 note); and

(2) such regulations as the Secretary of Energy may prescribe.

(b) FUNDING.—Of the funds provided by the Department of Energy to the national laboratories for national security activities, the Secretary of Energy shall provide a specific amount, equal to 3 percent of such funds, to be used by such laboratories for theater ballistic missile defense development programs.

(c) NATIONAL LABORATORIES.—For purposes of this section, the term ''national laboratories'' has the meaning given such term in section 3131(d) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2034; 10 U.S.C. 2431 note).

(d) KINETIC ENERGY WARHEAD PROGRAMS.—(1) Notwithstanding subsection (a), during fiscal year 2000 the Secretary of Energy shall use the funds required to be made available pursuant to subsection (b) for theater ballistic missile defense development programs for the purpose of the development and test of advanced kinetic energy ballistic missile defense warheads based on advanced explosive technology, the designs of which—

(A) are compatible with the Army Theater High-Altitude Area-Wide Defense (THAAD) system, the Navy Theater Wide system, the Navy Area Defense system, and the Patriot Advanced Capability–3 (PAC–3) system; and

(B) will be available for ground lethality testing not later than one year after the date of the enactment of this Act.

(2) Of the funds made available for purposes of paragraph (1), one-half shall be made available for work at Los Alamos National Laboratory and one-half shall be made available for work at Lawrence Livermore National Laboratory.

(3) If the Secretary does not use the full amount referred to in paragraph (1) for the purposes stated in that paragraph, the remainder of such amount shall be used in accordance with subsection (a).

(e) REDUCTION IN LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT PROGRAMS.—Subsection (c) of section 3132 of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 7257a) is amended by striking ''6 percent'' and inserting ''3 percent''.

SEC. 3134. SUPPORT OF THEATER BALLISTIC MISSILE DEFENSE ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) FUNDS TO CARRY OUT CERTAIN BALLISTIC MISSILE DEFENSE ACTIVITIES.—Of the amounts authorized to be appropriated to the Department of Energy pursuant to section 3101, $30,000,000 shall be available only for research, development, and demonstration activities to support the mission of the Ballistic Missile Defense Organization of the Department of Defense, including the following activities:

(1) Technology development, concept demonstration, and integrated testing to improve reliability and reduce risk in hit-to-kill interceptors for theater ballistic missile defense.

(2) Support for science and engineering teams to address technical problems identified by the Director of the Ballistic Missile Defense Organization as critical to acquisition of a theater ballistic missile defense capability.

(b) MEMORANDUM OF UNDERSTANDING.—The activities referred to in subsection (a) shall be carried out under the memorandum of understanding entered into by the Secretary of Energy and the Secretary of Defense for the use of national laboratories for ballistic missile defense programs, as required by section 3131 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2034).

(c) METHOD OF FUNDING.—Funds for activities referred to in subsection (a) may be provided—

(1) by direct payment from funds available pursuant to subsection (a); or

(2) in the case of such an activity carried out by a national laboratory but paid for by the Ballistic Missile Defense Organization, through a method under which the Secretary of Energy waives any requirement for the Department of Defense to pay any indirect expenses (including overhead and federal administrative charges) of the Department of Energy or its contractors.

Subtitle D—Commission on Nuclear Weapons Management

SEC. 3151. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the ''Commission on Nuclear Weapons Management'' (hereinafter in this subtitle referred to as the ''Commission'').

(b) COMPOSITION.—The Commission shall be composed of nine members, appointed as follows:

(1) Two members shall be appointed by the chairman of the Committee on Armed Services of the House of Representatives.

(2) Two members shall be appointed by the ranking minority party member of the Committee on Armed Services of the House of Representatives.

(3) Two members shall be appointed by the chairman of the Committee on Armed Services of the Senate.

(4) Two members shall be appointed by the ranking minority party member of the Committee on Armed Services of the Senate.

(5) One member, who shall serve as chairman of the Commission, shall be appointed by the chairman of the Committee on Armed Services of the House of Representatives and the chairman of the Committee on Armed Services of the Senate, acting jointly, in consultation with the ranking minority party member of the Committee on Armed Services of the House of Representatives and the ranking minority party member of the Committee on Armed Services of the Senate.

(c) QUALIFICATIONS.—Members of the Commission shall be appointed from among private United States citizens with knowledge and expertise in nuclear weapons policy, organization, and management matters.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(e) INITIAL ORGANIZATION REQUIREMENTS.—(1) All appointments to the Commission shall be made not later than 30 days after the date of the enactment of this Act.

(2) The Commission shall convene its first meeting not later than 30 days after the date on which all members of the Commission have been appointed.

(f) SECURITY CLEARANCES.—The Secretary of Defense shall expedite the processing of appropriate security clearances for members of the Commission.

SEC. 3152. DUTIES OF COMMISSION.

(a) IN GENERAL.—The Commission shall examine the organizational and management structures within the Department of Energy and the

Department of Defense that are responsible for the following, as they pertain to nuclear weapons:

(1) Development of nuclear weapons policy and standards.

(2) Generation of requirements.

(3) Inspection and certification of the nuclear stockpile.

(4) Research, development, and design.

(5) Manufacture, assembly, disassembly, refurbishment, surveillance, and storage.

(6) Operation and maintenance.

(7) Construction.

(8) Sustainment and development of high-quality personnel.

(b) STRUCTURES.—The organizational and management structures to be examined under subsection (a) shall include the following:

(1) The management headquarters of the Department of Energy, the Department of Defense, the military departments, and defense agencies.

(2) Headquarters support activities of the Department of Energy, the Department of Defense, the military departments, and defense agencies.

(3) The acquisition organizations in the Department of Energy and the Department of Defense.

(4) The nuclear weapons complex, including the nuclear weapons laboratories, the nuclear weapons production facilities, and defense environmental remediation sites.

(5) The Nuclear Weapons Council and its standing committee.

(6) The United States Strategic Command.

(7) The Defense Threat Reduction Agency.

(8) Policy-oriented elements of the Government that affect the management of nuclear weapons, including the following:

(A) The National Security Council.

(B) The Arms Control and Disarmament Agency.

(C) The Office of the Under Secretary of Defense for Policy.

(D) The office of the Deputy Chief of Staff of the Air Force for Air and Space Operations.

(E) The office of the Deputy Chief of Naval Operations for Plans, Policy, and Operations.

(F) The headquarters of each combatant command (in addition to the United States Strategic Command) that has nuclear weapons responsibilities.

(G) Such other organizations as the Commission determines appropriate to include.

(c) EVALUATIONS.—In carrying out its duties, the Commission shall—

(1) evaluate the rationale for current management and organization structures, and the relationship among the entities within those structures;

(2) evaluate the efficiency and effectiveness of those structures; and

(3) propose and evaluate alternative organizational and management structures, including alternatives that would transfer authorities of the Department of Energy for the defense program and defense environmental management to the Department of Defense.

(d) COOPERATION FROM GOVERNMENT OFFICIALS.—In carrying out its duties, the Commission should receive the full and timely cooperation of the Secretary of Defense, the Secretary of Energy, and any other United States Government official responsible for providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

SEC. 3153. REPORTS.

The Commission shall submit to Congress an interim report containing its preliminary findings and conclusions not later than October 15, 2000, and a final report containing its findings and conclusions not later than January 1, 2001.

SEC. 3154. POWERS.

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this title, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) INFORMATION.—The Commission may secure directly from the Department of Defense, the Department of Energy, and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this title.

SEC. 3155. COMMISSION PROCEDURES.

(a) MEETINGS.—The Commission shall meet at the call of the Chairman.

(b) QUORUM.—(1) Five members of the Commission shall constitute a quorum other than for the purpose of holding hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(c) COMMISSION.—The Commission may establish panels composed of less than full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

SEC. 3156. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—Members of the Commission shall serve without pay by reason of their work on the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS–15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

SEC. 3157. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.—The Secretary of Defense and the Secretary of Energy shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

SEC. 3158. FUNDING.

(a) SOURCE OF FUNDS.—Funds for activities of the Commission shall be provided from—

(1) amounts appropriated for the Department of Defense for operation and maintenance for Defense-wide activities for fiscal year 2000; and

(2) amounts appropriated for the Department of Energy for program direction for weapons activities and for defense environmental restoration and waste management for fiscal year 2000.

(b) DISBURSEMENT.—Upon receipt of a written certification from the Chairman of the Commission specifying the funds required for the activities of the Commission, the Secretary of Defense and the Secretary of Energy shall promptly disburse to the Commission, from such amounts, the funds required by the Commission as stated in such certification.

SEC. 3159. TERMINATION OF THE COMMISSION.

The Commission shall terminate 60 days after the date of the submission of its final report under section 3153.

Subtitle E—Other Matters

SEC. 3161. PROCEDURES FOR MEETING TRITIUM PRODUCTION REQUIREMENTS.

(a) ACCELERATOR PRODUCTION PLAN.—Not later than January 15, 2000, the Secretary of Energy shall submit to the congressional defense committees a plan (in this section referred to as an ''accelerator production plan'') to meet the requirements in the Nuclear Weapons Stockpile Memorandum relating to tritium production by expediting the completion of the design and the initiation of the construction of a particle accelerator for the production of tritium.

(b) TECHNOLOGY FOR TRITIUM PRODUCTION.—If the Nuclear Regulatory Commission does not grant to the Tennessee Valley Authority the amended licenses described in subsection (c) by December 31, 2002, the Secretary of Energy shall on January 1, 2003—

(1) designate particle accelerator technology as the primary technology for the production of tritium;

(2) designate commercial light water reactor technology as the backup technology for the production of tritium; and

(3) implement the accelerator production plan.

(c) AMENDED LICENSES.—The amended licenses referred to in subsection (b) are the amended licenses for the operation of each of the following commercial light water reactors:

(1) Watts Bar reactor, Spring City, Tennessee.

(2) Sequoya reactor, Daisy, Tennessee.

SEC. 3162. EXTENSION OF AUTHORITY OF DEPARTMENT OF ENERGY TO PAY VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) EXTENSION.—Notwithstanding subsection (c)(2)(D) of section 663 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–383; 5 U.S.C. 5597 note), the Department of Energy may pay voluntary separation incentive payments to qualifying employees who voluntarily separate (whether by retirement or resignation) before January 1, 2002.

(b) EXERCISE OF AUTHORITY.—The Department shall pay voluntary separation incentive payments under subsection (a) in accordance with the provisions of such section 663.

(c) REPORT.—(1) Not later than March 15, 2000, the Secretary of Energy shall submit to the recipients specified in paragraph (3) a report describing how the Department has used the authority to pay voluntary separation incentive payments under subsection (a).

(2) The report under paragraph (1) shall include the occupations and grade levels of each employee paid a voluntary separation incentive payment under subsection (a) and shall describe how the use of the authority to pay voluntary separation incentive payments under such subsection relates to the restructuring plans of the Department.

(3) The recipients specified in this paragraph are the following:

(A) The Office of Personnel Management.

(B) The Committee on Armed Services of the House of Representatives.

(C) The Committee on Armed Services of the Senate.

(D) The Committee on Government Reform of the House of Representatives.

(E) The Committee on Governmental Affairs of the Senate.

SEC. 3163. FELLOWSHIP PROGRAM FOR DEVELOPMENT OF SKILLS CRITICAL TO THE DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX.

(a) IN GENERAL.—Subsection (a) of section 3140 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 621; 42 U.S.C. 2121 note) is amended—

(1) by striking ''the Secretary'' in the second sentence and all that follows through ''provide educational assistance'' and inserting ''the Secretary shall provide educational assistance'';

(2) by striking the semicolon after ''complex'' in the second sentence and inserting a period; and

(3) by striking paragraphs (2) and (3).

(b) ELIGIBLE INDIVIDUALS.—Subsection (b) of such section is amended by inserting ''are United States citizens who'' in the matter preceding paragraph (1) after ''program''.

(c) COVERED FACILITIES.—Subsection (c) of such section is amended by adding at the end the following new paragraphs:

''(5) The Lawrence Livermore National Laboratory, Livermore, California.

''(6) The Los Alamos National Laboratory, Los Alamos, New Mexico.

''(7) The Sandia National Laboratory, Albuquerque, New Mexico.''.

(d) AGREEMENT REQUIRED.—Subsection (f) of such section is amended to read as follows:

''(f) AGREEMENT.—(1) The Secretary may allow an individual to participate in the program only if the individual signs an agreement described in paragraph (2).

''(2) An agreement referred to in paragraph (1) shall be in writing, shall be signed by the participant, and shall include the participant's agreement to serve, after completion of the course of study for which the assistance was provided, as a full-time employee in a position in the Department of Energy for a period of time to be established by the Secretary of Energy of not less than one year, if such a position is offered to the participant.''.

(e) PLAN.—(1) Not later than January 1, 2000, the Secretary of Energy shall submit to the congressional defense committees a plan for the administration of the fellowship program under section 3140 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 42 U.S.C. 2121 note), as amended by this section.

(2) The plan shall include the criteria for the selection of individuals for participation in such fellowship program and a description of the provisions to be included in the agreement required by subsection (f) of such section (as amended by this section), including the period of time established by the Secretary for the participants to serve as employees.

(f) FUNDING.—Of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101, $5,000,000 shall be available only to conduct the fellowship program under section 3140 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 42 U.S.C. 2121 note), as amended by this section.

SEC. 3164. DEPARTMENT OF ENERGY RECORDS DECLASSIFICATION.

(a) IDENTIFICATION IN BUDGET.—The Secretary of Energy shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for national security programs for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) specific identification, as a budgetary line item, of the amounts necessary for programmed activities during that fiscal year to declassify records to carry out Executive Order 12958 (50 U.S.C. 435 note), or any successor Executive order, or to comply with any statutory requirement to declassify Government records.

(b) LIMITATION.—The total amount expended by the Department of Energy during fiscal year 2000 to carry out activities to declassify records pursuant to Executive Order 12958 (50 U.S.C. 435 note), or any successor Executive order, or to comply with any statutory requirement to declassify Government records may not exceed $8,500,000.

SEC. 3165. MANAGEMENT OF NUCLEAR WEAPONS PRODUCTION FACILITIES AND NATIONAL LABORATORIES.

(a) AUTHORITY AND RESPONSIBILITY OF ASSISTANT SECRETARY FOR DEFENSE PROGRAMS.—The Secretary of Energy, in assigning functions under section 203 of the Department of Energy Organization Act (42 U.S.C. 7133), shall assign direct authority over, and responsibility for, the nuclear weapons production facilities and the national laboratories in all matters relating to national security to the Assistant Secretary assigned the functions under section 203(a)(5) of that Act.

(b) COVERED FUNCTIONS.—The functions assigned to the Assistant Secretary under subsection (a) shall include, but not be limited to, authority over, and responsibility for, the national security functions of those facilities and laboratories with respect to the following:

(1) Strategic management.

(2) Policy development and guidance.

(3) Budget formulation and guidance.

(4) Resource requirements determination and allocation.

(5) Program direction.

(6) Administration of contracts to manage and operate nuclear weapons production facilities and national laboratories.

(7) Environment, safety, and health operations.

(8) Integrated safety management.

(9) Safeguard and security operations.

(10) Oversight.

(11) Relationships within the Department of Energy and with other Federal agencies, the Congress, State, tribal, and local governments, and the public.

(c) REPORTING OF NUCLEAR WEAPONS PRODUCTION FACILITIES AND NATIONAL LABORATORIES.—In all matters relating to national security, the nuclear weapons production facilities and the national laboratories shall report to, and be accountable to, the Assistant Secretary.

(d) DELEGATION BY ASSISTANT SECRETARY.—The Assistant Secretary may delegate functions assigned under subsection (a) only within the headquarters office of the Assistant Secretary, except that the Assistant Secretary may delegate to a head of a specified operations office functions including, but not limited to, supporting the following activities at a nuclear weapons production facility or a national laboratory:

(1) Operational activities.

(2) Program execution.

(3) Personnel.

(4) Contracting and procurement.

(5) Facility operations oversight.

(6) Integration of production and research and development activities.

(7) Interaction with other Federal agencies, State, tribal, and local governments, and the public.

(e) REPORTING OF OPERATIONS OFFICES.—For each delegation made under subsection (d) to a head of a specified operations office, that head of that specified operations office shall shall directly report to, and be accountable to, the Assistant Secretary.

(f) DEFINITIONS.—As used in this section:

(1) The term ''nuclear weapons production facility'' means any of the following facilities:

(A) The Kansas City Plant, Kansas City, Missouri.

(B) The Pantex Plant, Amarillo, Texas.

(C) The Y-12 Plant, Oak Ridge, Tennessee.

(D) The tritium operations at the Savannah River Site, Aiken, South Carolina.

(E) The Nevada Test Site, Nevada.

(2) The term ''national laboratory'' means any of the following laboratories:

(A) The Los Alamos National Laboratory, Los Alamos, New Mexico.

(B) The Lawrence Livermore National Laboratory, Livermore, California.

(C) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

(3) The term ''specified operations office'' means any of the following operations offices of the Department of Energy:

(A) Albuquerque Operations Office, Albuquerque, New Mexico.

(B) Oak Ridge Operations Office, Oak Ridge, Tennessee.

(C) Oakland Operations Office, Oakland, California.

(D) Nevada Operations Office, Nevada Test Site, Las Vegas, Nevada.

(E) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

SEC. 3166. NOTICE TO CONGRESSIONAL COMMITTEES OF COMPROMISE OF CLASSIFIED INFORMATION WITHIN NUCLEAR ENERGY DEFENSE PROGRAMS.

(a) IN GENERAL.—The Secretary of Energy shall notify the committees specified in subsection (c) of any information, regardless of its origin, that the Secretary receives that indicates that classified information relating to military applications of nuclear energy is being, or may have been, disclosed in an unauthorized manner to a foreign power or an agent of a foreign power.

(b) MANNER OF NOTIFICATION.—A notification under subsection (a) shall be provided, in writing, not later than 30 days after the date of the initial receipt of such information by the Department of Energy.

(c) SPECIFIED COMMITTEES.—The committees referred to in subsection (a) are the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(d) FOREIGN POWER.—For purposes of this section, the terms ''foreign power'' and ''agent of a foreign power'' have the meanings given those terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2000, $17,500,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. DEFINITIONS.

In this title:

(1) The term ''National Defense Stockpile'' means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(2) The term ''National Defense Stockpile Transaction Fund'' means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2000, the National Defense Stockpile Manager may obligate up to $78,700,000 of the funds in the National Defense Stockpile Transaction Fund for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)), including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3303. ELIMINATION OF CONGRESSIONALLY IMPOSED DISPOSAL RESTRICTIONS ON SPECIFIC STOCKPILE MATERIALS.

Sections 3303 and 3304 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 629) are repealed.

TITLE XXXIV—MARITIME ADMINISTRATION

SEC. 3401. SHORT TITLE.

This title may be cited as the ''Maritime Administration Authorization Act for Fiscal Year 2000''.

SEC. 3402. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2000.

Funds are hereby authorized to be appropriated, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $79,764,000 for fiscal year 2000.

(2) For expenses under the loan guarantee program authorized by title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), $34,893,000 for fiscal year 2000, of which—

(A) $31,000,000 is for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) $3,893,000 is for administrative expenses related to loan guarantee commitments under the program.

SEC. 3403. AMENDMENTS TO TITLE XI OF THE MERCHANT MARINE ACT, 1936.

(a) AUTHORITY TO HOLD OBLIGATION PROCEEDS IN ESCROW.—Section 1108(a) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1279a(a)) is amended by striking so much as precedes ''guarantee of an obligation'' and inserting the following:

''(a) AUTHORITY TO HOLD OBLIGATION PROCEEDS IN ESCROW.—(1) If the proceeds of an obligation guaranteed under this title are to be used to finance the construction, reconstruction, or reconditioning of a vessel that will serve as security for the guarantee, the Secretary may accept and hold, in escrow under an escrow agreement with the obligor—

''(A) the proceeds of that obligation, including such interest as may be earned thereon; and

''(B) if required by the Secretary, an amount equal to 6 month's interest on the obligation.

''(2) The Secretary may release funds held in escrow under paragraph (1) only if the Secretary determines that—

''(A) the obligor has paid its portion of the actual cost of construction, reconstruction, or reconditioning; and

''(B) the funds released are needed—

''(i) to pay, or make reimbursements in connection with payments previously made for work performed in that construction, reconstruction, or reconditioning; or

''(ii) to pay for other costs approved by the Secretary, with respect to the vessel or vessels.

''(3) If the security for the''.

(b) AUTHORITY TO HOLD OBLIGOR'S CASH AS COLLATERAL.—Title XI of the Merchant Marine Act, 1936 is amended by inserting after section 1108 the following:

''SEC. 1109. DEPOSIT FUND.

''(a) ESTABLISHMENT OF DEPOSIT FUND.—There is established in the Treasury a deposit fund for purposes of this section. The Secretary may, in accordance with an agreement under subsection (b), deposit into and hold in the deposit fund cash belonging to an obligor to serve as collateral for a guarantee under this title made with respect to the obligor.

''(b) AGREEMENT.—

''(1) IN GENERAL.—The Secretary and an obligor shall enter into a reserve fund or other collateral account agreement to govern the deposit, withdrawal, retention, use, and reinvestment of cash of the obligor held in the deposit fund established by subsection (a).

''(2) TERMS.—The agreement shall contain such terms and conditions as are required under this section and such additional terms as are considered by the Secretary to be necessary to protect fully the interests of the United States.

''(3) SECURITY INTEREST OF UNITED STATES.—The agreement shall include terms that grant to the United States a security interest in all amounts deposited into the deposit fund.

''(c) INVESTMENT.—The Secretary may invest and reinvest any part of the amounts in the deposit fund established by subsection (a) in obligations of the United States with such maturities as ensure that amounts in the deposit fund will be available as required for purposes of agreements under subsection (b). Cash balances of the deposit fund in excess of current requirements shall be maintained in a form of uninvested funds and the Secretary of the Treasury shall pay interest on these funds.

''(d) WITHDRAWALS.—

''(1) IN GENERAL.—The cash deposited into the deposit fund established by subsection (a) may not be withdrawn without the consent of the Secretary.

''(2) USE OF INCOME.—Subject to paragraph (3), the Secretary may pay any income earned on cash of an obligor deposited into the deposit fund in accordance with the terms of the agreement with the obligor under subsection (b).

''(3) RETENTION AGAINST DEFAULT.—The Secretary may retain and offset any or all of the cash of an obligor in the deposit fund, and any income realized thereon, as part of the Secretary's recovery against the obligor in case of a default by the obligor on an obligation.''.

SEC. 3404. EXTENSION OF WAR RISK INSURANCE AUTHORITY.

Section 1214 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1294) is amended by striking ''June 30, 2000'' and inserting ''June 30, 2005''.

SEC. 3405. OWNERSHIP OF THE JEREMIAH O'BRIEN.

Section 3302(l)(1)(C) of title 46, United States Code, is amended by striking ''owned by the United States Maritime Administration'' and inserting ''owned by the National Liberty Ship Memorial, Inc.''.

TITLE XXXV—PANAMA CANAL COMMISSION

SEC. 3501. SHORT TITLE.

This title may be cited as the ''Panama Canal Commission Authorization Act for Fiscal Year 2000''.

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to use amounts in the Panama Canal Revolving Fund to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, improvement, and administration of the Panama Canal for fiscal year 2000 until the termination of the Panama Canal Treaty of 1977.

(b) LIMITATIONS.—Until noon on December 31, 1999, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than $100,000 for official reception and representation expenses, of which—

(1) not more than $28,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) not more than $14,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) not more than $58,000 may be used for official reception and representation expenses of the Administrator of the Commission.

SEC. 3503. PURCHASE OF VEHICLES.

Notwithstanding any other provision of law, the funds available to the Panama Canal Commission shall be available for the purchase and transportation to the Republic of Panama of passenger motor vehicles built in the United States, the purchase price of which shall not exceed $26,000 per vehicle.

SEC. 3504. OFFICE OF TRANSITION ADMINISTRATION.

(a) EXPENDITURES FROM PANAMA CANAL COMMISSION DISSOLUTION FUND.—Section 1305(c)(5) of the Panama Canal Act of 1979 (22 U.S.C. 3714a(c)(5)) is amended by inserting ''(A)'' after ''(5)'' and by adding at the end the following:

''(B) The office established by subsection (b) is authorized to expend or obligate funds from the Fund for the purposes enumerated in clauses (i) and (ii) of paragraph (2)(A) until October 1, 2004.''.

(b) OPERATION OF THE OFFICE OF TRANSITION ADMINISTRATION.—

(1) IN GENERAL.—The Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) shall continue to govern the Office of Transition Administration until October 1, 2004.

(2) PROCUREMENT.—For purposes of exercising authority under the procurement laws of the United States, the director of such office shall have the status of the head of an agency.

(3) OFFICES.—The Office of Transition Administration shall have offices in the Republic of Panama and in the District of Columbia. Section 1110(b)(1) of the Panama Canal Act of 1973 (22 U.S.C. 3620(b)(1)) does not apply to such office in the Republic of Panama.

(4) EFFECTIVE DATE.—This subsection shall be effective on and after the termination of the Panama Canal Treaty of 1977.

(c) OFFICE OF TRANSITION ADMINISTRATION DEFINED.—In this section the term ''Office of Transition Administration'' means the office established under section 1305 of the Panama Canal Act of 1979 (22 U.S.C. 3714a) to close out the affairs of the Panama Canal Commission.

Amend the title so as to read: ''A bill to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.''.

The CHAIRMAN. No amendment to the committee amendment in the nature of a substitute is in order except amendments printed in House Report 106–175, amendments en bloc described in section 3 of House Resolution 200, the amendment by the gentleman from California (Mr. COX) printed on June 8, 1999, in the appropriate portion of the CONGRESSIONAL RECORD, and pro forma amendments offered by the chairman and ranking minority member.

Except as specified in section 5 of the resolution, each amendment printed in the report shall be considered only in the order printed, may be offered only by a Member designated in the report, shall be considered read, and shall not be subject to a demand for a division of the question.

Unless otherwise specified in the report, each amendment printed in the report shall be debatable for 10 minutes, equally divided and controlled by a proponent and an opponent of the amendment, and shall not be subject to amendment, except that the chairman and ranking minority member each may offer one pro forma amendment for the purpose of further debate on any pending amendment.

Consideration of the last five amendments in Part A of the report shall begin with an additional period of general debate, which shall be confined to the subject of United States policy relating to the conflict in Kosovo, and shall not exceed one hour, equally divided and controlled by the chairman and ranking minority member.

It shall be in order at any time for the Chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in Part B of the report not earlier disposed of or germane modifications of any such amendment.

The amendments en bloc shall be considered read, except that modifications shall be reported, shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member or their designees, shall not be subject to amendment and shall not be subject to a demand for a division of the question.

□ 1345

The original proponent of an amendment included in the amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

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

The Chairman of the Committee of the Whole may recognize for consideration of amendments printed in the report out of the order in which they are printed, but not sooner than 1 hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in the CONGRESSIONAL RECORD of June 8, 1999 by the gentleman from California (Mr. COX) described in section 2(b) of the resolution, if offered by Mr. COX, or his designee. That amendment shall be considered read, shall be debatable for 1 hour, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 14 OFFERED BY MR. COX

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 printed in the CONGRESSIONAL RECORD offered by Mr. COX:

TITLE XIV—PROLIFERATION AND EXPORT CONTROL MATTERS

SEC. 1401. REPORT ON COMPLIANCE BY THE PEOPLE'S REPUBLIC OF CHINA AND OTHER COUNTRIES WITH THE MISSILE TECHNOLOGY CONTROL REGIME.

(a) REPORT REQUIRED.—Not later than October 31, 1999, the President shall transmit to Congress a report on the compliance, or lack of compliance (both as to acquiring and transferring missile technology), by the People's Republic of China, with the Missile Technology Control Regime, and on any actual or suspected transfer by Russia or any other country of missile technology to the People's Republic of China in violation of the Missile Technology Control Regime. The report shall include a list specifying each actual or suspected violation of the Missile Technology Control Regime by the People's Republic of China, Russia, or other country and, for each such violation, a description of the remedial action (if any) taken by the United States or any other country.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall also include information concerning—

(1) actual or suspected use by the People's Republic of China of United States missile technology;

(2) actual or suspected missile proliferation activities by the People's Republic of China;

(3) actual or suspected transfer of missile technology by Russia or other countries to the People's Republic of China: and

(4) United States actions to enforce the Missile Technology Control Regime with respect to the People's Republic of China, including actions to prevent the transfer of missile technology from Russia and other countries to the People's Republic of China.

SEC. 1402. ANNUAL REPORT ON TECHNOLOGY TRANSFERS TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) ANNUAL REPORT.—The President shall transmit to Congress an annual report on transfers to the People's Republic of China by the United States and other countries of technology with potential military applications, during the 1-year period preceding the transmittal of the report.

(b) INITIAL REPORT.—The initial report under this section shall be transmitted not later than October 31, 1999.

SEC. 1403. REPORT ON IMPLEMENTATION OF TRANSFER OF SATELLITE EXPORT CONTROL AUTHORITY.

Not later than August 31, 1999, the President shall transmit to Congress a report on the implementation of subsection (a) of section 1513 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2174; 22 U.S.C. 2778 note), transferring satellites and related items from the Commerce Control List of dual-use items to the United States Munitions List. The report shall update the information provided in the report under subsection (d) of that section.

SEC. 1404. SECURITY IN CONNECTION WITH SATELLITE EXPORT LICENSING.

(a) SECURITY AT FOREIGN LAUNCHES.—As a condition of the export license for any satellite to be launched outside the jurisdiction of the United States, the Secretary of State shall require the following:

(1) That the technology transfer control plan required by section 1514(a)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2175; 22 U.S.C. 2778 note) be prepared by the Department of Defense, and agreed to by the licensee, and that the plan set forth the security arrangements for the launch of the satellite, both before and during launch operations, and include enhanced security measures if the launch site is within the jurisdiction of the People's Republic of China or any other country that is subject to section 1514 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999.

(2) That each person providing security for the launch of that satellite—

(A) be employed by, or under a contract with, the Department of Defense;

(B) have received appropriate training in the regulations prescribed by the Secretary of State known as the International Trafficking in Arms Regulations (hereafter in this section referred to as ''ITAR'');

(C) have significant experience and expertise with satellite launches; and

(D) have been investigated in a manner at least as comprehensive as the investigation required for the issuance of a security clearance at the level designated as ''Secret''.

(3) That the number of such persons providing security for the launch of the satellite shall be sufficient to maintain 24-hour security of the satellite and related launch vehicle and other sensitive technology.

(4) That the licensee agree to reimburse the Department of Defense for all costs associated with the provision of security for the launch of the satellite.

(b) DEFENSE DEPARTMENT MONITORS.—The Secretary of Defense shall—

(1) ensure that persons assigned as space launch campaign monitors are provided sufficient training and have adequate experience in the ITAR and have significant experience and expertise with satellite technology, launch vehicle technology, and launch operations technology;

(2) ensure that adequate numbers of such monitors are assigned to space launch campaigns so that 24-hour, 7-day per week coverage is provided;

(3) take steps to ensure, to the maximum extent possible, the continuity of service by monitors for the entire space launch campaign period (from satellite marketing to launch and, if necessary, completion of a launch failure analysis); and

(4) adopt measures designed to make service as a space launch campaign monitor an attractive career opportunity.

SEC. 1405. REPORTING OF TECHNOLOGY PASSED TO PEOPLE'S REPUBLIC OF CHINA AND OF FOREIGN LAUNCH SECURITY VIOLATIONS.

(a) MONITORING OF INFORMATION.—The Secretary of Defense shall require that space launch monitors of the Department of Defense assigned to monitor launches in the People's Republic of China maintain records of all information authorized to be transmitted to the People's Republic of China, including copies of any documents authorized for such transmission, and reports on launch-related activities.

(b) TRANSMISSION TO OTHER AGENCIES.—The Secretary of Defense shall ensure that records under subsection (a) are transmitted

on a current basis to appropriate elements of the Department of Defense and to the Department of State, the Department of Commerce, and the Central Intelligence Agency.

(c) RETENTION OF RECORDS.—Records described in subsection (a) shall be retained for at least the period of the statute of limitations for violations of the Arms Export Control Act.

(d) GUIDELINES.—The Secretary of Defense shall prescribe guidelines providing space launch monitors of the Department of Defense with the responsibility and the ability to report serious security violations, problems, or other issues at an overseas launch site directly to the headquarters office of the responsible Department of Defense component.

SEC. 1406. REPORT ON NATIONAL SECURITY IMPLICATIONS OF EXPORTING HIGH-PERFORMANCE COMPUTERS TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) REVIEW.—The Secretary of Energy, the Secretary of Defense, and the Secretary of State, in consultation with other appropriate departments and agencies, shall conduct a comprehensive review of the national security implications of exporting high-performance computers to the People's Republic of China. As part of the review, the Secretary shall conduct empirical testing of the extent to which national security-related operations can be performed using clustered, massively-parallel processing or other combinations of computers.

(b) REPORT.—The Secretary of Energy shall submit to Congress a report on the results of the review under subsection (a). The report shall be submitted not later than six months after the date of the enactment of this Act and shall be updated not later than the end of each subsequent 1-year period.

SEC. 1407. END-USE VERIFICATION FOR USE BY PEOPLE'S REPUBLIC OF CHINA OF HIGH-PERFORMANCE COMPUTERS.

(a) REVISED HPC VERIFICATION SYSTEM.—The President shall seek to enter into an agreement with the People's Republic of China to revise the existing verification system with the People's Republic of China with respect to end-use verification for high-performance computers exported or to be exported to the People's Republic of China so as to provide for an open and transparent system providing for effective end-use verification for such computers and, at a minimum, providing for on-site inspection of the end-use and end-user of such computers, without notice, by United States nationals designated by the United States Government. The President shall transmit a copy of the agreement to Congress.

(b) DEFINITION.—As used in this section and section 1406, the term ''high performance computer'' means a computer which, by virtue of its composite theoretical performance level, would be subject to section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note).

(c) ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS FOR POST-SHIPMENT VERIFICATION.—Section 1213 of the National Defense Authorization Act for Fiscal Year 1998 is amended by adding at the end the following:

''(e) ADJUSTMENT OF PERFORMANCE LEVELS.—Whenever a new composite theoretical performance level is established under section 1211(d), that level shall apply for purposes of subsection (a) of this section in lieu of the level set forth in that subsection.''.

SEC. 1408. PROCEDURES FOR REVIEW OF EXPORT OF CONTROLLED TECHNOLOGIES AND ITEMS.

(a) RECOMMENDATIONS FOR PRIORITIZATION OF NATIONAL SECURITY CONCERNS.—The President shall submit to Congress the President's recommendations for the establishment of a mechanism to identify, on a continuing basis, those controlled technologies and items the export of which is of greatest national security concern relative to other controlled technologies and items.

(b) RECOMMENDATIONS FOR EXECUTIVE DEPARTMENT APPROVALS FOR EXPORTS OF GREATEST NATIONAL SECURITY CONCERN.—With respect to controlled technologies and items identified under subsection (a), the President shall submit to Congress the President's recommendations for the establishment of a mechanism to identify procedures for export of such technologies and items so as to provide—

(1) that the period for review by an executive department or agency of a license application for any such export shall be extended to a period longer than that otherwise required when such longer period is considered necessary by the head of that department or agency for national security purposes; and

(2) that a license for such an export may be approved only with the agreement of each executive department or agency that reviewed the application for the license, subject to appeal procedures to be established by the President.

(c) RECOMMENDATIONS FOR STREAMLINED LICENSING PROCEDURES FOR OTHER EXPORTS.—With respect to controlled technologies and items other than those identified under subsection (a), the President shall submit to Congress the President's recommendations for modifications to licensing procedures for export of such technologies and items so as to streamline the licensing process and provide greater transparency, predictability, and certainty.

SEC. 1409. NOTICE OF FOREIGN ACQUISITION OF UNITED STATES FIRMS IN NATIONAL SECURITY INDUSTRIES.

Section 721(b) of the Defense Production Act of 1950 (50 U.S.C. 2170(b)) is amended—

(1) by inserting ''(1)'' before ''The President'';

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following:

''(2) Whenever a person engaged in interstate commerce in the United States is the subject of a merger, acquisition, or takeover described in paragraph (1), that person shall promptly notify the President, or the President's designee, of such planned merger, acquisition, or takeover. Whenever any executive department or agency becomes aware of any such planned merger, acquisition, or takeover, the head of that department or agency shall promptly notify the President, or the President's designee, of such planned merger, acquisition, or takeover.''.

SEC. 1410. FIVE-AGENCY INSPECTORS GENERAL EXAMINATION OF COUNTERMEASURES AGAINST ACQUISITION BY THE PEOPLE'S REPUBLIC OF CHINA OF MILITARILY SENSITIVE TECHNOLOGY.

Not later than January 1, 2000, the Inspectors General of the Departments of State, Defense, the Treasury, and Commerce and the Inspector General of the Central Intelligence Agency shall submit to Congress a report on the adequacy of current export controls and counterintelligence measures to protect against the acquisition by the People's Republic of China of militarily sensitive United States technology. Such report shall include a description of measures taken to address any deficiencies found in such export controls and counterintelligence measures.

SEC. 1411. OFFICE OF TECHNOLOGY SECURITY IN DEPARTMENT OF DEFENSE.

(a) ENHANCED MULTILATERAL EXPORT CONTROLS.—

(1) NEW INTERNATIONAL CONTROLS.—The President shall work (in the context of the scheduled 1999 review of the Wassenaar Arrangement and otherwise) to establish new binding international controls on technology transfers that threaten international peace and United States national security.

(2) IMPROVED SHARING OF INFORMATION.—The President shall take appropriate actions (in the context of the scheduled 1999 review of the Wassenaar Arrangement and otherwise) to improve the sharing of information by nations that are major exporters of technology so that the United States can track movements of technology and enforce technology controls and re-export requirements.

(b) OFFICE OF TECHNOLOGY SECURITY.—(1) There is hereby established in the Department of Defense an Office of Technology Security. The Office shall support United States Government efforts to—

(1) establish new binding international controls on technology transfers that threaten international peace and United States national security; and

(2) improve the sharing of information by nations that are major exporters of technology so that the United States can track movements of technology and enforce technology controls and re-export requirements.

At the end of subtitle A of title XXXI (page 419, after line 3), insert the following new section:

SEC. 3106. DEPARTMENT OF ENERGY COUNTERINTELLIGENCE CYBER SECURITY PROGRAM.

(a) INCREASED FUNDS FOR COUNTERINTELLIGENCE CYBER SECURITY.—The amounts provided in section 3103 in the matter preceding paragraph (1) and in paragraph (3) are each hereby increased by $8,600,000, to be available for Counterintelligence Cyber Security programs.

(b) OFFSETTING REDUCTIONS DERIVED FROM CONTRACTOR TRAVEL.—(1) The amount provided in section 3101 in the matter preceding paragraph (1) (for weapons activities in carrying out programs necessary for national security) is hereby reduced by $4,700,000.

(2) The amount provided in section 3102 in the matter preceding paragraph (1) of subsection (a) (for environmental restoration and waste management in carrying out programs necessary for national security) is hereby reduced by $1,900,000.

(3) The amount provided in section 3103 in the matter preceding paragraph (1) is hereby reduced by $2,000,000.

At the end of title XXXI (page 453, after line 15), insert the following new subtitle:

Subtitle F—Protection of National Security Information

SEC. 3181. SHORT TITLE.

This subtitle may be cited as the ''National Security Information Protection Improvement Act''.

SEC. 3182. SEMI-ANNUAL REPORT BY THE PRESIDENT ON ESPIONAGE BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORTS REQUIRED.—The President shall transmit to Congress a report, not less often than every six months, on the steps being taken by the Department of Energy, the Department of Defense, the Federal Bureau of Investigation, the Central Intelligence Agency, and all other relevant executive departments and agencies to respond to espionage and other intelligence activities by the People's Republic of China, particularly with respect to the theft of sophisticated United States nuclear weapons design information and the targeting by the People's Republic of China of United States nuclear weapons codes and other national security information of strategic concern.

(b) INITIAL REPORT.—The first report under this section shall be transmitted not later than January 1, 2000.

SEC. 3183. REPORT ON WHETHER DEPARTMENT OF ENERGY SHOULD CONTINUE TO MAINTAIN NUCLEAR WEAPONS RESPONSIBILITY.

Not later than January 1, 2000, the President shall transmit to Congress a report regarding the feasibility of alternatives to the current arrangements for controlling United States nuclear weapons development, testing, and maintenance within the Department of Energy, including the reestablishment of the Atomic Energy Commission as an independent nuclear agency. The report shall describe the benefits and shortcomings of each such alternative, as well as the current system, from the standpoint of protecting such weapons and related research and technology from theft and exploitation. The President shall include with such report the President's recommendation for the appropriate arrangements for controlling United States nuclear weapons development, testing, and maintenance outside the Department of Energy if it should be determined that the Department of Energy should no longer have that responsibility.

SEC. 3184. DEPARTMENT OF ENERGY OFFICE OF FOREIGN INTELLIGENCE AND OFFICE OF COUNTERINTELLIGENCE.

(a) IN GENERAL.—The Department of Energy Organization Act is amended by inserting after section 212 (42 U.S.C. 7143) the following new sections:

''OFFICE OF FOREIGN INTELLIGENCE

''SEC. 213. (a) There shall be within the Department an Office of Foreign Intelligence, to be headed by a Director, who shall report directly to the Secretary.

''(b) The Director shall be responsible for the programs and activities of the Department relating to the analysis of intelligence with respect to nuclear weapons and materials, other nuclear matters, and energy security.

''(c) The Secretary may delegate to the Deputy Secretary of Energy the day-to-day supervision of the Director.

''OFFICE OF COUNTERINTELLIGENCE

''SEC. 214. (a) There shall be within the Department an Office of Counterintelligence, to be headed by a Director, who shall report directly to the Secretary.

''(b) The Director shall carry out all counterintelligence activities in the Department relating to the defense activities of the Department.

''(c) The Secretary may delegate to the Deputy Secretary of Energy the day-to-day supervision of the Director.

''(d)(1) The Director shall keep the intelligence committees fully and currently informed of all significant security breaches at any of the national laboratories.

''(2) For purposes of this subsection, the term 'intelligence committees' means the Permanent Select Committee of the House of Representatives and the Select Committee on Intelligence of the Senate.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 212 the following new items:

''Sec. 213. Office of Foreign Intelligence.
''Sec. 214. Office of Counterintelligence.''.

SEC. 3185. COUNTERINTELLIGENCE PROGRAM AT DEPARTMENT OF ENERGY NATIONAL LABORATORIES.

(a) PROGRAM REQUIRED.—The Secretary of Energy shall establish and maintain at each national laboratory a counterintelligence program for the defense-related activities of the Department of Energy at such laboratory.

(b) HEAD OF PROGRAM.—The Secretary shall ensure that, for each national laboratory, the head of the counterintelligence program of that laboratory—

(1) has extensive experience in counterintelligence activities within the Federal Government; and

(2) with respect to the counterintelligence program, is responsible directly to, and is hired with the concurrence of, the Director of Counterintelligence of the Department of Energy and the director of the national laboratory.

SEC. 3186. COUNTERINTELLIGENCE ACTIVITIES AT OTHER DEPARTMENT OF ENERGY FACILITIES.

(a) ASSIGNMENT OF COUNTERINTELLIGENCE PERSONNEL.—(1) The Secretary of Energy shall assign to each Department of Energy facility, other than a national laboratory, at which Restricted Data is located an individual who shall assess security and counterintelligence matters at that facility.

(2) An individual assigned to a facility under this subsection shall be stationed at the facility.

(b) SUPERVISION.—Each individual assigned under subsection (a) shall report directly to the Director of the Office of Counterintelligence of the Department of Energy.

SEC. 3187. DEPARTMENT OF ENERGY POLYGRAPH EXAMINATIONS.

(a) COUNTERINTELLIGENCE POLYGRAPH PROGRAM REQUIRED.—The Secretary of Energy, acting through the Director of Counterintelligence of the Department of Energy, shall carry out a counterintelligence polygraph program for the defense activities of the Department of Energy. The program shall consist of the administration on a regular basis of a polygraph examination to each covered person who has access to a program that the Director of Counterintelligence and the Assistant Secretary assigned the functions under section 203(a)(5) of the Department of Energy Organization Act determine requires special access restrictions.

(b) COVERED PERSONS.—For purposes of subsection (a), a covered person is any of the following:

(1) An officer or employee of the Department.

(2) An expert or consultant under contract to the Department.

(3) An officer or employee of any contractor of the Department.

(c) ADDITIONAL POLYGRAPH EXAMINATIONS.—In addition to the polygraph examinations administered under subsection (a), the Secretary, in carrying out the defense activities of the Department—

(1) may administer a polygraph examination to any employee of the Department or of any contractor of the Department, for counterintelligence purposes; and

(2) shall administer a polygraph examination to any such employee in connection with an investigation of such employee, if such employee requests the administration of a polygraph examination for exculpatory purposes.

(d) REGULATIONS.—(1) The Secretary shall prescribe any regulations necessary to carry out this section. Such regulations shall include procedures, to be developed in consultation with the Director of the Federal Bureau of Investigation, for identifying and addressing ''false positive'' results of polygraph examinations.

(2) Notwithstanding section 501 of the Department of Energy Organization Act (42 U.S.C. 7191) or any other provision of law, the Secretary may, in prescribing regulations under paragraph (1), waive any requirement for notice or comment if the Secretary determines that it is in the national security interest to expedite the implementation of such regulations.

(e) NO CHANGE IN OTHER POLYGRAPH AUTHORITY.—This section shall not be construed to affect the authority under any other provision of law of the Secretary to administer a polygraph examination.

SEC. 3188. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF DEPARTMENT OF ENERGY REGULATIONS RELATING TO THE SAFEGUARDING AND SECURITY OF RESTRICTED DATA.

(a) IN GENERAL.—Chapter 18 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2271 et seq.) is amended by inserting after section 234A the following new section:

''SEC. 234B. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF DEPARTMENT OF ENERGY REGULATIONS REGARDING SECURITY OF CLASSIFIED OR SENSITIVE INFORMATION OR DATA.—

''a. Any individual or entity that has entered into a contract or agreement with the Department of Energy, or a subcontract or subagreement thereto, and that commits a gross violation or a pattern of gross violations of any applicable rule, regulation, or order prescribed or otherwise issued by the Secretary pursuant to this subtitle relating to the safeguarding or security of Restricted Data or other classified or sensitive information shall be subject to a civil penalty of not to exceed $500,000 for each such violation.

''b. The Secretary shall include, in each contract entered into after the date of the enactment of this section with a contractor of the Department, provisions which provide an appropriate reduction in the fees or amounts paid to the contractor under the contract in the event of a violation by the contractor or contractor employee of any rule, regulation, or order relating to the safeguarding or security of Restricted Data or other classified or sensitive information. The provisions shall specify various degrees of violations and the amount of the reduction attributable to each degree of violation.

''c. The powers and limitations applicable to the assessment of civil penalties under section 234A shall apply to the assessment of civil penalties under this section.''.

(b) CLARIFYING AMENDMENT.—The section heading of section 234A of that Act (42 U.S.C. 2282a) is amended by inserting ''SAFETY'' before ''REGULATIONS''.

(c) CLERICAL AMENDMENT.—The table of sections in the first section of that Act is amended by inserting after the item relating to section 234 the following new items:

''234A. Civil Monetary Penalties for Violations of Department of Energy Safety Regulations.
''234B. Civil Monetary Penalties for Violations of Department of Energy Regulations Regarding Security of Classified or Sensitive Information or Data.''.

SEC. 3189. INCREASED PENALTIES FOR MISUSE OF RESTRICTED DATA.

(a) COMMUNICATION OF RESTRICTED DATA.—Section 224 of the Atomic Energy Act of 1954 (42 U.S.C. 2274) is amended—

(1) in clause a., by striking ''$20,000'' and inserting ''$400,000''; and

(2) in clause b., by striking ''$10,000'' and inserting ''$200,000''.

(b) RECEIPT OF RESTRICTED DATA.—Section 225 of such Act (42 U.S.C. 2275) is amended by striking ''$20,000'' and inserting ''$400,000''.

(c) DISCLOSURE OF RESTRICTED DATA.—Section 227 of such Act (42 U.S.C. 2277) is amended by striking ''$2,500'' and inserting ''$50,000''.

SEC. 3190. RESTRICTIONS ON ACCESS TO NATIONAL LABORATORIES BY FOREIGN VISITORS FROM SENSITIVE COUNTRIES.

(a) BACKGROUND REVIEW REQUIRED.—The Secretary of Energy may not admit to any facility of a national laboratory any individual who is a citizen or agent of a nation that is named on the current sensitive countries list unless the Secretary first completes a background review with respect to that individual.

(b) MORATORIUM PENDING CERTIFICATION.—(1) During the period described in paragraph

(2), the Secretary may not admit to any facility of a national laboratory any individual who is a citizen or agent of a nation that is named on the current sensitive countries list.

(2) The period referred to in paragraph (1) is the period beginning 30 days after the date of the enactment of this Act and ending on the later of the following:

(A) The date that is 90 days after the date of the enactment of this Act.

(B) The date that is 45 days after the date on which the Secretary submits to Congress a certification described in paragraph (3).

(3) A certification referred to in paragraph (2) is a certification by the Director of Counterintelligence of the Department of Energy, with the concurrence of the Director of the Federal Bureau of Investigation, that all security measures are in place that are necessary and appropriate to prevent espionage or intelligence gathering by or for a sensitive country, including access by individuals referred to in paragraph (1) to classified information of the national laboratory.

(c) WAIVER OF MORATORIUM.—(1) The Secretary of Energy may waive the prohibition in subsection (b) on a case-by-case basis with respect to any specific individual or any specific delegation of individuals whose admission to a national laboratory is determined by the Secretary to be in the interest of the national security of the United States.

(2) Not later than the seventh day of the month following a month in which a waiver is made, the Secretary shall submit a report in writing providing notice of each waiver made in that month to the following:

(A) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) Each such report shall be in classified form and shall contain the identity of each individual or delegation for whom such a waiver was made and, with respect to each such individual or delegation, the following information:

(A) A detailed justification for the waiver.

(B) For each individual with respect to whom a background review was conducted, whether the background review determined that negative information exists with respect to that individual.

(C) The Secretary's certification that the admission of that individual or delegation to a national laboratory is in the interest of the national security of the United States.

(4) The authority of the Secretary under paragraph (1) may be delegated only to the Director of Counterintelligence of the Department of Energy.

(d) EXCEPTION TO MORATORIUM FOR CERTAIN INDIVIDUALS.—The moratorium under subsection (b) shall not apply to any person who—

(1) is, on the date of the enactment of this Act, an employee or assignee of the Department of Energy, or of a contractor of the Department; and

(2) has undergone a background review in accordance with subsection (a).

(e) EXCEPTION TO MORATORIUM FOR CERTAIN PROGRAMS.—In the case of a program undertaken pursuant to an international agreement between the United States and a foreign nation, the moratorium under subsection (b) shall not apply to the admittance to a facility that is important to that program of a citizen of that foreign nation whose admittance is important to that program.

(f) SENSE OF CONGRESS REGARDING BACKGROUND REVIEWS.—It is the sense of Congress that the Secretary of Energy, the Director of the Federal Bureau of Investigation, and the Director of Central Intelligence should ensure that background reviews carried out under this section are completed in not more than 15 days.

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

(1) The term ''background review'', commonly known as an indices check, means a review of information provided by the Director of Central Intelligence and the Director of the Federal Bureau of Investigation regarding personal background, including information relating to any history of criminal activity or to any evidence of espionage.

(2) The term ''sensitive countries list'' means the list prescribed by the Secretary of Energy known as the Department of Energy List of Sensitive Countries.

SEC. 3191. REQUIREMENTS RELATING TO ACCESS BY FOREIGN VISITORS AND EMPLOYEES TO DEPARTMENT OF ENERGY FACILITIES ENGAGED IN DEFENSE ACTIVITIES.

(a) SECURITY CLEARANCE REVIEW REQUIRED.—The Secretary of Energy may not allow unescorted access to any classified area, or access to classified information, of any facility of the Department of Energy engaged in the defense activities of the Department to any individual who is a citizen of a foreign nation unless—

(1) the Secretary, acting through the Director of Counterintelligence, first completes a security clearance investigation with respect to that individual in a manner at least as comprehensive as the investigation required for the issuance of a security clearance at the level required for such access under the rules and regulations of the Department; or

(2) a foreign government first completes a security clearance investigation with respect to that individual in a manner that the Secretary of State, pursuant to an international agreement between the United States and that foreign government, determines is equivalent to the investigation required for the issuance of a security clearance at the level required for such access under the rules and regulations of the Department.

(b) EFFECT ON CURRENT EMPLOYEES.—The Secretary shall ensure that any individual who, on the date of the enactment of this Act, is a citizen of a foreign nation and an employee of the Department or of a contractor of the Department is not discharged from such employment as a result of this section before the completion of the security clearance investigation of such individual under subsection (a) unless the Director of Counterintelligence determines that such discharge is necessary for the national security of the United States.

SEC. 3192. ANNUAL REPORT ON SECURITY AND COUNTERINTELLIGENCE STANDARDS AT NATIONAL LABORATORIES AND OTHER DEFENSE FACILITIES OF THE DEPARTMENT OF ENERGY.

(a) REPORT ON SECURITY AND COUNTERINTELLIGENCE STANDARDS AT NATIONAL LABORATORIES AND OTHER DOE DEFENSE FACILITIES.—Not later than March 1 of each year, the Secretary of Energy, acting through the Director of Counterintelligence of the Department of Energy, shall submit a report on the security and counterintelligence standards at the national laboratories, and other facilities of the Department of Energy engaged in the defense activities of the Department, to the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) CONTENTS OF REPORT.—The report shall be in classified form and shall contain, for each such national laboratory or facility, the following information:

(1) A description of all security measures that are in place to prevent access by unauthorized individuals to classified information of the national laboratory or facility.

(2) A certification by the Director of Counterintelligence of the Department of Energy as to whether—

(A) all security measures are in place to prevent access by unauthorized individuals to classified information of the national laboratory or facility; and

(B) such security measures comply with Presidential Decision Directives and other applicable Federal requirements relating to the safeguarding and security of classified information.

(3) For each admission of an individual under section 3190 not described in a previous report under this section, the identity of that individual, and whether the background review required by that section determined that information relevant to security exists with respect to that individual.

SEC. 3193. REPORT ON SECURITY VULNERABILITIES OF NATIONAL LABORATORY COMPUTERS.

(a) REPORT REQUIRED.—Not later than March 1 of each year, the National Counterintelligence Policy Board shall prepare a report, in consultation with the Director of Counterintelligence of the Department of Energy, on the security vulnerabilities of the computers of the national laboratories.

(b) PREPARATION OF REPORT.—In preparing the report, the National Counterintelligence Policy Board shall establish a so-called ''red team'' of individuals to perform an operational evaluation of the security vulnerabilities of the computers of the national laboratories, including by direct experimentation. Such individuals shall be selected by the National Counterintelligence Policy Board from among employees of the Department of Defense, the National Security Agency, the Central Intelligence Agency, the Federal Bureau of Investigation, and of other agencies, and may be detailed to the National Counterintelligence Policy Board from such agencies without reimbursement and without interruption or loss of civil service status or privilege.

(c) SUBMISSION OF REPORT TO SECRETARY OF ENERGY AND TO FBI DIRECTOR.—Not later than March 1 of each year, the report shall be submitted in classified and unclassified form to the Secretary of Energy and the Director of the Federal Bureau of Investigation.

(d) FORWARDING TO CONGRESSIONAL COMMITTEES.—Not later than 30 days after the report is submitted, the Secretary and the Director shall each separately forward that report, with the recommendations in classified and unclassified form of the Secretary or the Director, as applicable, in response to the findings of that report, to the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 3194. GOVERNMENT ACCESS TO CLASSIFIED INFORMATION ON DEPARTMENT OF ENERGY DEFENSE-RELATED COMPUTERS.

(a) PROCEDURES REQUIRED.—The Secretary of Energy shall establish procedures to govern access to classified information on DOE defense-related computers. Those procedures shall, at a minimum, provide that each employee of the Department of Energy who requires access to classified information shall be required as a condition of such access to provide to the Secretary written consent which permits access by an authorized investigative agency to any DOE defense-related

computer used in the performance of the defense-related duties of such employee during the period of that employee's access to classified information and for a period of three years thereafter.

(b) EXPECTATION OF PRIVACY IN DOE DEFENSE-RELATED COMPUTERS.—Notwithstanding any other provision of law (including any provision of law enacted by the Electronic Communications Privacy Act of 1986), no user of a DOE defense-related computer shall have any expectation of privacy in the use of that computer.

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

(1) The term 'DOE defense-related computer'' means a computer of the Department of Energy or a Department of Energy contractor that is used, in whole or in part, for a Department of Energy defense-related activity.

(2) The term ''computer'' means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to, or operating in conjunction with, such device.

(3) The term ''authorized investigative agency'' means an agency authorized by law or regulation to conduct a counterintelligence investigation or investigations of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information.

(4) The term ''classified information'' means any information that has been determined pursuant to Executive Order No. 12356 of April 2, 1982, or successor orders, or the Atomic Energy Act of 1954, to require protection against unauthorized disclosure and that is so designated.

(5) The term ''employee'' includes any person who receives a salary or compensation of any kind from the Department of Energy, is a contractor of the Department of Energy or an employee thereof, is an unpaid consultant of the Department of Energy, or otherwise acts for or on behalf of the Department of Energy.

(d) ESTABLISHMENT OF PROCEDURES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy shall prescribe such regulations as may be necessary to implement this section.

SEC. 3195. DEFINITION OF NATIONAL LABORATORY.

For purposes of this subtitle, the term ''national laboratory'' means any of the following:

(1) The Lawrence Livermore National Laboratory, Livermore, California.

(2) The Los Alamos National Laboratory, Los Alamos, New Mexico.

(3) The Sandia National Laboratories, Albuquerque, New Mexico.

(4) The Oak Ridge National Laboratories, Oak Ridge, Tennessee.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from California (Mr. COX) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 30 minutes.

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

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

I am delighted that the amendment that the gentleman from Washington (Mr. DICKS) and I are offering today has, like the report of our select committee itself, been brought to the floor in a bipartisan fashion, endorsed in this case by every Republican and Democratic member of our select committee. In addition, the amendment is supported by the representatives of the congressional districts in which our national weapons laboratories are located: the gentlewoman from New Mexico (Mrs. WILSON), the gentleman from Texas (Mr. THORNBERRY), the gentleman from Tennessee (Mr. WAMP) and the gentlewoman from California (Mrs. TAUSCHER). The amendment is also supported by the gentleman from New York (Mr. GILMAN) and the gentleman from South Carolina (Mr. SPENCE) of the Committees on International Relations and Armed Services as well as by the gentleman from California (Mr. DREIER) of the Committee on Rules. All of these people have contributed in important ways to fashioning the amendment that is before us.

Last year, this House created the Select Committee on U.S. Security and Military/Commercial Concerns With the People's Republic of China to investigate efforts by the PRC to acquire American high technology for military purposes. It was my privilege to chair that committee and to serve with leaders on national security and foreign policy from both sides of the aisle, in particular our ranking Democratic member the gentleman from Washington (Mr. DICKS), at the time the ranking Democratic member also of the Permanent Select Committee on Intelligence. The vice chairman of our select committee was the gentleman from Florida (Mr. GOSS), who was then and is now the chairman of the Permanent Select Committee on Intelligence. The gentleman from Nebraska (Mr. BEREUTER), who serves as the chairman of the Subcommittee on Asia and the Pacific of the Committee on International Relations, was also a leader on the select committee, as were the gentleman from Utah (Mr. HANSEN) and the gentleman from South Carolina (Mr. SPRATT), senior members of the Committee on Armed Services, and the gentleman from Pennsylvania (Mr. WELDON), who on the Committee on Armed Services is the chairman of the Subcommittee on Military Research and Development. The gentlewoman from California (Ms. ROYBAL-ALLARD) and the gentleman from Virginia (Mr. SCOTT) were strong contributors to our committee and to the fashioning of this amendment.

I want to pay tribute to these of my colleagues who are hardworking and patriotic members who spent months on a very difficult and grueling investigation essentially behind closed doors without any notice by the rest of our colleagues. During that period of time we heard 150 hours of testimony from 75 different witnesses and reviewed over half a million pages of evidentiary material. The amendment that we are bringing to the floor today is a start on the implementation of the 38 recommendations of this select committee. Most of the legislative recommendations that our select committee has made fall within the jurisdiction of standing committees of the House of Representatives and of the other body, and for that reason are not being offered today, notwithstanding that we had half a year of hearings on our recommendations before reaching them. We are deferring at the request of those committees to their jurisdiction, but we hope and expect inasmuch as our recommendations were laid at their feet on the 3rd of January of this year that very shortly we will be back on the floor with the lion's share of the recommendations that our select committee has made.

What we have prepared for consideration today as a start on that process is an amendment that will require the Department of Defense to prepare the Technology Transfer Control Plans for satellite launches in the People's Republic of China, a very significant substantive matter into which the select committee inquired. The amendment will also require that the Department of Defense have highly trained employees to provide round-the-clock monitoring and security for these foreign launches that we have thought was always being provided ever since this program was adopted a decade ago. The amendment will require improved controls over information transmitted to the PRC during the course of launches. It will require the President to report on how he is implementing a key reform already adopted by the Congress last year, the transfer of satellite export control authority from the Commerce Department to the State Department.

Our select committee also recommended an improved intelligence community focus on the People's Republic of China's intelligence efforts directed against the United States, including reports to the Congress on PRC espionage and on technology transfers to the PRC. And we have recommended and called for in this amendment a five-agency inspectors general counterintelligence review of countermeasures against PRC technology acquisition. This amendment directly implements a recommendation in that respect of the select committee. Our report also calls for stronger multilateral governance of exports of certain militarily useful goods and technologies. We found that the United States should insist on PRC compliance with the MTCR, the Missile Technology Control Regime, and this amendment calls for follow-up on that.

We found that the United States should work to revive the strong multilateral proliferation controls that were dismantled in 1994. Our amendment responds by requiring the President to submit a full report on PRC compliance with the Missile Technology Control Regime, including a list of violations, and any remedial actions that he has taken. We require the President to work for new binding international controls on harmful technology transfers, so that when the United States controls an export, as in many cases we

already do, we do not go it alone and we find that only our producers and our workers are injured with no national security benefit because someone else is rushing in to make the sale. We had a system just like this in 1994. It was allowed to dissipate and we need to show international leadership and put that system back together.

In furtherance of that goal, this amendment creates a new Office of Technology Security in the Department of Defense, dedicated exclusively to support of these efforts. Our report unanimously concluded that no adequate verification exists that high-powered computers, what used to be called supercomputers, now high-performance computers, that are exported to the PRC are being used for civilian rather than military purposes. We have called for the establishment of an open transparent system, an effective verification regime in the PRC by September of this year as a condition for export licensing and the continued sale of the current speeds of computers and even faster ones in the future.

We have also called for a comprehensive annual assessment of the national security implications of such exports. We direct the President in this amendment to revise the existing verification agreement with the PRC to include real on-site inspections. We have agreed in a bilateral with the PRC already in principle that this should occur but that bilateral is shot full of holes and we need to make it work. We need to have end use verification without notice, on demand, negotiated simply as a term of trade, not in any way calling into question the national sovereignty of the PRC. And we further require in this amendment a comprehensive annual report on the national security implications of these exports.

These are important improvements, but I want to emphasize this represents, even after we pass this amendment, unfinished business by this Congress. We have much work to do. Some additional hearings undoubtedly will be required but most importantly markups and the movement of legislation through our standing committees of jurisdiction to the floor so that we can do the heavy lifting that is called for in the full 38 of our recommendations, some 26 of which are touched upon although not implemented in full in the amendment that is before us today. In that regard, I am very happy that the gentleman from New York (Mr. GILMAN) of the Committee on International Relations has assured me that his committee will move legislation addressing these recommendations in the immediate future.

Our report found wholesale inexcusable security weaknesses at our Nation's national weapons laboratories, among the most sensitive national defense sites in our country. Our report recommended a battery of urgent reforms, and this amendment comprehensively implements them. We establish offices of foreign intelligence and counterintelligence within the Energy Department, reporting directly to the Secretary of Energy, as well as counterintelligence programs at each national laboratory. We require a DOE counterintelligence polygraph program, something that should have been in place frankly for a long time. We establish a moratorium on foreign visitor programs with a national security waiver that the Energy Secretary can issue until such time as there is certified and in place a program with adequate security measures. We bar access by foreigners to classified areas and information at Department of Energy facilities until they have been cleared, until the foreign visitors have been cleared for security. And we clarify and confirm that the Federal Government has every right, has now and in fact always has had every right to search defense-related computers throughout the DOE complex.

In conclusion, this is a balanced response to an urgent problem. It is a first of several important steps that we need to take. I want in closing to thank again the staff of the committees of jurisdiction that have worked with us in bringing this amendment to the floor and the staff of our select committee, including in particular our select committee staff director Dean McGrath, special counsel Mike Sheehy, the policy committee's executive director Ben Cohen and Jonathan Burks, Walker Roberts of the Committee on International Relations staff, Robert Rangel of the Committee on Armed Services staff, Andrew Hunter with the gentleman from Washington (Mr. DICKS) and Hugh Brady with the gentleman from South Carolina (Mr. SPRATT). Their hard work has served the national interest.

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

Mr. GEJDENSON. Mr. Chairman, I ask unanimous consent that in concluding my remarks, my time be handled by the gentlewoman from California (Ms. LEE).

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GEJDENSON. Mr. Chairman, I yield myself such time as I may consume. We had a select committee, and the select committee issued a report. In that report they stated that the appropriate congressional committees report legislation. But apparently we have now tried a new tack. To prevent opposition for this legislation, a lot of the most important provisions apparently have been removed. We now have nine or ten reports from the administration. I know we all look forward to getting more reports from the administration and that will be helpful to all of us. But I am fearful that the entire process is leading to a frenzy that will shut down American industry. And if there is anything that would harm American national security, it is our leadership in these very high tech fields. When we look at where computers come from these days, we find that we do not control all the computers. Approximately 14 of the top 25 manufacturers of workstations are not U.S. companies but foreign competitors. And even in the most powerful supercomputers, Hitachi, NEC and Fujitsu manufacture 20 percent of them. Now, when we look at what supercomputers are, we find that you can buy the next generation of Intel, which will have a 500 megahertz system, is what we are used to calling it, but if you put it in MTOPS, the same numbers the government uses, you will find that this computer which has a board that you can put eight chips in will operate at 16,000 MTOPS.

Now, when I first got to Congress, the Defense Department and the State Department prevented the sale of American machine tools, because our machine tools were so good they did not want the Russians to get them. We did that for so long that we no longer were the leader in machine tools. And finally when we caught the Russians getting a machine tool of the quality they wanted, what they bought was a Toshiba. If we are not very careful here, we will do little to increase our security as far as theft of American development, scientific and defense-related, but we will cripple the industries that give us the lead.

□ 1400

If we start trying to block the kind of sales that are commercially available, countries will not just sit back and say, well, I cannot get it in the United States, so I am not going to go to Japan, I am not going to go to Taiwan, I am not going to go to Israel and Moscow and all the other places these products are available.

So, while we have this great instinct at the moment to respond to what clearly has been a problem, if we do not do it in a comprehensive manner, I think we will do more damage to American national security than we will to those trying to pilfer our secrets.

It is clear that what we need to do is rather than simply broaden our controls we need to narrow our controls and focus them on choke point technologies, fissionable material, the things that make weapons and the technologies we can control. If we try to control a product that is available in Radio Shack in Beijing, we are kidding ourselves.

Now in the discussions of having the follow on to COCOM to be a more effective force, we have now been through two administrations, and COCOM, even when the Soviet Union was at its height, we always had problem with our allies selling the technologies we wanted to control. With the end of COCOM, we have barely been able to get them to sit down in the room to discuss these technologies, but they are certainly not restricting the sale.

So what I see happening here is in an attempt to create the image of action

we are taking steps that may not be harmful today but certainly are not, one, the comprehensive solution that we need in the comprehensive review and certainly violate the committee's own statement again where the committee stated that the appropriate congressional committees should report the legislation.

That is not a turf fight; that is about people who look at the entire issue, balance America's interest, both in security and economic, take a look at what is doable rather than simply ad hoc adding section after section.

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

Mr. GEJDENSON. I yield to the gentleman from Nebraska.

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

Mr. BEREUTER. Mr. Chairman, I thank the distinguished gentleman from Connecticut for yielding as this Member needs to start a classified briefing with Dr. Perry on his North Korea visit.

I wanted to say that I understand the gentleman's concern, for example, about the potential loss of jurisdiction for the House International Relations Committee. I had those jurisdiction concerns myself, and still do to some extent, although part of yesterday was spent in discussing and negotiating, in effect, on this amendment's language with the gentleman from California (Mr. COX) and indirectly with the gentleman from Washington (Mr. DICKS). Also, I am a member of the select committee that has done the work leading to this amendment by the gentleman from California, and I thank the gentleman from California for his kind remarks.

Sections 1401 through 1411 are, for the most part, with International Relations jurisdiction. We have seen changes in this amendment, but also I think it is incumbent on us to recognize that we need to look at the language of this amendment very closely, clearly before conference is conducted, to see if, in fact, the amendment might have unintended consequences that are not visible now. But I also think, as Chairman COX suggested that our International Relations Committee needs to conduct oversight, as several other committees do as we proceed to the implementation of the recommendations in the Cox Committee's recommendations. I do understand the desire of the gentleman from California (Mr. COX) to have action on his amendment now, and I think he has made great accommodations to our jurisdictional consensus.

As my colleagues know, the recommendations, the 38, were unanimously approved by the Cox select committee. Now comes the difficult task of writing appropriate legislation. So I do understand the concerns of the distinguished gentleman from Connecticut heard here today relating to jurisdiction. I think we on the International Relations Committee ought to commit ourselves to trying to move quickly on oversight but also to refine the language of this amendment as necessary in the next several weeks.

Mr. GEJDENSON. Reclaiming my time, I just add that, as my colleagues know, giving Members of Congress not even 24 hours to see the language on amendment of this nature is also problematic. I understand the negotiations were going on until the very end, but this is too serious to do on an ad hoc basis with a section here and a section there.

Mr. Chairman, I think if we look at that, at one point televisions were American. Next thing we know, they did not make them in America virtually. At one point machine tools, we have the leadership in manufacturing machine tools; it went to Japan. High tech is easier to move, cheaper to move and is available in lots of other countries. We are not careful, we are going to kill the American expertise and superiority in this area.

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

Ms. LEE. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I rise in support of the Cox-Dicks amendment. The amendment is bipartisan and represents a good common ground that members of both parties can support. Most importantly, it will help to solve the important security problems we have at the Department of Energy, and before I go any further I want to echo and associate myself with the remarks of the gentleman from California who served this House in a very successful and distinguished way as chairman of the committee, the select committee, and it was about a year ago that we started down this road, and he has done an excellent job representing the House, and I am proud to associate myself with this amendment to start implementing the recommendations of our select committee. And I, too, want to compliment the staff, particularly the investigative staff who did a principle amount of the work on this very important issue.

I am proud that the House has managed to address this problem in a bipartisan fashion. We have had several bumps and long terms along the road, but we have arrived in the right place I believe. I commend the gentleman from California (Mr. Cox) for working hard to ensure the bipartisan agreement was possible. The amendment we have crafted, while not perfect, is a good one. I urge members to vote for this amendment to help solve the glaring security problems at the Department of Energy. Our new Secretary, Bill Richardson, is doing a great job there to solve these problems with the help of Ed Curran who is in charge of counter intelligence. We can help him, and we should.

This amendment codifies major portions of Presidential Decision Directive 61, PDD 61, to establish strong, independent Office of Counter intelligence at DOE with direct access to the Secretary, and I might point out in fairness the President had made his decision on this directive in February of 1998, four months before our select committee was established, and it took awhile to get the recommendations of Mr. Curran in place, but Secretary Richardson is doing that with great force and vigor.

This also, this amendment also requires regular polygraphing of employees handling sensitive nuclear information, greatly increases civil and criminal penalties for mishandling or release of classified information, imposes a strong moratorium on foreign visitors to national labs until strong security measures are in place, re-enforces prohibitions on giving classified information to foreign nationals, requires a comprehensive annual report on security and counter intelligence at all DOE defense facilities, requires a report and red team analysis of DOE computer vulnerabilities including funding for a new cyber security program and requires DOE employees to consent to searches of their work computers used in DOE defense activity as a condition of receiving security clearance.

Mr. Chairman, these measures are tough but appropriate, and they give Energy Secretary Richardson the authority he needs to solve the problem. That should be our goal today. Let us stay away from the blame game.

As I mentioned, this amendment is not perfect. It will require some further work in conference on a few issues. In particular it was my intention that this amendment would not affect the nuclear Navy, and we have committed to work on this issue in the context of conference committee, and in fact it is my belief that this amendment does not reach the nuclear Navy labs.

We have also agreed to address in conference the concerns that we may undermine existing bilateral agreements with China and Russia and interfere in launch campaigns with our European allies by requiring the Department of Defense to hire security personnel at launch campaigns. By the way, this was one of my recommendations, and I hope that we can keep it in place. We need to continue to work on it.

Again I want to thank the gentleman from California (Mr. COX) for working with me on this amendment, and I urge every member to support it.

I think in addressing what my good friend, the gentleman from Connecticut (Mr. GEJDENSON) has said earlier, it was our intent and our hope that each of the committees of Congress that has jurisdiction would take action, and of course the defense authorization bill gave us a vehicle working with members of the defense committee, the gentleman from Missouri (Mr. SKELTON), the gentleman from

South Carolina (Mr. SPRATT), the gentleman from Pennsylvania (Mr. WELDON) and others who are members of the committee in a bipartisan fashion to draft this amendment. So we are trying our very best to live up not only to our select committee's recommendation, but also to respect the jurisdiction of the House and the committees in the House, many of whom were involved in the drafting of this amendment.

So, again it has been a great pleasure to work with the gentleman from California (Mr. COX) and his staff on drafting this amendment and working on the select committee report. I think it was good that in a time of upheaval here in the House, during impeachment that we could come to a bipartisan agreement on an important national security issue.

Mr. COX of California. Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. GOSS), Chairman of the Permanent Select Committee on Intelligence and the Vice Chairman of the Select Committee.

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

Mr. GOSS. Mr. Chairman, I want to take the opportunity in this debate to restate to the whole House and to the whole world the important work that was done by the subcommittee of the gentleman from California (Mr. COX). I think it is very fair to say that it was bipartisan, it was unanimous, and it was extraordinarily significant, and that just did not happen by circumstance.

I rise in strong support of the bipartisan amendment that we have got before us today. Obviously the amendment provides reasonable steps to start the process, to carry out some, not all, of the recommendations of the Cox committee.

I want to commend very much publicly the gentleman from California (Mr. COX) and ranking member (Mr. DICKS), other members of the committee, for their excellent work, for their very strong leadership in what I think is obviously a vital national security matter, and anybody who reads the report would have to come to that same conclusion. It was a pleasure to be associated with that effort.

However I speak as Chairman of the Permanent Select Committee on Intelligence and Vice Chairman of the Cox Committee on China both today because I have tried to serve as a bridge between the two organizations. Obviously the intelligence peace is just one part of what the Cox committee did, but it is a very important part, and now that the Cox report has been released, those committee chairmen with jurisdiction over various aspects of our findings on the Cox committee can get down to the business and will get down to the business of taking legislative and other steps to implement the recommendations in the bipartisan undertaking that that committee was. Hence the amendment today.

With this in mind, Mr. Chairman, I have asked that the Permanent Select Committee on Intelligence move forward in 6 specific areas. First we will examine all manner of Chinese directed espionage against the United States. That is no small matter. Second, we will examine Chinese directed covert action type activities conducted against the United States such as the use of agents of influence and efforts to subvert or otherwise manipulate the United States political process, something that is near and dear to our hearts and must not be tampered with. Third, we will examine counterintelligence programs, past, present and proposed, for the Department of Energy, Department of Defense, for the national labs, with the emphasis on the adequacy of the proposed enhancements and the structural changes meant to manage them. Fourth, we will investigate the issue of whether the Permanent Select Committee on Intelligence was kept properly advised of developments by the FBI and the Department of Energy. This is important because there is conflicting testimony, and oversight is a tradition in this House, but it is also a responsibility in this House. It is built on trust and candor, and we must have that between the branch of government. So that is an area that must be cleared up.

Fifth, we will examine issues relating to the role the intelligence community plays in supporting policymakers in determining U.S. export and technology transfer policies. Certainly there is an argument that can be made that we were a little over zealous in selling things that perhaps we should have been more cautious about. That in no way takes away from the thought that my friend and colleague from Connecticut has expressed that we must have access to the international marketplace. Quality of life in this country, jobs in this country, depend on our ability to export, but we need to be smart about what we export and make sure it is always to our advantage. And finally, we will examine the policy of treating advanced counter intelligence investigations principally as law enforcement rather than national security matters.

□ 1415

We have to determine whether it is more important that a spy end up behind bars, even if it takes years of investigation, than for the hemorrhaging of the national security data that can be stopped.

In addition, our FY 2000 intelligence authorization included provisions that respond directly to problems raised in the Cox report and some of the matters in this amendment. These include new funds for such things as red teaming CIA's China analysis, improving CIA information security, background investigations, understanding and defeating foreign denial and deception techniques which are out there, and running more and better offensive operations against hostile foreign intelligence services, which we in fact know are conducting espionage against the United States of America, its personnel and its secrets.

We provided funds to improve the Department of Energy's counterintelligence capabilities, analysis of foreign nuclear programs, cyber security and other such matters. We are increasing funds for FBI agent training in counterintelligence and DOD acquisition and information systems protection. We are funding more linguistic capabilities across the intelligence community and many more details we are beefing up. It is important we do this because we have let down. This amendment helps us. We are in support of it.

Ms. LEE. Mr. Chairman, I yield one minute to the gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Services.

Mr. SKELTON. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I rise in support of this amendment. It is worthy of our support. It is a comprehensive approach put together by experts after extensive study. Let me commend the committee that took testimony and studied this issue at length. In particular, the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS) did first class work thereon.

There is no doubt that this amendment is prepared by a bipartisan group, and it is certainly timely, because we recently discovered these problems. While it might not be perfect, it is a great start for us to move into the conference with the Senate.

I commend the sponsors and those who worked so hard on this amendment. I urge my colleagues to support it. Again, I commend the gentleman from California (Mr. COX), the gentleman from Washington (Mr. DICKS), and those members of the committee who put so much effort into it.

Ms. LEE. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman I rise in support of the amendment. As a member of the select committee, I want to congratulate the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS) for the bipartisan manner in which they handled this very important national security matter.

I would also like to publicly thank my two colleagues for offering our committee's recommendations to the defense authorization bill before us today. I urge Members of this body to support and accept the bipartisan and unanimous findings and recommendations of the committee by voting for this amendment.

This language, the language in the amendment, gives Congress the common ground needed to enhance the Nation's intelligence infrastructure and prevent our country from repeating

many of the episodes which occurred over the past few years.

Mr. Chairman, we could take the next few hours taking partisan potshots that criticize this agency or that administration or in fact any Congress over the last 20 years for not taking any of the perceived and real espionage threats seriously. However, I believe that this House can contribute much more to our country today and begin to move forward by focusing on fixing the problem, rather than casting blame. This amendment addresses a number of concerns and offers several steps to strengthen this country's national security. This is a strong bipartisan constructive effort to solve the national security problems that our committee examined over the past year, and I urge my colleagues to adopt the amendment.

Mr. COX. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

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

Mrs. WILSON. Mr. Chairman, I rise in support of the amendment before us today, and I wanted to thank the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS), as well as the gentleman from Texas (Mr. THORNBERRY), the gentlewoman from California (Mrs. TAUSCHER), the gentleman from South Carolina (Mr. SPRATT) and their staffs for this hard work on this amendment over the last month. This is a serious effort by serious people who spent considerable time and thought on this problem, and I thank them for their efforts to make our laboratories safe from our Nation's adversaries.

Let me say a word or two about these laboratories. Millions and millions of people here and abroad now enjoy personal and political freedom because these labs, employing some of the greatest minds in the world, have allowed us to defend ourselves against the enemies of freedom. The list of Nobel Prize winners from America's national labs is staggering. The number of scientific breakthroughs is breathtaking. The number of seminal discoveries is unparalleled in any other group of institutions in the world. These labs are treasures for science and for freedom. It should not surprise us then that these laboratories have been the target of systematic, relentless assault by the People's Republic of China.

Over the last few months, through the investigation of the gentleman from California (Mr. COX) and his committee, we have seen the breakdown of institutions of government. We have seen one hand of government not know what the other hand of government was doing. There were errors and omissions and miscommunications and failures of policy and procedure.

In all of this, one fact remains: With only one exception that we know about, the employees of the laboratories remained loyal Americans, putting the Nation's interests above their own. That is why this amendment is so important. It recognizes that the problem is not the people; it is the system, and this amendment addresses the problems in the system, across a broad spectrum of activities.

It directs a review of the organizational structure of our nuclear weapons complex; it establishes an office of counterintelligence and foreign intelligence within the Department of Energy; it requires each lab to have a counterintelligence program; and it establishes a counterintelligence polygraph program; it enhances civil and monetary penalties; and deals with the issue of foreign visitors in a way that protects our national secrets, while allowing our scientists to be engaged in a broader scientific community. It also addresses the emerging problem of computer security, ensuring there is an annual evaluation, an operational evaluation, of national laboratory computer systems.

I want to commend the select committee on its analysis and its identification of the serious problem of our failure as a Nation to protect our national secrets. This amendment goes a long way toward beginning the restoration of that security.

Ms. LEE. Mr. Chairman, I yield two minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, I rise in strong support of the Cox-Dicks amendment. Working with the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS) and my other colleagues has exemplified the bipartisan spirit and cooperation that the nation deserves in formulating a sensible response to the security deficiencies at our national laboratories.

The report that the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS) released last month was startling in that it exposed 20 years of systemic failure in our counterintelligence operation that spanned several administrations. Our intelligence agencies failed to embrace new technologies and our counterintelligence units failed to protect our secrets above all else. Our gravest error has been the lack of an individual clearly responsible for protecting our Nation's secrets.

This amendment, Mr. Chairman, will take us a long way in solving the structural deficiencies in our counterintelligence operation and improving security at the laboratories. It establishes a structural chain of command with ultimate authority for protecting our secrets with the Secretary of Energy and it gives the Secretary the tools to do it, such as polygraph examination of scientists with access to the most sensitive information and increased financial penalties for employees who mishandle classified material.

We are fortunate that Energy Secretary Richardson has stepped forward to assume that responsibility. This legislation provides him with the authority and tools he needs to manage the job.

Mr. Chairman, I urge my colleagues to support this important amendment.

Mr. COX. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WELDON).

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise in support of this legislation, but I do want to make two points. The first point I want to make is I want to congratulate both the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) because this is not a new issue for the Committee on Armed Services. In fact, during the last several years, it has been a tireless effort on behalf of both the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) to address the very concerns that were dealt with in great detail by the Cox committee.

I can remember having debates on this floor about the elimination, largely pushed by our government, of COCOM and that process that greatly troubled Members on both sides of the aisle. I can remember amendments on past defense bills where we focused on the need to deal with the proliferation of the exportation of computers and high technology. So I want to give appropriate credit to the authorizing committee for the leadership role it has played in the past on these issues.

Secondarily, I want to make the statement that this amendment is not the end. It is the beginning. This does not solve all of our problems. Our problems are not just with the labs. In fact, many of the problems at our labs are created by ourselves when in the 1993–94 time frame we did away with the color coded classification status and we put a moratorium on the FBI background checks. Those were things we did ourselves. We should not have done it back then, and now we are trying to right that wrong. But this does not solve all of our problems, and we must commit ourselves to work on all of the recommendations contained in the Cox committee report, which I had the pleasure of serving on.

Mr. Chairman, the bottom line here is that this is not just a problem of our laboratories, it is a problem of our export policies, and this is not to say that we want to stop our country from exporting abroad. It is a case of providing a common sense approach, working with American industry, to make sure we are competitive, but that we do not open the door for all kinds of technologies to be sold to Tier III nations or those nations that our State Department lists as terrorist nations.

As I said when we released the Cox committee report, the basic problem in

my mind was the failure of our government to protect the American people. I am sure we can blame China or we can blame companies, but, in the end, our government has failed us. This takes one step forward to try to begin to address those concerns.

Ms. LEE. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

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

Mr. SPRATT. Mr. Chairman, I rise in support of the amendment and I salute the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS) for taking the lead in working this amendment out.

This amendment started as a bipartisan effort to address the counterintelligence problem at DOE. It included the gentleman from Texas (Mr. THORNBERRY), the gentlewoman from New Mexico (Mrs. WILSON), the gentleman from Washington (Mr. DICKS), and myself.

When our amendment was not made in order under the first rule, a number of other amendments which really duplicate component parts of this were made in order. They are still made in order under this rule, which creates a problem. We were principally working as an alternative to a moratorium proposed by the gentleman from Kansas (Mr. RYUN) in an amendment which will later be brought up which would effectively, in my opinion, ban the foreign visitors program at the national laboratories. We tried to come up with constructive alternative to that, something that would put in this counterintelligence where needed, strengthen security, but not abolish the program.

After the rule was not made in order, the gentleman from California (Mr. COX) joined our effort to come up with a bipartisan compromise, and he added provisions to the amendment that relate to export controls. We have spent a couple of days trying to iron those out. While there are still wrinkles, we have a bill that we think is an acceptable piece of work and one we can support.

I still find problems with it and want to serve notice that we have got work to do in conference. For example, just to take as one example, section 1407. We direct the President to negotiate an agreement with China that will include end use verification of any high performance computers that are exported to China.

□ 1430

I agree with that goal, but I am also realistic. I doubt any sovereign nation which has not been defeated in war would agree to end use verification without notice. I question the wisdom of legislating unattainable objectives.

Nonetheless, this is better than the original draft. It is a good compromise. We still have some work to do in conference. I am particularly pleased with section 3109. This addresses the controversial issue of foreign visitors to our labs.

We have crafted a bipartisan provision in the Cox/Dicks amendment that will make the necessary security improvements to our labs without crippling international programs that are critical to national security, Nunn-Lugar, our lab-to-lab programs with the FSU, the former Soviet Union, to make sure bomb grade plutonium and uranium will not fall into the hands of countries which we do not want to have it, or terrorist organizations; training the IAEA inspectors, things like that that are constructive, useful, and can only take place at the labs because that is where the expertise lies.

Our provision allows the program to stand but puts new restrictions on it. The Ryun amendment in my opinion would require a 2-year moratorium that effectively bans the program. We think we have a good bipartisan solution here. We recommend the entire amendment.

We would also say to Members as other amendments come up that this amendment really takes care of the Ryun amendment. It is a better solution. This amendment makes unnecessary, I would suggest, the amendment offered by the gentleman from California (Mr. HUNTER) on polygraph because we codify the polygraphs requirements the administration is now putting in place.

This also makes unnecessary a number of other amendments because we have subsumed them and included them in this particular amendment. It is a good amendment. I recommend its adoption.

Mr. COX. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, I rise in support of this amendment. I have been part of a group that has worked for several weeks on an appropriate, constructive proposal to deal with some of the security problems we have found.

I was concerned, frankly, that some of the ideas floating around here were simply a reaction, without thinking and working through the implications. I was also concerned that some of them focus on just little pieces of the problem without looking at the broader problem.

I think this amendment is balanced. It does deal with the wide range of security problems. It is commonsense, but yet it significantly improves the security at our nuclear weapons labs and other places, but it also allows important work to continue, work that is in our national interest. It does not cut off our nose to spite our face.

I think the other key point to be made is this is not the complete response. I agree completely with what the gentleman from California (Chairman COX) has said, that we have more work to do. The Cox committee said, for example, we need to look at whether the Department of Energy is even equipped to handle the Department of Energy's nuclear weapons complex. GAO has said the same thing. We have got more work to do to get to the bottom of the problems which arose here.

Ms. LEE. Mr. Chairman, I yield 4 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, the task the Select Committee on the People's Republic of China was given was to investigate breaches in national security, and it was a difficult one. Espionage charges against certain spies or foreign agents was expected to emanate from this investigation. A lot of the information that was alluded to was put in parenthesis to indicate that further investigations were ongoing and that the administration did not wish to have all of this information disclosed at this time.

There were a few charges, most of them previously noted, some including convictions and many others are still under investigation.

It described, I think, more importantly the general technique used by the People's Republic of China. There was detailed discussion regarding theft of certain classified information in the report. It described the actions of certain U.S. satellite manufacturers which served to transfer technology relevant to nuclear missile development. It highlighted the failures of the U.S. security system to protect these important nuclear secrets.

I think that all of these are important disclosures on how these breaches of national security occurred. I think the committee needs to be applauded for pointing this out and bringing it to the attention of the Congress of the United States.

I rise today, however, to caution my colleagues on the implementation of these concerns we have heard articulated today, that we do not indirectly or maybe purposefully encourage racebaiting our loyal American citizens who are following the law, making important contributions in our nuclear labs and in other sensitive areas in private industry, making important, notable achievements to our scientific knowledge and our database, to our country; and that these individuals, if they are Chinese or Asians generally, are not singled out for special considerations, for special testing, for security investigations, perhaps even having their security clearances pulled while ongoing further investigations happen.

I think it is important for people not to say, we have three volumes of reports and it is significant, and rely on the newspaper's account. I call to the attention of this body three pages at least, page 91, pages 40, 41, and page 2, and commend this Congress to read it.

Volume I, Page 91 is particularly disconcerting to most of us who are concerned about the potential of scapegoating loyal Americans. Page 91

says, ''The PRC employs various approaches to coop U.S. scientists to obtain classified information. These approaches include appealing to common ethnic heritage, arranging visits to ancestral homes and relatives, paying for trips and travel to the PRC, flattering the guest's knowledge and intelligence, holding elaborate banquets to honor these guests, and doggedly peppering U.S. scientists with technical questions.''

On page 40, Mr. Chairman, it says ''U.S. scientists who are overseas in the PRC are prime targets for approaches by professional and nonprofessional PRC organizations who would like to coopt them. Select committees have received information about Chinese American scientists from the U.S. nuclear design labs being identified in this manner.''

Page 41 says, ''The number of PRC nationals attending educational institutions in the U.S. presents another opportunity for the PRC to collect sensitive technology. It is estimated that at any given time, there are over 100,000 PRC nationals who are attending U.S. universities who have remained in the U.S. after graduating.''

It goes on further to say, ''The Select Committee judges that the PRC is increasingly looking to PRC scholars who remain in the U.S. as assets who have developed a network of personal contacts that can be helpful to the PRC.''

I submit that all of this suggestive language enlarges the reach of the investigation and interjects doubt and suspicion regarding all of the Chinese American citizens who are here who are in fact loyal American citizens.

I caution this Congress to pay attention to the potential harm this kind of allegation can bring to this large, loyal segment of our American community.

Mr. COX. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. DELAY), the House majority whip.

Mr. DeLAY. Mr. Chairman, I rise in support of this amendment brought to us by the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS), and I congratulate the two of them for an outstanding job and a great service to the American people. Also I commend their committee. The American people owe them a great deal of praise for the work they have done.

American national security has been squandered for too long. It is time for this Congress to correct that problem. The revelations in the Cox report could not be more startling. The People's Republic of China orchestrated a multifaceted cabal of spies to methodically steal all of America's nuclear secrets. This theft by the Communist Chinese was so complete that the bipartisan Committee on National Security has concluded that the PRC's nuclear weapons design is now on a par with our own.''

I know the press is trying to sweep this story under the rug. The fiasco exposed in the Cox report is being painted as simply another innocent and unavoidable blunder where no one is to blame. In other words, it is no big deal. But considering the military ambitiousness of Red China, there can be no doubt that this is only the tip of the iceberg. They are going full steam ahead with their nuclear weapons program, and using our technology to build it.

Because of gross negligence at the White House, future PRC warheads aimed at the United States will largely be the product of American expertise. Predictably, the Clinton administration is trying to ride out this storm, like it always does. The difference is this tempest puts our whole Nation at risk. There can be no compromises when the security of America is at stake. We have to shore up security and counterintelligence failures, and begin a serious battle against espionage.

This amendment does that by establishing new procedures to combat the vulnerability of classified technology. It also requires the President to submit detailed reports to Congress on security matters concerning our arsenals in Red China.

This amendment is only the beginning. Much more must be done, because there are consequences to the President's careless disregard to protect classified information, and it is time we tackle that problem. Americans can be reassured, and China should know that this issue will not fade away. This is just the first step.

China must not mistake the weakness of our President for the weakness of the American people. Congress must be strong where the administration has been weak. We need to flex our muscles and let the world know that America takes its national security seriously.

Ms. LEE. Mr. Chairman, I yield 2 minutes to the gentleman from Guam (Mr. UNDERWOOD).

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

Mr. UNDERWOOD. Mr. Chairman, first I want to commend both the chairman, the gentleman from California (Mr. COX) and the ranking member, the gentleman from Washington (Mr. DICKS) on this report, and for working diligently on the issues of security presented by the recent situation that we face at the Department of Energy. I want to particularly thank them for the deliberate nature in which they addressed these issues, and also for not politicizing it, unlike some people who have come to the floor.

In times of concern over national security, we must remind ourselves that sparing no effort to ensure our national security should not be at the expense of our basic beliefs about the civil rights of our people as a whole, as members of ethnic groups, and as individuals. In times of heightened concern about the national security, it is sometimes all too easy to conclude that there may be groups of people among us who are contributing to our national insecurity.

The most tragic example in American history was the treatment of Japanese Americans during World War II, but in recent memory we have stigmatized Arab Americans, especially in the immediate reaction to the Oklahoma bombing.

Of course, we have many allegations of racial and ethnic profiling in many communities around the country. It is vitally important to our national security to continue to ensure the security of our military secrets, but also our civil rights. We should spare no effort to ensure that no one is profiled or stigmatized or asked additional questions or given special treatment or subjected to lie detector tests because of their ethnic background.

We must stand firmly for the national security of our military knowledge and our military technology, but equally firm for civil rights and fair treatment, which marks our society as unique in the world.

I wish to express my concern that Asian-Pacific Americans are not placed under a cloud of suspicion, and that all of the procedures being suggested today, as I know they have by both the gentleman from California (Chairman COX) and the ranking member, the gentleman from Washington (Mr. DICKS),that every one be examined for any potential problems. Let us make sure that all our security concerns really deal only with security concerns.

Mr. COX. Mr. Chairman, I yield 3½ minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

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

Mr. GILMAN. Mr. Chairman, I thank the chairman for yielding time to me.

Mr. Chairman, I am pleased to rise in strong support of the Cox/Dicks amendment, which implements key recommendations of the Select Committee on the U.S. National Security amd Military/Commercial Concerns for the People's Republic of China.

I want to thank the gentleman from California (Mr. COX) for working with our Committee on International Relations to modify many of those provisions in his amendment that fall within our committee's jurisdiction. I am both gratified and saddened by the success of the Select Committee.

The gentleman from California (Mr. COX), the gentleman from Washington (Mr. DICKS), and their colleagues on the Select Committee, including the gentleman from Nebraska (Mr. BEREUTER), one of the subcommittee members, have provided an outstanding service by exposing not only Chinese espionage against the crown jewels of our defense establishment, but in bringing to light the failure of the Clinton administration to safeguard our military secrets

and in putting trade and commerce ahead of our national security.

The advances in nuclear weapons and ballistic missiles that China will reap from their acquisition of American science and technology directly undermine the fundamental national security of our Nation.

□ 1445

The impact of the loss of these military-related secrets to the national interests of our Nation and to peace and stability of Asia, though, is incalculable.

In addition, we must be greatly concerned about the prospects of Chinese proliferation of stolen American nuclear and missile secrets to rogue regimes and others in the Middle East and in South Asia.

Beijing's aggressive actions have in fact proven what many have long suspected: that the Chinese view our Nation, not as a strategic partner, but as a chief strategic obstacle to its own geopolitical ambitions.

The continued assertion by this administration that the United States and China are strategic partners is naive and misguided and certainly cannot be found in Chinese actions and policies to date.

Regrettably, the Clinton administration's response to this threat to our national interest is at best anemic. The Congress has a great deal to do to rectify the problems that have properly been identified by the Cox committee.

This legislative package is the sound first step in addressing those problems. Our Committee on International Relations stands committed to working with the Committee on Armed Services in fully investigating these issues and in implementing the Cox committee's recommendations.

The Committee on International Relations has already held two hearings to hear testimony from the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS), and we have already acted on one of the select committee's recommendations. That provision is included in the measure that we will be taking up next week, H.R. 973, the Security Assistance Act of 1999. That bill includes a provision to impose higher civil and criminal penalties against companies which violate our export laws.

I urge my colleagues to support the amendment and to support the Cox-Dicks report.

Ms. LEE. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I want to take the occasion of the debate on the report, on the Cox-Dicks report, to comment on comments made by our colleagues, the gentlewoman from Hawaii (Mrs. MINK) and the gentleman from Guam (Mr. UNDERWOOD) regarding the issue of sensitivity on the issue of our Asian-American community.

But sensitivity is not really enough of a word. We certainly have to be sensitive as we go forward that the FBI in its investigations does not look into the background of anyone because of their ethnic background or their surname. Certainly they must be sensitive, but we have to make certain that one of the casualties of this investigation is not the good reputations of the people who have been so important to our national security—people from our Asian-American community, with their brilliance, with their patriotism, with their dedication.

I hope that as we go forward with all of these amendments and all of the investigations that will continue, that we do not shed a light of suspicion on individuals or companies or concerns in America. I happen to be blessed in my district with a large Asian-American population, mostly Chinese American. Many of those families have been there longer than my own. They have been there for many generations. Some have been there for only many days. But all of them love America.

They came here for a reason. We are the freest country in the world, and we cannot let this espionage investigation jeopardize that. Our country's attitude toward people and their rights cannot be a casualty of this investigation. I am particularly concerned, as one who has never pulled a punch in criticizing China and its activities in terms of human rights, proliferation and trade. I want to say here unequivocally that the jeopardizing of our rights in this country would be a more destructive consequence than any espionage we can find in this investigation.

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

Ms. LEE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. MENENDEZ. Mr. Chairman, I intend to support this amendment. But I really have real concerns when there are those who would use national security to achieve partisan political advantage. However, in their zealous effort to make this a partisan political issue, even though it goes back 2 decades and even though it includes efforts during Republican administrations to have some turn us back to the Stone Age.

There was an original amendment which would have restricted the export of your basic laptop computer to China. That simply is not reality.

We need to proceed as we move on beyond this amendment cautiously with this debate. This near faux pax would have been disastrous for American industry while having no impact on China. We need to carefully consider how to best address our national security while simultaneously taking into consideration the reality of today's global marketplace, and we need to understand that America does not have a monopoly on advanced technology.

Now, the Subcommittee on International Economic Policy and Trade, of which I am the ranking Democrat, has jurisdiction over the Nation's export control policies. I am disconcerted that we have not had an opportunity to consider the proposals contained in the amendment before us in the subcommittee or in the full committee.

So we look forward to working on those issues in the days ahead. But the issues raised in the Cox-Dicks report are not partisan issues. Democrats and Republicans are equally concerned about our national security.

So let us proceed with caution and address the issues raised by the report in a responsible manner, with the full input of the relevant committees, industries, and government agencies. Let us not unfairly stigmatize Americans of Asian descent who have contributed to the greatness of this country.

I believe that everyone in this Chamber wants to ensure the national security of the United States. But we also have to do it in a way that keeps the tip of the iceberg in terms of America's technology away from those others who may not have it in the global marketplace, but make sure we are competitive in all other respects. No one has a cornerstone on national security interest in this Chamber.

Ms. LEE. Mr. Chairman, I yield 45 seconds to the distinguished gentleman from Connecticut (Mr. GEJDENSON), the ranking member of the Committee on International Relations.

Mr. GEJDENSON. Mr. Chairman, I have heard some of the debate here. Some try to make it seem that this is a Clinton-era problem. It is hard to make that argument with problems that date back to 1982. Some of the Members who spoke on the floor said, oh, this is just because we lost COCOM. COCOM left us. We never lost it. They left us once the Soviet Union fell apart.

We cannot get our allies to agree to fully significant controls. The Bush administration could not save it, and the Clinton administration could not save it. We have to deal with that reality, or we will take actions here that will only injure American dominance in these high-tech areas.

Ms. LEE. Mr. Chairman, I yield 45 seconds to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I want to, just as we end this debate, again thank the gentleman from California (Mr. COX) and his staff for the cooperation we have had in drafting this amendment. I think this amendment will go a long ways to dealing with the security problems at our national labs.

I can tell my colleagues, Secretary Bill Richardson, Ed Curran, one of our finest FBI leaders in this country, are committed to finally getting this problem cured and resolved. This is the heart and soul of this amendment. It is the heart and soul of our report.

I want to thank all of my colleagues, the gentleman from South Carolina (Mr. SPRATT), the gentleman from Virginia (Mr. SCOTT), and the gentlewoman from California (Ms. ROYBAL-

ALLARD) for their leadership on the committee.

We had a good team, and the Republicans had a good team. Let us have an overwhelming vote for this Cox-Dicks amendment.

Mr. COX. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I rise in strong support of the Cox-Dicks amendment. It is one thing to spin that administration to administration had problems; it is another thing for the President of the United States to know about it, be briefed in 1996, and do nothing. That is what in my opinion is criminal.

Let me give my colleagues a couple of ideas. I encourage all of my colleagues to go and get the classified brief. We had an asset, I cannot tell my colleagues what it is on the floor. We were building a countermeasure for that asset. It would not have worked. We got the asset. It not only saved the billion dollars, now we can build it.

Secondly, we have an asset against our fighter pilots. Ninety percent of the time, both in the intercept and in the engagement, our pilots die. We have that asset. It also helps us design what we need into the joint strike fighter, what we do into the F–22.

Doing the opposite things gives the Chinese, not only saving billions of dollars for a W–88 warhead and our technology, but it allows them to be more dangerous in the weapons that they could put at the United States. So this Cox-Dicks amendment is very very important. It is a good first step.

Mr. COX. Mr. Chairman, I yield 1 minute to the gentleman from San Diego, California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I want to thank the two authors of the report along with all the committee members who participated in it.

This amendment is very strong in a couple of ways. It gives at least a temporary review to the Department of Defense for militarily critical technology that could be sent to potential adversaries. That is a very important thing.

It also tries to reinstate a structure, a multilateral structure where we can persuade our friends, other nations, our allies to join with us in restricting militarily critical technology from going to potential enemies.

Now, let me just say there is unfinished business in this report and in this amendment. After this thing passes, we will still have supercomputers going to China where we have no end use verification. We will still be sending American satellites to China for launch by their Long March rockets which also is a mainstay of their nuclear and strategic assets.

We will still, after a fairly short moratorium, be allowing visits to the 65 scientists who came from Algeria, Cuba, Libya, Iran, and Iraq into our national weapons labs.

There is unfinished business. I look forward to voting for this amendment and moving ahead to complete the job.

Mr. COX. Mr. Chairman, may I inquire how much time remains on each side?

The CHAIRMAN. The gentleman from California (Mr. COX) has 1 minute remaining and the right to close.

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

I would like, as essentially all of the other speakers have done thus far, once again to thank the gentleman from Washington (Mr. DICKS), the ranking member on the select committee, and thank all of the chairmen and ranking members of the committees of jurisdiction who have worked with us on this amendment.

This amendment does not cover many of the important topics of our recommendations. Some of the debate here has focused on export controls on computers. There is nothing about export controls on computers in this amendment.

It is also important to recognize that hard work remains ahead for our standing committees. I think that the ranking member and I will be testifying before several of them to move this legislation along.

Lastly, some mention has been made on the floor about racial and ethnic profiling by the Communist Party of China. The CCP ethnic and racial profiling that is detailed in our report is a significant distinction between the Communist Party and America.

In this country, the liberty and dignity of the individual are paramount. We do not think of people as members of groups or essentially tools of the State. That is why what we are investing in our armed services, in our intelligence community, and our national laboratories is so important. It is for the pursuit of freedom, not just for Americans, but for people around the world. That is ultimately the purpose to which this amendment is directed. I urge my colleagues to support it.

Ms. ROYBAL-ALLARD. Mr. Chairman, as a member of the Select Committee on China, I rise in support of the Dicks/Cox amendment to the Department of Defense Authorization bill.

Chairman COX and Ranking Member NORM DICKS have crafted a responsible, bi-partisan amendment that addresses many of the problems the Select Committee found during its six month investigation.

This amendment implements most of the President's recommendations for tightening security at our national labs, including establishing an independent Office of Counterintelligence at the Department of Energy with direct line to the Secretary of Energy. It requires polygraphing of all Department of Energy lab employees who have access to sensitive nuclear information, and increases the civil and criminal penalties for mishandling of classified information. The amendment also tightens the security of the computer system at the national labs.

In addition, the amendment places a temporary moratorium on foreign visitors from sensitive countries to our national labs until these strong security and counter-intelligence measures are in place. It also requires, the Department of Energy to submit a comprehensive annual report to Congress on security and counterintelligence at all DOE defense facilities to ensure that these measures are indeed protecting our national security.

In the area of technology exports, the amendment implements many of the Select Committee's recommendations, including requiring a comprehensive report on the adequacy of current export controls in preventing the loss of militarily significant technology to China. It also requires a report on the effect of High Performance Computers sold to China, and requires that the President negotiate with China to ensure that the computers we export to them are used for their stated purpose.

Another area that the committee investigated was the adequacy of U.S. policies regarding security at Chinese satellite launch sides. Unfortunately, what we found was that there are numerous problems with the security personnel hired by U.S. satellite companies. These include, guards sleeping on the job, an insufficient number of security personnel at launch site, and guards reporting to work under the influence of alcohol. The committee also found numerous deficiencies in the Defense Department's monitoring an oversight of satellite launches in China.

Therefore, I am pleased that the Dicks/Cox amendment includes provisions to address these problems, such as mandating new minimum standards for security guards on satellite launch campaigns, requiring the Department of Defense to develop technology transfer control plans and requiring that the Department of Defense contract the guard force for security at the launch sites. Finally, the amendment ensures that the Defense Department monitors assigned to foreign launches have the adequate training and support to properly execute their jobs.

In closing, I'd like to echo the statements of my colleagues on the Select Committee. Many of the findings contained in the Cox Committee report are indeed grave. This responsible amendment is an important first step towards addressing these findings and ensuring that our national security is protected. For that reason, I hope my colleagues in Congress will vote in favor of this important, bipartisan amendment.

□ 1500

The CHAIRMAN. All time has expired.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 428, noes 0, not voting 6, as follows:

[Roll No. 180]

AYES—428

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—6

Brown (CA)
Hinchey
Lucas (OK)
Luther
McHugh
Waters

□ 1521

Mr. METCALF changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. SPENCE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. NETHERCUTT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes, had come to no resolution thereon.

REPORT ON H.R. 2084, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2000

Mr. WOLF, from the Committee on Appropriations, submitted a privileged report (Rept. No. 106–180) on the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1 of rule XXI, all points of order are reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The SPEAKER pro tempore. Pursuant to House Resolution 200 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1401.

□ 1522

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes, with Mr. NETHERCUTT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment by the gentleman from California (Mr. COX) printed in the CONGRESSIONAL RECORD of June 8, 1999, had been disposed of.

The Chair understands that amendment No. 2 will not be offered.

It is now in order to consider amendment No. 3 printed in House Report 106–175.

AMENDMENT NO. 3 OFFERED BY MR. COSTELLO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment No. 3 offered by Mr. COSTELLO:

At the end of title XXXI (page 453, after line 15), insert the following new section:

SEC. 3167. DEPARTMENT OF ENERGY REGULATIONS RELATING TO THE SAFEGUARDING AND SECURITY OF RESTRICTED DATA.

(a) IN GENERAL.—Chapter 18 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2271 et seq.) is amended by inserting after section 234A the following new section:

''SEC. 234B. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF DEPARTMENT OF ENERGY REGULATIONS REGARDING SECURITY OF CLASSIFIED OR SENSITIVE INFORMATION OR DATA.—

''a. Any person who has entered into a contract or agreement with the Department of Energy, or a subcontract or subagreement thereto, and who violates (or whose employee violates) any applicable rule, regulation, or order prescribed or otherwise issued by the Secretary pursuant to this Act relating to the safeguarding or security of Restricted Data or other classified or sensitive information shall be subject to a civil penalty of not to exceed $100,000 for each such violation.

''b. The Secretary shall include in each contract with a contractor of the Department provisions which provide an appropriate reduction in the fees or amounts paid to the contractor under the contract in the event of a violation by the contractor or contractor employee of any rule, regulation, or order relating to the safeguarding or security of Restricted Data or other classified or sensitive information. The provisions shall specify various degrees of violations and the amount of the reduction attributable to each degree of violation.

''c. The powers and limitations applicable to the assessment of civil penalties under section 234A, except for subsection d. of that section, shall apply to the assessment of civil penalties under this section.''.

(b) CLARIFYING AMENDMENT.—The section heading of section 234A of such Act (42 U.S.C. 2282a) is amended by inserting ''SAFETY'' before ''REGULATIONS''.

(c) CLERICAL AMENDMENT.—The table of sections for that Act is amended by inserting after the item relating to section 234 the following new items:

''Sec. 234A. Civil Monetary Penalties for Violations of Department of Energy Safety Regulations.

''Sec. 234B. Civil Monetary Penalties for Violations of Department of Energy Regulations Regarding Security of Classified or Sensitive Information or Data.''.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Illinois (Mr. COSTELLO) and a Member opposed each will control 15 minutes.

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

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

Mr. Chairman, I would like to thank the Committee on Rules for making my amendment in order. I applaud the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS) for their amendment. However, I believe there is a loophole in their amendment.

The Cox-Dicks amendment does not cover all contractors and it does not cover not-for-profit contractors. My amendment addresses this problem by ensuring that any lab contractor who violates rules relating to the safeguarding and security of sensitive information or data will be held accountable.

My amendment to the Atomic Energy Act gives the Secretary of Energy the discretion to decide when and how the fines for national security breaches would be imposed. If the breach of national security is unintentional and without consequence, the Secretary could choose to impose a small fine or waive the fine and issue a warning instead.

The Act also gives the Secretary the flexibility to promulgate a different rule from the collection of fees for not-for-profit contractors. My amendment has not removed any of the flexibility afforded the Secretary in the Atomic Energy Act. Instead, I have given the Secretary the discretion to impose fines on all liable contractors. When a contractor employee knowingly, willfully, or repeatedly breaks the rules, the contractor should be held accountable and not automatically exempted.

Last month when I offered this amendment in the full Committee on Science to H.R. 1656, the DOE authorization bill, it passed unanimously.

When Secretary Richardson testified before the Committee on Science last month, he agreed with me that penalties should be imposed for national security infractions for all lab contractors, including not-for-profit contractors.

Mr. Chairman, my amendment is very simple. It is to the point. It levels the playing field and, in my opinion, provides accountability to anyone working at any of our labs throughout the United States, be they for-profit or not-for-profit contractors.

Mr. Chairman, I ask my colleagues to adopt the amendment.

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

Mr. COSTELLO. I yield to the gentleman from California.

Mr. CALVERT. Mr. Chairman, I thank the gentleman for yielding.

I certainly support the intent of this amendment. It is a good amendment. There is some language that I would like to work with the gentleman from Illinois prior to going to conference. There are some concerns regarding fines and how it affects the taxpayers of California because the University of California and other public institutions.

I would like the assurance of the gentleman that we will work together to come to some agreeable language that will work for everyone concerned.

Mr. COSTELLO. Mr. Chairman, reclaiming my time, I would be happy to work with the gentleman. And I not only have had conversations with him concerning this issue, but also the gentlewoman from California (Mrs. TAUSCHER) who I would like to yield to now to express some concerns, as well.

Mrs. TAUSCHER. Mr. Chairman, I rise for the purpose of a colloquy with the gentleman from Illinois (Mr. COSTELLO).

As I understood it, the Costello amendment would subject Department of Energy laboratory contractors to financial penalties for violations of security procedures. I agree with my colleague that laboratory contractors must be held accountable for security lapses by their employees. Such accountability is necessary if we are to ensure that the security procedures that we put in place are properly administered. Protecting our Nation's secrets must be a top priority of our national laboratories. I am pleased that the House just voted to adopt the Cox-Dicks amendment that enhances security at the labs.

I am concerned, however, that the amendment of the gentleman makes no distinction between laboratory contractors that are for-profit organizations and those that are not-for-profit organizations.

□ 1530

There are key differences between how these two types of organizations function. For example, subjecting the University of California, which is a public institution, to the same fines and penalties as a for-profit corporation would potentially penalize all of the tax-paying residents of the State of California for the operations of a Federal facility in pursuit of a national mission. I believe that in leveling civil penalties against these contractors, we must account for the differences inherent in their organizations. I am hopeful that this legislation moves forward and as it moves forward we can continue to work together to address concerns about applying civil penalties against not-for-profit laboratory contractors.

Mr. COSTELLO. Mr. Chairman, reclaiming my time, I appreciate the gentlewoman's comments and concerns. I assure her, as I do my other friend from California and the California delegation, that I intend to work with them to address this issue in conference. The goal of my amendment is to create a level playing field for both for- and not-for-profit contractors. The goal in our Committee on Science, of course, was to try and level the playing field and as we move this legislation forward and hopefully if this amendment is adopted by the committee, we will work in conference to address the issues that you have raised here.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman very much for yielding me this time. I rise to support the legislation. I believe that we have a challenge to promote good scientific research, to do it in a manner that includes many of our citizens here in the United States, to reflect the diversity of this Nation, to promote collaboration but also to secure the important security issues of this country.

With that, I would simply ask, since I happen to come from a community that has a great emphasis on scientific research, NASA is located in my area, many of my universities like the University of Houston, Texas Southern University, Rice University and many others who I have not called their names, collaborate with the Department of Energy and other such entities such as the Department of Defense. I would simply like to yield to the gentleman to inquire whether his amendment would in any way inhibit or put a particular hardship on the very good research that many of our not-for-profit, nonprofit institutions are engaged in.

I yield to the gentleman from Illinois.

Mr. COSTELLO. I would say to the gentlewoman that the intent of the amendment is not to penalize in any way any university in the State of Texas or for that matter in my State of Illinois that are involved in research at

our national labs. But it is intended to give the Secretary of Energy the ability to penalize any not-for-profit corporation that is doing work for our labs that repeatedly and intentionally violates the security regulations and rules that we have adopted. So I would assure her as I have the members of the California delegation that we will work in conference to address the issue.

Ms. JACKSON-LEE of Texas. Reclaiming my time, I want to thank the gentleman and particularly for the fact that he has given this issue over to the Secretary of Energy in his wisdom and discretion, I think that is very important. I thank the gentleman very much for his amendment. I look forward to supporting this amendment.

Mr. COSTELLO. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Chairman, I would like to commend the gentleman for his amendment. It is a good one. As the chairman I am prepared to accept it.

Mr. COSTELLO. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON), the ranking Democrat on the committee.

Mr. SKELTON. Mr. Chairman, I thank the gentleman from Illinois for yielding me this time. We have examined the amendment on this side, we fully understand it and find it acceptable.

Mr. COSTELLO. Mr. Chairman, I ask that the House adopt my amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. COSTELLO).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 106–175.

AMENDMENT NO. 4 OFFERED BY MR. HUNTER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 4 offered by Mr. HUNTER:

At the end of title XXXI (page 453, after line 15), insert the following new section:

SEC. 3167. DEPARTMENT OF ENERGY COUNTERINTELLIGENCE POLYGRAPH PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of Energy, acting through the Director of the Office of Counterintelligence of the Department of Energy, shall carry out a counterintelligence polygraph program for the defense-related activities of the Department. The counterintelligence polygraph program shall consist of the administration of counterintelligence polygraph examinations to each covered person who has access to high-risk programs or information.

(b) COVERED PERSONS.—For purposes of this section, a covered person is one of the following:

(1) An officer or employee of the Department.

(2) An expert or consultant under contract to the Department.

(3) An officer or employee of any contractor of the Department.

(c) HIGH-RISK PROGRAMS OR INFORMATION.—For purposes of this section, high-risk programs or information are any of the following:

(1) The programs identified as high risk in the regulations prescribed by the Secretary and known as—

(A) Special Access Programs;

(B) Personnel Security And Assurance Programs; and

(C) Personnel Assurance Programs.

(2) The information identified as high risk in the regulations prescribed by the Secretary and known as Sensitive Compartmented Information.

(d) INITIAL TESTING AND CONSENT.—The Secretary may not permit a covered person to have any access to any high-risk program or information unless that person first undergoes a counterintelligence polygraph examination and consents in a signed writing to the counterintelligence polygraph examinations required by this section.

(e) ADDITIONAL TESTING.—The Secretary may not permit a covered person to have continued access to any high-risk program or information unless that person undergoes a counterintelligence polygraph examination—

(1) not less frequently than every five years; and

(2) at any time at the direction of the Director of the Office of Counterintelligence.

(f) COUNTERINTELLIGENCE POLYGRAPH EXAMINATION.—For purposes of this section, the term ''counterintelligence polygraph examination'' means a polygraph examination using questions reasonably calculated to obtain counterintelligence information, including questions relating to espionage, sabotage, unauthorized disclosure of classified information, and unauthorized contact with foreign nationals.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from California (Mr. HUNTER) and the gentlewoman from Hawaii (Mrs. MINK) each will control 10 minutes.

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

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume. This amendment expands and I think makes somewhat more concise the polygraph provision in the umbrella Cox-Dicks amendment that was just passed. We are all concerned obviously with the losses that have been categorized before us throughout the media, that have been the subject of this major piece of legislation, and one answer to that, of course, is to do more polygraphs, do them on a regular basis. In looking at the language that was proposed by the special committee, that language directs itself to what are known as special access programs. What my amendment does is expand that to include people who have access to nuclear weapons design, which is the very subject of the technology that was stolen, and fissile material, that is nuclear weapons material. So people who have access in those very important areas are similarly subjected to polygraphs.

The other aspect of our amendment is that the amendment also designates that these polygraphs should be given every 5 years, no less than every 5 years, which we think is a reasonable rate. That is the difference.

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

Mrs. MINK of Hawaii. Mr. Chairman, I yield myself such time as I may consume. I discussed this amendment with the offeror of the amendment, the gentleman from California (Mr. HUNTER). While he assured me that this requirement of the counterintelligence polygraph would be universal in the sense that it would apply to all employees that fit into the category of being an employee of a high-risk program in the Department of Energy, I just wanted to confirm with the gentleman from California (Mr. HUNTER) at this point if that is the real intent and meaning of this amendment.

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

Mrs. MINK of Hawaii. I yield to the gentleman from California.

Mr. HUNTER. I would say to my colleague, yes, that is the intent of the amendment and the amendment very clearly states that the counterintelligence polygraph program shall be administered to each covered person who has access to these high-risk programs. And those high-risk programs are, of course, the nuclear weapons design programs, special access programs, and access to the material that we make nuclear weapons out of. Very clearly this is totally ethnic neutral, it is race neutral, it has no reference to the backgrounds of these people. If you qualify and are given a clearance under one of these high-risk programs, you have to take the polygraph test. So it is very fairly in this particular amendment, very fairly delineated to apply to all people who have to get those particular clearances.

Mrs. MINK of Hawaii. Mr. Chairman, I have a further question of my colleague. Who is to manage the polygraph program? Who is to design it? And how is it to be applied to these employees in these high-risk programs? Whose guidance will the Department of Energy be following? The CIA, the FBI or exactly who?

Mr. HUNTER. No, the director of the Office of Counterintelligence of the Department of Energy shall administer this program for the Secretary of Energy.

Mrs. MINK of Hawaii. Now, the polygraph would be directed specifically to questions referring to leaks of sensitive information and not those things that refer to the privacy of the individuals or their associations in private life outside the context of the laboratory, or will it go into matters of their social behavior, their family relationships with other persons who may not be employed in the labs? How extensive is this polygraph going to be in its search for information which would be critical to the national security of these laboratories?

Mr. HUNTER. Of course, there is a certain discipline and a certain structure to polygraphs that are directed to people who have access to highly secret

material. And, of course, one very important point, and I know the gentleman from Indiana (Mr. ROEMER) is concerned about this, too, is that the polygraph and the polygraph examination and the people who undertake it do so with a high degree of integrity, that is, that they limit it to intelligence areas that will give them information, only information as to whether or not the subjects may have been subject to a security breach. And, secondly, that the polygraph is given in a very professional manner and is given by very professional people with a high degree of integrity. I know that is a concern, and I think that is something that we simply have to monitor very closely. But again the Secretary of Energy is charged with this program. He is charged with it and he carries it out through his director of the Office of Counterintelligence of the Department of Energy. So you have the President's Cabinet member overseeing this particular program. I think we should pay a great deal of attention to make sure that it is administered with a high degree of integrity but I think we can achieve that.

Mrs. MINK of Hawaii. A question by one of our colleagues, who unfortunately could not be here because there is another pressing meeting, raises the point of many of these employees are not fully conversant in English. They are limited English speakers. Many of them are highly skilled, very, very important technical scientists in this field. Is the polygraph examination going to be given in different languages so that the failure of communication in English is not going to tag this individual as being a risk because they could not relate to the types of questions that are coming at them in the English language nor could they respond in English in an adequate way?

Mr. HUNTER. First, I think obviously that is a very important part of the integrity of the polygraph examination. It has to be given in a way that is fully communicated to the person who is the subject of the examination and once again that is a part of the professionalism of the examination. Of course if you have a person who does not communicate fully in English, it must be communicated in the language that they are conversant with. We will certainly expect that that is the way that it would be administered. I think we can have conversations with the Secretary of Energy to make sure that that occurs.

Mrs. MINK of Hawaii. Does the amendment in any way set down the monitoring mechanism so that we can be assured that the responses that you have given to my inquiries will actually be the process followed by the Department of Energy?

Mr. HUNTER. The answer to that is I would say to my colleague that giving polygraph tests is a science that has been built up over the years. The Department of Energy, because this is such an important area, and the gentleman from Indiana has mentioned this, we have had actual failures of polygraph in the past who register a positive when in fact it should have, but because this is such a critical area, I think we can expect the Secretary of Energy to adopt, A, the highest standards, and, B, use the best trained professionals to do this, because this is so serious. And I think we should ensure that that occurs, but I think we can.

Mrs. MINK of Hawaii. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I thank my good friend from Hawaii for yielding me this time. I rise not in opposition at all to the author of the amendment but to commend him especially for two areas that he has covered in this amendment. First of all, those individuals covered and also how often this is administered and to what programs are administered. I think the gentleman has done a thorough job. My concerns and caveats come to who is administering this and how they administer it in a professional, scientific way with thorough analysis and comprehensive integrity.

The Washington Post had an interesting story on this several weeks ago looking at the credibility of polygraphs, about the validity of the system, the analysis of answers using output of flawed polygraphs, the issue of false positives. What we want to do, I think, and the gentleman from California very much wants to do this, too, and accomplish this, is establish uniform standards.

□ 1545

Now I do not know that we should contract these out. Maybe the FBI has the ultimate science and professionalism and integrity. We have seen that we have had some problems in contracting this out in the past, that there have been some unreliable polygraphs produced; and I want to work with the gentleman in conference to make sure that not only have we got the parts right that he has done such an effective job on who is covered, how often, what special access programs are covered, but who administers this, and should we allow a contracting out of this.

Mr. HUNTER. Mr. Chairman, if the gentleman will yield, I would say to my friend he has raised excellent questions, that this is a subject that we need to sit down and discuss with the Secretary of Energy, and I would say that I can assure him that I will ask our chairman, the gentleman from South Carolina (Mr. SPENCE), because this is a very important area to him also, to participate with us and with the gentleman and with the Secretary of Energy and have some discussions during the conference to make sure that we have two things: the highest professionalism, and, No. 2, the best standards.

If those best standards fall in the area of government-given polygraphs, and perhaps they are not in the private sector, then let us go with the best standards if they are in the government. If the best standards and the best science has been developed on the outside, let us use that capability, but certainly let us make sure we have the best.

Mr. ROEMER. As long as the gentleman says the best standards are in the private sector and everybody agrees on that, that we do not then have this jumping back and forth between established best standards for one and their administering 50 or 60 percent of the polygraphs and the FBI or somebody else is doing the remaining 40 percent, and we know there is a discrepancy between or differences between the administration of those tests. I think it is very important that we establish a uniform standard of policy here as to who is administering it, and if it is the FBI, maybe we do not contract out. If the established science is in the private sector, then that is the uniform standard that we establish, and I look forward to working with the gentleman. I am not going to oppose this amendment.

Mr. HUNTER. I thank the gentleman, and let me just respond that I will work also to see that we have uniformity. I think that is a key.

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

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

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 106–175.

AMENDMENT NO. 5 OFFERED BY MR. ROEMER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 5 offered by Mr. ROEMER:

At the end of title XXXI (page 453, after line 15), insert the following new section:

SEC. 3167. REPORT ON COUNTERINTELLIGENCE AND SECURITY PRACTICES AT NATIONAL LABORATORIES.

(a) IN GENERAL.—Not later than March 1 of each year, the Secretary of Energy shall submit to the Congress a report for the preceding year on counterintelligence and security practices at the facilities of the national laboratories (whether or not classified activities are carried out at the facility).

(b) CONTENT OF REPORT.—The report shall include, with respect to each national laboratory, the following:

(1) The number of full-time counterintelligence and security professionals employed.

(2) A description of the counterintelligence and security training courses conducted and, for each such course, any requirement that employees successfully complete that course.

(3) A description of each contract awarded that provides an incentive for the effective performance of counterintelligence or security activities.

(4) A description of the services provided by the employee assistance programs.

(5) A description of any requirement that an employee report the foreign travel of that

employee (whether or not the travel was for official business).

(6) A description of any visit by the Secretary or by the Deputy Secretary of Energy, a purpose of which was to emphasize to employees the need for effective counterintelligence and seurity practices.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Indiana (Mr. ROEMER) and a Member opposed each will control 10 minutes.

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

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

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

Mr. Chairman, I have been a member of the Permanent Select Committee on Intelligence since the beginning of this Congress. I have been especially interested in the issues surrounding the compromise of nuclear weapons design information and the security and counterintelligence programs at the national laboratories. I do not believe that all of the facts surrounding what happened and how it happened with respect to the compromise of sensitive weapons information to the PRC have yet been sorted out.

Problems clearly existed for 2 decades, and for reasons that are still inexplicable, very little appears to have been done on a systematic basis until the press reports, the promulgation of Presidential Decision Directive 61. While I commend Director Freeh and the Director of Central Intelligence Tenet for pushing PDD 61, and Secretary Richardson for his commitment to fully implement counterintelligence and security reforms, and just recently to the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS) for their amendment today, I am not yet convinced all specific reforms have been considered addressing the culture and leadership between our national labs and the Department of Energy.

Nevertheless, I am convinced that counterintelligence and security reforms will only succeed if good counterintelligence and security practices become ingrained, ingrained in the daily business of those who have the duty to protect national security information and if there is continued high-level attention being made to security and counterintelligence discipline from the leadership and the national security agencies of the United States Congress. The keys, Mr. Chairman, are ingrained in the daily business, continued high-level attention, and disciplined leadership and direct communication between DOE and their employees and the United States Congress.

I have thus proposed in this amendment that the Secretary of Energy provide the Congress with a report each year on certain matters related to counterintelligence and security that would give one indication that there is keen attention and involved leadership to security and counterintelligence practices at the national laboratories. I would expect the report to be sent each year to the Armed Services and Intelligence Committees of the Congress with classified attachments, if necessary. There were three reports in the Cox and Dicks amendment just voted on. This amendment does not produce any kind of duplication between those other reports. I would hope that the committees would then use the report as one springboard for oversight.

Again, I believe Congress must send the strongest constructive message about counterintelligence and security, and the message must be sustained over the long term, not just in the heat of revelations about espionage with sufficient appropriations from our oversight committees to ensure that the job gets done.

I would like to thank the House committee staff on intelligence, current members of the intelligence and counterintelligence communities and former members, such as the Director of Intelligence Jim Woolsey and experts on counterintelligence matters such as Paul Rudman and John Feron for their help in putting this amendment together.

Mr. Chairman, I yield to the gentleman from Delaware (Mr. CASTLE) who has also been helpful in putting together the bipartisan amendment.

Mr. CASTLE. Mr. Chairman, I thank the gentleman from Indiana for yielding, and I do rise in strong support of his amendment, of which I am a cosponsor, which would require the Secretary of Energy to report to Congress annually regarding the counterintelligence and security practices at our national laboratories.

I will not belabor this too much, because a lot of what I would say would be repetitious of what the gentleman from Indiana has already stated; but as a member of the Permanent Select Committee on Intelligence, I do have a distinct interest, as I think we all do, but perhaps it is a little more focused on the intelligence committee in safeguarding our national labs, especially considering the recent release of the details of the Cox-Dicks report regarding United States national security and the People's Republic of China.

The facts obviously are still emerging, the consequences of that are still emerging, and efforts are being made to address it, but I think we have come to the conclusion that something needs to be done on a longer term regular basis, if my colleagues will, is what this amendment is all about, requiring the Secretary of Energy to issue an annual report on certain matters related to counterintelligence and security, in those particular labs.

So I am strongly supportive of this. I think we need to remain ever vigilant on this. We need to learn from the past, and we need to make sure that whatever it is that we do to cure these things will be continued into the future, and in my judgment some sort of annual review is exactly what is needed, and so for that reason I strongly support this amendment.

Mr. ROEMER. Mr. Chairman, I thank my good friend from Delaware for his strong bipartisan support for the amendment, and again come back to the many hearings and the many reports that we have had from the Cox-Dicks Commission, the many meetings that we have set up with members of the counterintelligence community. They stress over and over and over again that the culture in our laboratories has to change; that we have to have ingrained in the daily business a concern and riveted attention to the details of security; that we have to have this as a continuum; that we have to continue to stress this at the highest levels; Secretary of Energy Richardson, who has got a good start on this, continue to visit the national laboratories and make this a top-down and bottom-up change in the culture.

The Chinese have probably been spying on the United States for 30 years since they started a nuclear program. We need to be more vigilant, we need to be more detailed about securing the most sensitive secrets we have, some of which are at our national laboratories.

So I would hope that this amendment would be accepted, that we can change the culture, we can keep attention to this, and that we will continue to put the necessary appropriations forward to keep ever vigilant in protecting our national security secrets.

Mr. Chairman, I yield to the gentleman from Missouri (Mr. SKELTON) for any comments he may have on the amendment.

Mr. SKELTON. Mr. Chairman, I would merely say it is a good amendment, and we examined it on this side. We have no problem with it and endorse it.

Mr. ROEMER. Mr. Chairman, I thank my good friend from Missouri and would ask that the House adopt the amendment.

Mr. Chairman, I yield to the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Chairman, I would like to commend the gentleman for his amendment, too, and as chairman of the committee I am prepared to accept it.

Mr. ROEMER. Mr. Chairman, I thank my good friend from South Carolina, and with those two resounding endorsements I know when to stop talking, Mr. Chairman, and I would ask the House to adopt the amendment.

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

The CHAIRMAN. Does any Member claim time in opposition to the amendment?

The question is on the amendment offered by the gentleman from Indiana (Mr. ROEMER).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 106–175.

AMENDMENT NO. 6 OFFERED BY MR. SWEENEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 6 offered by Mr. SWEENEY:

At the end of title XII (page 317, after line 17), insert the following new section:

SEC. 1206. ANNUAL AUDIT OF DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY POLICIES WITH RESPECT TO TECHNOLOGY TRANSFERS TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) ANNUAL AUDIT.—The Inspectors General of the Department of Defense and the Department of Energy, in consultation with the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, shall each conduct an annual audit of the policies and procedures of the Department of Defense and the Department of Energy, respectively, with respect to the export of technologies and the transfer of scientific and technical information, to the People's Republic of China in order to assess the extent to which the Department of Defense or the Department of Energy, as the case may be, is carrying out its activities to ensure that any technology transfer, including a transfer of scientific or technical information, will not measurably improve the weapons systems or space launch capabilities of the People's Republic of China.

(b) REPORT TO CONGRESS.—The Inspectors General of the Department of Defense and the Department of Energy shall each submit to Congress a report each year describing the results of the annual audit under subsection (a).

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from New York (Mr. SWEENEY) and a Member opposed each will control 10 minutes.

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

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

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

Mr. Chairman, I do not expect to use all my allotted time, and I want to thank both the gentleman from Missouri (Mr. SKELTON) and the gentleman from South Carolina (Mr. SPENCE) for the opportunity to present this amendment.

As my colleagues know, the past several years have revealed two major breaches in the national security interests of this great Nation, and we have heard a lot of debate and discussion on the floor today about one of those. And the Chinese nuclear espionage and the transfer of militarily-sensitive technology to satellite trade have now proven beyond a doubt to have significantly enhanced the military capability of communist China.

Since the end of the Cold War, I believe, Mr. Chairman, we have taken our military strength and in turn our national security a bit for granted. Sadly, the recent events have revealed that American strength is not automatic and we must take positive steps to preserve our role as the only remaining superpower.

Today I offer my amendment to reestablish that it is the policy of the United States to ensure that our technological advances and military know-how are not turned against us in the form of advanced military threat. My amendment and the real value of my amendment, I believe, is that it would provide an additional and very necessary layer of security and scrutiny to ensure that Chinese espionage experienced in the Department of Energy labs is not repeated in the Departments of Defense and Energy and that they regularly monitor their policies with respect to the technological transfers with China. The amendment requires that the Inspector General of Defense and Energy assess in consultation with our intelligence community their departments' policies and procedures with respect to the exchange of technology and scientific information that could be used to enhance the military capabilities in China. This audit must be conducted on an annual basis and is continuing with a report to Congress.

Mr. Chairman, I offered a similar amendment to the NASA authorization just a few weeks ago that passed the House, calling for an annual audit of policies regarding the transfer of technology to China from our space program. I believe this is a commonsense review and it should exist in all relevant departments throughout the Federal Government. Surely I recognize that the Department of Energy has taken steps to correct some of the problems that led to the compromise of our most critical military secrets.

□ 1600

I also recognize that there have been a number of amendments presented, and there will be more that will be presented today, that also provide for some answers and some solutions, and Congress has made this a priority as we address these security issues.

A few years ago we were pretty certain that the top secret scientific information at our nuclear labs was secure. We now know that was not the case. I think it is entirely appropriate and I would suggest essential that the agencies of the U.S. Government engaging in national security related matters be required to regularly conduct comprehensive evaluations of their policies for protecting militarily sensitive technology.

Again, the amendment simply provides an extra layer of protection at the Departments of Defense and Energy to prevent the repeat of the breach of our nuclear labs. America can no longer take our national security for granted and we in Congress can no longer take our national security for granted. I believe this is a common sense oversight amendment, and I urge my colleagues to support it.

Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Chairman, I find no fault with the amendment, and I commend the gentleman for offering it. On behalf of the committee, I accept it.

Mr. SWEENEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, I have examined the amendment on our side and find it commendable.

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

The CHAIRMAN. Does any Member claim time in opposition?

If not, the question is on the amendment offered by the gentleman from New York (Mr. SWEENEY).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 106–175.

AMENDMENT NO. 7 OFFERED BY MR. RYUN of kansas

Mr. RYUN of Kansas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 7 offered by Mr. RYUN of Kansas:

At the end of title XXXI (page 453, after line 15), insert the following new subtitle:

Subtitle F—Department of Energy Foreign Visitors Program Moratorium

SEC. 3181. SHORT TITLE.

This subtitle may be cited as the ''Department of Energy Foreign Visitors Program Moratorium Act''.

SEC. 3182. MORATORIUM ON FOREIGN VISITORS PROGRAM.

(a) MORATORIUM.—Until otherwise provided by law, the Secretary of Energy may not, during the foreign visitors moratorium period, admit to any facility of a national laboratory any individual who is a citizen of a nation that is named on the current Department of Energy sensitive countries list.

(b) WAIVER AUTHORITY.—(1) The Secretary of Energy may waive the prohibition in subsection (a) on a monthly basis with respect to specific individuals whose admission to a national laboratory is determined by the Secretary to be necessary for the national security of the United States.

(2) On a monthly basis, but not later than the 15th day of each month, the Secretary shall submit to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives a report in writing providing notice of the waivers made in the previous month. The report shall identify each individual for whom such a waiver was made and, with respect to each such individual, provide a detailed justification for the waiver and the Secretary's certification that the admission of that individual to a national laboratory is necessary for the national security of the United States.

(3) The authority of the Secretary under paragraph (1) may be delegated only to the Deputy Secretary of Energy or an Assistant Secretary of Energy.

(c) FOREIGN VISITORS MORATORIUM PERIOD.—For purposes of this section, the term ''foreign visitors moratorium period'' means the period beginning on the date of the enactment of this Act and ending on the later of the following:

(1) The date that is 2 years after the date of the enactment of this Act.

(2) The date that is 90 days after the date on which the Secretary of Energy, after consultation with the Director of the Federal Bureau of Investigation, submits to the Committee on Armed Services of the Senate and

the Committee on Armed Services of the House of Representatives a certification in writing by the Secretary of each of the following:

(A) That the counterintelligence program required by section 3183 is fully implemented, and fully operating, at each of the national laboratories.

(B) That such counterintelligence program complies with the requirements of Presidential Decision Directive number 61.

(C) That the Secretary is in compliance with the provisions of subsection (b).

SEC. 3183. COUNTERINTELLIGENCE PROGRAM.

(a) ESTABLISHMENT AT EACH LABORATORY.—The Secretary of Energy shall establish a counterintelligence program at each of the national laboratories. The counterintelligence program at each such laboratory shall have a full-time staff assigned to counterintelligence functions at that laboratory, including such personnel from other agencies as may be approved by the Secretary. The counterintelligence program at each such laboratory shall be under the direction of, and shall report to, the Director of the Office of Counterintelligence of the Department of Energy.

(b) INVESTIGATION OF PAST SECURITY BREACHES.—The Secretary shall require that the counterintelligence program at each laboratory include a specific plan pursuant to which the Director of the Office of Counterintelligence of the Department of Energy shall—

(1) investigate any breaches of security discovered after the date of the enactment of this Act that occurred at that laboratory before the establishment of the counterintelligence program at that laboratory; and

(2) study the extent to which a breach of security may have occurred before the establishment of the counterintelligence program at that laboratory with respect to a classified project at that laboratory by the admittance to that laboratory, for purposes of a nonclassified project, of a citizen of a foreign nation.

(c) REQUIRED CHECKS ON ALL NON-CLEARED INDIVIDUALS.—(1) The Secretary, acting through the Director of the Office of Counterintelligence of the Department of Energy, shall ensure the following:

(A) That before any non-cleared individual is allowed to enter any facility of a national laboratory, a security investigation known as an ''indices check'' is carried out with respect to that individual.

(B) That before any non-cleared individual is allowed to enter a classified facility of a national laboratory or to work for more than 15 days in any 30-day period in any facility of a national laboratory, a security investigation known as a ''background check'' is carried out with respect to that individual.

(2) NON-CLEARED INDIVIDUAL.—For purposes of paragraph (1), a non-cleared individual is any of the following:

(A) An individual who is a citizen of a nation that is named on the current Department of Energy sensitive countries list.

(B) An individual who has not been investigated by the United States, or by a foreign nation with which the United States has an appropriate reciprocity agreement, in a manner at least as comprehensive as the investigation required for the issuance of a security clearance at the level designated as ''Secret''.

SEC. 3184. EXCEPTION TO MORATORIUM FOR CERTAIN GRANDFATHERED INDIVIDUALS.

(a) GRANDFATHERED INDIVIDUALS.—Notwithstanding section 3182(a), the Secretary may, during the foreign visitors moratorium period described section 3182(c), admit to a facility of a national laboratory an individual who is a citizen of a nation that is named on the current Department of Energy sensitive countries list, for a period of not more than 3 months for the purposes of transitional work, if—

(1) that individual was regularly admitted to that facility before that period for purposes of a project or series of projects;

(2) the continued admittance of that individual to that facility during that period is important to that project or series of projects; and

(3) the admittance is carried out in accordance with section 3183(c).

(b) REPORT ON GRANDFATHERED INDIVIDUALS.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives a report on each individual admitted to a facility of a national laboratory under subsection (a). The report shall identify each such individual and, with respect to each such individual, provide a detailed justification for such admittance and the Secretary's certification that such admission was carried out in accordance with section 3183(c).

SEC. 3185. DEFINITIONS.

For purposes of this subtitle:

(1) The term ''national laboratory'' means any of the following:

(A) The Lawrence Livermore National Laboratory, Livermore, California.

(B) The Los Alamos National Laboratory, Los Alamos, New Mexico.

(C) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

(2) The term ''sensitive countries list'' means the list prescribed by the Secretary of Energy known as the Department of Energy List of Sensitive Countries.

(3) The term ''indices check'' means using an individual's name, date of birth, and place of birth to review government intelligence and investigative agencies databases for suspected ties to foreign intelligence services or terrorist groups.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Kansas (Mr. RYUN) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer my amendment today because I believe its strong moratorium language will enable the Department of Energy to enact the previously debated and passed intelligence programs.

Mr. Chairman, I have worked with the bipartisan group that wrote the Cox-Dicks amendment, and I voted for it. I agree with the series of strong security provisions that the amendment offers. However, I also believe putting these security provisions in place cannot be achieved overnight.

Until a comprehensive counterintelligence program is up and running at each laboratory, access must be limited to ensure that enhanced security is functioning properly.

Mr. Chairman, as you can see, I would have had a chart just a moment ago, but it would have shown that 16 percent of our foreign visitors from sensitive countries were not given any kind of background check between 1994 and 1996. Congress needs to make sure that every effort is made in our power to limit that access until we discover the full extent of the revealed security breaches. It is pretty extensive when you look at the numbers between 1994 and 1996.

Secretary of Energy Bill Richardson in a letter written today to all Members of Congress states that the Ryun amendment ''effectively kills several important national security programs at the DOE laboratories.'' However, the amendment allows the Secretary of Energy to waive the moratorium for individuals deemed necessary to our national security, so we have a waiver provision in there with the moratorium that allows if we have a national security problem allowing necessary people to come in and be able to perform in those laboratories. For each waiver, the secretary must report which individuals were admitted, along with the justification for their admittance to the House and Senate Armed Services Committees on a monthly basis.

Mr. Chairman, after the two-year moratorium is complete and after consultation with the Director of the FBI, the Secretary of Energy is required then to certify in writing that the new counterintelligence programs are running effectively before giving Congress a 90-day review period for the lifting of the moratorium.

This amendment puts accountability and Congressional oversight back into the security process at our nuclear labs. We must establish procedures to ensure that the theft of our national security secrets never happens again.

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

Mr. SKELTON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Missouri is recognized to control 20 minutes.

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

Mr. Chairman, were it not for the Cox-Dicks amendment, this would be a different case. We not only are replowing the same ground, we find this amendment in conflict with that amendment which we have already passed unanimously in this body.

Mr. Chairman, let me commend my friend from Kansas, who is a very sincere and dedicated member of our committee. However, this amendment is not necessary because of the reasons that I heretofore stated.

Mr. Chairman, the protection of critical nuclear information is a very serious matter. There has been a compromise, and some changes are required in the manner in which security and counterintelligence matters are handled. The amendment does provide some increased emphasis on counterintelligence and potential for enhanced protection, but would codify the counterintelligence program mandated by Presidential Directive 61 in the least restrictive manner thus far proposed that provides a waiver by the Secretary of Energy during moratorium.

However, since the Cox-Dicks amendment has been accepted by this body, as I point out, by unanimous vote on a rollcall vote, this amendment is not needed. It flies in the face, sadly, with the Cox-Dicks amendment, so we would have two standards set forth in the bill should this be adopted. That, of course, is a very serious problem for anyone to follow when you have two standards, two ways of doing something, two time limits. It would be very difficult, and, frankly, unworkable.

Regretfully, because the gentleman from Kansas (Mr. RYUN) is such a dedicated member of the committee, I find that I really in all sincerity must oppose this amendment.

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

Mr. RYUN of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is important to draw the distinction here, because while the Cox report allows for a moratorium, it is a very limited moratorium. It is a 90-day moratorium. In actually reading the report by the gentleman from Washington (Mr. DICKS), who is a part of this amendment, and Mr. COX, it is very clear to me that is a very limited period of time.

My amendment allows for a two-year moratorium, which is sufficient time to put a counterintelligence program in place and ensure that we genuinely protect those national secrets. That is the reason for the length. Under the Cox report it has a 90-day period with a 30-day reporting period, so conceivably at the end of 60 days there would not be a need for any further moratorium.

So I believe the extension is necessary if we are going to make sure that we have a counterintelligence program in place and to ensure our national secrets.

Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. HUNTER).

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

Mr. Chairman, I want to rise in strong support of the Ryun amendment, and I want to say at the outset that I very much respect the position of folks on the other side. I know the gentlewoman from New Mexico (Mrs. WILSON) is very dedicated, very bright, and has the best interests of our country at heart and serves her constituents very well. I have though a difference of opinion on this issue with the folks that limited the scope of the foreign visitors cutoff.

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

Mr. HUNTER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I just want to make sure we have this understood here. Nothing happens. There is a moratorium until Ed Curran, the new Director of Counterintelligence, certifies that we now have in place an effective counterintelligence program. Then, under the Cox-Dicks amendment you would have 45 days, and Congress would then have a chance to review it. So you would have 60. But this is 60 days after the new head of counterintelligence certifies that we have an effective plan in place.

Why would we want to keep it on for two years after that? That does not make any sense.

Mr. HUNTER. Reclaiming my time from my B–2 friend, let me tell——

Mr. DICKS. Mr. Chairman, the B–2 did very well over there, by the way, in Kosovo.

Mr. HUNTER. I know the B–2 did very well in Kosovo. Let me say why the Ryun amendment makes a lot of sense. It is for this reason. I understand under both provisions we establish a counterintelligence office. That is, of course, a must. It is a mandate.

But the issue should go beyond how we establish the counterintelligence operation. It should also include the issue of this: Does it make sense for us to have visitors and to allow Algeria, Cuba, and I am looking at the GAO report on foreign visitation to our nuclear weapons complex, Cuba, Iran, Iraq and China in our nuclear laboratories at all? What advancement is Cuba giving us to our nuclear weapons program? What is the reasoning whereby we feel that we need to make, and I have added them up here, six visits by the states of Algeria, Cuba, Iran, Iraq and China to our nuclear weapons laboratories?

I think, and I say to my friend in all sincerity, I think we have missed part of the debate. I think when we do counterintelligence background checks on people from Iraq, you know what our counterintelligence people are going to give us on these particular agents and scientists? They are going to give us blank pieces of paper, because it is very difficult for us to get background information on those folks.

Now, I do not think that people from those states and many of the other controlled access states have anything to give to our nuclear weapons complex that helps us either build nuclear weapons or do stockpile stewardship on nuclear weapons, which is our primary purpose.

I would simply say this to my friend: The Secretary of Energy can execute waivers, but this is all about accountability. Under both provisions, the Ryun amendment and the base bill, the Secretary of Energy can execute waivers. I think if you look at this list of people from controlled countries that had no business being at our national labs, and you see the percentage of people that, in the cases of Iran and Iraq who were even given background checks, and it is down to 10 and 20 percent of people from Iraq were given background checks to come into our nuclear weapons complex, I think it is appropriate for us to say to the Secretary of Energy, listen, for the next two years, you can have people come in, and if it is the Nunn-Lugar program that affects the Soviet Union, if it is one of our missile control regimes, if it is a fissile material control regime, all you have to do is sign a piece of paper and you bring those scientists in. But we want you to look at these applicants for admission to our national weapons complex. The Ryun amendment does that.

I think, in light of that, the two-year moratorium makes a lot of sense. These people have not been paying attention. I think the gentleman would agree with me, when you let people come in from Algeria, Cuba, Iran and Iraq, and they are supposed to be contributing to our nuclear weapons development or stockpile stewardship, it makes us realize the leadership in DOE has not been reflecting on these admissions. We want to make them reflect.

Lastly, I would say what Leo Thorsen has said, the great Medal of Honor winner. He said in areas of national security, he said, go with strength. Go the extra mile. We are going the extra mile with the Ryun amendment.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Guam (Mr. UNDERWOOD).

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

Mr. Chairman, I stand in opposition to the Ryun amendment, although I understand the sincerity with which he offers it.

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This amendment is entirely unnecessary, as has been already pointed out. The concerns that are pertaining to the moratorium and checking out all the foreign scientists who come have been dealt with adequately in the Cox/Dicks amendment that has already passed.

This amendment places a 2-year moratorium on the entry of foreign visitors from sensitive countries, and it presents what seems to me to be a very simplistic solution to a wave of espionage that has already occurred in our weapons labs.

I know that the sponsor indicated that between 1995 and 1996, that some 16 percent of the foreign scientists did not receive any background checks. If we had a 2-year moratorium for that time period, then it would make a lot of sense. But what we have in the situation here is that we are trying to solve a problem that we are already aware of, and it is like locking the barn door after the horses have escaped.

The free exchange of scientists in unclassified research areas at our nuclear weapons lab is important for recruiting and retaining a world class staff. We need to help maintain the U.S. nuclear stockpile and maintain American scientific leadership. A quarantine at our national laboratories in effect will insulate us from some of the world's finest minds in many scientific fields, and has the effect of undercutting our own progress, development, and superiority in nuclear weapons development and scientific advancement.

Imagine if this moratorium had existed during the U.S. development of

the atom bomb. Dozens of scientists and physicists, people like Einstein and Fermi, who were citizens of enemy nations, would have been prohibited from research and development of a weapon that helped end World War II. These exceptional minds who labored tirelessly for their adopted country would be barred from that work today.

Secretary Richardson has responded to this. The Cox/Dicks amendment has responded to this. This amendment is entirely unnecessary.

Mr. RYUN of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in response to the gentleman who just spoke, we have a waiver provision that allows for national security, to allow certain scientists to come in if necessary.

Mr. Chairman, I yield 4 minutes to the gentleman from South Carolina (Mr. SPENCE), the distinguished chairman of the Committee on Armed Services.

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

Mr. SPENCE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Kansas (Mr. RYUN). I think it is a good amendment.

I have listened intently to all of the opposition. It does not make sense. It takes years to learn the scope of espionage that has already occurred in our nuclear labs. We still may not know the full extent of the problem.

As a matter of fact, the Cox report has only been able to offer up for the public view certain portions of what they found out. Many parts of it are still classified, and we would not know what has been learned there.

In March, the former director of the Los Alamos National Laboratory wrote in the Washington Post that during his tenure at the lab a great number of individuals from sensitive countries visited, but there was ''. . . no indication that these contacts compromised our security.''

Unfortunately, it was during this same period of time that classified information on the W–88 warhead designed at Los Alamos was stolen by the Chinese. In this case, what we did not know has certainly hurt us.

Espionage by definition is not conducted in plain sight. We did not know that China was obtaining our nuclear secrets from laboratory employees, and my theory is that we do not know of losses that have occurred because of the foreign visitor program.

The Government Accounting Office has reported that during the period 1994 through 1996 there were 5,472 visits from sensitive countries to the three weapons laboratories. Of that number, 2,237 were from Russia; 1,464 were from China; and 814 were from India. That high visitation rate continues, with Los Alamos recently reporting 1,040 visits from sensitive countries in 1997 alone.

In view of this high volume of visitation from countries of proliferation concern, at least one of which has illicitly obtained our nuclear weapons secrets, I do not think it is inappropriate to place strict limits on these visitations.

I would point out what has already been pointed out to a lot of the concerns of our opponents in this matter, that the moratorium imposed by this amendment would not be permanent, nor would it be absolute. The amendment provides for waivers by the Secretary of Energy, allowing the admission to a national laboratory of specific individuals from a sensitive country if the Secretary determines the visit to be necessary for the national security interests of the United States.

The amendment also includes a sunset provision that has not been mentioned which would, under certain conditions, make it possible for termination of the moratorium within 2 years.

Mr. Chairman, this is a good amendment. It should be adopted.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Chairman, I find parts of this amendment to be difficult to understand, at least in the real world and the way the laboratories operate.

Sandia National Laboratory in my district is a multi-program laboratory. Yes, it does nuclear defense work, but it also does a whole lot of other things. This amendment would prohibit foreign visitors from sensitive countries to any facility on Sandia National Laboratories, and the only exceptions are for when it is necessary for national security.

This means we are no longer going to have any foreign visits that deal with the solar energy farm or the micromachines program or nuclear fusion or semiconductors or lithography, or a whole range of scientific developments arrayed with computing.

We need our scientists to be engaged in the most advanced science in the world, and the reality in this country today is that half of the graduate students in engineering in American universities are not American citizens.

We need to stay on the cutting edge of science, and we would make a mistake if we cut ourselves off from that science.

Mr. RYUN of Kansas. Mr. Chairman, I yield 3 minutes to my friend and distinguished colleague, the gentleman from North Carolina (Mr. HAYES).

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

Mr. HAYES. Mr. Chairman, I rise in strong support of the amendment introduced by my friend, the gentleman from Kansas (Mr. RYUN), fellow member of our Committee on Armed Services. I have the utmost respect for the gentleman from Missouri (Mr. SKELTON) and Members on that side of the aisle. I appreciate what is being done by the Cox/Dicks amendment.

There are many steps in the right direction. My friend, the gentlewoman from New Mexico (Mrs. WILSON) has great concern for her district, country, and her labs, and she very carefully and meticulously explained to me her views on the bill. I appreciate her willingness to talk with me at length about this.

But as I evaluate the situation from my perspective as a member of the Committee on Armed Services, it is apparent to me that to simply rely on the Cox/Dicks amendment is a potential underreaction to an extremely serious situation.

With that in mind, I strongly support the efforts of the gentleman from Kansas (Mr. RYUN) to put our security first, to put the future security of our Nation at the absolute top of our priority list. I have listened to a number of colleagues. The amendment of the gentleman from Kansas (Mr. RYUN) does nothing but strengthen the recommendations put forth by the Cox commission.

It is clear from our debate that we are all in agreement over the seriousness of what is at stake. Events at Los Alamos reflect a collapse in DOE counterintelligence and a compromise of national security. Again, the Cox/Dicks amendment is crafted to address these counterintelligence lapses, and outlines no less than 13 new initiatives for DOE implementation. This is good.

There is no doubt that the measures, if properly executed, will close loopholes exploited by Chinese spies. It seems to me, however, impossible to set in place an extensive, verifiable counterintelligence system in a mere 90 days.

I would remind my colleagues, and there is not a member in this Chamber that did not support the Cox/Dicks amendment, that this amendment establishes three new agencies of counterintelligence oversight. Do we really believe these new agencies will be operational in 3 short months? I submit the answer is no.

The gentleman from Kansas (Mr. RYUN) is simply providing the DOE adequate time to ensure that some of America's most sophisticated technology is safe from foreign espionage. I contend any Member that is troubled by events at Los Alamos and is interested in legitimate solutions will support this amendment.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I very reluctantly rise in opposition to the Ryun amendment. I want to commend the gentleman for his work on this issue. He was an early proponent of tightening security at DOE, and his realization of the problems there have been proven correct.

We attempted in the drafting of the original Dicks amendment to address the problems he identified and, to a large measure, we were successful. The Dicks-Ryun amendments are now almost identical except for one major

point. However, in my view, this point is a major difference. I must reluctantly oppose his amendment.

The Ryun amendment, like the Cox/Dicks amendment, imposes a moratorium on foreign visitors to the dose national laboratories. But under the Ryun amendment, this moratorium would extend for at least 2 years, regardless of whether or not all possible security measures needed to protect the labs are in place.

This is a serious concern to me because Ed Curran, chief of counterintelligence at DOE, assures me that it will not take that long to fix the problems at the labs. Frankly, I do not think the House could accept any answer from DOE that said it would take 2 years to fix these problems. To let problems continue for that long once they have been identified would be totally unacceptable.

Because the Ryun moratorium would last well after the amount of time needed to fix the problem, I am concerned that it will actually reduce the incentive for DOE to react quickly. I believe the amendment of the gentleman from Kansas (Mr. RYUN) will slow down the improvement of security at DOE.

The Cox/Dicks amendment already adopted by the House provides ample time for congressional oversight of DOE's changes to security at the labs, and it provides DOE the incentive to act quickly. I urge Members to oppose the Ryun amendment.

I just want to underline, our amendment is in place until the director, Mr. Curran, and the director of the FBI certify to the president, to the Congress, to the DOE that they have a security program in place. Then there will be 45 days of congressional review after that to make certain we agree with that.

But to put a 2-year lock on this thing, as the gentleman from Kansas (Mr. RYUN) does, will undermine any incentive to act quickly, which is what we want. We want Richardson, Curran, and Freeh out there implementing this program as quickly as possible.

I do not think the gentleman from Kansas (Mr. RYUN) intended this. I think it is an unintended consequence, but I think it really undermines our effort to get a quick solution to this problem.

Mr. RYUN of Kansas. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

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

Mr. Chairman, I stand in strong support of the Ryun amendment. This is a commonsense amendment. To quote the amendment of the gentleman from Kansas (Mr. RYUN), the letter of June 8, it says his amendment simply prohibits foreign visitors from sensitive countries, and those are constituents that are such staunch U.S. allies as China, Cuba, North Korea, Iran, Iraq, Russia, from entering national laboratories unless the Secretary of Energy grants a waiver to individuals deemed necessary to our, the United States', national security.

Frankly, given the track record of this administration, I hate to see them have the ability to grant waivers. I would love to have some language in there that said unless they have been giving to the campaign, but I do not want to go that route.

□ 1630

I think we have already hashed that out. We know the relationships that have caused some of these breaches in security. But let us look at some of the statistics: 742 Chinese scientists visited Los Alamos National Laboratory, but only 12 were given background checks; 23 Iraqi and Iranian scientists visited the Sandia National Laboratory, none were given background checks; 1,110 Russian scientists visited Los Alamos National Laboratory, yet only 116 were given background checks.

Come on. This is national security. What is it that these people from sensitive countries offer that people are opposing the Ryun amendment over? I am not sure. What was it that the scientists from Cuba or North Korea or Iran or Iraq or Russia gave that we are afraid to give up for 2 years? Really we are not giving it up for 2 years. The Secretary of Energy would have the right to waive the requirement.

This is a common sense amendment. Our national security has been breached because of the sloppiness of the current administration. This tries to correct it. I stand in strong support of the Ryun amendment.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I thank the ranking member for yielding me this time.

Mr. Chairman, when the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS) released their report last month, I feared amendments like this one offered by the gentleman from Kansas (Mr. RYUN) today.

This amendment is nothing more than a misdirected overreaction. Instead of making constructive changes to improve our counterintelligence operations, this amendment blindly cuts off our labs to foreign scientists, scientists who work in many nonclassified, nonweapons-oriented areas of the labs.

Specifically, this amendment fails to distinguish between the smuggling of our classified national secrets by American citizens from nonclassified disarmament-oriented exchanges with countries such as Russia.

Among our country's greatest national security threat is the spread of nuclear chemical and biological weapons. In February I spent a week in Moscow, meeting with U.S. and Russian scientists who administer programs designed to stop Russian scientists and their nuclear materials from going to countries such as Iran, Iraq, and North Korea.

Given the State of the Russian economy and the fact that Russia's uranium stockpiles are not locked down, we have no choice but to engage our Russian counterparts on a scientist-to-scientist level.

The Ryun amendment would end this cooperative effort. It would prevent Russian scientists from visiting our laboratories for 2 years and would severely damage U.S.-Russian relations.

Mr. Chairman, for those who are concerned about visits to our national labs, let me say just this. Earlier today, as part of the Cox and Dicks amendment, this House took steps that would reasonably address the need to protect classified materials at our national labs from foreign visitors.

It would provide for the lifting of a moratorium when DOE's Director of Counterintelligence, with the concurrence of the FBI Director, determines that the proper counterintelligence measures are in place.

Let us embrace this measured approach offered by the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS). Let us reject the reactionary approach before use. Let us not blindly shut down vital national security programs that have nothing to do with classified secrets.

Mr. RYUN of Kansas. Mr. Chairman, I have no further speakers, but I would like to reserve the right to close.

The CHAIRMAN. The gentleman from Missouri (Mr. SKELTON) has the right to close.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, I commend the gentleman from Kansas (Mr. RYUN) for the serious work he has done in this effort. It is certainly rare that I would have a different opinion from my committee chairman, but I believe that the Cox-Dicks approach is better.

I think it is important for us to focus on the important parts of these security problems. There has been no indication whatsoever that the foreign visitor program has been in any way related to any of the security lapses that we have had at the national laboratories. Now other things are related, management of DOE and the number of other areas where more work is required, but not the foreign visitor program.

I would further say that the numbers that we hear talked about do not really tell us very much. For example, the Governor of California once called Lawrence Livermore and asked that a busload of Chinese tourists be able to visit Lawrence Livermore Laboratory and go to the publicly open museum. Every person on that bus counts as a foreign visitor. I do not think we wanted to have the Secretary of Energy sign a waiver for each and every one of those tourists on a bus going to a public building.

I think the Cox-Dicks approach is better and ask that this amendment be defeated.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

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

Mr. SPRATT. Mr. Chairman, I want to repeat the commendation of the last speaker to the gentleman from Kansas (Mr. RYUN), because he served a purpose in raising this issue to the forefront. He caused us to take what he was proposing, to consider it in depth; and that was the genesis of the amendment we adopted unanimously today, the Cox-Dicks amendment.

While it included other things, that was our initial purpose, to take the foreign visitors program and add strictures to it, but not stifle it so much that we would literally suffocate and kill it, because this particular proposal would simply wipe out the foreign visitors program except for perhaps a few singular individuals who might be certified into it.

Now, what does that mean? What is the foreign visitors program? The foreign visitors program exists on reservations like Los Alamos, which is about the size of the District of Columbia. It is not just some small laboratory. It is a huge complex of facilities, an enormous site. It includes secure areas to which they do not have access and lots of other areas and labs and work spaces.

It would include an Israeli scientist there working on solar energy, a Swedish chemist who has come to work on plutonium issues, because there is a lot we still do not know about plutonium. The Swedish chemist, an actual case, is one of the world's experts. We need his insights and advice into the nature of plutonium, how it ages and what its effects are.

It includes lots of foreign citizens who will soon be American citizens who post-doc'd from American universities and are working there, working at Los Alamos, or Livermore. They are the scientific talent of the present or the future.

It includes a lot of Russians and lab-to-lab exchanges. Why are they there? Their knowledge is just about on parity with us anyway, but it is reciprocal. We do not talk a lot about this. That is part of the Cox report that was not published. We have gained a great deal through these exchanges. That reciprocity has enhanced our knowledge of what they are doing and enabled us to get a better grip on the spread or misuse of nuclear materials and nuclear devices.

It could include IAEA trainees, because this is the perfect place to come where the knowledge resides. It could include nonnuclear exchanges. As the gentlewoman from New Mexico (Mrs. WILSON) stated, lots of other things have nothing to do with nuclear weapons, lithography for inscribing ships, for example, micromachinery, and stuff like that.

We will wipe out this program. Why is it important? Why does it have to occur at the labs? We set it up years ago when we created the stockpiles stewardship program so that we could have at these labs, which are national treasure houses, scientific talent that is second to none, so that we could attract excellent scientists there and maintain our excellence in nuclear weapons.

This is an important program. The strictures we need for the security and counterintelligence have already been passed and put into effect by the Cox-Dicks amendment. This is not necessary. In fact, it is a dangerous precedent.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member for yielding me this time, and I certainly thank the gentleman from Kansas (Mr. RYUN) for his leadership on these important issues.

Mr. Chairman, we have been through some troubling times. We have been sometimes amazed, sometimes fearful, and sometimes deliberating what can we do to protect the national security issues of this government, and how can we combine that with the necessities of research and collaboration and our own intrinsic spirit of a country that welcomes those into our borders.

I believe there is good intent behind this particular amendment, but I rise in opposition because of the importance of our national labs and the relevance that they have to part of the collaborative effort we have on very important research.

While the intent of preserving our national security secrets is one that I am committed to accomplishing and will be supporting several amendments dealing with the recent incident that we had in our national labs, I feel that this amendment imposes an unnecessary burden on the ability of our national labs to function.

In fact, we have already addressed many of these issues. The Cox-Dicks amendment gives DOE incentive to rapidly fix security problems. Under the Ryun amendment DOE has a 2-year moratorium, no matter what they do, because they are forbidding those who are foreign nationals from even coming near our national labs.

I think the American ingenuity is better than that. I think we are smart people. I think we can address this question right now; and we can not or will not, by addressing it right now, prohibit the collaborative research that is important by most of those who come to our national labs, who have no intent of spying.

We had a terrible series of events which have been noted by the Cox-Dicks report, started under Republican administrations, continued under Democratic administrations, went under a Republican administration. There is no one that can claim that one party over another has not had some responsibility for what has happened.

I would ask we vote down the Ryun amendment and support the measures that have already been done and support the Department of Energy's works that they have already begun to do, and make sure that we continue in the attitude that we have that good research is good and spying is bad.

Mr. RYUN of Kansas. Mr. Chairman, may I inquire of the Chair how much time is remaining on both sides, please.

The CHAIRMAN. The gentleman from Kansas (Mr. RYUN) has 2½ minutes remaining. The gentleman from Missouri (Mr. SKELTON) has 3½ minutes remaining.

Mr. RYUN of Kansas. Mr. Chairman, I yield 1 minute to the gentleman from Kansas (Mr. TIAHRT), my friend and colleague.

Mr. TIAHRT. Mr. Chairman, I thank the gentleman from Kansas for yielding me this time.

Mr. Chairman, it is apparent that the Department of Energy has no culture for keeping secrets. They keep secrets about like a sieve holds water. Personally, I think that we should move all nuclear functions from the Department of Energy to the Department of Defense under civilian control. At least in the Department of Defense we have a culture for keeping secrets, a culture for protecting our Nation's secrets.

Now, what is being asked by the gentleman from Kansas (Mr. RYUN) is not outside the realm of possibility. It is a very reasonable consideration, a small step in the giant trip we need to take towards recovering our Nation's secrets and putting into place a system that would prevent them from being lost in the future.

We simply have a counterintelligence function being put in place, a 2-year moratorium, and start the process of protecting the secrets that our country has invested billions of dollars in developing, and the loss of our secrets places our Nation in jeopardy. Our children's safety is very important to us. Whether they are in school or on the streets, it is important.

The Ryun amendment is a good first step, and I would encourage my colleagues to vote for it.

Mr. SKELTON. Mr. Chairman, I yield 1¾ minutes to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Kansas (Mr. RYUN), my friend and personal hero.

A year ago, the gentleman from Texas (Mr. THORNBERRY) and I traveled to Russia and visited several classified Russian nuclear labs. While we were there, we saw a demonstration, a cooperative venture that was set up between Sandia lab back in the United States and Russia.

We actually looked on TV screens and were looking at this Sandia lab. It was an experiment on how to most efficiently control nuclear materials, how

to most efficiently verify that respective Nations are following treaty requirements.

What will happen if this amendment passes? First of all, there will be retaliation. Any nation that is on this sensitive nations list, they are going to retaliate against us. Of course, they are not going to let people like the gentleman from Texas (Mr. THORNBERRY) and I continue to visit their complexes.

Second, the gentleman from California (Mr. HUNTER) a while ago gave a list of the nations that are on the list of sensitive countries, and he mentioned Cuba and Algeria. I mean, who can complain about not letting Cuban baseball players into our nuclear facilities?

The problem is that is an incomplete list. The list I received from staff also mentions that are on the list of sensitive countries, Israel, Taiwan, India, Pakistan. Surely we would all acknowledge that these are countries that we do have need for cooperative scientific venture even in some classified areas.

The third point I would make is that this amendment is too broad. The specific language puts this 2-year moratorium on ''any facility of a national laboratory.''

Now, the doctor in me, when I hear the word ''laboratory,'' I think it talks about some one little small space or one room. These laboratories, like Sandia lab, Los Alamos, are large, sprawling, many, many acres, many, many buildings, doing all kinds of work with all kinds of different scientists, much of which is not classified.

We would be cutting off all of this material and all of those opportunities by passing this amendment.

Mr. SKELTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. COSTELLO).

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

Mr. COSTELLO. Mr. Chairman, I thank the gentleman from Missouri for yielding me this time, and I rise in opposition to the Ryun amendment.

I rise today in strong opposition to the Ryun amendment.

Last month Congressman NETHERCUTT offered an amendment to the DOE authorization bill in the Science Committee that would have imposed a moratorium on the Department of Energy's foreign visitor program. I amended Mr. NETHERCUTT's amendment to include a sunset provision. My amendment was unanimously accepted.

I offered my amendment in the Science Committee because I am very concerned about national security at our labs. My amendment called for a moratorium on foreign visitors from sensitive countries to all labs when the visit is to a classified facility, and topics involve export control and nonproliferation. However, it included a

1. Waiver of the moratorium on visits related to the U.S.-Russia nonproliferation programs that are important to our national security.

2. Similar to the bipartisan bill passed by the Senate Intelligence Committee, the Secretary can issue waivers as long as the Secretary reports to Congress within 30 days.

3. Contained a sunset to the moratorium. After all applicable portions of the Presidential Decision Directive 61 are in place, additional counterintelligence, safeguards and security measures announced by Secretary Richardson are in place and that DOE's current export controls on nonproliferation that govern foreign visits is in place.

4. Annual report by DOE and FBI to Congress assessing security at each lab.

Mr. RYUN's amendment would effectively kill several important security programs at the DOE labs including the nonproliferation programs that are so important to our national security.

I went before the Rules Committee to offer my amendment that was unanimously passed by the full Science Committee, however, my amendment was not made in order. Therefore, I will vote against the Ryun amendment and urge my colleagues to also vote against the amendment.

□ 1645

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

Unfortunately, Mr. Chairman, the current administration has used words like unnecessary, overdramatize, and overreaction when discussing this legislation that tightens security at our nuclear labs.

Security at the Department of Energy nuclear laboratories has been a systematic problem for over two decades. To blame one agency, one administration, or one individual would certainly be inappropriate. However, the discovery of all the thefts that have taken place in our most sensitive secrets does indeed warrant prompt and decisive action.

The recent security proposals by the Department of Energy will leave visitors from China, Iran, Iraq, and Russia, many of these sensitive countries, back in the status quo. Congress must enter in and make the change so that we no longer have the status quo.

I ask that my colleagues vote in support of this amendment and in support of the chairman, the gentleman from California (Mr. COX), who intends to vote ''yes''.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Kansas (Mr. RYUN). This amendment could have the potentially destructive effect of cutting off important exchanges for 2 years between American scientists and their counterparts from other countries.

The amendment attempts to respond to compromises to our national security with regard to the People's Republic of China, obviously, a worthy goal, but it goes too far, extending the moratorium for 2 years instead of the 90 days specified in the Cox-Dicks amendment.

The sensitive country list, as has been mentioned, includes many friends of the United States, including Israel. The list includes most of the former Soviet republics, including countries like Armenia, Azerbaijan, and Georgia that are part of NATO's Partnership For Peace, and whose presidents took part in the recent 50th anniversary celebrations for NATO here in Washington. It includes India, the world's largest democracy. The stated reason for putting India on the list is it has not yet signed the Nuclear Nonproliferation Treaty. But it needs to be made clear that India's nuclear program is an indigenous one, developed by India's own scientists.

Export controls on supercomputers and other dual-use technologies have been in effect against India for years, forcing India to develop its own highly advanced R&D infrastructure. There is no evidence or even suggestion that India has been involved in the kinds of espionage activities that have been documented with regard to China.

And we must be careful not to cut off scientific exchanges for as long as 2 years. And I know, Mr. Chairman, there is a waiver provision for national security reasons, but I would suggest that that is a very difficult test. Experience shows these types of waivers are rarely used.

And I just want to say that I agree that China's espionage activities should cause us to be more vigilant, but the Cox-Dicks amendment addresses many of these concerns, including a much more measured approach to dealing with the Department of Energy's foreign visitors program. So I think that for that reason we should oppose this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Kansas (Mr. RYUN).

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

Mr. RYUN of Kansas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 200, further proceedings on the amendment offered by the gentleman from Kansas (Mr. RYUN) will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 8, printed in House Report 106–175.

AMENDMENT NO. 8 OFFERED BY MR. GILMAN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 8 offered by the gentleman from New York (Mr. GILMAN):

At the end of title XII (page 317, after line 17), insert the following new section:

SEC. 1206. RESOURCES FOR EXPORT LICENSE FUNCTIONS.

(a) OFFICE OF DEFENSE TRADE CONTROLS.—

(1) IN GENERAL.—The Secretary of State shall take the necessary steps to ensure that, in any fiscal year, adequate resources are allocated to the functions of the Office of

Defense Trade Controls of the Department of State relating to the review and processing of export license applications so as to ensure that those functions are performed in a thorough and timely manner.

(2) AVAILABILITY OF EXISTING APPROPRIATIONS.—The Secretary of State shall take the necessary steps to ensure that those funds made available under the heading ''Administration of Foreign Affairs, Diplomatic and Consular Programs'' in title IV of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as contained in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277) are made available, upon the enactment of this Act, to the Office of Defense Trade Controls of the Department of State to carry out the purposes of the Office.

(b) DEFENSE THREAT REDUCTION AGENCY.—The Secretary of Defense shall take the necessary steps to ensure that, in any fiscal year, adequate resources are allocated to the functions of the Defense Threat Reduction Agency of the Department of Defense relating to the review of export license applications so as to ensure that those functions are performed in a thorough and timely manner.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from New York (Mr. GILMAN) and a Member opposed each will control 10 minutes.

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

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

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

Mr. Chairman, I am pleased to join with the distinguished chairman of the Committee on Armed Services, the gentleman from South Carolina (Mr. SPENCE), in offering an amendment which requires the Secretary of State and the Secretary of Defense to ensure that adequate resources are allocated to the Office of Defense Trade Controls and the Defense Threat Reduction Agency for the purpose of reviewing and processing export license applications.

The Office of Defense Trade Controls, the ODTC, within the Department of State, currently processes about 45,000 licenses each year, which is nearly four times what the Bureau of Export Administration in the Department of Commerce deals with, with only one-fourth of the personnel.

With the transfer in jurisdiction of satellites and related technology from the commodity control list to the munitions list, ODTC will be taxed even greater to meet its obligations to review and process munition licenses as well as meeting its mandate to ensure compliance with our export control laws. That is why the gentleman from South Carolina (Mr. SPENCE) and I worked together to ensure that last year's Omnibus Appropriations Act contained $2 million for the Office of Defense Trade Controls to carry out its responsibilities.

Regrettably, the State Department has refused to allocate the necessary funds to ODTC. Therefore, additional language was placed in last month's emergency supplemental as report language directing State to provide the monies that are needed. The State Department still refuses to provide all of the $2 million to ODTC, citing other pressing needs. Given the State Department's refusal to provide these needed funds, this amendment directs the Secretary of State to provide the balance of the funds needed to ODTC.

This amendment ensures that the Defense Threat Reduction Agency is going to be adequately resourced by the Department of Defense. Accordingly, I urge support for this amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina (Mr. SPENCE), the chairman of the Committee on Armed Services.

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

Mr. Chairman, the amendment offered by the gentleman from New York (Mr. GILMAN) and myself would require both the Secretary of State and Secretary of Defense to provide sufficient resources to the offices within their respective departments that are responsible for reviewing and processing export license applications, as the gentleman from New York has said. This is premised on the strong belief that review of the export licenses should be carried out in a thorough and timely manner.

This amendment builds upon the provision in last year's Defense Authorization Act that transfers licensing jurisdiction for the export of United States satellites from the Commerce Department back to the State Department. Last year's legislation also mandated a greater Defense Department role in ensuring that sophisticated military-related technology is not inappropriately transferred to dangerous countries and countries of proliferation concern.

Mr. Chairman, this is a common sense amendment that simply requires both secretaries to commit sufficient resources to carry out their department's licensing activities. In particular, it calls on the Secretary of State to immediately allocate those funds provided last year for this purpose. As the Cox report indicated, the relaxation of export controls on sensitive dual-use technologies has had a devastating consequence for United States national security. Combined with the actions taken by the Congress last year to tighten our export control process, this amendment will help to see to it that American national security interests are protected.

The amendment's requirement that all export license reviews be carried out in a timely manner addresses industry's concerns regarding possible delays in the licensing process.

Mr. Chairman, I urge my colleagues to support this amendment.

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

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from New York (Mr. GILMAN).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 106–175.

AMENDMENT NO. 9 OFFERED BY MR. WELDON OF PENNSYLVANIA

Mr. WELDON of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 9 offered by Mr. WELDON of Pennsylvania:

At the end of title IX (page 265, after line 11), insert the following new section:

SEC. 910. DEFENSE TECHNOLOGY SECURITY ENHANCEMENT.

(a) REORGANIZATION OF TECHNOLOGY SECURITY FUNCTIONS OF DEPARTMENT OF DEFENSE.—The Secretary of Defense shall establish the Technology Security Directorate of the Defense Threat Reduction Agency as a separate Defense Agency named the Defense Technology Security Agency. The Agency shall be under the authority, direction, and control of the Under Secretary of Defense for Policy.

(b) DIRECTOR.—The Director of the Defense Technology Security Agency shall also serve as Deputy Under Secretary of Defense for Technology Security Policy.

(c) FUNCTIONS.—The Director shall advise the Secretary of Defense and the Deputy Secretary of Defense, through the Under Secretary of Defense for Policy, on policy issues related to the transfer of strategically sensitive technology, including the following:

(1) Strategic trade.

(2) Defense cooperative programs.

(3) Science and technology agreements and exchanges.

(4) Export of munitions items.

(5) International Memorandums of Understanding.

(6) Industrial base and competitiveness concerns.

(7) Foreign acquisitions.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Pennsylvania (Mr. WELDON) and a Member opposed each will control 10 minutes.

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

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think this amendment and the one that will follow are noncontroversial amendments. I have discussed them with my colleagues on the other side. I have discussed them with the gentleman from Washington (Mr. DICKS), the ranking member on the Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China.

My colleagues, these are perfecting amendments to try to deal with the internal operations of DOD to make sure that we have in place the appropriate role for our agency personnel who are charged with the responsibility of monitoring input on potential technology transfers in licensing so that we have maximum effort available to raise the

potential threats that these technologies might bring to bear on the U.S. This change would take DTSA and the Technology Security Directorate out from under the control of DTRA, which is the Defense Threat Reduction Agency, and allow it to operate as a separate entity.

The reason why this is important is that in a reorganization that occurred in the fall of last year, DTSA was placed under the acquisition side of the Department of Defense, thereby providing undue influence on those technical people whose job it is to monitor technologies that, in fact, may be requested for licensing.

It is true that the DTSA organization also reports to the policy side of the Department of Defense, but there is a conflict in that dual reporting relationship. What we simply do with this amendment is have DTSA report directly to the policy side alone so that the technical people in DTSA, who are those that are best able to make key decisions relative to technology licensing in exports to the upper levels of the Pentagon, so they can have the appropriate response for the decision-making process involving Commerce and State on technologies that in fact may be exported.

It is a technical amendment, but it is one that I think is consistent with what was done by the Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China. It is consistent with the goals and objectives of the chairman and the ranking member, and I ask my colleagues to support this amendment.

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

The CHAIRMAN. Does any Member claim time in opposition to the amendment? If not, all time has expired.

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

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 106–175.

AMENDMENT NO. 10 OFFERED BY MR. WELDON OF PENNSYLVANIA

Mr. WELDON of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 10 offered by Mr. WELDON of Pennsylvania:

At the end of title XII (page 317, after line 17), insert the following new section:

SEC. 1206. NATIONAL SECURITY ASSESSMENT OF EXPORT LICENSES.

(a) REPORT TO CONGRESS.—The Secretary of Defense, in consultation with the Joint Chiefs of Staff, shall provide to Congress a report assessing the cumulative impact of individual licenses granted by the United States for exports, goods, or technology to countries of concern.

(b) CONTENTS OF REPORT.—Each report under subsection (a) shall include an assessment of—

(1) the cumulative impact of exports of technology on improving the military capabilities of countries of concern;

(2) the impact of exports of technology which would be harmful to United States military capabilities, as well as countermeasures necessary to overcome the use of such technology; and

(3) those technologies, systems, and components which have applications to conventional military and strategic capabilities.

(c) TIMING OF REPORTS.—The first report under subsection (a) shall be submitted to Congress not later than 1 year after the date of the enactment of this Act, and shall assess the cumulative impact of exports to countries of concern in the previous 5-year period. Subsequent reports under subsection (a) shall be submitted to Congress at the end of each 1-year period after the submission of the first report. Each such subsequent report shall include an assessment of the cumulative impact of technology exports based on analyses contained in previous reports under this section.

(d) SUPPORT OF OTHER FEDERAL AGENCIES.—The Secretary of Commerce, the Secretary of State, and the heads of other departments and agencies shall make available to the Secretary of Defense information necessary to carry out this section, including information on export licensing.

(e) DEFINITION.—As used in this section, the term ''country of concern'' means—

(1) a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 or other applicable law, to have repeatedly provided support for acts of international terrorism; and

(2) a country on the list of covered countries under section 1211(b) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. app. 2404 note).

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Pennsylvania (Mr. WELDON) and a Member opposed each will control 10 minutes.

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

□ 1700

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will also make this brief. This is also noncontroversial. This also is an outgrowth of the Cox committee and a recommendation that I brought forward because of the findings that we made in looking at the damage done to our security.

We came to a bipartisan conclusion that U.S. international export control regimes have actually facilitated China's efforts to obtain militarily useful technology. And, therefore, what this amendment does is, I think, go a long way toward addressing the problem of monitoring what countries like China are attempting to acquire by ensuring that an annual comprehensive assessment of export licenses to countries of concern be prepared by the Department of Defense.

In other words, when an export license is granted to what we call a tier-three country, which is a country that the State Department identifies as one that is a potential threat to us, or when an export license is given perhaps to a country listed as a terrorist state, there is no requirement today that there is a process in place to monitor the cumulative effect of those licenses.

What my amendment says is that the Secretary of Defense, in consultation with the Joint Chiefs of Staff, has to submit to the Congress an annual report. That annual report will reveal to us the cumulative impact of individual exports to countries of concern. It does not say that any action will occur in a negative sense. It simply provides for the Congress to be given an annual report by DOD of these exports.

I think it is a common sense amendment. It will increase our effectiveness in this area. I would ask my colleagues to support this.

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

Mr. GEJDENSON. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume. I do so to ask my friend some questions.

I am sure that his intentions are very solid, but my question on the wording of the amendment is that, what if they do the study and they find out it has actually aided America's defense? Are they allowed to record that?

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, that would be fine. That would be outstanding, and we would be happy to receive that report.

Mr. GEJDENSON. Mr. Chairman, reclaiming my time, as I understand the language, I do not have it in front of me, it says to report the adverse impacts of international trade in high-technology items.

Mr. WELDON of Pennsylvania. Mr. Chairman, if the gentleman will continue to yield, actually, if he will real my amendment, he will see that section 2 says ''the impacts of exports of technology which would be harmful.'' It says, ''which would be harmful.''

Mr. GEJDENSON. Right. So in that, would it be okay, for the record, if they assess something and they found out it would be helpful?

Mr. WELDON of Pennsylvania. Mr. Chairman, I would be happy to accept that.

Mr. GEJDENSON. Mr. Chairman, excellent.

Let me just say again, we have taken a spying case that started in the 1980s and we are trying in the process, I am fearful, of destroying the future economic and military strength of the country.

All these amendments are well-intentioned. But the reality is that most of this technology is not exclusively American, that American industry that has led the world with modern technology will not continue to do so if we unilaterally stop selling things, especially when they are generally available.

There are tens of companies that have most of these products. And if we

continue to look through this in the same way we looked at machined tools, we will do to the computer industry and to other high-tech industries what we did to the machine tool industry.

Some of the same Members here would not allow American machine tool companies to sell abroad for fear it would end up in Russia's hands. What happened? The American machine tool industry continued to degrade to the point where the Defense Department wanted Japanese machines. And when the Soviets in those days were looking for a machine tool to create the kind of quality they needed for their submarine program, they bought a Toshiba.

So let us not sit here and believe that we exist in a vacuum of total control of this technology. What we are going to set up with this stampede before any of the committees of jurisdiction have dealt with the issues is create the only restrictive process in the world. None of our allies are with us. They are selling everything they can to everybody who will put money on the table. And we are about to restrict things that are not in our national interest.

We need to deal with choke-point technologies. We need to deal with fissionable material, chemical and biological weapons, not with every piece of technology that leaves this country. And it seems to me that unless we calm down here a bit, we are going to do fundamental damage to a critical industry for the future of this country.

The choice is ours. Are we going to continue to add these amendments whose cumulative weight will create an export licensing process so complex that no one will believe America is a reliable supplier?

And again, these are not generally technologies that we hold unilaterally. These are technologies that exist all across the planet. Other countries, other companies have them.

I will close with this: In the early days of this Clinton administration, they were refusing a license for telephone switches to China. These switches operated at 565. And so, I took a look at that. And again, I am saying none of these things are made in my district, to my dismay, but this is an American product by AT&T. It was a 565 switch.

The Clinton administration refused to sell it. The Chinese made their own 565s. So we forced them to create a competitive technology. And a third country sold them 625 switches even faster. We have to understand the reality of the world and what really helps us.

The mistakes we have to date I think are clearly of the kind that this new approach will only exacerbate. Do not try to cast the wide net. Focus on the critical technologies, on things that are fundamental to weapons and other secrets that are critical to national security.

Trying to have this broad net across the globe on computers when a Sony Playstation, our kids' Sony version of Nintendo, operates at a greater speed than what we consider a super computer today is unachievable. It will only have one result. It will not increase national security. It will do damage to America's forward-looking industries.

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

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I was not going to do this but I cannot let those comments go unanswered. Here is a chart that I prepared, starting in 1993 until 1999. This chart has been made available to every one of my colleagues; and for the past two nights, I have done one-hour special orders here each night in detail about these charts. I cannot go through all of that today, but I would encourage my colleagues to read what I said and then come on the floor and dispute what I have said.

These charts were prepared by employees of the Federal Government that I have been working with from those agencies whose responsibility has been to monitor our technology, not to stop it, as the gentleman is trying to say, but to monitor it, so the DOD has at least the ability to know what it is we are selling.

Now, let us look at what has happened. And why did I pick 1993? Was it because Bill Clinton was elected? No. It is because in 1993 this administration decided to end COCOM.

COCOM was a process that was in place with our allied nations to monitor technology to make sure that in fact that technology, if it was going to be sold, we would understand the implications. This administration ended it. And I do not want to hear that it was started by the Bush administration.

Our Select Committee on China went into detail. We called in the witnesses. The final decision and the ultimate demise was, by this administration, they replaced it with something called Wassenaar, which is a total and complete failure. It has done nothing to stop technology or to give us the ability to monitor it.

Look at what happened since this administration ended COCOM. Each of these red dots are decisions that we took unilaterally to allow technology to flow overseas.

Now, in the case of high-performance computers, let us take that for a moment. Because the story is, well, every nation builds them today. Wait a minute. Up until 1995, only two countries built them, Japan and the U.S. There was an unwritten understanding between Japan and the U.S. that neither country would export high-performance computers to tier-three countries. We unilaterally ended that. We did it.

DTSA, the agency that I just talked about, said that is a bad decision. The administration said, we do not care. We are going to sell these computers anyplace. Within 2 years, China had acquired 350 high-performance computers.

What is the industry saying today? Oh, Japan is selling these. We have to compete with them. Well, why are they selling them? Because our Government stripped away the process, stripped away the process to allow the input by defense experts on the implications of these technology transfers.

Now, I cannot help it if my colleague does not believe employees of his administration. That is where I got this information from. But it goes beyond that also during this time period. These are export violations by this administration that occurred by China that this administration ignored and did not impose sanctions required under arms control regimes.

Where did these technologies go? They did not go to normal countries. They went to Libya. They went to Iraq. They went to Iran. They went to North Korea. This administration ignored the violations. This administration 20 times in the last 7 years, when we caught these violations occurring, said, we are not going to do anything because we do not want to upset our relationship with China. This combination of factors, along with these numerous visits by Chinese influence peddlers.

I wish my Democrat constituents could visit the President 12 times in one year like John Huang did. I wish my constituents could have personal meetings with President Clinton 12 times in one year to influence peddle. But my constituents do not have that opportunity.

So when the gentleman says we are going too far, I say to the gentleman, we had a 9–0 vote in the China committee for recommendations to improve our security. It was this administration who removed the laboratory security color coding at our Federal labs in 1993.

It was Hazel O'Leary who removed the FBI background checks in 1993. It was Hazel O'Leary who overruled Lawrence Livermore Laboratory when they caught a retired employee giving classified information, and she reinstated. And it was Hazel O'Leary in 1995 who gave the design for the W–87 warhead to U.S. News and World Report the same year they said we caught China.

This administration has been the problem with export policy, and we are trying to make some modest changes sensitive to the concerns of business to allow us to get a control on what it is we are selling. We are not trying to hurt business.

I will put my record against that of the gentleman on free market support of our business any day of the week. For him to stand up here and say we are trying to hurt our business is nothing less, in my opinion, than totally distorting our reputation and what we support.

We are concerned about America's security, and we are concerned about giving our employees in the Defense Department the chance to have input into what is happening.

I wish the gentleman on the Committee on International Affairs would have done more on the elimination of COCOM or the other things that occurred over the past several years that this administration gave away the complete ability of our country to monitor the kinds of technology that we are selling. Because if we would have stopped these things, we would not have had to have a China commission, we would not have had to have a Cox committee. But none of those things occurred.

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

Mr. WELDON of Pennsylvania. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Chairman, I ask the gentleman, would it be fair to characterize some of the discussion that took place in the Committee on Armed Services since 1993 as addressing some of the very problems that the gentleman has outlined in that chart?

Mr. WELDON of Pennsylvania. Mr. Chairman, reclaiming my time, absolutely. And the gentleman and my friend was in the leadership in some of those debates.

Mr. ABERCROMBIE. Mr. Chairman, if the gentleman would yield further, has it not been a topic of discussion among Democrats and Republicans that these questions that have been raised and which are addressed in the amendments now before us have been, if anything, stated in just as strong if not stronger terms in trying to deal with the question of technology transfer in the security interests of this Nation?

Mr. WELDON of Pennsylvania. Absolutely. And Democrats have been on the forefront of that in this body, as have Republicans. Our battle has not been within this Congress.

Mr. ABERCROMBIE. And would it not be fair to say that the question we had in the Committee on Armed Services was as to whether the Commerce Department was the best area to be making decisions with respect to national security interests of this country and technology transfer?

Mr. WELDON of Pennsylvania. Absolutely.

Mr. ABERCROMBIE. And so, I think it would be also fair to indicate that these two amendments that appear before us today, if anything, would be characterized by individuals on the Committee on Armed Services, such as myself, as possibly being even a little light in terms of what we might reasonably expect to impose given the sorry record that has appeared before us over the last 6 years.

Mr. WELDON of Pennsylvania. Mr. Chairman, I would say the gentleman is correct.

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

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

Mr. Chairman, some interesting things have been said, not all of them completely accurate. And I am sure it is unintentional.

The reality is that COCOM died and it died for a very simple reason. None of our European, Japanese, and other partners would sit by any of the rules. Even when we had the Soviet Union, we could not get the French, Germans, and others to restrict sales.

Once the Soviet Union fell apart, in 1991, not when Bill Clinton got to be President, but in 1991, COCOM stopped functioning. And the reason there is not a COCOM today is because we cannot get an agreement from any of our allies or former members of COCOM on any restrictions whatsoever. The most that they are willing to do is to have their own set of rules essentially.

So they can dream about blaming Bill Clinton for everything, even when he wins. They can use his name here on a regular basis as some kind of scoundrel. But the reality is, in 1991, when he was not President, COCOM already stopped working.

□ 1715

What he tried to do with a follow-on organization is try to get our allies to have some semblance of a united position on exports. He has not been able to do it. The next President will not be able to do it. And not if the gentleman from Pennsylvania (Mr. WELDON) were the President would he be able to do it because the Europeans will not enter into that agreement with us.

Supercomputers, the Bulgarians made supercomputers when they were still communists. It is impossible to think that we are somehow going to strengthen America's security by degrading the industries that are giving us a new generation of computers every 6 months. So what you are going to do is, you are going to try to slow this process down. When a shelf life of a product is 6 months, you have basically disposed of that product's value.

When we look at where the future is, the future is very clear. The societies that take advantage of their leads and invest in future research and development will be the societies that succeed. American industry is not always right but in this area they are and the gentleman is wrong. American industry is competing globally. There are competitors making high speed computers and others of these products across the globe. And in every system, the present system and the previous system, the Defense Department was at the table. But if you ask people whose sole responsibility is defense, I guess they would not sell grain, they would not sell cars, they would not sell anything, because in some way that does assist your adversary.

Mr. Chairman, if we do not develop the technology for the future, we will be begging the Japanese or the Germans to sell us the computers we need and then tell me about American national security, when we no longer make the best in this country. It happened in electronics, it happened in machine tools, and with this kind of attitude, it is going to happen in the most forward industry we have had in this country in some time, in telecommunication and computers.

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

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

In closing, the gentleman would make a fine fantasy writer for fantasy books. We are dealing in substance here. There have been serious security concerns brought before this Congress by nine of the most solid Members of this institution, four members of the Democrat Party who I have the highest respect for, who understand security issues and understand the implications of them and do not get on this floor and rail with a bunch of uninformed and unbacked-up rhetoric about what we are trying to do. This is a serious issue that deserves a serious response. This amendment takes that step. I would encourage and ask my colleagues to support this bipartisan effort to provide one more tool to allow us to monitor our technology before it is sold to a rogue nation or a terrorist state.

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

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. RYUN OF KANSAS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Kansas (Mr. RYUN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 159, noes 266, not voting 9, as follows:

[Roll No. 181]

AYES—159

Aderholt	Chambliss	Gekas
Archer	Chenoweth	Gibbons
Armey	Coble	Gilchrest
Bachus	Coburn	Gillmor
Ballenger	Collins	Gilman
Barcia	Cooksey	Goode
Barr	Cox	Goodlatte
Bartlett	Crane	Goodling
Barton	Cubin	Granger
Bilbray	Cunningham	Greenwood
Bilirakis	Deal	Gutknecht
Blunt	DeLay	Hall (TX)
Bonilla	DeMint	Hansen
Bono	Diaz-Balart	Hayes
Bryant	Dickey	Hayworth
Burton	Doolittle	Hefley
Buyer	Duncan	Herger
Callahan	Everett	Hill (MT)
Camp	Fletcher	Hilleary
Campbell	Fossella	Hoekstra
Cannon	Franks (NJ)	Hostettler
Chabot	Ganske	Hulshof

Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
King (NY)
Kingston
LaHood
Latham
Lazio
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Ney
Northup
Norwood
Nussle
Packard
Paul
Pease
Peterson (MN)
Pickering
Pitts
Pombo
Portman
Radanovich
Ramstad
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanford
Saxton
Scarborough
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thune
Tiahrt
Toomey
Traficant
Upton
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wolf
Wu
Young (AK)
Young (FL)

NOES—266

Abercrombie
Ackerman
Allen
Andrews
Baird
Baker
Baldacci
Baldwin
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Burr
Calvert
Canady
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gephardt
Gonzalez
Gordon
Goss
Graham
Green (TX)
Green (WI)
Gutierrez
Hall (OH)
Hastings (FL)
Hastings (WA)
Hill (IN)
Hilliard
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Largent
Larson
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Petri
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sherman
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stump
Stupak
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Vitter
Walsh
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Wilson
Wise
Woolsey
Wynn

NOT VOTING—9

Brown (CA)
Ewing
Hinchey
Kasich
Luther
McHugh
Quinn
Sherwood
Waters

□ 1741

Ms. ROYBAL-ALLARD, Mr. KLECZKA, Mr. ABERCROMBIE, Ms. BERKLEY, Mr. BRADY of Texas and Mr. OWENS changed their vote from ''aye'' to ''no.''

Mr. WALDEN of Oregon and Mr. HULSHOF changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent Mr. SKELTON was allowed to speak out of order).

ANNOUNCEMENT OF AGREEMENT BY MILITARY FORCES OF YUGOSLAVIA TO WITHDRAW FROM KOSOVO WITHIN 11 DAYS

Mr. SKELTON. Mr. Chairman, I will be very brief.

Some in the House may know this, but many may not:

Secretary of Defense Cohen just a few moments ago announced that there is a withdrawal agreement by the military forces of Yugoslavia back to Serbia, and the agreement is that they will be completely out of Kosovo in 11 days.

I thought the House should know that.

The CHAIRMAN. It is now in order to consider Amendment No. 11 printed in House Report 106–175.

The Chair understands that it will not be offered.

It is now in order to consider Amendment No. 12 printed in the House Report 106- 175.

AMENDMENT NO. 12 OFFERED BY MR. DELAY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 12 offered by Mr. DELAY:

Strike section 1203 (page 310, line 22 through page 314, line 7) and insert the following:

SEC. 1203. LIMITATION ON MILITARY-TO-MILITARY EXCHANGES WITH CHINA'S PEOPLE'S LIBERATION ARMY.

(a) LIMITATION.—The Secretary of Defense may not authorize any military-to-military exchange or contact described in subsection (b) to be conducted by the Armed Forces with representatives of the People's Liberation Army of the People's Republic of China.

(b) COVERED EXCHANGES AND CONTACTS.—Subsection (a) applies to any military-to-military exchange or contact that includes any of the following:

(1) Force projection operations.

(2) Nuclear operations.

(3) Field operations.

(4) Logistics.

(5) Chemical and biological defense and other capabilities related to weapons of mass destruction.

(6) Surveillance, and reconnaissance operations.

(7) Joint warfighting experiments and other activities related to warfare.

(8) Military space operations.

(9) Other warfighting capabilities of the Armed Forces.

(10) Arms sales or military-related technology transfers.

(11) Release of classified or restricted information.

(12) Access to a Department of Defense laboratory.

(c) EXCEPTIONS.—Subsection (a) does not apply to any search and rescue exercise or any humanitarian exercise.

(d) CERTIFICATION BY SECRETARY.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives, not later than December 31 of each year, a certification in writing as to whether or not any military-to-miltary exchange or contact during that calandar year was conducted in violation of subsection (a).

(e) ANNUAL REPORT.—Not later than June 1 each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report providing the Secretary's assessment of the current state of military-to-military contacts with the People's Liberation Army. The report shall include the following:

(1) A summary of all such military-to-military contacts during the period since the last such report, including a summary of topics discussed and questions asked by the Chinese participants in those contacts.

(2) A description of the military-to-military contacts scheduled for the next 12-month period and a five-year plan for those contacts.

(3) The Secretary's assessment of the benefits the Chinese expect to gain from those military-to-military contacts.

(4) The Secretary's assessment of the benefits the Department of Defense expects to gain from those military-to-military contacts.

(5) The Secretary's assessment of how military-to-military contacts with the People's Liberation Army fit into the larger security relationship between United States and the People's Republic of China.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Texas (Mr. DELAY) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. DELAY).

□ 1745.

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

Mr. Chairman, I rise today to offer an amendment to bar the United States from training the Communist Chinese military. Now, at first this amendment may sound unnecessary, especially after all the revelations about the Red

Chinese spying that was found in the Cox report. It seems almost crazy to even suggest that the American government might tutor its ambitious nemesis in military strategy, but that is exactly what the United States Department of Defense under Bill Clinton has planned.

Unless this Congress acts to stop it, the Pentagon will go ahead with military to military exchanges and other sensitive information sharing with the People's Liberation Army. Such cooperation between American and Red Chinese Armed Forces has been both hot and cold for the better part of two decades. President Bush ended military exercises 10 years ago after the communist government violently suppressed the peaceful protest for democracy in Tiananmen Square. But consistent with his administration's habitual appeasement of Communist China, President Clinton jump-started American cooperation with the PLA soon after taking office in 1993. The imbalance in these so-called exchanges is extreme and predictably benefits the PRC.

Just this year, more than 80 cooperative military contacts were planned between the U.S. and Red China. Proposals for these training exercises include American operation on advice from Special Forces units, from the Navy Seals, the Army Green Berets and the Air Force.

Last December a ship from Communist China participated for the first time ever in complex exercises with America in Hong Kong. Plans were hatched this year for the PLA to engage in Code Thunder, the largest U.S. Air Force exercise in the Pacific, and, remarkably, the United States Army has already hosted communist troops for training exercises, and it just recently squelched a visit by PLA observers to view the entire American air and infantry divisions that were practicing at the Army's National Training Center.

Such suicidal national behavior has to come to an end. The role of our military is to defend America from hostile foreign powers, not to train them. This amendment protects the American military from its own expertise.

The United States has the most sophisticated military equipment in the world, bar none. Rogue nations and other aggressors are permanently discouraged from wreaking havoc around the globe because they fear the wrath of American retaliation.

One key to this influence is our unmatched technological and strategic supremacy. Why on earth would we want to share our most valuable secrets with any nation, let alone a potential aggressor? The Cox report went into painful detail about the extent to which our arsenals have already been compromised to Communist China. The massive depth of the PRC's operation to infiltrate American security should teach us many lessons about our relationship with the growing power in Asia.

Primarily our relationship is not a two-way street. The PRC steals our nuclear secrets and we do nothing. We give them industrial technology and ask for nothing in return. They financially tamper with the reelection of an American President, and we sweep it under the rug. We open our markets to their products, but they slam their markets closed to America. Now, almost like a parody, the United States is practically training the People's Liberation Army. It is past time that we say enough is enough.

Opening our markets is different than opening our laboratories and military facilities, and the line should now be drawn. The Chinese Communists will not leave any stones unturned in their quest for military domination. There is absolutely no reason for the United States to enhance the PLA's war-making capabilities. It was not that long ago that a high ranking PLA official threatened to nuke Los Angeles if America interfered in the Taiwan Straits. There could be no clearer warning to their intentions, and we must defend ourselves from such a threat.

Now, this amendment is very simple, Mr. Chairman. It prohibits the United States Secretary of Defense from authorizing military exchanges with Communist China that reveal American classified, nuclear, logistical, technological, intelligence and other war fighting secrets.

Mr. Chairman, this Congress must vote against military-to-military exchanges with the Communist Chinese now. American security is definitely at stake.

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

Mr. SKELTON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas, and I yield myself such time as I may consume.

Mr. Chairman, I must point out this amendment is unnecessary. The committee did its work. The language in section 1203 of our bill more than adequately protects American national security in the area of military-to-military exchanges with the Chinese People's Liberation Army. The majority wrote this language, we agreed to it, it is good language.

Let me tell you what it does, what is already in the bill. First, it provides that these contacts be governed by the principles of reciprocity and transparency.

Second, it establishes limits that would prevent Members of the PLA from inappropriate access to advanced technologies and capabilities of the United States Armed Forces.

Third, it requires the Secretary of Defense to certify prior to the start of any operation that military-to-military contacts with the PLA will be conducted in accordance with such principles of reciprocity and transparency that such contacts are in the national security interests of the United States, and prohibits members of the U.S. Armed Forces from participating in any military-to-military contacts until such certification is given to Congress.

Fourth, it requires the Secretary of Defense to submit a detailed annual report to Congress that provides an assessment of the military-to-military contacts with the PLA.

In addition to being unnecessary, this amendment would actually harm American security interests. The truth is that military-to-military contacts are more beneficial to the U.S. than to the PLA. Our military operates every day in an open, democratic society. The PLA operates in China's closed society. With military-to-military contacts we gain insight in the PLA's structure, its culture, its mode of operation and its influence on Chinese internal politics and foreign policy decisionmaking.

It is a matter of intelligence. We enhance our understanding of China's strategic doctrine and can reduce the potential for miscalculations and access between the PLA and U.S. or other Western forces.

Moreover, routine senior level defense contact in times of relative calm can help ensure open communications during times of tension. The language that is already in the bill, that is already there, written by the majority and agreed to by the minority, protects U.S. national security, while keeping open lines of communication, which is very essential to the American national interests.

I intend to vote against the amendment.

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

Mr. DELAY. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina (Mr. SPENCE), the chairman of the Committee on Armed Services.

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

Mr. Chairman, I rise in support of the DeLay amendment to limit military-to-military contact between members of the United States Armed Forces and the Chinese People's Liberation Army. The DeLay amendment would strengthen the limitation already carried in the committee bill that would attempt to better protect our military secrets while not prohibiting VIP level exchanges from continuing.

Make no mistake about it, there is a need for increased vigilance. As the bipartisan Cox committee report reminds us, the Chinese are engaged in a long-term effort to modernize their military, and, in particular, to understand and acquire the power projection capabilities that are the hallmark of our military forces.

In addition to acquiring United States and Western technology to improve their power projection capabilities, the Chinese are also attempting to understand and even adopt United States military tactics, techniques and

procedures, the essential how-to knowledge necessary for effective military operations.

Increasingly, the Department of Defense is being pressured by other elements of our government to work with the Chinese military in ways that increase the chances these vital trade secrets might be revealed. For example, just recently the Chinese asked to send a delegation of 20 officers to the United States Army Training Center to be fully integrated into operations there. Although the Chinese were eventually denied full access to the center, the Army was under pressure from other parts of the administration to give the Chinese, quoting from an Army source, ''a level of involvement that was beyond what we had granted to any other country,'' according to these Army documents. The Army believed the Chinese had an ulterior motive for their request, the desire to gain insight into advanced Army tactics.

Mr. Chairman, the United States would be foolish to place a higher value on the policy of engagement with China than on protecting the tactics and technologies that are the cornerstone of our national security, especially capabilities for power projection that China might well turn on Taiwan or our other allies in the Asia-Pacific region.

I agree with the DeLay amendment, and urge my colleagues to support it.

Mr. SKELTON. Mr. Chairman, I yield 4 minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Chairman, I thank the gentleman from New Jersey for yielding me time.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas, which has been characterized as a limitation on military to military exchanges with China's People's Liberation Army. However, if one takes the time to read the amendment, they will soon discover the limitation is a little inaccurate. What the amendment actually does is destroy the cornerstone of an effort to try to work to some extent with the military on a reciprocal basis with the Chinese military.

□ 1800

I think the amendment represents a misunderstanding about what military-to-military exchange programs are all about.

At first glance it would appear that the DeLay amendment would have us believe that the U.S. military is currently engaged in some sophisticated military exercises with the Chinese PLA, or has done so in the past. This is not the case. This amendment would prohibit all military contacts with the PLA for logistics operations, field operations, chemical and biological defense, force projection operations, and arms sales.

Ironically, we have not participated in this level of cooperation with China since Chiang Kai Shek, and the DeLay amendment sets up the premise that our military is sharing vital tactical and operational techniques with the PLA.

This is a little bit exaggerated. If any American commander was to engage in the kind of substantive exchange type of activities enumerated in the DeLay amendment, that commander should be in deep trouble. The language of the amendment of the gentleman from Texas (Mr. DELAY) is redundant in that he is outlawing what is already not practice.

In reality, the military exchange program, through this program as it currently exists, both China and the U.S. have embarked on a series of measured steps aimed at achieving increasingly higher levels of mutual confidence and understanding.

Let no mistake be made, our current military engagement program with China is leagues away from any level of cooperation we have with any other nation on the face of the earth. The basic substance of our existing military contact with the Chinese is based around naval port visits, exchange visits by top military leaders, and working level talks and meetings.

Indeed, during his tenure as commander of U.S. Forces in the Pacific, Admiral Joseph Prueher, now retired, had several productive exchanges with the Chinese military leadership which focused on discussions on Asia-Pacific security issues and bilateral defense relations.

Admiral Prueher's exchanges also provided for an opportunity for us to learn about what is going on in China and their efforts at so-called economic reforms, and the PLA's modernization. Our intelligence of this information would be scant, at best, if it were not for the relationships established by such military-to-military exchanges.

Even if we were to treat the Chinese as an adversary or potential adversary, continued and measured military-to-military exchanges provide invaluable intelligence and access to China's military leaders that we otherwise would be cut off from.

The British in the early part of this century promoted military and academic exchanges with their adversaries, the Germans, in order to know their enemy. We, too, engaged in this practice with Japanese admirals in the 1920s and '30s. Ceasing this intelligence practice would be cutting off our nose to spite our face.

The essential point is that in our society, we encourage the free exchange of ideas. This is one of the reasons why our Nation annually and publicly releases reports on the posture and strategy of our armed forces.

In fact, the U.S.-China military exchanges have created an environment where China has finally published its first white paper on defense, and although we know it is not comprehensive and not entirely accurate, I think through this contact we are breaking a barrier.

Mr. Chairman, furthermore, the DeLay amendment ignores the key current practice that governs our military-to-military exchanges with the PLA. In response to unequal treatment of access with regard to Chinese military equipment and installations as well as exercise viewing privileges, the Secretary of Defense has established a quid pro quo procedure. In other words, our military exchanges mirror the level of access that is granted to our officers and troops on exchange in China. Thus, I think our fears of unequal access are moot.

Through this evenhanded and measured commonsense initiative, we do not risk exposing ourselves to charges of weakness and disingenuousness, but at the same time we remain engaged with China's military to achieve the greater goal of mutual understanding.

This amendment is simplistic, I believe a knee-jerk reaction that feebly attempts to stem a genuine problem, but a problem that exists in an entirely different area. This amendment fails to consider the entire picture and constellation of elements that comprise our national security apparatus. The DeLay amendment seeks to create an enemy out of China by naively tossing out the baby with the bath water.

We need to create a balanced legislative approach that will yield a well-conceived response to foreign espionage.

Mr. DELAY. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Chairman, this amendment makes sense. I can understand why a cultural and economic relationship with China can improve human rights, but China is not a military friend. The events of last month have made that clear.

After the Tiananmen Square massacre, we discontinued military cooperation with China, and then in 1993 President Clinton reinitiated military-to-military contacts. Now we have learned that as early as 1996, national security adviser Sandy Berger knew that the Chinese had stolen our nuclear secrets and were continuing to practice espionage in the United States.

Yet, in 1998, for the first time ever, we engaged in a joint military exercise with China's Peoples' Liberation Army. What has occurred during these military-to-military contacts scares me almost as much as the Cox report.

We have recently learned China is now attempting to purchase torpedoes specifically designed to explode directly under our ships. Why? Because at one of the visits last year they learned that our U.S. aircraft carriers had a thin hall and were vulnerable to these types of torpedoes.

At these exercises the Chinese saw our military's dependence on satellites and digital systems and AWACs aircraft. It does not surprise me that they are now seeking new ways to attack American satellites and to disrupt communications. We should not be allowing any national security secrets to

be given away to any potential adversaries, much less China. We would not invite a thief to observe our home security system as it was being installed and tested.

This administration continues to show its inability to even attempt to keep our national security secrets from China. As a result of this ineptness, I support the amendment of the gentleman from Texas (Mr. DELAY) to prohibit most military-to-military contacts with the People's Liberation Army.

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

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

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

Mr. Chairman, I strongly oppose this amendment. No one can deny that there is a serious breach of U.S. security with respect to the leak of military secrets to the People's Republic of China. The answer in my view to address that problem is to plug the leaks, punish the violators, prevent this from happening again, and to outsmart the technology which the Chinese have wrongfully obtained.

The answer is not to change our form of government and replace one Secretary of Defense and one Commander in Chief with 435 Secretaries of Defense or Commanders in Chief. I believe that is the fundamental error behind this ill-conceived amendment.

I would like my colleagues to consider the following not-too-unlikely scenario: A rogue state, let us say Iraq, decides it wants to plan and execute an attack on a U.S. corporation located in Beijing, in the People's Republic of China. Our intelligence community learns of this planned attack.

If the DeLay amendment were the law, as I read it, the Secretary of Defense and the military would be prohibited from talking to the People's Republic of China military about responding to prevent that attack, prevented from sharing any information as to what to do about it.

The principal flaw in this very flawed proposal is not simply what I believe to be its political motivation, it is also its absolute unreasonableness in implementation. People have to make decisions in times of crises with limited information and with peoples' lives on the line. It is wholely inappropriate for us to require that those decisions be bound up in the deliberations of a legislative branch.

There is not one Member here, certainly not I, that would say that the conduct of the Chinese military is exemplary. But history teaches us that there are times when we cannot choose our partners or our allies. There are times when we must act and seek the help of anyone who is willing and prepared to help us.

I agree that those circumstances would be very limited, indeed, given the history of the last few years and months and weeks on this issue. But for us to rule it out with the exception of search and rescue exercises or humanitarian exercises, whatever that means, I believe is imprudent and reckless, and is an abrogation of the rightful constitutional power of the executive branch.

For these reasons, I would urge my colleagues, both Republicans and Democrats, to reject this ill-conceived amendment.

Mr. DELAY. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Texas (Mr. DELAY).

Mr. Chairman, we were just looking at what happened with Secretary O'Leary a few years ago. We found out recently that she has been, when she was Secretary of Energy, she was shovelling out the door our nuclear secrets, just shovelling out the door. In retrospect, it looked like a going out of business sale. It was probably more like a going out of sanity sale. This is insane. The policies this administration has had towards Communist China, our worst, our most deadly potential enemy, is insane.

We have heard, we can just plug the leaks, change a little here, change a little there, and that is the way to approach it. No. What we need to protect the interests of the United States and ensure that our people are not incinerated with our own weapons or destroyed or killed, or having our defenders destroyed or killed by tactics that they have learned from us, that our enemy has learned from us, the way we do that is change the fundamental policies that we have toward Communist China.

Communism should not be treated as a potential friend. It is being treated as a friend now. It should be treated as a potential enemy. It is a hostile power, it is not a friendly power. Until we start treating communism this way, we will continue to do nonsensical things like training their military on how to better run a military.

I have a list here, as of February of this year, of the proposed military exchanges between the United States and the Communist Chinese. It includes quartermaster training, acquisition training, logistics training. It includes special forces training. It includes having their top officers to come for briefings.

Here we have what this administration's policies are. This is after they knew, this is after this administration knew that the Communist Chinese had acquired our most deadly weapons secrets, weapons that could incinerate millions of Americans, and this administration was still proposing that we have a military exchange program to teach them how our military functions and how their military can better function.

This is insanity. This is total insanity. I strongly support the DeLay amendment, and would request the American people to pay close attention to this vote.

Mr. SKELTON. Mr. Chairman, I yield 4 minutes to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Chairman, I think the descriptive term that was used by my colleague, the gentleman from California (Mr. ROHRABACHER) may be the right one, but it is about the underlying amendment, not opposition to it.

As I read this, yes, and again, I like the gentleman from Texas (Mr. DELAY), I get along with him well, I know his intentions are noble. But would the author of the legislation prohibit the American military from sitting down with the Chinese to deal with nonproliferation issues? If we had not just reached this conclusion in Kosovo, it would be illegal under the language of the gentleman from Texas (Mr. DELAY) to sit down and talk about logistics with the Chinese.

The gentleman from Texas (Mr. DELAY) apparently does not trust our American military, that they are either too naive or simple, that somehow the Chinese are going to take advantage of them.

Let me tell the Members, we live in a free and open society. Anybody who wants to talk to the American military can look in the phone book and call them up and talk to them. We do not get to talk to Chinese, generally, because it is a closed society.

I would argue that whether it was the Soviet Union or any of the satellite states, that any time there was contact, at the end of the day, America and freedom won. I believe our system is stronger, our military is more capable, and every time they come in contact with America and what it does, they crumble a little more.

The Chinese are probably praying that we go into an isolationist mode. It could be the best thing for the leaders in Beijing, because when they meet and see what Americans are all about, our strength comes across clearly.

Let us see what the Department of Defense says about this amendment.

□ 1815

For example, an attempt by U.S. open military-to-military channels regarding nonproliferation by definition involved contacts or exchanges with the PLA strategic missile and/or chemical defense personnel. Proliferation is a key area of U.S. Chinese relations, yet DoD would be barred from participating in that discussion. I would think the gentleman would demand that if there were discussions on nonproliferation that he would have members of the American military there.

Listening to the debate today, no one fools themselves that this world is not a dangerous place, even without the Soviet Union and its former empire situation. But we are the most powerful

country on the face of this Earth. There is no one in second place compared to our capabilities, our men and women who represent us in the service.

I say to the gentleman from Texas (Mr. DELAY), for this country to be shivering here, trying to stop dialogue that achieves our goals, is a mistake. It is a mistake to say we cannot talk about proliferation issues. It is a mistake not to have these military-to-military contacts when it suits our interests, when America decides it is the right thing to do.

I am not sure what is going on here, frankly. I see a debate that creates the image of a weak and failing America. It is the wrong message to our countrymen. It is the wrong message to our adversaries. America is strong and capable. I would bet the lowest-ranking member of our Armed Forces, in a discussion with the Chinese, that we win that discussion, that we gain from that discussion.

When they see what we live like here, it undermines them. My parents fled the Soviet Union. What they told me was when Khrushchev visited here, they believed and I believe it, too, that Khrushchev thought we built a Potemkin Village, that we created these great grocery stores for him to see. Then Khrushchev went back.

But by the time Gorbachev came, they knew from military-to-military contacts, from private contacts, that every American had a better life than the top brass of the Soviet union.

It is foolish to put in permanent law a ban on these kind of contacts. It defies our own national interests. This is not about doing the Chinese a favor. We do not have these meetings to help the Chinese. We do this for our interests.

Mr. DELAY. Mr. Chairman, could I ask how much time is remaining on each side?

The CHAIRMAN. The gentleman from Texas (Mr. DELAY) has 16½ minutes remaining. The gentleman from Missouri (Mr. SKELTON) has 15 minutes remaining.

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

Mr. Chairman, let me just say this side believes that we have a strong America, but we have a weak administration. Nothing in my amendment has anything to do with talking about proliferation or treaties or anything else. It has everything to do with exchange of operations, letting the communist Chinese observe what we do so they can take it back to China and copy it, if not steal it.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Chairman, I rise today to support this important amendment. I hope that it sends a wake-up call to both the leaders of the People's Republic of China and our current administration.

I am shocked and dismayed by the casual attitude of our current administration to the efforts of the Chinese Government to infiltrate our Nation's political and military infrastructure. I do not take these actions against our Nation lightly, and I hope my colleagues will not either.

I thought it was a proper course of action in 1989 when President Bush suspended joint training exercises following Tiananmen Square. Given the findings of the Cox report and our administration's admitted failure to respond to massive security breaches, I believe we should suspend all joint military exercises with China at once.

I believe that someday a peaceful Chinese nation can contribute positively to the international community. But at the present time, it is very difficult to place trust in the Chinese Government and expect a change in our current administration's seemingly willful acceptance of China's deceptive tactics and aggressive posture. I think that our current policy toward China should mirror that of President Reagan's engagement with the Soviet Union by containing their military aggression, preaching the moral superiority of freedom, and influencing the ideas of their people through trade and exposure to western political values.

Mr. Chairman, I encourage my colleagues to vote in favor of this amendment. Stop joint military activities with China until their leaders are willing to participate as an honest world power and until our administration is willing to make our national security a top priority.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, I want to thank the gentleman from Missouri for granting me this time and particularly since he has given me time to speak in support of the DeLay amendment.

I think the gentleman from Texas (Mr. DELAY) is right on this. I think between the revelations of the two 40-foot container loads of automatic weapons being shipped to our West Coast, the now control of two ports on the Panama Canal by a company called Hutchinson, which is owned by the Chinese, the things that have come out as a result of the Cox report as far as the Chinese either being given in some instances by dumb Americans, in some instances being sold technology and some instances stealing technology.

But I would like to ask the sponsor of this bill to let us take this a step further. See, next month this body is going to vote on something called most-favored-nation status for China. Technology is one thing. But in order to build the weapons that threaten America, China needs money. They get that money from America. They get that money from trade with America where they sell their goods to America with 2 percent or less tariff as a result of the most-favored-nation status. Yet, our country, our goods, when sold in China, have to pay anywhere from 20 to 40 percent.

I find it strange that the gentleman who is so right on this issue, 1 year ago, on July 22, when we voted to disapprove most-favored-nation status voted with the Chinese. The gentleman from Texas (Mr. DELAY) voted to grant the Chinese unlimited access to the American market and to continue this $60 billion trade surplus on behalf of China.

In fact, I think I have gone so far as to break the code. See, MFN does not really stand for most favored nation. It stands for money for nukes. When some people very cleverly changed the name of it to NTR, thinking it would stand for normal trade relations, I think the truth of the matter is it stands for nuclear tipped rockets that they are going to buy with American money.

So I am going to vote with the gentleman from Texas (Mr. DELAY) today, but a month from now when we vote on MFN, money for nukes, I hope he will be voting with me to vote no.

Mr. DELAY. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. SWEENEY).

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

Mr. SWEENEY. Mr. Chairman, I thank the gentleman from Texas (Mr. DELAY) for yielding me this time.

I rise in strong support today of the DeLay amendment. The time has come to base our relationship with China on realism rather than wishful thinking. The DeLay amendment sends a necessary message to the People's Republic of China that the communist government is an untrustworthy military partner.

China's overall military modernization is striking. The PLA's abandonment of a traditional land-based people's army in favor of forming comprehensive strategic and nuclear strike capability by land, sea, and air has profound consequences on our relationship with China, and we ought to let them know that.

Mr. Chairman, there is no doubt that the PRC has been pursuing a rapid escalation of its military modernization, of both its strategic and conventional forces, and it is utilizing American technology to do so.

As a result, I believe a military confrontation with the PRC is not out of the question. Let us remember it was just 3 years ago that we were forced to send two aircraft carriers into the Taiwan Strait to respond to PRC menacing the region.

Military-to-military exchanges are in some cases cornerstones of important peaceful relationships with our allies. The People's Republic of China is not an ally. To be successful, these exchanges must employ real transparencies so that each partner gains insights into the capabilities of the others.

There is no mutual transparency here, Mr. Chairman, in our exchanges with the PLA. Instead, the information obtained by the Chinese is being used

by its military to isolate our vulnerabilities and position the PLA for a future conflict, and our military experts observe nothing of value in return. This is not the goal of military exchanges. This amendment ensures that our leading military technology and know-how are not turned against us in the form of an advanced military threat.

Mr. Chairman, Henry Kissinger recently stated ''that the critics of our 'strategic relationship' with China have an obligation to develop a vision commensurate with the vastness of the historical sweep of the challenge.''

I believe he was addressing people like the gentleman from Texas (Mr. DELAY) and myself. I would answer Mr. Kissinger by pointing to the document which is the foundation of our American vision, our Constitution. It is, after all, a vision which requires minimum rights and protections for all individuals.

As we know, if Mr. Kissinger were a Chinese citizen and espoused the principles of the Constitution, he would be quickly in prison. Our vision, Mr. Kissinger, is the vision of Franklin, Adams, and Jefferson, and preserving it is important.

Mr. Chairman, with respect to China, our country has looked the other way for too long. The DeLay amendment tells China that we expect a relationship based on truth and realism. I urge all my colleagues to support the DeLay amendment.

Mr. Chairman, I rise in strong support of the DeLay amendment to restrict military exchanges with China's People's Liberation Army. The time has come to base our relationship with China on realism rather than wishful thinking.

Since 1994 the P.R.C. has been constructing military facilities in the Spratly Islands. The size and nature of these facilities suggest that the P.R.C. is attempting to establish a permanent strategic presence in the area, from which it could patrol the South China Sea, the waterway through which one sixth of the world's trade is shipped.

Two years ago, in March 1997 a Chinese controlled company was able to obtain, from Panama, the rights to the port facilities that flank the canal zone.

Then there is the matter of the democratic nation of Taiwan. The P.R.C.'s 1995 military exercises and 1996 missile firings in the Taiwan Strait have been followed by an offensive military buildup on the Chinese mainland itself that includes tripling the number of missiles (to more than 100) already deployed against Taiwan.

These developments are all the more alarming when seen against the backdrop of:

(1) China's overall military modernization, its abandonment of a traditional, land-based ''people's army'' in favor of a comprehensive strategic and nuclear strike capability by land, sea, and air;

(2) China's clandestine efforts to acquire the most secret and sensitive of United States military technologies, including the know-how to replicate the W 88 warhead, the most dangerous security breach in 50 years; and

(3) allegations that China has assisted the North Korean missile program, on top of its known and suspected sales of missile and nuclear technologies to terrorist states.

With respect to China, our country has looked the other way for too long.

Human rights violations in China and Tibet are another point of contention since the Tiananmen Square crackdown. Among these violations are the recent excessive jail and labor camp sentences for pro-democracy activists.

A future military confrontation with the P.R.C. is not out of the question. Just three years ago President Clinton was forced to send two American aircraft carriers into the Taiwan Strait.

United States policy toward the P.R.C. has been based on wishful thinking for far too long. Policy makers in the Administration of both parties have time and time again been willing to give Chinese leaders the benefit of the doubt only to be consistently let down.

The DeLay amendment tells China that we expect a relationship based on truth and realism.

Mr. Chairman, Henry Kissinger recently stated and I quote, ''that the critics of our ''strategic relationship'' with China have an obligation to develop a vision commensurate with the vastness and historical sweep of the challenge''.

I believe he was addressing people such as Congressman DELAY and myself. I would answer Mr. Kissinger's challenge by pointing to the document which is the foundation of America's vision. Our constitution. A vision which requires minimal rights and protections for all individuals.

As we all know, if Mr. Kissinger were a Chinese citizen and espoused the principals of our constitution he would quickly be imprisoned. Our vision, Mr. Kissinger is the vision of Franklin, Adams and Jefferson.

I ask support for the DeLay amendment.

Mr. DELAY. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Texas (Mr. DELAY). I commend him for bringing attention to this extremely important national security issue.

I first learned last summer that the Pentagon was considering a plan for our elite special forces to engage in joint training exercises with Chinese PLA troops. At the time, I was outraged because our lax U.S. policy of constructive engagement toward China had already proven too dangerous.

Mr. Chairman, that was before the advent of the Cox report. What once seemed outrageous is now beyond belief. We have known for years that China cannot be trusted. In 1995, the United States made a futile agreement to extend most-favored-nation status to China, providing it would stop exporting nuclear weapons, and it would stop its abusive human rights practices. It has failed on both accounts, Mr. Chairman, and yet the administration continues to turn a blind eye to China's blatant suppression of human rights and its role as a global supply of weapons of mass destruction and technology to foreign countries.

We have learned the hard way that we have no reason to trust China. Last year the CIA reported that China had at least 13 missiles targeted at United States cities, and the Rumsfeld Commission indicated that China's proliferation of ballistic missiles and weapons of mass destruction threatens the security of the United States.

Mr. Chairman, while China was busy selling technology to rogue nations and amassing its own nuclear stockpile, the Defense Department was drawing up a game plan to engage the United States in military-to-military contacts with China in hopes of establishing a relationship of trust and confidence. How much more can we afford to give?

The Defense Department even developed and implemented a United States-China military exchange program for 1999 that includes visits from PLA officials to tactical and strategic facilities in the United States. Encouraging such exchanges is another way to potentially expose U.S. military information to a communistic nation.

Mr. Chairman, China has proved itself a threat to United States national security. The DeLay amendment would prohibit military exchanges involving U.S. forces training PLA forces and help prevent China's capability for invasion and long-range operations.

I urge my colleagues to vote in favor of the DeLay amendment. The security of our Nation may depend on it. I repeat, Mr. Chairman, the security of our Nation may depend on it. Vote for the DeLay amendment.

Mr. DELAY. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM), a top gun.

□ 1845

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman for yielding me this time, but I am old gun now.

I would tell my colleagues that if I were to see a cobra, and the cobra was mounted, I might catch it and milk his venom and use that venom for good. And I think in some ways we need to, whether it is the Middle East, whether China or Russia, we have to engage them both economically and in other ways and milk that. But at the same time, I think we do not let that cobra loose where we have children playing in a room, and we do not teach that cobra how to bite.

The Navy Fighter Weapons School, which is known as the Top Gun, and the Air Force has the 414th, which is their fighter weapons school, and the adversary squadrons, every single day of my life in the service I flew Russian and Chinese tactics against our fighters so we would know how to fight them. How do we defeat their jammers? How do we defeat their tactics.

For example, they have high-low pairs and they have pincer tactics. They will take a pair up, up high, of MiG 23s or MiG 25s or even MiG 29s, and they will run sections of pairs, high-low pairs so that we cannot pick out the low pair or the high pair on one

radar, and they want the enemy to go after the high pair. Then they will come around in a double pince or a single pince. If the high section sees that the enemy is going after them, they will turn and run and the pince will come in and shoot the enemy down.

The White House allowed the Chinese and the Russians into the 414th, into Navy Fighter Weapons School in Fallon, and let them watch how we defeat their tactics and their jammers. That is wrong. That is like teaching the cobra how to bite. And I guarantee my colleagues, Russia and China will bite us if they have the opportunity. And the reason I am supporting this amendment is I do not want to give that cobra the chance to bite the kids that are up there in the air or on the ground with other things. I think that is wrong.

When I was a lieutenant in the United States Navy, I was just as outspoken then as I am now. And when our government, with a Republican President, let the Shah of Iran have F–14s, I pounded my fist on the table and said I do not want to have to look down the barrel of those F–14s some day, because the Shah may not be here. And I knew the history of Iran and that someday we were going to look down those barrels. And we even trained some of their fighter pilots. And guess what? I felt like Billy Mitchell.

We must not give our enemies our deep secrets or let them play in the baby crib. And that is what we are doing, and that is what the gentleman from Texas, in his amendment, is trying to stop. How more common sense can we get? We cannot give the enemy the tactics that he can kill us with. And that is the reason I support the gentleman's amendment.

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

Mr. Chairman, there is no one I respect more in this House than the gentleman from Missouri (Mr. SKELTON). His work on this committee is outstanding, his leadership in trying to stop the devastation and the hollowing out of our defense is next to none. The gentleman, we say from Texas, knows from where he comes, and I do respect the gentleman, but in this case I respectfully disagree with him.

The gentleman says that my amendment is redundant because the committee has worked very hard at putting language in the bill that does basically the same thing I do. Where I disagree is the transparency and the reciprocity part of their portion of the bill, which, in my opinion, gives a huge loophole to this administration, this administration that has already exhibited incredible weakness when it comes to China.

Foreign relations with China are very difficult in the best of circumstances. They were difficult during the Reagan administration, they were difficult under all the administrations before this administration. But when we have an administration that kowtows to the Chinese, that lets them bamboozle them, that out-negotiates them, it leads to these kinds of problems that we are talking about here today.

The President of the United States went to China. He was received in Tiananmen Square, where hundreds were killed fighting for democracy. The President, while he was in China, was embarrassed when the Communist Chinese decided that that they would test an ICBM missile while the President of the U.S. was in-country. Just recently, after the huge mistake of bombing the Chinese embassy, this President apologized I do not know how many times. And I will tell my colleagues something, I will never forget the picture that I saw on CNN network of the ambassador to China and his aide standing over the President of the United States while he was sitting at his desk in the oval office signing a book of apology. Now, we should have apologized once, and that is enough.

But this administration has kowtowed to the Communist Chinese over and over again. And now we find that they are using all types of ways for exchanges to show the Communist Chinese and the People's Liberation Army how we do things so they can copy it. It has got to stop.

There is no reciprocity. The only thing that transparency will show is that we give them the key to the penthouse and they give us the key to the outhouse. We have got to stop it for the sake and security of the American people. And my amendment makes no mistake, leaves no door open, leaves no crack open. My amendment says we are going to stop it and we are not going to show the Chinese how the SEALS operate; we are not going to show exercises using two divisions of our army; we are not going to let them on our aircraft carriers so they can take notes of how to destroy them; we are not going to do these kinds of things. That is what my amendment does.

The gentleman from Guam says that the program improves our knowledge of Chinese methods and tactics. We are going to learn 1950s and 1960s and 1970s military tactics from the Chinese. We gather intelligence from them. The U.S. Armed Forces are superior to the People's Liberation Army. There is nothing we can learn from them nor is there parity between these exchanges. We offer the Chinese our national laboratories while they offer us empty barracks.

Let me just cite a couple of examples that were put in an article in The New Republic written by Jason Zengerle, I believe it is. A group of officers from the Chinese People's Liberation Army happened to drop in on an American naval base. Over steaks, beer, two kinds of wine and apple pie, the Chinese peppered their American counterparts with questions about the American aircraft carrier they were on and its vulnerabilities. Wanting to be a gracious host, like the admiral, an American lieutenant commander proceeded to tell the Chinese about the carrier's Achilles heel, its hull is too thin on the bottom, the commander explained. So a torpedo that exploded underneath the carrier could easily penetrate the carrier's skin. That is why they are buying torpedoes that explode under our ships because we gave them the information.

In another incident, not surprisingly then, when then chairman of the Joint Chiefs of Staff, General John Shalikashvili, visited a Chinese military installation in 1997, and this is incredible, he was shown a routine marksman demonstration, at a distance, through binoculars. Now, this is an exchange. And he was given a tour of empty barracks and mess halls. And similar things have happened to other visiting American officers. We see the same tired old factories, the same divisions we have seen before, gripes a Pentagon official. We do not get into their crack divisions and factories.

We have to stop this. We have to stop it now. Enough is enough. The security of this country is at stake. I ask for a ''yea'' vote for the DeLay amendment.

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

I first must say to my friend, the gentleman from California (Mr. CUNNINGHAM), that no one in this Chamber admires more what he has done and what he does for his country, so I compliment him in his past and present actions, though from time to time we will vary on issues. And I appreciate the gentleman's comments earlier.

But let me say this to my friend from California, as well as my friend from Texas. When we first started the debate on this bill, I stated that this was the best bill that we have put forward to the Congress of the United States since the early 1980s. That included the language regarding the military-to-military contacts regarding China drafted by the majority under the guidance of our chairman, the gentleman from South Carolina (Mr. SPENCE). We have done the job. It is well worth it. We have protected the interests of the United States. I do not think it could be better.

The amendment that the gentleman from Texas offers, in my opinion, gilds the lily. I think that what is in there is excellent. I stand by it, I embrace it, I compliment the gentleman from South Carolina (Mr. SPENCE) and those that worked it out and I agree with it. I hope that we stand by it and approve it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of Representative DELAY's amendment. This amendment would prohibit the military to military exchanges that train the People's Liberation Army of China.

I support this amendment for several reasons. First in light of the Cox report on the extent of China's espionage and theft of America's national security secrets, I feel that further contact is unwise. It would be imprudent to foster a relationship, which is not beneficial to our nation's interests and further extends

the risk of exposure of U.S. technologies and capabilities.

This bill would ensure that exchanges and contacts between our military and the People's Liberation Army would be beneficial to both nations. It would prohibit exchanges and contacts which involve nuclear, chemical or biological operations; intelligence activities; warfighting exercises, military space operations; arm sales or military related technology transfers. This amendment would preserve our two nation's ability to perform search and rescue or humanitarian exercises.

Mr. Chairman, June 4th marked the ten-year anniversary of the tragedy in Tiananmen Square. The images of the crackdown on the student democratic movement are still fresh in my mind even after ten years. The failure to recognize the mistake of ten years ago continues, as last week over 100 dissidents were detained to prevent the public marking of this anniversary.

I offer this recollection because, I believe that China has not recognized that stability is not something which can be demanded but rather it must come from the people freely expressing their own ideas. The United States should not have military to military contact with the People's Liberation Army because the Chinese government continues to use in military to restrict the notions of democracy within its own people.

I urge the members of this body to vote—''yes'' and support Representative DELAY's amendment.

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

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. DELAY).

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

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

The CHAIRMAN. Pursuant to House Resolution 200, further proceedings on the amendment offered by the gentleman from Texas (Mr. DELAY) will be postponed.

It is now in order to consider amendment No. 13 printed in House Report 106–175.

AMENDMENT NO. 13 OFFERED BY MR. GOSS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 13 offered by Mr. GOSS:

At the end of title XII (page 317, after line 17), insert the following new section:

SEC. 1206. LIMITATION ON DEPLOYMENT OF UNITED STATES ARMED FORCES IN HAITI.

(a) LIMITATION ON DEPLOYMENT.—Except as provided in subsection (b), no funds available to the Department of Defense may be expended for the deployment of United States Armed Forces in Haiti.

(b) EXCEPTIONS.—Subsection (a) does not apply to the deployment of United States Armed Forces in Haiti for any of the following purposes:

(1) Deployment pursuant to Operation Uphold Democracy until December 31, 1999.

(2) Deployment for periodic, noncontinuous theater engagement activities on or after January 1, 2000.

(3) Deployment for a limited, customary presence necessary to ensure the security of United States diplomatic facilities in Haiti and to carry out defense liaison activities under the auspices of the United States embassy.

(c) REPORT REQUIREMENT.—Whenever there is a deployment of United States Armed Forces described in subsection (b)(2), the President shall, not later than 48 hours after the deployment, transmit a written report regarding the deployment to the Committee on Armed Services and the Committee on International Relations of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to restrict in any way the authority of the President in emergency circumstances to protect the lives of United States citizens or to protect United States facilities or property in Haiti.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Florida (Mr. GOSS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Florida (Mr. GOSS).

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

I am expecting the arrival at any time of the gentleman from New York (Mr. GILMAN), who is my co-colleague on this subject. Mr. Chairman, over the last several years, the Clinton-Gore administration has asked the military to do more with less, and I think that deserves our time, so I am going to discuss this matter pending the arrival of the gentleman from New York.

The result of having to do more with less, I think, is very plain to see. Declining morale and a military on the verge of being hollowed out confront us just at the time when we seem to have more demands on our military in so many other places.

The solution seems simple, as even President Clinton's Secretary of Defense William Cohen admits when he said, ''We have to find a way to either increase the size of our forces or decrease the number of our missions.'' I could not agree more.

Earlier this year the commander of U.S. forces in Latin America, that would be General Charles Wilhelm, recommended we end our permanent troop presence in Haiti. In its place General Wilhelm recommends the periodic deployment of troops, as is the norm throughout the Western Hemisphere and the Caribbean. General Wilhelm's recommendation is sound on a number of counts, and I believe Congress should endorse it.

Maintaining a permanent presence in Haiti unnecessarily puts our troops at risk. A clear indication of this is the fact that about half our soldiers in Haiti do nothing more than protect their fellow soldiers. The situation is that tense. That is what is happening. The deployment to Haiti strains military resources. We already know there is a call for those resources elsewhere. The financial cost is approximately $20 million per year. We also know there is a need for those resources elsewhere. The training, readiness and operational tempo are affected as well, as the military has clearly stated in much testimony before the United States Congress.

Our presence in Haiti duplicates work more appropriately done by nongovernmental organizations. Even our commander in Haiti, the person on the front line, the person responsible, Colonel Morris, frankly admits that much of his troop's work could be done by private sector groups. We are talking about building schools, building wells, doing other humanitarian work which desperately needs to be done in Haiti.

□ 1845

Finally, and from my perspective most importantly, our military planners clearly believe that the permanent deployment is less effective than periodic deployments would be. In other words, we get more bang for the buck, do more for Haiti, and do more for ourselves if we go to our norm of periodic deployments.

General Wilhelm's recommendation is right on target: End the permanent troop presence but allow the military to conduct routine periodic deployments as the situation warrants. Unfortunately, our military's pleas for a commonsense approach seem to have fallen on deaf ears among the Clinton administration's policymakers and political advisers.

It is time to restore Haiti to the norms in the hemisphere and end the permanent troop presence there. I think it is good for America. And in the end, I think it is a much more effective way to help the Haitian people, which is what we are trying to do.

For these reasons, I am very pleased to join the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, in offering an amendment that would essentially formalize General Wilhelm's recommendation. And I strongly urge my colleagues to support it.

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

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

Mr. Chairman, it is astounding to me when I see this constant assault on any progress President Clinton has made. It almost seems an argument ad hominem; if it was a Clinton administration policy and it seems to be succeeding, let us see if we can cause some trouble here.

Other sections of the bill today, as we have an agreement from Mr. Milosevic to pull out, other sections of this bill will make it impossible to keep peacekeeping troops in Kosovo in the former Yugoslavian areas.

Let us take a look at the history of Haiti. It has never exactly been the Switzerland of the world. There has been dictator after dictator. And between 1992 and 1994, there were 60,000 refugees coming out of Haiti.

The gentleman and many from the Florida delegation came to the floor expressing their concern for social services that were being overrun by Haitian refugees. 60,000 in 3 years. And every day we saw members of the Florida delegation complaining about the pressures on their State that somehow we had to end this massive immigration, people risking their lives in bathtubs virtually, to come to the United States, it was so bad in Haiti.

In the last 3 years, we have had 3,000 refugees coming in from Haiti. Is that a failed policy? Do we want to go back to the kind of policy we had before? In the last several months here, we have pulled out the peacekeeping forces at the insistence of the chairman of the Committee on International Relations. We are not training their police. They have no trained police.

And now these people who are helping the poorest people in our hemisphere, some of the poorest people on the planet, we are going to pull them out too? Why? We are not getting enough refugees coming across the ocean? They are not taking their little boats and risking their lives and their families to come to Florida? Is that what the gentleman wants?

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

Mr. GEJDENSON. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, if the gentleman is addressing me as ''the gentleman from Florida,'' is the gentleman asking, do we want to keep the troops in Haiti to stop Haitians from leaving the oppression in Haiti? Is that what this is about?

Mr. GEJDENSON. Mr. Chairman, reclaiming my time, it seems to me that if we squander this opportunity where we are in the developmental process of a democracy, maybe not today, maybe not tomorrow, but I will guarantee my colleague, dictatorship will return and those refugees will be coming again.

It is better for the Haitians, it is better for the U.S. if we are able to help these people have a decent living at home. The violence has been reduced. The Toutons Macoute is almost out of business. There are not 60,000 refugees coming here to the United States in a 3-year period. Let us continue the good work we have started.

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

Mr. GOSS. Mr. Chairman, may I inquire of the Chairman how much time is remaining on either side?

The CHAIRMAN. The gentleman from Florida (Mr. GOSS) controls 6½ minutes. The gentleman from Connecticut (Mr. GEJDENSON) controls 7 minutes.

Mr. GOSS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the House Committee on International Relations.

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

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

Mr. Chairman, our military did a superb job when they were sent to Haiti back in 1994. However, their mission of restoring the elected civilian government of former president Jean Bertrand Aristide was accomplished some time ago. I imagine that many Americans are not aware that we still have troops in Haiti.

The Clinton administration informs Congress that we have maintained our permanent troop presence in Haiti to provide humanitarian relief and to give our Army Corps of Engineers and medical personnel opportunities to be trained. However, I do not believe it is now necessary to keep a permanent troop presence in Haiti to accomplish those goals.

Obviously, humanitarian relief activities can be conducted at far less expense to our taxpayers by civilian contractors working for our Agency for International Development.

It is obvious that Haiti is becoming a dangerous place. Our local commander in Haiti has had to raise his assessment of the threats against our troops from both common crime and, increasingly, political unrest.

In an ominous development, on June 4, press reports revealed that civilian employees of the U.S. military support group in Haiti abandoned their all-terrain vehicle in a hail of rocks. Protesters then torched the vehicle.

Our troops are increasingly unable to conduct their stated humanitarian mission. They are hunkered down and there are clear signs that they may become direct targets of attack. The presence of the troops has certainly not stopped nor in any way deterred numerous political murders or recent rioting.

Despite the administration's insistence that U.S. troops do not have a security role, we can see U.S. troops mired in a dangerous, open-ended commitment in Haiti.

The chairman of our Committee on Intelligence, the gentleman from Florida (Mr. GOSS), and I offered this amendment in an effort to support the Defense Department's sensible recommendations that the permanent U.S. military presence in Haiti under Operation Uphold Democracy should be brought to an end.

Normal stationing of U.S. troops to protect our embassy and to provide diplomatic representation in Haiti would, of course, be permitted at all times. The President's authority to protect American lives and property in Haiti are also explicitly protected by this amendment.

The intent of this amendment is to make certain that our U.S. troops permanently deployed in Haiti under Operation Uphold Democracy through the U.S. support group will be completely withdrawn by December 31, 1999. The administration has fully 7 months to complete an orderly drawdown of our troops who are permanently stationed in Haiti.

Until such time as they are completely removed, our troops will continue to conduct their currently scheduled humanitarian missions.

After the permanently deployed troops are completely withdrawn, U.S. forces will be permitted to deploy to Haiti for short-term expeditionary missions.

There are serious concerns about the security of our troops in Haiti which we should consider. Moreover, it is not fair to our men and women in uniform to leave them in Haiti in an open-ended deployment.

Accordingly, I rise in strong support of H.R. 1401 and urge our colleagues to support the Gilman-Goss amendment.

Mr. GEJDENSON. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I was privileged to join the gentleman from New York (Mr. GILMAN) and the gentleman from Florida (Mr. GOSS), the gentleman from New York (Mr. CHARLES RANGEL), and we went to Haiti quite recently. We met with Pierre Denize, the national police chief of Haiti.

Remember, Haiti does not have an army now because we have agreed and they have agreed to get rid of them. We met with Bob Manuel, the Secretary of State for Public Security in Haiti. We got what I considered an excellent report about that.

Our troops are not in jeopardy. How many troops are we talking about, I ask my esteemed chairman of the Committee on International Relations? Two hundred seventy; 270 troops. Psychologically, they are performing an immensely important task of working and development. They are not there for security. I found them not to be in jeopardy. They are working with Department of Justice and Department of Defense people in the Isatat training program, in the U.N. SITPOL agreement. Things are moving.

If we try to legislate them out of Haiti before the administration, the Department of Defense, and the State Department, which have all agreed that they should go, the question is the timing and whether the House of Representatives should now become the executive branch of Government.

Please, I beg my colleagues not to intrude this amendment, which is potentially dangerous, into the subject matter of Haiti. Haiti has problems. It is coming along very well.

I am glad that I was invited by my esteemed colleagues from New York and Florida to witness and talk in depth with them about this subject. Those troops are important there. They are not in jeopardy. And let us not pull them out prematurely.

Mr. GEJDENSON. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Connecticut (Mr. GEJDENSON) has 4½ minutes remaining. The gentleman

from Florida (Mr. GOSS) has 3 minutes remaining.

Mr. GEJDENSON. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, this amendment should be defeated. It represents a double standard.

Why treat Haiti different than what we treat anyone else? There are only 500 troops in Haiti, thirty-six thousandths of 1 percent of our active force. Now, anyone who has any kind of sense at all knows that there is very little in Haiti.

This is about two things, as I perceive it: Haiti bashing, and it is not the first time, and bashing the President. It is time some of this stuff stopped.

We are talking about a small country here. The people are poor. And I say again, why not help continue what the President has started? How can we expect more from Haiti than we do from some of the rest of them? Why do we expect more from Haiti than we do any of the other countries that we are trying to help?

So there is a double standard. $288 billion. We are only spending $20 million to support the troops in Haiti, 500 of them. And I appeal to my colleagues to please kill this Goss amendment. The gentleman from Florida (Mr. GOSS) has a very good way of approaching Haiti, always on the negative.

Please kill this amendment. It is not worth being in this good bill. So please go against this. It is bad for America and it is bad for Haiti.

Mr. GOSS. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I would like to address my good friend the gentlewoman from Florida (Mrs. MEEK).

I do not know of a sweeter lady in this body than the gentlewoman from Florida. But I say to the gentlewoman, because there is payback; 500 troops and $20 billion a year.

Look at Kosovo. We are lucky if we are going to get out with $100 billion. Bosnia cost us $16 billion.

When the Progressive Caucus comes up in the Labor-HHS bill and wants to increase money in Medicare and health care and education and not talk Social Security, if we want to do these things, the Progressive Caucus has got to support it and not want to cut defense by 50 percent of what it is now. There is a payback.

Mr. GEJDENSON. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Chairman, I rise in opposition to the Gilman-Goss amendment.

I do so because we know that Haiti has been unstable. We are not really providing that much to them. But to take away the little bit that we are providing is unconscionable.

□ 1900

All that we are talking about is helping the poorest country in this hemisphere continue to have some hope for stability, economic development, for growth and progress. I would urge, Mr. Chairman, that we vote in the best interests, not only of Haiti but that we vote in the best interests of humanity, a little bit of humanitarian effort. I urge that we vote ''no'' to the Gilman-Goss amendment.

Mr. GEJDENSON. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. OWENS).

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

Mr. OWENS. Mr. Chairman, why are we obsessed with Haiti? If there is going to be a standard for spreading our generosity, and we are the indispensable Nation, we are the last superpower, I think it is important that we should help out wherever we can in crises throughout the world, but why not have a single standard? Why do we not establish a standard? Where we have been in Bosnia, I do not think it has been $16 billion as I heard before, but at least we have spent $8 billion in Bosnia. We have been in Korea forever. Korea has a strong economy. They could support their own defense. We have been in Europe with bases for a long time and in Japan. We are spread out all over the world in places spending billions of dollars over long periods of time. Why would we not help a nation in this hemisphere, and the commitment there is relatively pennies now compared to the kind of commitments we have with the bases in Europe and Japan and Bosnia. I am not saying we should pull out of Bosnia overnight, but I think there ought to be some kind of formula whereby we go in to help, we spend a preestablished amount of money, we do it with some kind of standard equally throughout the world.

If you pick out Haiti alone and you go after Haiti, then the only conclusion we can come to is that it is because Haiti is a black nation. Why else are we obsessed with Haiti?

Mr. GEJDENSON. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I rise today to oppose the Gilman-Goss amendment. Haiti is on the eve of democratic elections. We say that we have the moral authority to try to make sure that democracy is across this world. Yet the smallest and the poorest country in this world, we do not want to aid. We have less than 3 to 400 troops in Haiti. Yet we are trying to pull them out on the eve of elections when we may restore hope and dignity to people who are our neighbors. Yet we go all over the place for others. There seems and there is a double standard. We must not let this amendment stand. We must make sure that the bill is not poisoned by this terrible, terrible amendment and help the people who need most the help. To whom much is given, as this country has, much is required.

Mr. GEJDENSON. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts (Mr. DELAHUNT).

The CHAIRMAN. The gentleman from Massachusetts is recognized for 30 seconds.

Mr. DELAHUNT. Mr. Chairman, this is a very dangerous amendment. This sends a message to the antidemocratic forces in Haiti that America is ready to disengage. This coupled with a hole that was placed by the majority in terms of human rights observers. This amendment should be defeated and it should be defeated overwhelmingly.

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

The CHAIRMAN. The gentleman from Florida is recognized for 2½ minutes.

Mr. GOSS. Mr. Chairman, I want to read part of a Charleston Post and Courier editorial:

> General Wilhelm did not suggest that the United States should give up and walk away. He proposed U.S. military forces should visit Haiti periodically. Unfortunately, as the General told Congressmen, the 500 American soldiers—that number is actually 503 American soldiers—who remain have to spend much of their time defending themselves from attack. They should not be exposed in this way. Instead, detachments of troops, ready for combat if required, should be sent to Haiti to demonstrate U.S. commitment to upholding the rule of law. It would be wrong to keep troops in Haiti merely to disguise the fact that U.S. intervention, hailed as one of President Clinton's major foreign policy achievements, has failed.

I would point out that that editorial absolutely parallels the advice we are getting from the military. Now, we have heard testimony that Haiti needs to be treated the same as everybody else. I agree. That is what we are trying to do is take out the permanent troops and replace them with the periodic deployments which are characteristic for the area.

Secondly, we are trying to reduce the strain on the readiness of our troops because, Lord knows, we need them and the reduced strain would be helpful to the military. Thirdly, we are trying to increase troop safety. In fact our troops have been fired on in Haiti. Many people do not know that. Fourthly, many of the activities that are going on in Haiti that we need to help with are better suited with other NGOs. We will help those other NGOs as we have in the past and will continue to do in the future. That is where the help should be coming for the Haitians.

There are other reports coming from Haiti, well founded at this time, of new brutality and unfortunately involves brutality by people in Haiti, Haitians who are trained by the U.S. This is not good. Things are going sour in Haiti. The gentleman from Connecticut has pointed out that we have now got a problem in Haiti. I do not know if the

gentleman has noticed that we have got a dictatorship returning to Haiti in the past several months and that we no longer have all the elements of democracy down there that we seek to have. The dictatorship has in fact returned. But that is not the reason for the amendment. The reason for the amendment is to give Haiti a better chance to treat it the same as everybody else, to get the right kind of help going to Haiti and to get our troops back where they need to be.

This is the defense authorization bill. This is not the Haiti relief bill. This is the defense authorization bill. The military has recommended we get those troops out of there on a permanent basis. We should listen to the military. Mr. Chairman, I urge support of the amendment.

Ms. BROWN of Florida. Mr. Chairman, I rise in opposition to the Gilman-Goss amendment, which limits funds for deployment of US Armed Forces in Haiti.

There are about 400 US military personnel in Haiti, who make up the US-Haiti support Group. This mission is humanitarian in nature, and provides engineering and other infrastructure assistance, and it is important to note that their presence is not permanent.

The role our troops play in Haiti is critical. If this amendment passes; however, we would send a negative message to the people of Haiti; namely, that the United States is leaving them at a critical time in the country's movement toward democracy.

I would like to point out that no other statute requires that the President report to Congress before a training deployment, as would be required if this passes.

I urge you to vote ''no'' on this amendment.

Lastly, it is unfortunate that a Member from Florida continues to attack our policy in Haiti. What we need to understand is that when the problems of Haiti go unresolved, these problems in turn, become ours as well.

Mr. PAYNE. Mr. Chairman, I rise today in strong opposition to this amendment. The Gilman/Goss amendment sends the wrong signal to the people of Haiti. It says that we don't care about democracy and we don't care about the rule of law and certainly we don't care about the people of Haiti.

This amendment would mandate a congressionally-imposed deadline for the withdrawal of troops which could send a destructive signal to opponents of democratic reform in Haiti. We are not talking about many troops—just 270 troops. That is vastly different from the 25,000 troops that went to Haiti 5 years ago. The 25,000 troops didn't have a single causality and you wanted to end that. Now the 270 troops that help in the areas of health care and rehabilitation program—you want to cut that also. This is ludicrous.

This is just another tactic to embarrass this Administration and to call into question smart, quick and decisive action we took in 1994 when we restored democracy back to Haiti by taking out Raoul Cedras and restoring the democratic government of then President Jean Bertrand Aristide.

Don't you remember what it was like 7 years ago when boat people drowned just to flee persecution and repression.

60,000 refugees left and fled for their lives. Many died trying to escape. This amendment would cut off badly needed money to the defense program. This program allows children to be vaccinated and also allows engineers to train in building roads and bridges.

Mr. Speaker, this is the last program we have in Haiti and now that is in jeopardy. What exactly do you want to happen in Haiti. You cut off the training program, you effectively ended the MICIVIH program and now this humanitarian program.

The MICIVIH program was established in 1993 jointly by the United Nations General Assembly and the Organization of American States. Since that time, it has made critical contributions to Haiti's political development by assisting judicial reform efforts, conducting credible human rights monitoring and carrying out impartial investigations into human rights violations. Now that's gone.

Elections are coming up soon. This amendment would end what is a small and worthwhile humanitarian support program in Haiti.

The U.S. Military Support Group in Haiti—a 400 strong presence of engineers, humanitarian civil affairs and other personnel—serves as a visible manifestation of U.S. support for Haiti's democratic transition and economic development.

The presence of U.S. military personnel in Haiti also has a positive effect on the security and stability of Haiti. This is not a permanent presence in Haiti. The role our troops play there is critical, giving Haitians reason to be hopeful by building schools, providing health care, digging wells, and being a visible sign of the U.S. commitment to democracy in that country. The President has made it clear that he is paring down on the deployment and this is not the time to pull our troops out of Haiti.

Let's not pick on Haiti. I rise in opposition to this amendment and urge my colleagues to do the same.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. GOSS).

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

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

The CHAIRMAN. Pursuant to House Resolution 200, further proceedings on the amendment offered by the gentleman from Florida (Mr. GOSS) will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 14 printed in House Report 106–175.

AMENDMENT NO. 14 OFFERED BY MRS. MEEK OF FLORIDA

Mrs. MEEK of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 14 offered by Mrs. MEEK of Florida:

At the end of title VII (page 238, after line 22), insert the following new section:

SEC. 726. RESTORATION OF PRIOR POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

(1) by striking ''(a) RESTRICTION ON USE OF FUNDS.—''; and

(2) by striking subsection (b).

The CHAIRMAN. Pursuant to House Resolution 200, the gentlewoman from Florida (Mrs. MEEK) and the gentleman from Indiana (Mr. BUYER) each will control 15 minutes.

The Chair recognizes the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

I am offering an amendment that simply repeals the statutory prohibition on privately funded abortions in overseas military facilities and restores the law to what it was for many years. This amendment would permit servicewomen stationed overseas to use their own funds to obtain reproductive health care. No Federal funds would be used and health care professionals opposed to performing abortions as a matter of conscience or moral principle would not be required to do so. Earlier this month, this amendment was endorsed on a bipartisan basis by the Subcommittee on Military Personnel of the Committee on Armed Services, the committee of jurisdiction. This was a major victory for women serving in our armed forces. Unfortunately, the full committee failed to follow the recommendation of the subcommittee and deleted the language from the bill. As one of the ranking women here, I strongly feel that this ill-advised policy must be overturned. Women in our armed forces already give up many freedoms and risk their lives to defend our country. They should not have to sacrifice their privacy, their health and their basic constitutional rights for a policy with no valid military purpose.

Many of my colleagues will recognize this amendment as the former Harman amendment. I am proud to attempt along with the Women's Caucus, those of us who support this, to continue the good work of my friend and my colleague Congresswoman Jane Harman. I urge my colleagues to vote for this amendment. We owe our women serving our Nation no less, Mr. Chairman.

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

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

Mr. Chairman, over the last 30 years the availability of abortion services at military medical facilities has been subjected to numerous changes and interpretations. In January 1993, President Clinton signed an executive order directing the Department of Defense to permit privately funded abortions in military treatment facilities. The changes ordered by the President, however, did not greatly increase the access to abortion services. Few abortions were performed at military treatment facilities overseas for a number of reasons. First, the United States military follows the prevailing laws and rules of the host nations regarding abortions. Secondly, the military has had a difficult time finding health care professionals in uniform willing to perform the procedures. Third, the real purpose of military medical treatment

facilities is for military medical readiness and the training of lifesaving instead of the taking of life. Current law allows military women and dependents to receive abortions in military facilities in the cases of rape, incest or when necessary to save the life of the mother.

The House voted several times to ban abortions at overseas military hospitals. A similar amendment offered by Representative Jane Harman in the fiscal year 1998 Defense Authorization Act was rejected 196–224. In 1998, the House National Security Committee rejected another attempt to allow privately funded abortions at these facilities. When considering the fiscal year 1996 defense authorization and appropriations bills, the House voted eight times in favor of the present ban.

In overseas locations where safe, legal abortions are not available, beneficiaries have the option of using space available travel for returning to the United States or traveling to another overseas location for the purpose of obtaining an abortion.

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

Mrs. MEEK of Florida. Mr. Chairman, I ask unanimous consent to turn over control of the time in the management of this amendment to the gentlewoman from California (Ms. SANCHEZ). She is the originator of this amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. SANCHEZ. Mr. Chairman, I thank the gentlewoman from Florida (Mrs. MEEK) for her help on this amendment.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. I thank my friend from California for yielding me this time.

Mr. Chairman, this is a question of constitutional rights. When someone puts on the uniform of the United States military, she should not forfeit her constitutional rights. If a different constitutional right were at stake here, I suspect that the attitude of those who oppose this amendment would be very different. They may not like the fact that the Constitution guarantees the right to choose, but it does. If we had a policy that said that you could not freely exercise religion at your own expense on military property in foreign countries, people would object vociferously to that because they would understand that there was something fundamentally wrong to denying people in the military their constitutional rights.

You may not like this constitutional right. You are free to try to change it. But it is a constitutional right. And to deny it to women who serve in uniform is just wrong. The Sanchez amendment corrects that wrong. I would urge everyone to support it strongly as I do.

Mr. BUYER. Mr. Chairman, I yield myself 30 seconds to respond. I assure the gentleman that the United States Supreme Court permits the Congress to discriminate and for us to make decisions with regard to the military. If you are too tall, if you are too short, if you are too heavy, if you are colorblind, if you are diabetic. We are permitted to decide how we can shape the force and we can also decide on rules and procedures for the military.

Mr. Chairman I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise in opposition to the Meek amendment. The House has spoken on this issue many times. Each time it has rejected this amendment. Just last year the House rejected this same amendment offered by the gentlewoman from New York (Mrs. LOWEY) by a vote of 190–232.

□ 1915

By requiring U.S. military facilities to provide elective abortion on demand to uniformed personnel dependents, the Meek amendment would turn DOD medical treatment facilities into abortion clinics.

When the 1993 Clinton administration policy permitting abortions to be performed in military facilities, which was reversed in 1996 except in the cases of rape, incest and the life of the mother, when that was first begun, all military physicians as well as many nurses and supporting personnel refused to perform or even to assist in elective abortions.

Our troops already are demoralized enough. Why should we again ask them to do something to which they object?

I received a couple of letters on this issue. I just want to read a couple of quotes.

The National Right to Life Committee in a letter summed it up well by saying, ''Facilities and personnel of the Federal Government should not be utilized to deliberately destroy the lives of innocent human beings.''

And I received a letter from the Archdiocese for the Military Services which echoes this message by saying, ''Military medical personnel have refused to take part in the procedure of life destroying abortion, citing the primary responsibility of our Nation's military services to preserve human life.''

Mr. Chairman, I urge my colleagues to oppose again the Meek amendment.

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

Mr. Chairman, I would just remind the gentleman who just spoke that there is already an objection clause and that no military personnel are forced to perform any of this.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER), my friend.

Mrs. TAUSCHER. Mr. Chairman, I guess I am a little confused about the subcommittee chairman's assertion that the military discriminates right now against people that are too tall and too other things when in fact I think what we would actually call those would be minimum standards for qualification to qualify to be a good soldier, airmen, Marine. The question I have is: Is there such a thing as being too female, because this is a specific issue for American fighting men and women, and this is about American women who have the right to have the right to choose as American citizens, but because they are on military duty overseas our colleagues are suggesting that they forfeit that right.

I think that is discriminatory, I think that is inappropriate, and I urge my colleagues to support the Sanchez amendment.

Mr. BUYER. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman from Indiana for yielding this time to me knowing that we do not agree on the subject. I just want to make a couple of points:

First of all, these are privately funded, these are not taxpayer funded. Secondly, we have the personnel to perform these procedures because they perform them in the case of rape, incest and the life of the mother. Thirdly, our men and women under arms serve under American law and American command, and like it or not, they have the same right to legal medical procedures as women throughout America. And fourthly, this is terribly discriminatory. If someone is an officer, they can afford to have their wife fly home or their daughter who got in trouble fly home. If someone is a common enlisted guy, they cannot, and space available does not necessarily work.

Do my colleagues really want them to go out on the medical economy of some of these foreign deployments where death is just about as likely as any other outcome? Do they not have a right as service men and women to have either their wives safe or, as women, to have a safe procedure? Mothers have a right to live for their children even if they have to elect this procedure.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS), my colleague.

Mr. DAVIS of Illinois. Mr. Chairman, I rise to express my strong support for the Meek Sanchez amendment. I find it ironic that strong women, brave women, who enter the military to fight for their country then cannot get the same basic rights that people back home already have, rights they are fighting to protect. I think that this policy is the height of hypocrisy, and this amendment should not even be debated, it should not even be a question. It even should not be a consideration.

Mr. Chairman, let us extend to the fighting women in the military the

same choice options that others have back home. I thank the gentlewoman for having yielded this time to me.

Mr. BUYER. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I want to thank my good friend for yielding this time to me and congratulate him on his courage in embracing this important human rights issue. Let me begin by noting that I have the utmost respect for my friends on the other side of this issue, but in all honesty I continue to struggle with how so many bright and otherwise enlightened people can continue to demand a course of action that literally kills children and emotionally wounds so many of their mothers.

As my colleagues know, the national debate on partial-birth abortion has demonstrated beyond any reasonable doubt that abortion is violence against children. Can our friends on the other side of this issue not appreciate the inherent cruelty towards babies in sanctioning the stabbing to death of a partially born child followed by the suctioning of his or her brains and then calling that choice? I believe that such child abuse is beyond words, Mr. Chairman.

As my colleagues know, abortion methods often involve the literal dismemberment of children with razor-blade-tipped curettes. They are really just knives hooked up to a hose, a suction device that is some 20 to 30 times more powerful than the vacuum cleaner my colleagues have in their homes today. Well, the baby's body is literally hacked apart. The arms and the legs are cut off. Next time my colleagues go home and look at their child, they should remember this. And they can make faces and roll their eyes, but that is what abortion actually entails; it hacks off the arms, it decapitates the head.

I do not know if my colleagues have ever seen The Silent Scream put out by Dr. Nathanson, a former abortionist and founder of NARAL. He shows with ultrasound a baby being hacked to death, the commonplace abortion method that is utilized in this country. If the Sanchez-Meek amendment becomes law, it would facilitate that kind of cruelty towards children in our overseas military hospitals.

There are chemical abortions where highly concentrated salt solutions and other kinds of poisons are literally injected into the amniotic sac or into the baby so as to procure that baby's death. That is child abuse.

A humane and a compassionate society will embrace those children with prenatal care and love even when they are, quote, unwanted and would say that that kind of violence cannot be sanctioned.

I chair the Subcommittee on International Operations and Human Rights. I have had about a hundred hearings in that Subcommittee and in the Helsinki Commission which I also chair, many of which have focused on torture. I have to tell my colleagues there is an unsettling similarity between the mangled badly bruised bodies of people who have endured torture and the victims of saline or salting-out abortions where they are covered with bruises. Very often the only part not bruised is the palms of their hands because it takes 2 hours for the baby to die, and the babies clench their fists because they feel the pain.

Abortion is child abuse. The Sanchez-Meek amendment would allow and facilitate abortion on demand in our military hospitals, the ultimate violation of human rights. We need to stand for the innocent unborn children and for their mothers. The emphasis should be on prenatal care, not on a course of action that maims, chemically poisons, and otherwise destroys human beings.

Please vote no on the Sanchez-Meek amendment.

Ms. SANCHEZ. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise today in strong support of the Sanchez amendment, a bill that would restore women the right to equal access in health services at military hospitals. This amendment is first and foremost about protecting women's health. It would give military women the access to the health care they need and deserve. Soldiers in our Armed Forces already give up many freedoms and risk their lives in defending our country. They should not be asked to sacrifice their health, their safety and their basic constitutional rights for a policy with no valid military purpose.

Let me clarify that the amendment does not allow taxpayer-funded abortions at military hospitals, nor does it compel any doctor who opposes abortion to perform an abortion. The amendment merely reinstates the policy that was in effect from 1973 to 1988 and again from 1993 to 1996. This policy gives women in the military who are stationed overseas the same rights as military women in their own country, the right to pay for a safe and legal abortion with their own private money.

Enough is enough. Every woman should be guaranteed the same rights as any other woman, particularly if those same women are fighting to protect the freedoms of this country. How can we in good conscience deny our service women any right at all?

We will hear a lot of inflammatory language and a lot of discussions designed to frighten and intimidate. That is not what it is all about, Mr. Chairman. It is about women who want to take their own money and pay for a service that should be available. It is not, but they are paying their own money to have this service, one of the health care benefits that they should be afforded that they are not being afforded.

How can we say to a military woman who is out there risking her life for us in our Armed Services that we are going to deny access to service? We do not do that to men in any shape, form or fashion; do not do it to women.

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

Mr. Chairman, I am just not sure I remember the last time a man received an abortion. I do not think it has ever happened. I do not think it is humanly possible. I am not sure how gender even became injected in this debate.

Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. HYDE).

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

Mr. HYDE. Mr. Chairman, a lot of talk about rights, about women's rights, and properly so. Not a word, not a syllable, not a phrase is spoken about the rights of the unborn child. Because the unborn child in the process we call abortion or euphemistically we call choice, which is an interesting subject, but nonetheless the rights of the unborn are never considered whatsoever.

Now I have heard people on the other side say that there is a constitutional right to choose. It is really not in the Constitution, but the court found it there in 1973, 7 to 2, the right to an abortion. But there is no right to have the taxpayers pay for that abortion.

Now our colleagues will say but under the Meek amendment, which we are debating here, under this amendment the pregnant woman will pay her own expenses. But they are using a medical facility of the United States military, and thus they are turning that into not a place for healing, but an abortion mill, an abortion clinic.

Now there are people whose tax dollars go to pay for that hospital who are morally opposed to abortion, who do not think it is a good thing, who think it is a tragedy to take an innocent little human life, and before it gets a chance to laugh or cry, exterminate it. They do not terminate a pregnancy, they exterminate. All pregnancies terminate after 9 months.

Now this has been the policy of our country and our government for some time, and it ought to stay there. Do not turn military hospitals into abortion clinics. Do not use the facilities that are paid for by taxpayers to kill an unborn child.

Our colleagues say they want to make abortion safe, legal and rare. We can make it legal, we cannot make it moral, and we cannot make it safe for the unborn, and by facilitating abortions we are not making it rare.

So think of the child, put the child in the picture, think of the unborn life that is entitled to life, liberty and the pursuit of happiness, and do not turn our military hospitals into abortion clinics.

□ 1930

Ms. SANCHEZ. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I would just like to remind my colleagues that there are already abortions performed at military

hospitals, and that a woman who chooses to have one under this amendment would pay all the costs of having that procedure done in a military hospital. So it is at no expense to the taxpayer.

Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. SHERMAN).

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

Mr. SHERMAN. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I rise in support of the Sanchez amendment. I hope this amendment has the support of all but the most extreme of the anti-choice Members of this body, because this is indeed a very moderate approach. It simply says that women stationed overseas will be allowed to have abortions in safe military facilities at their own expense, at an expense that covers the full cost, not just the marginal cost, including, I would assume, a charge for the facility itself.

It says that no doctor would have to perform the procedure if or she did not want to because of moral or religious or ethical objections. It simply reinstates the policy of this country from 1973 to 1988 and again from 1993 to 1996.

We are about to deploy servicewomen even into the Balkans, where the hospitals have been damaged, where the Albanian hospitals are overrun or are having to deal with refugees, where all of the hospitals are overburdened, and we are turning to American servicewomen and saying, ''Yes, you might risk your life because of a sniper or a land mine, but, in addition, you must risk your life to an unsanitary operation performed in whatever hospital or whatever illegal facility is available.''

The other alternative available to our servicewomen is to wait. Instead of the abortion taking place in the first month, it would take place in some later month. Is that what the so-termed pro-life forces want?

Ms. SANCHEZ. Mr. Chairman, I yield one minute to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, I rise in strong support of this amendment. Our servicewomen and the wives and daughters of our servicemen stationed abroad do not expect special treatment, but they are entitled to receive the same rights guaranteed all Americans under Roe v. Wade.

This bill penalizes women who have volunteered to serve their country by unduly interfering with their constitutionally protected right to choose. The Sanchez-Morella amendment assures that servicewomen and the wives and daughters of our servicemen do not become second-class citizens or subject to a two-tiered health care system. This amendment provides access for our servicewomen to medical care, to legal medical care.

Individuals who volunteer to serve in the Armed Forces already give up many freedoms and they risk their lives defending our country. In exchange, we offer our military personnel a full array of health care services; that is, except in the case of comprehensive reproductive health care.

I urge my colleagues to vote in favor of the amendment.

Mr. BUYER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I respect immensely my friend that spoke about abortion, but that is not really what this whole issue is about. Most of the women in the military overseas are very, very young. Even someone that voluntarily wants an abortion, I can imagine there is quite an emotional scar, whether you choose to or not. The military does not want these young women having an abortion overseas. They do not want someone in a military unit overseas that is going to go through this emotional trouble that has to work with a team.

There is not a single woman that has ever been forced in the military to have that abortion overseas. The military will bring that woman back, and, under Roe v. Wade, they are not denied, not one single item, and they are protected.

So they are not abused, they are not discriminated against, because they have the same rights back here in the United States once they get in CONUS. But the military does not want young impressionable women to have to go through an abortion overseas.

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

Mr. Chairman, I just want to let our colleague know I have a letter here from the Department of Defense that strongly support this amendment. In fact, our military does want this. They do want this amendment to pass.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of this amendment. This issue is about equal treatment for servicewomen stationed overseas. This amendment is not about Federal support for abortion services, it is about giving women who have volunteered to serve their country abroad the same protections and choices they would have here at home.

When a woman in the military is stationed overseas, the best medical facility is most often the base hospital, a hospital that is clean and safe with well-trained doctors. However, this amendment denies military women, those who serve and protect our country, access to this base medical facility, even when the woman pays for and is willing to pay for the treatment.

Regardless of your position on choice, ask yourself a question: What would you want for your daughter, for your sister or your wife? If she were stationed overseas, would you not want her to go to the hospital of her choice? Would you not want her to go to an American military facility?

Mr. Chairman, these women fight for our freedom every day. Let us not take their freedom away. Vote ''yes'' on this amendment.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. NADLER).

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

Mr. NADLER. Mr. Chairman, this amendment is about recognizing the rights and dignity of our women in the armed services. It is really a very limited attempt to correct the policy that never should have been enacted in the first place. It simply allows women to obtain safe abortion services using their own money at U.S. military hospitals overseas.

The current ban increases women's health risks and denies women their basic constitutional right to privacy. A woman must inform her superiors of her need for an abortion and wait until there is space available on a military flight back to the United States. The delay puts women's lives in jeopardy. The need to inform her superiors violates her privacy rights.

Furthermore, women serving overseas depend on the base hospital for medical care in areas where local health care facilities are inadequate. The health of a servicewoman is threatened when she has to look outside of the base for a safe provider of the medical attention she needs. The current policy may even force a woman to seek an illegal or unsafe abortion when facing a crisis pregnancy.

The ban discriminates against the women serving our country overseas. This amendment would ensure equal access to comprehensive reproductive health care for all U.S. servicewomen and dependents, regardless of where they are stationed, and therefore should be enacted.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland (Mrs. MORELLA), the cosponsor of this amendment.

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

Mrs. MORELLA. Mr. Chairman, I am pleased to cosponsor this amendment. Much has already been said about what the amendment does, but it does allow women serving in the military overseas who depend on their base hospitals for medical care and may be stationed in areas where local health care facilities are inadequate to be able to avail themselves at their own cost of an abortion that may be very necessary.

Women who volunteer to serve in our Armed Forces already give up many freedoms, and they risk their lives to defend our country. They should not have to sacrifice their privacy, their health and their basic rights for a policy that does not have any valid military purpose.

Mr. Chairman, I think the amendment is about women's health. I believe that. I believe it is also about fairness. The amendment also, and this has been repeated over and over again, it does not allow taxpayer-funded abortions at military hospitals, nor does it compel any doctor who opposes abortion on principle or as a matter of conscience to perform an abortion. It reinstates the policy we had before.

Finally, please know the amendment has the strong support of health care providers, organizations like the American Nurses Association, American Public Health Association, Medical Women's Association and the College of Obstetricians and Gynecologists. The litany goes on. These are medical people who know.

Please support the amendment.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the Sanchez amendment. Only in a Republican Congress can a woman sign up to serve her country and have her rights denied in return. While a female soldier is busy defending her country overseas, her country in this Congress is working to take away her rights.

If a male member of the armed services needs medical attention overseas, he receives the best. If a female member of the armed services needs a specific medical procedure, she is forced to either wait until she can travel to the United States or go to a foreign hospital, which may be unsanitary and dangerous.

This bill will cost the American taxpayer nothing. Each woman will pick up her own tab. All she wants is the right to do it.

Women have waited long enough to receive equal treatment in the military. I hope my colleagues on both sides of the aisle will vote for this amendment, and give these most deserving soldiers back what is rightfully theirs.

Mr. BUYER. Mr. Chairman, I yield myself 30 seconds to respond.

Mr. Chairman, it is quite disappointing for the gentlewoman who just spoke to talk about a Republican Congress denying.

Let me just state this: The purpose of the military is to fight and win the Nation's wars. The gentlewoman's comments also impugn the dignity of Democrats who are pro-life advocates, those whose passion is about saving life, not taking the life of the innocent unborn child, as she is walking off the floor and does not want to hear this debate. I am speaking directly to you.

There are Members of both sides of this aisle that speak passionately about saving the life of the unborn. For you to try to rein in politics is completely unnecessary.

Ms. SANCHEZ. Mr. Chairman, I yield 10 seconds to the gentlewoman from New York (Mrs. MALONEY) to respond.

Mrs. MALONEY of New York. Mr. Chairman, this is a constitutional right, a right that is legal in the United States. You are depriving a woman who is defending her country, putting her life on the line to defend her country. You are taking away a right that men have. It is a right that she would have if she were in her own country. I think it is outrageous. It is wrong. Everyone should vote against this amendment.

Ms. SANCHEZ. Mr. Chairman, I yield the balance of my time to the gentlewoman from New York (Mrs. LOWEY).

The CHAIRMAN. The gentlewoman from New York is recognized for 50 seconds.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Sanchez-Morella-Lowey amendment, and I thank the gentlewoman from California (Ms. SANCHEZ) and my colleagues for their important work on this issue.

In closing, I just want to say, please do not be fooled. This is not an issue of taxpayer dollars funding abortion. This is about American women in private with their own money exercising their constitutional right to choose.

Over 100,000 women live on American military bases. These women work to protect the freedom of our country. These women risk their lives and security to protect our great and powerful Nation. These women for the past 4 years have been denied the right to a safe and legal abortion at the bases where they are stationed.

□ 1945

Just yesterday, when we debated the anti-choice majority's latest effort to restrict access to legal abortion, I said I was tired of these attempts to chip away at a woman's right to choose. I ask my colleagues to please support the Sanchez-Morella-Lowey amendment.

Mr. BUYER. Mr. Chairman, I yield the balance of the time to the gentleman from Florida (Mr. WELDON) to close in opposition to the amendment offered by the gentlewoman from Florida (Mrs. MEEK).

The CHAIRMAN. The gentleman from Florida (Mr. WELDON) is recognized for 3 minutes to close.

Mr. WELDON of Florida. Mr. Chairman, I rise in very strong opposition to this amendment. I would encourage all of my colleagues on both sides of the aisle to vote against this amendment.

I bring a somewhat unique perspective to this debate in that not only prior to coming to the Congress did I practice medicine, but for many years prior to coming to the Congress I practiced medicine in the military. I was actually in the Army Medical Corps at the time when pro-life President Ronald Reagan passed an order that said we were not going to have abortions in military hospitals anymore.

It was very interesting for me at the time, I was a medical resident, to see the reaction to that order. It was sort of a sigh of relief. Everybody that I spoke to, the doctors and nurses, were very pleased that they were going to take that very, very controversial issue and move it out of the military hospitals.

Some people have been arguing that this is a constitutional right. There is no constitutional right to have an abortion in a military hospital. Indeed, the reason all of those doctors and nurses, even many of whom considered themselves to be ''pro-choice'', liked getting it out is because they did not like to have anything to do with it.

It is one of the most fascinating things to me, when I talk with my medical colleagues, many of whom say, you know, I am pro-choice, but they always follow it with this. They say, I would never perform an abortion, I would never assist in an abortion. The reason why they say that is they know exactly what an abortion is. It is the taking of an innocent human life. It has a beating heart. It has brain waves. Those are the things that I used to use to make a determination as to whether or not somebody was dead.

This is a very, very controversial issue. Even if Members do stand on the pro-abortion side of this issue, Members have to acknowledge that it is so incredibly controversial within the population in general that this would be something that we would be well served as a Congress to keep outside of Federal facilities, outside of Federal hospitals.

To say that the women will pay for the abortion, we all know that that issue is just part of the story. Having that infrastructure, having those medical professionals there, it represents a certain amount of Federal support.

For the millions and millions of pro-life Americans, I think certainly if Members are pro-life, they should vote against this amendment. I think if Members are undecided, they should vote against this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I strongly support the amendment, which will restore regulations permitting abortions for service members and their dependents at overseas defense department medical facilities.

Without this amendment women who have volunteered to serve their country will continue to be discriminated against by prohibiting them from exercising their legally protected right to choose abortion simply because they are stationed overseas.

While the department of defense policy respects the laws of host nations regarding abortions, service women stationed overseas should be entitled to the same services, as do women stationed in the U.S.

Prohibiting women from using their own funds to obtain abortion services at overseas military facilities endangers women's health.

Women stationed overseas depend on their base hospitals for medical care, and are often situated in areas where local facilities are inadequate or unavailable. This policy may cause a woman facing a crisis pregnancy to seek out an illegal and potentially unsafe abortion.

Since 1996, the ban on DOD abortions was made permanent by the DOD authorization bill. I have fought to restore the female service member's constitutional right of choice.

This amendment does not require the department of defense to pay for abortions; it simply repeals the current ban on privately funded abortions at U.S. military facilities overseas. Absolutely no federal funds will be used for abortion services. In addition, all three branches of the military have a ''conscience clause'' provision which will permit medical personnel who have moral, religious or ethical objections to abortion or family planning service not to participate in the procedure. These provisions will remain intact as well.

Access to abortion is a crucial right for American women, whether or not they are stationed abroad. This amendment must be supported, as women who serve our country must be able to exercise their choice whether or not they are on American soil.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from Florida (Mrs. MEEK) as the designee of the gentlewoman from California (Ms. SANCHEZ).

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

Ms. SANCHEZ. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 200, further proceedings on the amendment offered by the gentlewoman from Florida (Mrs. MEEK) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 200, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 12 offered by the gentleman from Texas (Mr. DELAY);

Amendment No. 13 offered by the gentleman from Florida (Mr. GOSS);

Amendment No. 14 offered by the gentlewoman from Florida (Mrs. MEEK) as the designee of the gentlewoman from California (Ms. SANCHEZ).

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

AMENDMENT NO. 12 OFFERED BY MR. DE LAY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. DELAY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 15-minute vote, followed by two 5-minute votes.

The vote was taken by electronic device, and there were—ayes 248, noes 143, not voting 7, as follows:

[Roll No. 182]

AYES—284

Aderholt
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cunningham
Davis (VA)
Deal
DeFazio
DeGette
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kildee
King (NY)
Kingston
Knollenberg
Kucinich
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moakley
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pallone
Pascrell
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shows
Shuster
Simpson
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tierney
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (AK)
Young (FL)

NOES—143

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Barrett (WI)
Becerra
Bereuter
Berman
Blagojevich
Blumenauer
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Capps
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gejdenson
Gonzalez
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinojosa
Hoeffel
Horn
Hoyer
Jackson (IL)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kilpatrick
Kind (WI)
Kleczka
Klink
Kolbe
LaFalce
Lampson
Lantos
Larson
Lee
Lewis (CA)
Lewis (GA)
Lowey
Luther
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pastor
Payne
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sisisky
Skelton
Smith (WA)
Snyder
Spratt
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wynn

NOT VOTING—7

Brown (CA)
Hinchey
Jones (OH)
Kasich
Sherwood
Stark
Visclosky

□ 2016

Mrs. THURMAN, Ms. DANNER, and Ms. SCHAKOWSKY, and Messrs. WEINER, HORN, and DAVIS of Florida changed their vote from ''aye'' to ''no.''

Messrs. HOLDEN, WISE, LUCAS of Kentucky, HALL of Ohio, MOAKLEY, LARGENT, KILDEE, MASCARA, STUPAK, DINGELL, COSTELLO, MOORE and SHERMAN, and Ms. PELOSI, Ms. SLAUGHTER and Mrs. MALONEY of New York changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 2015

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 200, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 13 OFFERED BY MR. GOSS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. GOSS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 198, not voting 9, as follows:

[Roll No. 183]

AYES—227

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

NOES—198

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—9

Brown (CA)
Coburn
Hinchey
Kasich
Lewis (CA)
Rush
Sherwood
Stark
Visclosky

□ 2024

Mr. METCALF changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 14 OFFERED BY MRS. MEEK OF FLORIDA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Florida (Mrs. MEEK) as the designee of the gentlewoman from California (Ms. SANCHEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded voted has been demanded.

A recorded vote was ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 203, noes 225, not voting 6, as follows:

[Roll No. 184]

AYES—203

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dunn
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinojosa
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kelly
Kennedy
Kilpatrick
Kind (WI)
Kleczka
Kolbe
Kuykendall
Lampson
Lantos
Larson
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Strickland
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Walden
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wu
Wynn

NOES—225

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Borski
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Coble
Coburn

Collins	Johnson, Sam	Regula
Combest	Jones (NC)	Reynolds
Cook	Kanjorski	Riley
Cooksey	Kaptur	Roemer
Costello	Kildee	Rogan
Cox	King (NY)	Rogers
Crane	Kingston	Rohrabacher
Crowley	Klink	Ros-Lehtinen
Cubin	Knollenberg	Royce
Cunningham	Kucinich	Ryan (WI)
Danner	LaFalce	Ryun (KS)
Davis (VA)	LaHood	Salmon
Deal	Largent	Sanford
DeLay	Latham	Saxton
DeMint	LaTourette	Scarborough
Diaz-Balart	Lazio	Schaffer
Dickey	Lewis (CA)	Sensenbrenner
Doolittle	Lewis (KY)	Sessions
Doyle	Linder	Shadegg
Dreier	Lipinski	Shimkus
Duncan	LoBiondo	Shows
Ehlers	Lucas (KY)	Shuster
Emerson	Lucas (OK)	Simpson
English	Manzullo	Skeen
Everett	Mascara	Skelton
Ewing	McCollum	Smith (MI)
Fletcher	McCrery	Smith (NJ)
Forbes	McHugh	Smith (TX)
Fossella	McInnis	Souder
Gallegly	McIntosh	Spence
Ganske	McIntyre	Stearns
Gekas	McKeon	Stenholm
Gibbons	McNulty	Stump
Gillmor	Metcalf	Stupak
Goode	Mica	Sununu
Goodlatte	Miller, Gary	Sweeney
Goodling	Moakley	Talent
Goss	Mollohan	Tancredo
Graham	Moran (KS)	Tauzin
Granger	Murtha	Taylor (MS)
Green (WI)	Myrick	Taylor (NC)
Gutknecht	Nethercutt	Terry
Hall (OH)	Ney	Thornberry
Hall (TX)	Northup	Thune
Hansen	Norwood	Tiahrt
Hastings (WA)	Nussle	Toomey
Hayes	Oberstar	Traficant
Hayworth	Ortiz	Upton
Hefley	Oxley	Vitter
Herger	Packard	Walsh
Hill (MT)	Paul	Wamp
Hilleary	Pease	Watkins
Hobson	Peterson (MN)	Watts (OK)
Hoekstra	Peterson (PA)	Weldon (FL)
Holden	Petri	Weldon (PA)
Hostettler	Phelps	Weller
Hulshof	Pickering	Weygand
Hunter	Pitts	Whitfield
Hutchinson	Pombo	Wicker
Hyde	Portman	Wilson
Istook	Quinn	Wolf
Jenkins	Radanovich	Young (AK)
John	Rahall	Young (FL)

NOT VOTING—6

Brown (CA)	Kasich	Stark
Hinchey	Sherwood	Visclosky

□ 2033

Ms. MCKINNEY changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. SPENCE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. NEY) having assumed the chair, Mr. NETHERCUTT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes, had come to no resolution thereon.

PERMISSION FOR COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE TO FILE SUPPLEMENTAL REPORT TO REPORT ON H.R. 1000, AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be permitted to file a supplemental report to report number 106–167, which accompanied the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

The supplemental report contains the CBO cost estimate for the bill.

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

There was no objection.

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1401.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. KIND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CONTROLS ON EXPORTATION OF TECHNOLOGY IN AMERICA

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

Mr. SMITH of Washington. Mr. Speaker, I rise today to talk about a very important policy issue in this country and that is the policy of export controls and specifically the controls that we place on the exportation of technology.

There has been a lot of talk about this issue today on the national defense bill, a lot of concerns about the exportation of technology. And I want to make a national security argument for changing some of those controls and allowing actually for the greater exportation of technology.

We heard a lot of talk today about the dangers of technology and what it can do to our national security. I think this is a misguided policy based on Cold War philosophies that fail to recognize the changes that have taken place in our economy and the emergence of a new information-based economy and what that means for all manner of policy decisions, particularly in the area of exportation of technology.

The situation we have right now is we have very strict restrictions on exportation of certain technology, most notably encryption software and any sort of so-called supercomputer. I say ''so-called'' because, basically, the laptops that we have on our desks today just a couple of years ago were considered supercomputers. That shows how fast computers advance and how much our policy fails to keep up with it.

The national security argument that I wish to make is based on the fact that our national security is best protected by making sure that the United States maintains its leadership role in the technology economy, maintains a situation where we in the U.S. have the best encryption software and the best computers.

If we place restrictions on the exportation of that technology, that will soon fail to be the case. We will cease to be the leaders in this technology area and we will cease to be able to provide that very important R&D to the military that enables them to be the leaders in technology.

Our current policies are creating a situation where more and more countries of the world have to go elsewhere to get access to either encryption software or computers of any kind. And that is a very important point in this debate.

The limitations that we place on the exportation of technology is based on two premises. One is correct but misinterpreted, and the other is incorrect. The one that is correct but misinterpreted is that technology matters in

national security. That is absolutely true. Computers, software, all manner of technology give us a stronger national defense, and all manner of technology can be a potential threat to any country's national security. That is true.

But the mistaken application comes from the belief that somehow the United States can place its arms around that technology and not allow the rest of the world to get it. That might have been true in the 1940's and in the 1950's. But in the new economy, in the Internet age and in the age of technology, it is not true.

Encryption is the best example. We believe that we are not going to allow the rest of the world access to the best encryption technology by restricting our Nation's companies' ability to export it. But we can download 128 byte encryption technology off the Internet.

Dozens of countries, not the least of which are Canada, Russia, Germany, export that technology. Also not to mention the fact that if we want to buy the best encryption technology possible, we can go to just about any software store in the world, slip it into the pocket of our suit, and climb on an airplane and go anyplace we want to go.

Our restricting our Nation's companies' ability to export encryption technology is not stopping so-called rogue nations or anybody out there from getting access to that technology. What it is doing is it is having them get that technology from some other country and also hurting our companies' ability to export to legitimate users of encryption technology.

And in the long-run, or actually, given the way the technology economy works, in the much shorter run than we would like, we are going to cease to be the leaders in encryption technology. The rest of the world is going to overtake us. And then our national security is really going to be threatened because we are not going to be the best and we are going to face other countries that have better technology than us.

The same is true in the area of computers. We are but a couple years away from creating a situation where most countries in the world will not be able to export so-called supercomputers to the rest of the country.

What we are a couple of years away from, forgive me, I did not exactly explain that right, is having our basic laptop not being able to be exported because of the 2,000 MTOPS limit that we place on exportation.

I think that there is a false argument that has been set up in this debate, and that is that this is a choice between national security and commerce. And I could spew off a whole bunch of statistics about how important technology is to the growth of our economy and how important access to foreign markets is to that growth of our technology sector of our economy. And all of that is true.

But a lot of people look at that and say, well, you are just arguing put commerce ahead of national security. We are not arguing that. National security, as well as commerce, demands that we change the export control policies that we place on technology.

SAFETY IN AMERICA'S SCHOOLS

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

Mr. ISAKSON. Mr. Speaker, I am proud to rise tonight and talk for a second about a subject that only a few months ago was on everybody's lips but fast wanes away, and that is school safety and the problem with violence in our schools.

In the next few days, or next week, we will consider gun legislation. We will hear a lot of rhetoric. We will talk about a lot of things. But somehow, with time and space, we forget about the great tragedy that has happened in America in the past 2 years.

This year, when graduation takes place, many students will commence to higher education. But in Colorado, 13 students will never go to class again. In Georgia, only by the grace of God, our students were injured and not killed.

Does Congress have a role in this? Is there something that we can do? Yes, I think there is. But first I think we need to be honest about the blame game.

There is appropriate responsibility in the gun industry, and they should accept it. There is appropriate responsibility in the motion picture industry, and they should accept it. There is appropriate responsibility in the music industry, and they should accept it. And every parent in America should understand today that parental responsibility must be restored in America if we are ever to solve school violence.

But Congress has a role, too. It is our fault, as well. We stand here today in the people's House and appropriate money for the education of our children, the defense of our country, exports of our materials and facilitating our businesses. Yet our greatest natural resource is the generation now being educated in the schools of America.

Should we run them? No, they should not be federalized. I was a school board chairman in Georgia. I know local control is important. But I know resources are equally important.

□ 2045

Next week, I will introduce in the Congress a bill that really does address school violence. It does not play the blame game by attacking an inanimate object, a motion picture or music, all of which have some responsibility, but instead it talks about us being a facilitator for resources at the local level through a block grant program that institutionalizes in this country an expectation of safety, discipline and student assistance.

When you read behind the sensationalism of the last few instances in America, you will find students who were troubled, students who were reported by teachers or other parents to have demonstrated tendencies that would be violent, and you will find gaps between that report and any follow-up. And unfortunately in each and every case, whether it be Paducah or Jonesboro or Conyers or Littleton, tragedy ensued and the lives of American children were lost.

This bill would do the following things. It would create a block grant program for any system in the country that wishes to apply for us to assist in the funding of a director of school safety in every public school in America. It would not allow the funds to supplant State or local funds. The individual employed would not necessarily have to be a certified teacher but could be at the discretion of that system, somebody that most importantly met the needs of the demographics of those children. If accepted, it would require a school safety plan. And further it would exempt from existing law the prohibitions we now place on many teachers and administrators from direct referrals of students who demonstrated violent tendencies to the appropriate law enforcement, mental health or other agency that we fund in our local governments around this country.

Mr. Speaker, I am convinced that children rise to the expectations that we set for them. Unfortunately, we have created an environment where our expectations in our schools in terms of discipline, in terms of zero tolerance for violence, are not as high as they should be. And the children, the vast majority, almost 100 percent who are good kids, who obey the rules, who go to school, they should not be punished and their life should never be taken, because we did not do what we could do to facilitate an environment in our schools of safety and discipline and, probably most importantly, direct assistance when a child is in trouble, to see to it they receive what they need at the most critical time in their lives.

I want to conclude by making a point. I am a parent. Since I have been in politics I probably got more credit for raising our three than I deserve, but my wife and I raised three wonderful children. We sent them all to public schools. I think that is the real world. I think that is the world my kids will grow up in. We sent them there and we tried our best to be involved in their education, to raise their expectations, to do the right thing and to obey the law. There are lots of other parents like that. But the biggest problem in America today is probably parental deficit disorder, not attention deficit disorder. We cannot expect our system to educate our kids and to raise them.

I urge my colleagues to support this legislation and let us do something concrete for the children of America.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.

INTRODUCTION OF LEGISLATION REGARDING ALIENS FROM ALBANIA, MACEDONIA AND MONTENEGRO

The SPEAKER pro tempore (Mr. TANCREDO). Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, I rise today to introduce a bill that will lighten the heavy burden placed on our allies in the Balkans. Over the past 9 weeks, over 780,000 refugees have flooded into Albania, Macedonia and Montenegro, putting overwhelming pressures on already strained humanitarian services. I recently visited these countries and saw firsthand the growing number of refugees and the demands on social services, government workers and relief agencies attempting to feed, clothe and house refugees with nowhere else to turn. As a Nation, we have appealed to these countries to keep their borders open to the Kosovar refugees. We have increased our humanitarian aid, pledged to admit 20,000 refugees into the United States, and already welcomed 3,000 of them into our country. In fact, volunteers for a relief agency in my district, World Relief in Wheaton, have welcomed 54 refugees into their homes. Yet as we are opening our homes to refugees from camps in Macedonia, Albania and Montenegro, we are preparing to send back to them aliens who have been residing peacefully in the United States. Indeed, the U.S. Immigration and Naturalization Service continues to detain for deportation aliens from these countries. One of my constituents in Illinois has been interned for purposes of deportation since last March.

Mr. Speaker, I believe that this policy should be revised to reflect the current realities of the situation in the Balkans. Clearly there are extraordinary conditions that prevent aliens from returning to these republics at this time. My legislation, cosponsored by seven of my colleagues from both sides of the aisle, will designate temporary protected status for aliens from the Republics of Albania and Montenegro and the former Yugoslav Republic of Macedonia. The U.S. has already extended such protection to aliens from Kosovo. I believe that it must also be extended to these other hard-pressed republics.

In my view, this would not only serve the best interests of the United States, it would also signal to our friends in the region our firm commitment to easing the overwhelming humanitarian challenges that face them.

Mr. Speaker, I wrote to the Attorney General and the Secretary of State urging that TPS be designated for aliens from these countries. The administration has yet to take action on my recommendation. As the stability of our friends in the Balkans is of paramount importance to the success of our Nation's mission, I believe Congress must act.

I thank my colleagues who join with me today in support of this bill. I urge the House to act quickly on this legislation to show our strong commitment to the continued well-being of our friends in the Balkans.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. NAPOLITANO) is recognized for 5 minutes.

Mrs. NAPOLITANO addressed the House. Her remarks will appear hereafter in the Extensions of Remaks.

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

Mr. CUNNINGHAM addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

IN SUPPORT OF SECURITY AND FREEDOM THROUGH ENCRYPTION (SAFE) ACT

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

Mr. MALONEY of Connecticut. Mr. Speaker, I rise this evening to speak in support of the Security and Freedom through Encryption, or SAFE, Act, which has been introduced in this session of the Congress and has been done so in support of the high technology industry which is so important to our economy and, therefore, to our country. Indeed, the high technology industry has already created and employs nearly 5 million people across this great land. But the statistics do not show the whole story, for as much as the high tech industry directly adds to our economy, it adds even more indirectly. Advances in technology impact every other sector of our economy, be it retail sales or farming or manufacturing or whatever. The productivity increases that high tech has brought to us allow us to work better and faster, creating higher incomes and prosperity for all Americans. I think it is safe to say that high technology has been the most important development in our economy in the last 50 years. We need to continue to promote high technology. Part of the problem we face is that currently government imposes strict regulations on technology imports, such as encryption technology. The rationale behind these policies is that we should limit potential adversaries from acquiring top-notch technology, whether those adversaries be in the foreign affairs field or in criminal enterprises. In regard to encryption, this policy is outdated and needs rethinking. It is as a practical matter impossible to limit access to some of those technologies, especially when it is possible to purchase top of the line encryption technology through the Internet or from a foreign vendor. U.S. export controls on U.S.-created encryption do not restrict anyone's access to technology or to encryption devices, and instead cripples the U.S. technology industry's ability to grow, invest in research and development and continue to create the best technology in the world. That is a far bigger threat to our national security. Our national security fundamentally relies on the strength and competitiveness of our economy. Reforming encryption controls and passage of the Security and Freedom through Encryption, or SAFE, Act which I have cosponsored is a common-sense approach that levels the playing field for our industry in the world, without compromising America's national security interest. I urge its passage.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE FOR H.R. 1000, AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY

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

Mr. SHUSTER. Mr. Speaker, I am submitting for the RECORD the official Congressional Budget Office Cost Estimate for H.R. 1000, unanimously reported by the Committee on Transportation and Infrastructure on May 27, 1999. As part of an agreement, the committee had received unanimous consent to file its report by 6 p.m. on May 28, 1999. Unfortunately, CBO was unable to complete the official cost estimate by 6 p.m., and the committee had to include a committee cost estimate in its report. That estimate is superseded by the CBO estimate.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 28, 1999.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, House of Representatives Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1000, the Aviation Investment and Reform Act for the 12st Century.

If you wish further details on this estimate, we will be pleased to provide them. The principal CBO staff contact for federal costs is Victoria Heid Hall, who can be reached at 226–2860. The staff contact for the private-sector impact is Jean Wooster, who can be reached at 226–2940, and the contact for the state and local impact is Lisa Cash Driskill, who can be reached at 225–3220.

Sincerely,

BARRY B. ANDERSON,
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 1000—Aviation Investment and Reform Act for the 21st century

Summary: H.R. 1000 would authorize funding for programs of the Federal Aviation Administration (FAA) primarily for fiscal years 2000 through 2004. CBO estimates that implementing H.R. 1000 would result in additional outlays totaling about $56 billion over the 2000–2004 period. That total assumes appropriation action consistent with the bill's authorizations and the levels of new contract authority it provides for aviation programs. Outlays for the programs authorized by the bill would grow from an estimated $9.2 billion in 1999 to $14.8 billion in 2004. We also estimate that enacting the bill would increase direct spending outlays by about $46 million over the same period. Revenues would decline by $35 million over the five-year period. Because H.R. 1000 would affect both direct spending and receipts, pay-as-you-go procedures would apply to the bill.

The bill would provide an additional $7.1 billion in contract authority for the airport improvement program (AIP) over the 2000–2004 period (above the $2.4 billion a year assumed in the baseline), but providing this contract authority would not affect outlays from direct spending because AIP outlays are subject to appropriation action. (The increase in estimated AIP outlays is included in the discretionary total cited above.) H.R. 1000 also would increase direct spending authority for the Essential Air Service (EAS) program by $10 million each year. We estimate that enacting that change would increase outlays by $46 million over the 2000–2004 period. Furthermore, the bill would allow the Secretary of Transportation to authorize certain airports to charge higher passenger facility fees and would expand a pilot program that provides for the innovative use of airport improvement grants to finance airport projects. The Joint Committee on Taxation (JCT) expects that these provisions would result in an increase in tax-exempt financing and a subsequent loss of federal revenue. JCT estimates that the revenue loss would be $35 million over the 2000–2004 period and $142 million over the 2000–2009 period.

H.R. 1000 would take the Airport and Airway Trust Fund (AATF) off-budget and exempt AATF spending from the discretionary spending caps, pay-as-you-go procedures, and Congressional budget controls (including the budget resolution, committee spending allocations, and reconciliation process). Title X would provide for adjusting AIP contract authority upward based on the difference between the amounts appropriated and the amount authorized for FAA operations, facilities and equipment, and research and development. Any adjustments would begin in fiscal year 2001.

H.R. 1000 contains intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA), but CBO estimates that the costs would be significant and would not meet the threshold established by that act ($50 million in 1996, adjusted annually for inflation). Overall, the bill would provide significant benefits to airports operated by state and local governments. Section 4 of UMRA excludes from the application of that act any legislative provisions that would establish or enforce certain statutory rights prohibiting discrimination. CBO has determined that section 706 fits within that exclusion. Section 4 also excludes from the application of that act any legislative provisions that are necessary for the ratification or implementation of international treaty obligations. CBO has determined that section 710, which implements provisions of the Convention on International Civil Aviation, fits within that exclusion.

H.R. 1000 would impose new private-sector mandates by requiring safety equipment for specific aircraft, imposing consumer and employee protection provisions, and imposing new requirements for commercial air tour operations over national parks. Those mandates would affect owners of fixed-wing aircraft, air carriers, end-users of aircraft parts, operators of commercial air tours, and owners and operators of cargo aircraft. CBO estimates that the total direct costs of the mandates would not exceed the annual threshold for private-sector mandates ($100 million in 1996, adjusted for inflation).

Description of the bill's major provisions: Title I would authorize the appropriation of $47.6 billion for FAA operations, facilities, and equipment for fiscal years 2000 through 2004. Title I also would provide $19.2 billion in contract authority for the FAA's airport improvement program for fiscal years 2000 through 2004.

Title I would allow the Secretary of Transportation to authorize certain airports to charge higher passenger facility fees than under current law. This title also would expand a pilot program that provides for the innovative use of airport improvement grants to finance airport projects. Title II would establish a federal credit program to assist commuter air carriers in purchasing regional jet aircraft. Title II also would increase the amount of direct spending authority for the EAS program and would authorize the use of appropriations to FAA operations for that program.

Title III would provide that, of the amounts appropriated for FAA operations in fiscal year 2000, up to $1.5 million may be used to obtain contractual audit services to complete a report on FAA's costs and on the allocation of such costs among different FAA services and activities.

Title IV would make the Death on the High Seas Act (DOHSA) inapplicable to aviation incidents, thereby broadening the circumstances under which relatives can seek compensation for the death of a family members in an aviation incident over the ocean.

Title V would establish civil penalties for individuals who interfere with or jeopardize the safety of a cabin crew or other passengers.

Title VI would provide whistleblower protection for employees of air carriers who notify authorities that their employer is violating a federal law relating to air carrier safety. The bill would set up a complaint and investigation process within the Department of Labor (DOL).

Title VII would extend the war risk insurance program and prohibit the FAA from charging fees for certain services. This title would provide that, of the amounts appropriated for FAA operations in fiscal year 2000, $2 million may be used to eliminate a backlog of equal employment opportunity complaints at the Department of Transportation (DOT).

Title VIII would make clear that the FAA has the authority to regulate aircraft overflights affecting public and tribal lands, and would establish a process for the FAA and the National Park Service (NPS) to coordinate the development and implementation of such regulations.

Title IX would place receipts to and sending from the Airport and Airway Trust Fund (AAFT) off-budget and exempt the fund from any general budget limitations. Title IX and X would provide for periodic adjustments to the amounts authorized to be appropriated for the FAA based on estimated and actual deposits to the AATF and on appropriations action.

Estimated cost to the Federal Government: Over the 2000–2004 period, CBO estimates that implementing H.R. 1000 would result in additional discretionary outlays of about $56 billion, additional direct spending outlays of $46 million, and a net loss of federal revenues of $35 million. The estimated budgetary impact of H.R. 1000, excluding the potential impact of title X, is shown in the following table. The costs of this legislation fall primarily within budget function 400 (transportation).

	By fiscal year, in millions of dollars—					
	1999	2000	2001	2002	2003	2004
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current law:						
Budget Authority [1]	7,654	0	0	0	0	0
Estimated Outlays [1]	9,247	3,458	1,347	512	166	78
Proposed Changes: [3]						
Estimated Authorization Level	0	7,572	8,950	9,886	10,357	10,860
Estimated Outlays	0	6,020	9,653	12,095	13,687	14,710
Spending Under H.R. 1000: [3]						
Estimated Authorization Level: [1]	7,654	7,572	8,950	9,886	10,357	10,860
Estimated Outlays	9,247	9,478	11,000	12,607	13,853	14,788
DIRECT SPENDING—EXCLUDING TITLE X						
Baseline Spending Under Current Law:						
Estimated Budget Authority [4]	2,410	2,460	2,460	2,460	2,460	2,460
Estimated Outlays	0	30	50	50	50	50
Proposed Changes:						
Estimated Budget Authority	0	75	1,600	1,700	1,850	1,950
Estimated Outlays	0	6	10	10	10	10
Spending Under H.R. 1000:						
Estimated Budget Authority [4]	2,410	2,535	4,060	4,160	4,310	4,410
Estimated Outlays	0	36	60	60	60	60
CHANGES IN REVENUES						
Estimated Revenues	0	−1	−3	−6	−11	−14

[1] The 1999 level is the amount appropriated for that year for FAA's operations account and facilities and equipment account.

[2] Estimated outlays under current law are from amounts appropriated for 1999 and previous years for the FAA operations account and the facilities and equipment account, as well as the discretionary outlays from the AIP obligation limitations, assuming a full year of authority in 1999.

[3] H.R. 1000 authorizes such sums as necessary for the FAA operations account and for the facilities and equipment account for fiscal year 2000. The table reflects a level for 2000 equal to the amounts provided in 1999—that is, without any adjustment for anticipated inflation. Alternatively, if the 1999 level is increased to adjust for inflation, the 2000 level would be $300 million higher, resulting in $300 million more in outlays over the 2000–2004 period.

[4] Budget authority for AIP is provided as contract authority, a mandatory form of budget authority; however, outlays from AIP contract authority are subject to obligation limitations contained in appropriation acts and are therefore discretionary. CBO's baseline projections assume a full year budget authority will be provided for AIP for fiscal year 1999 and each subsequent year. The full-year total is 1.2 times the $2,050 million provided through August 6, 1999.

The preceding table excludes the potential effects of title X, which would provide for adjustments to AIP funding, beginning in fiscal year 2001. The annual adjustments would be derived by comparing the amounts authorized for FAA operations, facilities and equipment, and research and development, and the amounts provided in appropriations acts for those purposes. If appropriations equal the authorized amounts, then there would be no adjustment in AIP contract authority. Any adjustment would constitute new direct spending authority because it would be triggered by title X; however, all outlays for AIP would still be subject to obligation limitations established in appropriation acts. Depending on the appropriation actions, this provision could result in additional AIP contract authority of up to $40 billion over the 2001–2004 period, as shown in the following table. (The maximum contract authority would result if no appropriations were provided for the accounts in question.)

	By fiscal year, in millions of dollars—					
	1999	2000	2001	2002	2003	2004
CHANGES IN DIRECT SPENDING—TITLE X [1]						
Estimate Budget Authority	0	0	8,950	9,886	10,357	10,868
Estimate Outlays	0	0	0	0	0	0

[1] The amounts shown are potential additions to AIP contract authority attributable to section 1001 of title X.

Basis of estimate: Implementing H.R. 1000 would affect spending subject to appropriation, direct spending, and revenues. Estimates of outlays are based on historical spending patterns for the affected programs and on information provided by DOT and FAA staff.

Spending subject to appropriation

For purposes of this estimate, CBO assumes that H.R. 1000 will be enacted before the start of fiscal year 2000, and that the amounts authorized for aviation programs will be appropriated for each fiscal year.

FAA Operations. H.R. 1000 would authorize the appropriation of such sums as necessary for FAA operations for fiscal year 2000. The bill also provides that funds, appropriated for FAA operations in fiscal year 2000 may be used for a number of new activities, including $2 FAA operations in fiscal year 2000 may be used for a number of new activities, including $2 million to eliminate a backlog of equal opportunity complaints at DOT, up to $1.5 million to study the use of recycled materials in aviation pavement, and up to $1.5 million to obtain contractual audit services to complete the Inspector General's report on the FAA's costs and cost allocations. In total, we estimate that the additional activities would require appropriations of $5 million for 2000. For fiscal years 2001 through 2004, the bill would authorize specific annual amounts totaling $28,553 million.

In the absence of specific authorizations for FAA operations in 2000, CBO estimates the amounts of the 2000 authorization based on the 1999 funding levels, with and without adjustments for inflation. The FAA received an appropriation of $5,567 million for operations in 1999. If that level is not adjusted for inflation between 1999 and 2000, CBO estimates that the funding level for fiscal year 2000 would be $5,572 million (including an additional $5 million for the new activities cited above). CBO estimates that appropriation of that amount in 2000 and the authorized levels specified in the bill for 2001 through 2004 would result in additional outlays for FAA operations totaling $33.3 billion over the 2000–2004 period (excluding outlays from amounts appropriated in 1999 and prior years). Alternatively, if the Congress increased funding for operations in 2000 to account for inflation, we estimate that the funding level for that year would be $5,825 million. Combining that amount with the specified authorizations for 2001 through 2004 would yield additional outlays of $33.5 billion for FAA operations over the 2000–2004 period.

H.R. 1000 also provides that funds appropriated for FAA operations may be used for certain activities and programs beginning in fiscal year 2001. Assuming that the Congress appropriates the amounts authorized in the bill for FAA operations for the years 2001 through 2004, we expect that earmarking amounts for the programs described below would not have any significant impact on outlays for FAA operations.

Section 211 would establish a program to provide commuter air carriers with federal loans, loan guarantees, or lines of credit for the purchase of regional jet aircraft. The program is designed to improve service by jet aircraft to smaller airports and to markets that the Secretary of Transportation determines have insufficient air service. Section 212 provides that, from appropriations for FAA operations for each of fiscal years 2001 through 2004, such sums as necessary may be used to carry out the program, including administrative expenses. The Federal Credit Reform Act of 1990 requires appropriation of the subsidy costs and administrative costs for credit programs. The subsidy cost is the estimated long-term cost to the government of a direct loan or loan guarantee, calculated on a net present value basis and excluding administrative costs. Based on information from the FAA, CBO estimates that the subsidy appropriation necessary to implement this program would total about $80 million over the 2001–2004 period, and that outlays for this program would be $60 million over the five-year period. CBO estimates that administering the credit program would cost about $11 million over the 2001–2004 period. The bill would permit the Secretary to charge fees to cover all costs to the federal government of making such loans and would allow the Secretary to spend the fee receipts generated to administer the program. For purposes of this estimate, we assume the Secretary would not charge any fees.

Section 202 provides that, of amounts appropriated for FAA operations beginning in fiscal year 2001, up to $15 million each year may be used to subsidize air carrier service to airports not receiving sufficient service as determined by the Secretary of Transportation. Such amounts would be in addition to the spending authorized under current law for the EAS program. CBO estimates that implementing this section would result in outlays of $54 million over the 2001–2004 period from the operations account, assuming appropriation of the necessary amounts.

Section 131 would direct the Secretary of Transportation to establish a pilot program to contract for air traffic control services at certain towers that do not qualify for the current contract tower program. The pilot program would include a federal contribution to the costs of constructing control towers at up to two facilities. The section provides that, of the amounts appropriated for FAA operations beginning in fiscal year 2000, up to $6 million may be used each year for the pilot program. Because $6 million was earmarked for cost sharing for contract towers in the fiscal year 1999 appropriation for FAA operations, we estimate that enacting section 131 would not affect the outlay rate.

FAA Air Navigation Facilities and Equipment. H.R. 1000 would authorize the appropriation of such sums as necessary for air navigation facilities and equipment (F&E) in fiscal year 2000 and specified amounts for fiscal years 2001 through 2004.

FAA received an appropriation of $2,000 million for F&E in 1999 (excluding $87 million that was provided in a separate appropriation specifically for addressing year 2000 computer problems). CBO estimates that appropriation of that amount in 2000 and the authorized levels specified in the bill for 2001 through 2004 would result in additional outlays for F&E totaling $10.3 billion over the 2000–2004 period (excluding outlays from amounts appropriated in 1999 and prior years). Alternatively, if the Congress increased F&E funding in 2000 to account for inflation, the estimated funding level for that year would be $2,047 million. Combining that amount with the specified authorizations for 2001 through 2004 would yield additional outlays of $10.4 billion for F&E over the 2000–2004 period.

FAA Airport Improvement Program. Title I would provide $2,410 million in contract authority (a mandatory form of budget authority) for the airport improvement program for 1999 and a total of $19,175 million in contract authority over the 2000–2004 period, as discussed below in the section on direct spending. That amount represents $7,125 million in contract authority above the amount assumed in CBO's March 1999 baseline. For purposes of this estimate, we assume that the obligation limitations for AIP contained in annual appropriation acts for fiscal years 2000 through 2004 would equal the amounts of contract authority that would be provided in this bill.

Other Provisions. Based on the current costs of operating a whistleblower protection program at the Department of Energy, CBO estimates that the administrative costs of operating the new DOL program provided in section 601 would be less than $1 million a year.

Based on information from the NPS and the FAA, CBO estimates that discretionary outlays to conduct planning and rulemaking for park overflights, complete air tour management plans (including environmental analyses), and monitor any overflight limits established in such plans would total $29 million over the 2000–2009 period. This process is already underway, and we expect that these costs will be incurred within the next 10 years under current law, assuming appropriation of the estimated amounts. CBO estimates that the provisions of title VIII dealing with park overflights would cause no significant change in FAA or NPS spending

over the next five years. We estimate that operating the joint advisory group would cost the agencies a total of about $25,000 each year.

H.R. 1000 contains several additional provisions that would require the FAA to conduct studies, complete reports, issue rulemakings, and develop test programs. CBO assumes that such costs would be funded from the authorizations provided in the bill for FAA operations, facilities, and equipment. In total, CBO estimates that these studies, rulemakings, and reports would cost about $1 million in fiscal year 2000.

Direct spending

Relative to CBO's March 1999 baseline, enacting title I of the bill would provide an additional $7,125 million in contract authority (a mandatory form of budget authority) for the airport improvement program for fiscal years 1999 through 2004. It also would extend the authority of the Secretary of Transportation to incur obligations to make grants under that program.

Under current law, $2,050 million in AIP contract authority for fiscal year 1999 is available for obligation until August 6, 1999, equivalent to an annual rate of $2,410 million. Title I would bring the total contract authority for fiscal year 1999 up to the baseline level of $2,410 million and would provide a total of $19,175 million in contract authority over the 2000–2004 period. Consistent with the Budget Enforcement Act, CBO's baseline projections assume that a full year of contract authority ($2,410 million) will be provided for AIP in fiscal year 1999 and each subsequent year. Therefore, relative to the baseline, enacting title I would not affect contract authority for 1999, and would increase contract authority by a total of $7,125 million over the 2000–2004 period.

Expenditures from AIP contract authority are governed by obligation limitations contained in annual appropriation acts and thus are categorized as discretionary outlays. For purposes of this estimate, we assume that appropriation acts for fiscal years 2000 through 2004 will set obligation limitations for AIP equal to the annual levels of contract authority provided in this bill (as discussed above).

Section 202 would increase DOT's direct spending authority for the EAS program by $10 million each year, beginning in fiscal year 2000. In 1999, the program has $50 million of funding from amounts made available to FAA in discretionary appropriations, and it has a permanent, mandatory level of $50 million a year for future years. Section 202 would increase that mandatory level to $60 million a year. We estimate that additional outlays from the increased authority would total $46 million over the 2000–2004 period. (This provision is in addition to the authorization for additional discretionary spending for EAS out of amounts appropriated for FAA operations.)

Section 715 would prohibit the FAA from charging fees for certain FAA certification services pertaining to particular products manufactured outside the United States. Based on information from the FAA, CBO estimates that the forgone receipts would total about $1 million a year beginning in fiscal year 2000 and as much as $4 million a year in future years. Because the FAA has the authority to spend such fees, a reduction in such fee collections would also reduce spending; therefore, we estimate that this provision would have no significant net effect on direct spending over the 2000–2004 period.

Section 404 would amend title 49 of the U.S. Code so that the Death on the High Seas Act of 1920 (DOHSA) would not apply to aviation incidents. Under DOHSA, a family can only seek compensation if the relatives were financially dependent upon the deceased. By making DOHSA inapplicable to aviation incidents, section 404 would broaden the circumstances under which relatives can seek compensation for the death of a family member in an aviation incident over the ocean. It could also lead to larger awards. Based on information from DOT, CBO estimates that it is unlikely that enacting section 404 would have a significant impact on the federal budget. The provision could affect federal spending if the government becomes either a defendant or a plaintiff in a future civil action related to aviation. Since any additional compensation that might be owed by the federal government under such an action could be paid out of the Claims and Judgments Fund, the provision could affect direct spending. But CBO has no basis for estimating the likelihood or outcome of any such actions.

Section 708 would extend the authorization for the FAA's aviation insurance program through December 31, 2004. Under current law, the aviation insurance program will end on August 6, 1999. Enacting this provision could cause an increase in direct spending if new claims would result from extending the insurance program. Moreover, such new spending could be very large, particularly if a claim exceeded the balance of the trust fund and the FAA had to seek a supplemental appropriation. But historical experience suggests that claims under this program are very rare; therefore, extending the aviation insurance program would probably have no significant impact on the federal budget over the next five years.

Revenues

H.R. 1000 would authorize the Secretary of Transportation to allow certain airports to charge higher passenger facility fees than under current law. JCT expects that this provision would allow airports to generate more income from fees, which would be used to back additional tax-exempt debt. Such debt would result in a loss of federal revenue. JCT estimates a revenue loss of about $33 million over the 2000–2004 period and about $136 million over the 2000–2009 period.

The bill also would expand a pilot program that provides for the use of airport improvement grants to implement innovative financing techniques for airport capital projects. These techniques include payment of interest, purchase of bond insurance, and other credit enhancements associated with airport bonds. While the first pilot program, enacted in 1996, included these provisions, the early use of the program was geared more toward changing federal/local matching ratios. In addition, the earlier authorization provided for no more than 10 projects. This provision represents an expansion to 25 pilot projects. It is designed to leverage new investment financed by additional tax-exempt debt. JCT expects that this provision would lead to an increase in tax-exempt financing and a resulting loss of federal revenue. JCT estimates a loss of revenue of about $2 million over the 2000–2004 period and about $6 million over the 2000–2009 period.

H.R. 1000 would authorize the FAA to impose a new civil penalty on individuals who interfere with the duties and responsibilities of the flight crew or cabin crew of a civil aircraft, or who pose an imminent threat to the safety of the aircraft. The bill also would impose civil penalties on air carriers that discriminate against handicapped individuals and on violators of certain other provisions. Based on information from the FAA, CBO estimates that the civil penalties in H.R. 1000 would increase revenues, but that the effect is likely to be less than $500,000 annually.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending and receipts. The net changes in outlays and receipts that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing such procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

	By fiscal year, in millions of dollars—										
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Changes in outlays	0	6	10	10	10	10	10	10	10	10	10
Changes in receipts	0	−1	−3	−6	−11	−14	−17	−19	−21	−24	−26

Changes in the budgetary control of aviation spending: H.R. 1000 would change the budgetary status of funding for aviation programs by placing the AATF off-budget and removing AATF funding from discretionary caps altogether. The bill also provides for periodic adjustments in FAA authorization levels based on AATF receipts and appropriation action.

Exempting AATF spending from budgetary control and enforcement procedures

Beginning in fiscal year 2001, title IX would take the Airport and Airway Trust Fund (AATF) off-budget and exempt trust fund spending from the discretionary spending caps, pay-as-you-go procedures, and Congressional budget controls (including the budget resolution, committee spending allocations, and reconciliation). By itself, taking the AATF off-budget would not change total spending of the federal government and would not affect spending or revenue estimates for Congressional scorekeeping purposes. However, because title IX would exempt AATF spending from the budgetary control and enforcement procedures that apply to most other programs, spending for air transportation would likely increase insignificantly. The amounts of potential increases are uncertain because they would depend upon future actions by both authorizing and appropriations committees.

Adjustments to FAA authorizations and program funding

Beginning in calendar year 2000, title IX would require the Secretaries of Transportation and the Treasury to estimate, by March 31 of each year, whether the unfunded aviation authorizations at the close of the subsequent fiscal year exceed net aviation receipts to be credited to the AATF during the fiscal year. If the unfunded authorizations exceed estimated receipts, authorizations for appropriations from the trust fund would be reduced. It is unclear how this provision would be implemented, but enacting this provision could decrease the amount authorized to be appropriated from the AATF.

Beginning with the President's budget submission for fiscal year 2003, title X would adjust the upcoming fiscal year's FAA authorizations based on the difference between estimated and actual receipts to the AATF in the most recently completed year. Title X

provides that when the President submits a budget for a fiscal year, the Office of Management and Budget shall calculate and the budget shall report the extent to which the actual receipts (including interest) deposited to the AATF for the base year (that is, the most recently completed fiscal year) were greater or less than the estimated deposits specified in H.R. 1000 for the base year.

If there is a difference between the estimated and actual deposits in the base year, then title X provides that the amounts authorized to be appropriated in the upcoming fiscal year for FAA operations, facilities and equipment, research and development, and airport improvement shall be adjusted proportionately such that the total adjustments equal the revenue difference.

Estimated impact on State, local, and tribal governments: Overall, H.R. 1000 would provide significant benefits to airports operated by state and local governments. It also would impose two small mandates on state governments, but CBO estimates the cost of complying with these mandates would not be significant and would not meet the threshold established by UMRA ($50 million in 1996, adjusted annually for inflation).

Mandates

Section 401 of the bill would prohibit a state or local government from preventing people associated with disaster counseling services who are not licensed in that state from providing those services for up to 60 days after an aviation accident. Section 402 of the bill would expand a current preemption of state liability laws by limiting the liability of air carriers that provide information concerning flight reservations to the families of passengers involved in airline accidents. Air carriers are already provided immunity from state liability laws for providing passenger lists under these circumstances. Because neither mandate would require state or local governments to expend funds or to change their laws, CBO estimates that any costs associated with these mandates would be insignificant.

Other impacts

H.R. 1000 would authorize $19.2 billion in contract authority for the AIP for fiscal years 2000 through 2004, an increase of more than $7 billion over CBO's March baseline for that period. Because the AIP provides grants to fund capital improvement and planning projects for more than 3,300 of the nation's state and locally operated commercial airports and general aviation facilities, those airports could realize significant benefits from this increase.

The bill also would expand the uses and change the distribution of AIP funds. For instance, it would increase from $500,000 to $1.5 million the minimum amount of money going to each of the nation's 428 primary airports from the entitlement portion of the AIP. (Primary airports board more than 10,000 passengers each year.) These funds are distributed based on the number of passengers boarding at an airport. The amount of money received per passenger would be significantly increased, and the current $22 million cap would be eliminated. The bill would also allow non-primary and reliever airports to receive up to $200,000 in entitlement funds per eligible airport. (Non-primary airports board between 2,500 and 10,000 passengers each year; reliever airports are designated by the FAA to relieve congested primary airports.)

Under this bill, eligible airports, under certain circumstances, would be able to increase passenger facility charges (PFCs) to $6 from the current $3 limit. Based on information from the General Accounting Office and the FAA, CBO estimates that if all airports currently charging PFCs chose to increase them, revenues would total about $475 million for every $1 increase in the fee. The revenue generated from increased PFCs could be used to leverage tax-exempt bonds for airport projects. The bill also would increase to 25 the number of airports eligible to participate in an innovative financing pilot program. Under this program, eligible airports could use AIP funds to leverage new investment financed by additional tax-exempt debt.

Title II of the bill would deregulate the number and timing of takeoffs and landings (slots) at La Guardia Airport, Chicago O'Hare International Airport, and John F. Kennedy International Airport, effective March 1, 2000. Title II also would increase the number of slots available at Ronald Reagan Washington National Airport by six, subject to certain criteria. In general, as a condition of receiving money from the AIP, airports must agree to provide gate access, if available, to air carriers granted access to a slot. Based on information from the affected airports, CBO estimates that the increase in slots would have an insignificant impact on their budgets.

Estimated impact on the private sector: H.R. 1000 would impose new mandates by requiring safety equipment for specific aircraft, imposing consumer and employee protection provisions, and imposing new requirements for commercial air tour operations over national parks. Those mandates would affect owners of fixed-wing aircraft, air carriers, end-users of aircraft parts, commercial air tour operators, and cargo aircraft owners and operators. CBO estimates that the total direct costs of the mandates would not exceed the annual threshold for private-sector mandates ($100 million in 1996, adjusted for inflation).

Owners of fixed-wing powered aircraft

Section 510 would require the installation of emergency locator transmitters on certain types of fixed-wing, powered civil aircraft. It would do this by eliminating certain uses from the list of those currently excluded from that requirement. Most aircraft that would lose their exemption and currently do not have emergency locator transmitters are general aviation aircraft. According to information from the National Air Transportation Association, the trade association representing general aviation, the cot of acquiring and installing an emergency locator transmitter would range from $2,000 to $7,000 depending on the type of aircraft. CBO estimates that fewer than 5,000 aircraft would be affected, and that the cost of this mandate would be between $15 million and $30 million.

Air carriers

Sections 402 and 403 would add new requirements to the plans to address the needs of families of passengers involved in aircraft accidents. Currently both domestic air carriers that hold a certificate of public convenience and necessity and foreign air carriers that use the United States as a point of embarkation, destination, or stopover are required to submit and comply with those plans. This bill would require that as part of those plans air carriers give assurance that they would provide adequate training to their employees and agents to meet the needs of survivors and family members following an accident. In addition, domestic air carriers would be required to provide assurance that, if requested by a passenger's family, the air carrier would inform them whether the passenger's name appeared on the preliminary manifest. Updated plans would have to be submitted to the Secretary of Transportation and the Chairman of the National Transportation Safety Board on or before the 180th day following enactment.

The bill does not specify what level of training would be adequate for air carriers to be able to provide required assurance. Based on information from representatives of air carriers, CBO concludes that the major domestic and foreign air carriers and some smaller carriers currently provide training to deal with the needs of survivors and family members following an accident. In addition, the domestic carriers provide flight reservation information upon request, as would be required under H.R. 1000. CBO estimates that the cost of meeting the additional requirements would be small.

Section 601 would protect employees of air carriers or contractors or subcontractors if those employees provide air safety information to the U.S. government. Those firms would not be able to discharge or discriminate against such employees with respect to compensation, terms, conditions, or privileges of employment. Based on information provided by one of the major air carriers and the Occupational Safety and Health Administration, the agency that would enforce those provisions, CBO estimates that neither the air carriers nor their contractors would incur any direct costs in complying with this requirement.

Section 727 would grant the FAA the authority to request from U.S. air carriers information about the stations located in the United States that they use to repair contract and noncontract aircraft and aviation components. CBO expects that the FAA would request such information. Based on information from the FAA and air carriers, CBO anticipates that the carriers would be able to provide the information easily because it would be readily available and that any costs of doing so would be negligible.

End users of life-limited aircraft parts

Section 507 would require the safe disposition of parts with a limited useful life, once they are removed from an aircraft. The FAA would issue regulations providing five options for the disposition of such parts. The segregation of those parts to preclude their installation in aircraft is one option. Information from end users of such aircraft parts indicates that most currently segregate those parts before they reach the end of their useful life. CBO estimates that additional costs imposed by this mandate would be small since the end users would choose the most cost-effective method to safely dispose of such parts and most currently comply with the segregation option.

Commercial air tour operations

Title VIII would require operators of commercial air tours to apply for authority from the FAA before coducting tours over national parks or tribal lands within or abutting a national park. The FAA, in cooperation with the NPS, would devise air tour management plans for every park where an air tour operator flies or seeks authority to fly. The management plans would affect all commercial air tour operations up to a half-mile outside each national park boundary. The plans could prohibit commercial air tour operations in whole or in part and could establish conditions for operation, such as maximum and minimum altitudes, the maximum number of flights, and time-of-day restrictions. H.R. 1000 would not apply to tour operations over the Grand Canyon or Alaska. Those operations would be covered by other regulations.

CBO estimates that title VIII would impose no additional costs on the private sector beyond those that are likely to be imposed by FAA regulations under current law. CBO expects that the cost of applying to the FAA for authority to operate commercial air tours over national parks or tribal lands would be negligible.

Cargo aircraft owners and operators

Section 501 would mandate that a collision avoidance system be installed on each cargo

aircraft with a maximum certified takeoff weight in excess 15,000 kilograms or more by December 31, 2002. Cargo industry representatives say they are currently developing a collision avoidance system using new technology and expect it to be installed in such cargo aircraft by the deadline, even if no legislation is enacted. CBO estimates that this mandate would impose no additional costs on owners and operators of cargo aircraft.

Estimate prepared by: Federal Costs: Victoria Heid Hall, for FAA provisions and NPS overflights; Christina Hawley Sadoti, for DOL penalties; Hester Grippando, for FAA penalties. Impact on State, Local, and Tribal Governments: Lisa Cash Driskill. Impact on the Private Sector: Jean Wooster.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

JERUSALEM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

Ms. BERKLEY. Mr. Speaker, I rise today to urge that the administration immediately move forward to establish a United States embassy in Jerusalem. It has been 4 years since Congress passed the Jerusalem Embassy Act of 1995. That act requires that the U.S. embassy must be moved to Jerusalem from its current location in Tel Aviv no later than May 31, 1999. That deadline passed last week. It is most regrettable that the administration is in the process of considering exercising its waiver option to again delay moving the embassy to Israel's capital city. Jerusalem is the capital of Israel. Around the globe, it is the policy of the United States to place its embassies in capital cities. But Israel is the glaring exception to this policy. There is no plausible reason for this glaring exception. It is vitally important that the administration act now to move the embassy, because the final status negotiations of the Middle East peace process which are in their initial stages will include talks about Jerusalem. It is imperative to establish now the U.S. conviction that realistic negotiations must be based on the principle that Jerusalem is the eternal, undivided capital of Israel and must remain united forever. If the embassy remains in Tel Aviv, it would encourage the Palestinians to persist in unrealistic expectations regarding Jerusalem and thus reduce the chances of reaching an agreement.

I urge the administration to follow the lead of Congress and establish the U.S. embassy in Jerusalem where it rightfully belongs now.

MANAGED CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, the managed care issue was left unfinished in the last Congress. On the House side, the Patients' Bill of Rights was defeated by just five votes when it came to the floor and it was considered on the floor as a substitute to the Republican leadership's managed care bill which did pass and in my opinion was a thinly veiled attempt to protect the insurance industry from managed care reform.

I want to say, Mr. Speaker, that support among Democrats for passing the Patients' Bill of Rights is as strong as ever and it certainly needs to be. The Republican leadership in the House has reintroduced a bill that is virtually identical to what it moved last year, and on the Senate side earlier this year a Senate committee approved what I considered a sham managed care bill that does not allow patients to sue insurance companies but does allow insurance companies, not doctors and patients, to define medical necessity.

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Mr. Speaker, what the Democrats are trying to do in the next week or so is to bring the Patients' Bill of Rights to the floor, and because of the fact that we have been unable, as in the last session of Congress to get any hearings or committee action on the bill in the House, we have already put in place a procedure known as a discharge petition which will probably ripen next week and which will allow Members to come down to the floor and sign the petition to essentially force the Republican leadership to bring up a vote on the Patients' Bill of Rights.

In many ways it is unfortunate that we are reduced to that. The bottom line is that the Republicans are in the majority in this House, not the Democrats, and if the Democrats cannot get a bill brought up in committee because they are not in the majority, they do not chair the committees, then the only recourse they have is to resort essentially to the discharge petition process and hope that we can get a majority, all the Democrats and some Republicans, to force a vote on the Patients' Bill of Rights.

I wanted to say, Mr. Speaker, that another disturbing development has apparently taken place in the House over the last week, and that is that a few months ago we had heard that there were rumors that instead of moving a comprehensive managed care reform bill, the Republicans might try to bring up bits and pieces of patient protection. In other words, instead of bringing the comprehensive Patients' Bill of Rights to the floor, they would bring up bills that only deal with emergency room care or external appeals or whatever.

I just wanted to say that this approach should concern anyone who really cares about managed care reform. I think it is being considered as a means by which the Republicans hope to avoid the debate, a real debate on the whole comprehensive issue of managed care reform, particularly the right to sue and the issue of medical necessity.

What I think the Republicans may try to do is to bring up these individual bills in this piecemeal approach and then give the impression that somehow they are doing something on the issue of managed care reform or patient protection, when in fact they are not.

If this piecemeal approach is adopted, I think the concerns of the American people are certain to be ignored, the issues they care about the most will be left off the table in order to appease the insurance industry, and those pieces of patient protection that do get to the floor will be riddled with loopholes and all kinds of escape clauses.

Healthcare problems and the deaths and the serious injuries and serious problems that we have seen that have occurred because of the inability of patients to get a particular procedure, an operation, to be able to stay in the hospital, these things will continue to happen unless we have comprehensive managed care reform like the Patients' Bill of Rights.

I have a number of my colleagues here with me tonight to join in this special order, and I should say that every one of them has been involved in a major way, either as a member of our Democratic Health Care Task Force or members of the Committee on Commerce, or one of my colleagues from New Jersey's case, the ranking member on the Subcommittee on Education and Labor that deals with managed care reform, and I am pleased they are with me.

Mr. Speaker, I yield to my colleague from Arkansas, who has been one of the leaders on the issue of managed care reform. He is a cochair of our Health Care Task Force. It was he who last year brought up the Patients' Bill of Rights as a substitute on a motion to recommit and allowed us to consider the bill on the floor of the House.

Mr. BERRY. Mr. Speaker, I thank my distinguished colleague from New Jersey for yielding.

Mr. Speaker, once again we are here asking the Republican leadership to bring patients rights legislation to the floor for a vote, once again. We need this reform so we can make managed care work. We need managed care.

We are only asking the leadership to do the job the American people want them to do, to bring up a bill to guarantee all Americans with private health insurance, and particularly those in HMOs or other managed care plans, certain fundamental rights regarding their healthcare coverage.

Today approximately 161 million Americans receive medical coverage through some type of managed care organization. Unfortunately, many in managed care plans experience increasing restrictions on their choice of doctors, growing limitations on their access to necessary treatment, difficulty in obtaining the drugs they need and should have and must have to stay alive, and an overriding emphasis on cost cutting at the expense of quality.

Patients rights legislation would guarantee basic patient protections to

all consumers of private insurance. It would ensure that patients receive the treatment they have been promised and paid for. It would prevent HMOs and other health plans from arbitrarily interfering with doctors' decisions regarding the treatment of their patients and the necessary healthcare that they require.

Patients rights legislation would restore the patient's ability to trust that their healthcare practitioner's advice is driven solely by health concerns and not cost concerns.

HMOs and other healthcare plans would be prohibited from restricting which treatment options doctors may discuss with their patients. One of the most critical patient protections that would be provided is guaranteed access to emergency care. We would ensure that patients could go to any emergency room during a medical emergency without calling their health plan for permission first. Emergency room doctors could stabilize the patient and focus on providing them the care that they need without worrying about payment until after the emergency had subsided.

HMO reform legislation would also ensure that health plans provide their customers with access to specialists when they are needed because of the complexity and seriousness of the patient's sickness.

Let us bring patient protection legislation to the floor. Let us give the Americans the patient protection they are asking us for.

Mr. PALLONE. Mr. Speaker, I thank the gentleman, and just again reiterate that the only way we were able, as you know, to get the Patients' Bill of Rights to the floor in the last Congress was because of the discharge petition that we filed. I think we ended up with almost 200 signatures on it. Even with that the Republicans brought their essentially sham managed care reform bill to the floor, and it was only through the efforts of the gentleman from Arkansas that we were able to do a motion to recommit and have full consideration of the Patients' Bill of Rights.

We need to do that again, unfortunately, because again the Republican leadership in the House has refused to have hearings or any kind of a markup in committee of managed care reform, so once again we are forced to go the route of the discharge petition in order to have the bill considered.

Mr. Speaker, I just want to stress again, if I could, how this is an extraordinary procedure. As elected members of the House of Representatives, we should not have to resort to signing a petition essentially to get a bill considered, but that is where we are.

Mr. Speaker, I now yield to another colleague on our Health Care Task Force and a member of the Committee on Commerce and has been dealing with this issue for a long time as well.

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

Mr. GREEN of Texas. Mr. Speaker, I would like to thank my colleague from New Jersey, who is our Chair of the Democratic Health Care Task Force and also serves on the Committee on Commerce and the Health Subcommittee. The reason I asked to move to the Committee on Commerce two years ago was, one, because of the complaints and concerns about managed care, along with Medicare and lots of other issues, prescription medication for seniors and everyone.

It is frustrating, because we now, after the experience of the last two years, we have a bill that has a huge number of cosponsors on it, bipartisan cosponsors working on it, and now to have to go to the discharge petition route that will be ripe next week for us to begin working on that.

Again, it is only because we are having to do that, it is literally taking the bill away from the committee, because this year, here we are almost in the middle of June and have not had hearings on managed care reform. So we obviously know what the priorities of our colleagues on the other side, who are very honorable and I enjoy working with them, but they do not have the same priorities as we do.

Again, managed care reform is one of the top Democratic agendas this year, so that is why we have had to go through the discharge petition to try to get on this floor a fair hearing on real managed care reform.

I say that, and I want to make sure we use the word ''real'' in quotes, because our experience last year was that the managed care reform bill that was written in the Republican task force, or in the Speaker's office actually, turned back the clock, actually was worse than passing no bill at all. That is why when it passed this House, it died over in the Senate.

The reason I say that is because in Texas, and my colleague from Dallas and I know that Texas passed a law in 1997 that would do what we are asking to do on a national level. All we are trying to do is learn from our State's experience and say okay, the states have done their job on insurance policies issued in the states; now we need to do our job on policies, insurance policies, issued nationally, that come under ERISA.

Last year's experience, the bill that passed on this floor would have reversed the success in the State of Texas. That is why I have some concern about my colleagues on the Republican side saying, well, we are going to pass legislation now on a piecemeal basis, whether it is 5 issues or 9 issues or whatever they come up with, because I watched last year and they would have reversed the successes of our individual states, and that is why we need real managed care reform this year.

Let me talk a little bit about the Texas plan. It has been in effect for 2 years now. We have seen no ground swell of lawsuits. In fact, there are very few. I knew the first one was filed by one of the insurance companies challenging it. There may have been one more filed. But we actually have a great experience in Texas on there not being any huge costs associated with these real reforms that have been used, a lot of times saying we don't want to build in costs. In Texas we have not had the costs.

In fact, on the outside appeals process, it is one of the issues that actually 50 percent of the appeals have been found in favor of the patient, so that is a .500 batting average if you are a baseball fan. But let me tell you, if I was one of those 50 percent that had been denied some type of health insurance coverage for a procedure, I would be glad that I had that 50 percent percentage.

Now, sure, 50 percent went against the patient and their request, but that shows how important it is to have the appeals process, which is just one of the issues.

The no-gag clause is important again. That was part of the Texas bill. Medical necessity, the emergency room care, the accountability issue, there are so many things that have to be in a real managed care reform bill, and they have to be drafted correctly. They cannot be drafted to where, sure, we are going to give you the accountability or medical necessity, but they will leave a loophole that you can drive an 18 wheeler truck through. That is what happened last year.

So I have to admit coming to this floor I do not doubt the sincerity of my colleagues, but I saw what happened last year, and it does not take too much to show us from Texas that maybe your intent is not as good as what it should be on real managed care reform. Again, an outside appeals process is not going to break the bank. The experience in Texas is very small cost.

No gag rules, let a doctor or provider talk with their patients. Even if the insurance policy does not cover certain procedures, that doctor ought to be able to tell that patient that. Just like Medicare does not cover everything, that doctor ought to be able to tell that patient ''Medicare does not do this, I will do it, but you have to pay for it.''

Accountability, if the doctor is held accountable for a certain procedure, then whoever tells that doctor they cannot do that procedure should also be accountable.

Again, medical necessity is so important for those of us who realize that we really want healthcare, and managed care is going to be with us.

We just want to make it work. I think my colleague from Arkansas said, let us reform it. It is here, we are going to have to do the it.

In closing, let me touch on one issue that came up during the break. I had an opportunity to speak to the National Association of Manufacturers group in my district. I have to admit there are not a lot of times over my

legislative career that I spoke to the National Association of Manufacturers. But during the question and answer period, one of my business owners said he did not understand the managed care debate. He said he has insurance for his employees. He said, ''I am afraid. I don't want my employees to sue me.'' I said, ''Let me tell you, that is not my intent as a cosponsor of this bill and a signatory on the discharge petition. Our intent is not to have employees suing employers. Our intent is to just make sure that employees have that ability to go to that person who makes that decision.'' Maybe it is in Hartford or Des Moines or wherever it is, or Dallas, Texas, but they ought to be able to go against that person who is making that decision.

Employers do not make that decision. I was a manager of a business and had the job of finding insurance coverage for our company. I spent a lot of my time as a manager listening to my employees complain about the insurance coverage, so I would contact the insurance company and say, ''This is not what you told me when we bought this 3-year policy.''

□ 2115

Some employers can afford a Cadillac plan. Maybe they have a union contract and they bargained for their benefits. Some employers can only afford a Chevrolet. That is not the issue. We do not mandate. Whatever the employer can afford, we want to make sure that employee receives that care and what the employer is paying for.

So there is no intent on that. Hopefully the National Association of Manufacturers will realize that we do not want their members to be sued. We want their members to get their money's worth out of what they are paying for insurance coverage today and in administering their plan. Hopefully they will realize that and we will see some support, because employers want to do the right thing by their employees.

Hopefully their trade association here in Washington will do the same thing, and let them know that that is not our intent as Democratic members to have that happen.

Again, I thank the gentleman. I am glad to see our other colleagues from other committees, the Committee on Education and the Workforce, where I served for 2 terms, because we have joint jurisdiction on this bill.

Hopefully we will see some hearings, real hearings and a markup before we get our 218. But if not, we will work hard to get our 218 signatures to have that discharge petition.

Mr. PALLONE. I want to thank the gentleman in particular for bringing up what has happened in the gentleman's own State's legislature in Texas. As we know, some of the criticism which is really coming from the insurance company about the Patients' Bill of Rights or any kind of managed care reform is that somehow it is going to cause all those lawsuits. The Texas experience shows that is not the case. What we want to do is preventative. If these are in place, people do not have to file lawsuits because the protections are there.

In addition, the gentleman pointed out there has been very little cost increase. We always get the criticism that this is going to cost a lot of money. It has been a matter of pennies, from what I understand.

Mr. GREEN of Texas. If the gentleman will continue to yield, again, it is such a small cost, and the people are more than willing to pay it to get adequate health care.

Mr. PALLONE. The other thing, too, is the insurance industry keeps saying, why do we have to do this if the States are doing it? Why do we have to do it on the Federal level?

Of course, as the gentleman points out, most plans do not come under the State law because a lot of plans are preempted by ERISA. So if the company basically has its own insurance, which a lot of big companies do, they are not covered by the State law. So we do need the Federal legislation.

I want to thank the gentleman again for his input.

I yield to the gentleman from New Jersey (Mr. ANDREWS), the ranking member on the Subcommittee on Employer-Employee Relations. I know the gentleman is going to give us some information about this piecemeal approach we think some of the Republicans are trying to pursue right now, which goes very much against the comprehensive approach of the Patients' Bill of Rights.

I yield to the gentleman from New Jersey.

Mr. ANDREWS. Mr. Speaker, I thank my friend from New Jersey for yielding to me.

Mr. Speaker, I did want to speak tonight about the efforts of the members of the Committee on Education and the Workforce to bring to this floor a vote on our ideas of how managed care health insurance companies can be made more responsible and accountable to people.

If we travel the country and listen to people of every neighborhood, every region, every economic group, every racial and religious background, there is one common refrain. That is that the managed care industry is out of control.

The stories are legion. It is the story of the person who cannot get a referral to a specialist, a cardiologist or neurologist or an audiologist; stories about people whose children need another 6 weeks of speech therapy, but cannot get an extension under the contract because the managed care company will not interpret the contract that way.

It is about people who travel out of town and find out that their out of town health benefits are meaningless because you basically have to travel back to wherever you came from for anything short of a dire emergency room problem. It is a matter of people going to emergency rooms and being treated for very serious problems, like collapses or chest pains, and then being told weeks or months later that it was not really an emergency, that they have to pay the bill themselves.

It is about people being referred to specialists who may not be appropriate for the care that they need for mental health services or for other kinds of services.

There are stories of women being discharged from hospitals 30 hours after giving birth by C-section, people being discharged from hospitals 30 hours after having hip replacement operations. We are not making these stories up. I have heard them myself from people in my district in New Jersey.

Now, how is this, that in this country an industry could become so autocratic and so unresponsive to consumers? I think the reason is that in our economy, there are three ways that institutional behavior is controlled. There is regulation, there is competition, and there is litigation.

Regulation is obviously a set of rules that tells people and institutions and corporations what they can and cannot do. It applies to supermarkets, it applies to airlines, it applies to homebuilders, it applies to just about everything in American society.

Under present law, regulations like those in my State, in our State of New Jersey, that say you have to give a woman at least 72 hours after she has given birth by C-section, do not apply to most Americans because they are covered by a Federal law called ERISA, the Employment Retirement Income Security Act of 1974, that wipes out the effect of those State laws. So most people are not protected by regulation in their health insurance plan.

Then there is a matter of competition. If you do not like the Big MACK, you can buy a sandwich from Wendy's, Burger King, or one of the other chains. It does not work that way in health insurance. In most markets in metropolitan areas around the country, one or sometimes two major managed care plans control 75 percent or 80 percent of the people who live in an area.

In the Philadelphia area in which I live, two plans cover about 85 out of every 100 people. When there is that much domination of the market by that few people, there is no meaningful competition. If you do not like what one plan is doing, you really do not have a meaningful choice to go to someone else, which leads you to litigation. If you do not like what someone is doing, you sue them.

I understand that some people feel that lawsuits have gotten out of control. Perhaps some of them have. But if you mow lawns for a living or build houses for a living or sell groceries for a living or paint houses for a living, if you do something wrong, you can be held accountable in a court of law.

If you hire someone to paint your house and they do a lousy job and your

shutters fall off, you can sue them for all the damage they cause you as a result of their incompetence.

But if an insurance company insures the health of your daughter and they deny her the right to see a specialist, and she gets very sick as a result of it, you cannot sue the insurance company because they are protected by this 1974 Federal law called ERISA that we are talking about.

The only two businesses in America that are effectively immune from responsibility in a court of law are managed care plans and nuclear power plants. Everyone else is held accountable in a court of law, and we believe, I believe the majority of us in this Chamber believe, that that should stop in the case of managed care companies. They should be held accountable the same way everyone else in American society is for their decisions.

That is the heart of the real Patients' Bill of Rights that was introduced by the gentleman from Michigan (Mr. DINGELL), the senior member of the House of Representatives, and cosponsored by many of us at the beginning of this session.

We are not so fixated in our beliefs that we believe that we are a thousand percent right and no one else can disagree with us. I think we are right. I think the Dingell bill should be enacted. President Clinton has said he would sign it. I think it would be good for the American people because it would for the first time hold the managed care companies accountable in the same way that everyone else is held accountable.

But the majority here is not content to just say they disagree with us. The majority will not even let it come to a vote. So we can vote on naming Post Offices; we can vote on what should happen in Kosovo, as we should; we can vote on what we ought to do to regulate pharmaceutical products or to regulate the Y2K problem; we can vote on nuclear policy with the Peoples' Republic of China, all of which we should be talking about and doing.

But for some reason, we cannot vote on this. We cannot bring this idea to the floor and let those of us who believe it is the right thing vote yes and those who disagree with us try to amend what we say or vote no. There has been no meaningful movement of this legislation to the floor.

As a result of that, on Wednesday many of my Democratic colleagues, and I hope some Republican colleagues, will join us in signing a petition that forces this bill to the floor so we can have our day in court, we can have our debate, we can either win or lose.

There is some other action on this which the gentleman from New Jersey (Mr. PALLONE) made some reference to. There is an attempt by majority members of the committee on the Committee on Education and the Workforce to break up the Patients' Bill of Rights into little pieces and have us consider a little piece at a time.

My subcommittee, which is the Subcommittee on Employer-Employee Relations of the Committee on Education and the Workforce will begin that process next week. I am glad we are starting the process, but I would say this, if we are going to start it, let us really do it right and let us finish it.

Tomorrow at 10 o'clock members of our committee will be making an announcement. It is a strategy that we have to try to compel the Committee on Education and the Workforce to consider all of the issues on this; not just little pieces of it, not just the icing but the cake as well as the icing; to really talk about the central issues that are involved.

So I would say to the gentleman from New Jersey (Mr. PALLONE), I am looking forward to joining with the gentleman, the gentleman from Michigan (Mr. DINGELL) and scores of our colleagues, I hope 218 of our colleagues, a majority, in marching to that podium next Wednesday to sign a petition that would force this issue to come to the floor.

In the meantime, the members of our subcommittee, which I am privileged to lead from the Democratic side, will be doing whatever we can to use all the rules at our disposal to compel a vote, first in our committee and then on this floor, on this very, very important issue.

I can certainly accept the fact that there will be those who disagree with us that the health insurance industry should be held to the same standard that everyone else in America is held to. That is not a universally-held view.

But I would challenge, Mr. Speaker, those who disagree with our view to let us have our day in court. Let us bring our bill to the floor. If Members disagree with our bill, try to amend it. If Members believe it cannot be amended, then vote against it. But do not deny the will of the people of the country, and I believe the will of the majority of Members of this Chamber, when push comes to shove, to enact a law which is a real Patients' Bill of Rights which says to the health insurance industry that you are an important part of our economy, we value what you do, we encourage your continued development, but we do not hold you open to special treatment. We do not exempt you from responsibility for the decisions that you make and the wrongs that you sometimes cause as a result of your decisions.

I assure the gentleman from New Jersey (Mr. PALLONE) that the Democratic Members, and I hope we will be joined by Members of conscience from the other side of the Committee on Education and the Workforce, that we are going to knock on every door, pursue every road, and use every rule at our command so that the will of the majority can be done.

Mr. PALLONE. I want to thank my colleague, the gentleman from New Jersey, and particularly for the references he made to this effort in the gentleman's subcommittee to do this piecemeal approach, if you will. I understand what the gentleman is saying, which is that finally at least there is going to be some discussion or perhaps some action on HMO or managed care reform in the subcommittee.

But the gentleman rightly points out that this piecemeal approach is really not the right way to go. The problem is that it would allow the Republicans to essentially pick and choose what kind of patient protections they want us to consider.

My fear is that they will ignore important parts of the Patients' Bill of Rights, such as the right to sue, or even, just as important, the really good definition of medical necessity.

We have talked about medical necessity a little tonight, but I do not know that we have really described it that much. Basically, the core of the Patients' Bill of Rights is this idea that the doctor, or I should say the health care practitioner, because our next speaker is of a nursing background, and I want to make it clear, we are not just talking about physicians but also nurses. But the core of the medical necessity idea is that the decision about what kind of procedure, operation, or length of stay in the hospital, as the gentleman from New Jersey (Mr. ANDREWS) mentioned, is determined by the patient and their health care practitioner, their doctor or nurse, not by the insurance company.

That is one of the things that I am convinced would never see the light of day if this piecemeal approach were adopted. So I am glad to see that the gentleman as the ranking member and the other members, the Democrats on this committee, are taking this position and going to have this press conference tomorrow. I thank the gentleman.

I yield to the gentlewoman from Texas (Mrs. EDDIE BERNICE JOHNSON). She is a nurse by background, and I think that brings a lot to this whole debate, because once again we are looking at this from a practical point of view.

One of the things that I notice when I go and talk to my constituents is that the reason there is overwhelming support for the Patients' Bill of Rights is because people understand that on a day-to-day basis that this is what is needed.

□ 2130

This is real. This is not pie in the sky. This is not ideological. This is what is happening day-to-day.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me express my appreciation to the gentleman from New Jersey (Mr. PALLONE) for taking the leadership and making sure that we get a chance to discuss such an important issue.

Mr. Speaker, I am delighted to participate tonight in this special order.

This is a very, very important issue. As I have sat and listened to the various presentations here, it occurs to me that, when a patient is admitted to a hospital, one of the first things that happens is that we take the history, and we want to know all of the individual signs and all of the individual differences of that patient.

I wonder how the HMOs and the insurance companies can reconcile deciding that one size fits all after one goes to the extent of trying to determine what the individual differences are. Because it makes a difference in the way one begins to treat that patient.

We have forgotten that in this industry. As a matter of fact, I am beginning to wonder if we have forgotten the patient altogether, because the insurance companies will place the physician out there with their instructions and almost dare them not to do anything else.

The physicians are held accountable, not the insurance companies that dictate what they must do. That is not American. Nothing in the history of medicine in this country has allowed something like that to happen.

In the past, when a physician graduated and met the standardized test and assured the Nation that they had that body of knowledge mastered, they had permission to practice medicine. They no longer have that under the HMOs. They have to take the dictation from that HMO. Yet, they can be held accountable by the patients and the patients' family, but not the HMO that dictates it.

That is the most unfair thing that I have heard of. I cannot even imagine this being something that is happening as a routine way of doing business in health care delivery in this country, the super nation, the number one nation in the world, the 911 for the rest of the world, the Nation that every other nation expects to come to their rescue, and yet we cannot respect the patient as an individual. That is beyond my comprehension. This really has gone too far.

The mere fact that we do not have the opportunity to bring back a course of doing business, this measure to the floor for honest debate is again un-American. It is unfortunate that we have to sign a discharge petition. I do not like the process of signing a discharge petition. We are placed in a position to do that.

All 435 Members of this body will acknowledge that this is a problem in this Nation; and yet, we have to go to discharge petition signing to bring this measure to the floor. That is very difficult to believe. But, yet, I will proudly join the group next Wednesday and sign this discharge petition because this is a number one concern of the people of this Nation.

No one wants to feel that, if they had an emergency and go to the emergency room, they might be rationed in what might be the approach if it is felt that it might cost the insurance company too much if they began a procedure that might be too expensive.

We have had testimony that there have been times when physicians were actually complimented because a patient died in the emergency room which saved money for the insurance company. Does this sound like America? Does this sound like the Nation that has brought forth some of the most innovative measures and approaches to any disease, more so than anywhere else in the world; and, yet, the people of this Nation have no access to that success. Yet, all of us have participated in paying for it because all of us pay for medical research.

We simply must address this issue for what it is. If all of us went into a department store to get a suit, we would not want a suit that would fit anybody, we would want a suit that would fit us. That is what we want when we get sick. We do not want a one size fits all. We do not want it to be just a diagnosis that must follow the script verbatim.

We have to get back to looking at patients as individuals and making sure that they get the treatment they deserve. All that we can say about this when it comes right down to it, people pay for their care. They pay for their care, and they do not pay for it for the purpose of insurance companies having a lot of money to invest so they can take a lot of money home. They pay for it because it is a service, a service that members of that insurance company of that particular plan should have access to the needed care.

We are not talking about abuse of care. There are many measures that can determine that. We are talking about essential basic care that an individual deserves to have when that individual becomes ill. We are talking about looking at that patient's history and making sure that that is considered when the doctors orders are written, not just to pull out a preprinted sheet and follow it simply because that is what the insurance company dictated. Yet, the biggest frightening scare is to be held accountable for what their dictating brings about.

There is something simply not right. This is a basic fundamental right that every patient ought to have is access to care where they are considered as an individual. There is a difference between a 25 year old and a 75 year old; and, therefore, often the approach to that patient's diagnosis, although it might be the same, might be a little bit different.

When we get away from that as a Nation, we have forgotten where we started, what this really is. This is really the health care industry. This is the industry that we are supposed to be able to have confidence to put our very lives in the hand of professional providers and feel certain that we can trust it, not just a simple sheet of paper that, if the doctor not follow it verbatim, then they are out a good stead with the insurance company. It is out of control, and we simply must do something about it.

I thank the gentleman from New Jersey (Mr. PALLONE) very much for having this special order. I do not think we can talk enough about this subject. This is basic and fundamental to every human being being seen as a human being in this country.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman from Texas and particularly when she points out that, from the practitioner's point of view, whether it is the physician or the nurse, that essentially they cannot practice medicine because of the straight jacket essentially that has been put on them many times by HMOs, managed care organizations. I think a lot of people do not understand that. It is important.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, the responsibility is still there, but they cannot make an independent decision.

Mr. PALLONE. We cannot have it. We have to have an end to that. I agree with the gentlewoman.

Mr. Speaker, I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY), who is a member of our Health Care Task Force and been working very hard to try to make sure that we are able to vote on this Patients' Bill of Rights and to articulate to our constituents what this is all about.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman from New Jersey very much for the opportunity to participate in this discussion and look forward to the successful efforts for all of us on this floor to be able to debate and vote on a comprehensive Patients' Bill of Rights.

It is hard for me to imagine that there is anybody in this body who has not received lots of mail from their constituents about the abuses that are taking place every day. I have been hearing both from people who give care, nurses and physicians, and people who receive care, who are seeking the care, the patients.

I want to give my colleagues one example of a heartbreaking letter that I received. It starts,

DEAR REPRESENTATIVE SCHAKOWSKY, I am a 31-year-old nurse with breast cancer. Because I am an HMO member, I have had recurrent problems with receiving health care. As a patient, I have not yet received compromised care, but I have been denied services or have been told where to get care and who could give me care. I recently also was made to change primary doctors, giving up one that I had for 8 years because of my HMO.

I heard you speak on behalf of the Patients' Bill of Rights, and I need you to know that, as a health care provider and receiver and HMO member, I am certain that care is being compromised and restricted and refused to us.

I am knowledgeable about the health care system, and I am still able to be my own advocate, but I am sure 1 day I will not be able to make telephone calls endlessly pleading for standard of care. Who will do it for me? Why do I need to beg for treatments or for the right to remain in the care of my own doctor?

I am receiving follow-up care from my oncologists after having a stem cell transplant for metastatic breast cancer, and I am

worried that continuity of care will be compromised. And I will only be treated if the HMO sees fit rather than being able to rely on the judgment of a physician who had known me for 8 years and an oncologist who has seen me every month for a year. I want managed care to stop making medical decisions. I have a right to health care.

As a nurse, I also know that quality health care is the issue. Having cancer has changed my life. Having adequate health insurance was a wise choice I made 10 years ago. Today I am fearful that I have no rights as an HMO member. That is one battle too many for me to take on.

It frustrates me so much after having received this letter, and it is one of many that I have received, probably one of the most articulate descriptions of the problem, that we have to go through such a cumbersome process of marching down and gathering enough signatures for a petition simply to have the right to debate this issue fully in the House.

One would think that all the Members would jump at the opportunity to do that on behalf of our constituents. The only thing I can think is that the concerns of the health care industry, of managed care companies, of insurance companies has superseded concerns for ordinary patients and consumers in our districts.

I do not think it is sound health care policy to force a breast cancer patient to give up a physician of 8 years. It is not sound health policy to force a breast cancer patient like my constituent to beg for treatment. It is not sound health policy for insurance companies to make medical decisions. It is not sound health policy for the United States Congress to delay action on preventing these abuses.

We have a number of excellent proposals, H.R. 358, the Patients' Bill of Rights, and as a prior colleague of mine said, there may be many who disagree with that, but we certainly should be able to discuss a bill that has provisions such as providing full and fair access to specialists and to emergency care, giving patients the right to timely appeals, including the right to appeal to an external and independent entity, holding managed care plans accountable for all their decisions, including the decision to deny care, and letting medical professionals and their patients make the medical decisions.

So I am hopeful that next week when we do engage in gathering the signatures for this discharge petition that we are going to have a majority of Members of this body, both sides of the aisle, who say it is time now, it is more than time now to fully debate this issue.

I am hoping that we will be able to provide the relief that our constituents are begging for and deserve.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman from Illinois. It is funny when we talk about this discharge petition process. It is extraordinary to think that here we are as the elected Representatives, normally petitioning is something that I think of as the citizens have grievances so they have to sign a petition and send it to us as their Representatives. I do not think most people ever imagine that their elected Representatives from Congress have to sign a petition to get a vote on a piece of legislation, because I think most of our constituents figure that is the normal procedure, that we get to vote on bills, not that we have to petition to vote on them.

□ 2145

I wanted to just compliment the gentlewoman also because I think that that letter that she brought forward really says a lot about why this Patients' Bill of Rights is so important.

One of the things I think about the most is how difficult it is when a person is seriously ill or has cancer, as is the example that the gentlewoman gave, and how difficult it is for them at that time when they are not feeling well to have to go through all of the hoops that these managed care companies often make them go through. Like if they are not allowed to have a certain treatment, they are not strong, in a position to appeal that or to try to seek redress because they are not feeling well at the time. And it is really like the worst time for a person to have to worry about whether they are going to have access to treatment or how they can get access if it is denied. And I think that letter really points out why it is so important to have these protections that we are seeking. So I thank the gentlewoman again.

Now I see that my colleague from the district next door to my west is here tonight, the gentleman from New Jersey (Mr. HOLT), and one of the first things that that gentleman did when he was first elected and took office in January was to come to Monmouth County and have a town meeting on the Patients' Bill of Rights because, obviously, he thought it was so important. So I want to commend him for all he is trying to do in his district and here on this issue, and I yield to the gentleman.

Mr. HOLT. Mr. Speaker, I wanted to join my colleagues, the gentlewoman from Illinois (Ms. SCHAKOWSKY), and thank my colleague from New Jersey for highlighting this issue and for pushing to get a comprehensive Patients' Bill of Rights to the floor, not bits and pieces but a whole thing, an integral piece, and that is what we want. That is what the public needs.

Each of us would like to have a relationship with a Marcus Welby kind of physician, a kindly understanding doctor who really ministers to our whole being, and works with us on medical decisions that often include ethical decisions as well as scientific decisions. I have spent a lot of time, particularly since I have been in office now, talking with doctors, and it is interesting to think of it from their point of view. What doctors are about to lose or what they feel in many ways they have lost is the reason that they became doctors, the doctor-patient relationship; the ability to make medical decisions with the patients.

And a lot of people say, well, the Patients' Bill of Rights, as it is set up, will just bring lawyers into the picture and we will end up having a medical system that is run by lawyers. Well, I do not think that is true at all. And the way it is now, who has the last word? It is not the doctor. If a patient can sue a hospital and can sue the doctor but cannot sue the insurance provider, the insurance company, who has the last word? Who can make the medical decisions? It is not a doctor-patient decision. And doctors feel that they have lost the reason that they went into that profession.

There is a lot at stake here, and that is why I think it is important that we have a comprehensive Patients' Bill of Rights that provides emergency room access and makes it possible for doctors to talk about all of the treatments that are available, not just the cheapest ones, and that lets the medical decisions rest with the doctor and the patient. I hear that over and over again from doctors.

An interesting, I guess political sidelight is that it was not very many years ago that doctors around the country by and large were very much afraid of what Congress might do. Now they are very much afraid of what Congress might not do. Doctors and their patients are looking to us to act to protect the patients rights.

Mr. PALLONE. Well, I want to thank the gentleman. I think this is really all it is about.

One of the things that I keep stressing, and that I think came up tonight with the various speakers, is the fact that this is just common sense. When we talk about these patient protections that are in the Patients' Bill of Rights, we are not really talking about anything abstract or difficult to understand or even difficult to implement. In fact, when I go through the list of the kinds of patient protections that are included in our bill, I think most people would be shocked to think that they are not already guaranteed.

Mr. HOLT. If the gentleman would yield. In our State of New Jersey many of them are, in fact, provided. New Jersey has, in many ways, good doctor-patient regulations and laws. And much of what we are calling for in various parts of the country is provided. But what we need, I think, are good standards all across the country.

Mr. PALLONE. And there is also the fact that the States do not have any power over the ERISA plans, and the majority of the people are actually under some kind of self-insured program or self-insured health care or managed care through where they work, and that is preempted by Federal law so that those State plans do not apply.

Just to give an example, and I know we do not have a lot of time, we are almost out of time, but I just went

through some of the highlights of the Patients' Bill of Rights: Guarantees access to needed health care specialists. Most people probably think they have a right to see a specialist, but they do not necessarily right now.

Provide access to emergency room services when and where the need arises. Most people are shocked to find out they cannot go to the local emergency room because their HMO says they have to go somewhere else.

Provide continuity of care protections to assure patient care if a patient's health care provider is dropped. Give access to a timely internal, independent, external appeals process. Ensure that doctors and patients can openly discuss treatment options.

That is a great one. The gag rule. When I explain to constituents that under many managed care plans now that a doctor cannot give them information about a course of treatment that is not covered by the insurance company, they cannot believe it. Most people view that as un-American because they figure we all should have a right to free speech. And to imagine that a doctor cannot tell a patient about a treatment option because it is not covered by the insurance plan is un-American is unethical and just incredible.

These are simple things. We are not really talking about anything that is terribly abstract. These are just common sense protections.

If I could just conclude by saying that I just think it is very unfortunate that we just cannot bring this measure to the floor and have a vote up and down. And the worst part of it is that this is the second year. Last year we had to do the same thing; go through the same petition process, have 200 some odd Democrats and a few Republicans come down here and sign a petition to get this considered on the floor. And here we are about to do the same thing next week in order to bring this to the floor.

It just should not be that way. That is not the way people expect this Congress to operate. But we are going to make sure it happens and we are going to make sure that we have an opportunity to bring the Patients' Bill of Rights to the floor of the House of Representatives because it is the right thing to do and it is what Americans want and expect from all of us.

KOSOVO PEACE AGREEMENT

The SPEAKER pro tempore (Mr. TANCREDO). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, I want to spend a few minutes rebutting the previous comments that we have all just heard. I will summarize it like this, and then I will move on to the subject that I really came to speak about this evening.

Do not misunderstand. Members on both sides of the aisle, both Republicans and Democrats, want to get a medical system out there, health care out there that is effective and delivers a good product to help America stay healthy.

It is amazing to me sometimes that some of my colleagues, strictly for political purposes, will stand up here in front of everyone and preach about how some on both sides of the aisle must not want health care for America. It is kind of like when we hear the education arguments up here, as if somebody on this floor really truly does not care about children. I have never met anybody that truly does not care about children. I have never met anybody that truly does not care about health care for America. I have never really met anybody that does not care about patients' rights. Of course, we all care about it, but we all have different approaches. And in order to fairly hear those different approaches we have to have some type of process. We have to have some type of order in the House.

The complaint that we have heard in the previous hour is that they just would prefer not to follow that order of the House. They would like to go out of the process. They would like to have it their way. Well, I do not blame them for wanting it their way, but in the House Chamber we have to follow the process. We have rules. If we all follow those rules, we have a chance to be heard.

My gosh, how many hours every day does the American public listen to us talk. Of course, we have freedom of speech. I was surprised, disappointed, even somewhat amused that in the last hour someone had the audacity to stand up and say we do not have freedom of speech in this country. Oh, my gosh, being on the House floor, which by the way is one of the highest privileges an individual can get in this country, but they say they do not have freedom of speech. Of course they have their freedom of speech.

Both Republicans and Democrats in education, in health care, in transportation, in military, they care about those issues. Of course they care about those issues. And I think it is just plain wrong for somebody to stand up here and imply or directly state that one side or the other, like the Republicans tonight, the Republicans must not care about patient health care, the Republicans must not care about freedom of speech.

Come on, grow up, folks. We have a lot of responsibilities out there to the American people, let us appreciate and let us respect the right that we have to stand on this floor without worrying about government oppression and speaking our minds, and that we also have the obligation to follow some type of process to have that order.

Well, enough said about that. This evening I really want to visit a little more specifically about a couple of areas. Number one, about Kosovo.

As we all now know, the news in Kosovo is good news. We have heard some good news in the last few hours. The peace treaty, if that is what we want to call it, has been signed. That is good news, regardless of where we all are on Kosovo. I, for example, do not believe we should have been there in a military sense. I think we had a humanitarian obligation. And I objected to the strategy that has been used by the administration, their approach to the problem in Yugoslavia, but despite that fact, regardless of where we may stand, we all ought to be happy that some type of peace agreement has been signed in the next couple of weeks. Hopefully, it will be executed in such a way that the death and the raping and the burning will come to a stop over in Yugoslavia.

But while many people tonight will celebrate what happened with this peace agreement, we have to remember that old saying that the devil is in the details. What are the details of this peace agreement? What do we have in Kosovo? What is the situation? There are a number of areas that we should look at.

Remember what is very important about any action taken by a government, really any action taken by anyone, and that is that intent cannot be measured. We must measure results. The intent here was probably well-founded. I have never criticized the President for his intent. I think it was well-founded. Or the administration and the other officers in the administration. It is the results that I question. What are the results of what we have done?

Now that we are about to go into Kosovo with military forces on a peacekeeping mission, we need to see what were the results of the last 78 days of bombing. Take a look at the Yugoslavian economy. We are discussing our defense budget. To give an idea of the total gross national product of Yugoslavia, the total gross national product of Yugoslavia is one-fifteenth of our defense budget. In Colorado, that is my home State, our gross State product is about $95 billion a year. Ninety-five billion dollars a year in the State of Colorado. In the entire country of Yugoslavia it is about $17 billion. It took us 78 days to get to this point. What is the result of that 78 days of warfare?

There are some questions we need to ask, and I hope we get satisfactory answers. I do not like being a person who constantly criticizes, but I do have an obligation as an elected Member of the United States Congress to stand up and ask questions where I have doubt about the strategy that is being deployed.

□ 2200

There are a number of questions that we should ask. And we should not let this peace agreement, which will be spun extensively, the spin doctors are already at work tonight, I can tell my colleagues they are burning midnight

oil to spin this as a huge victory for the American people, a huge victory for the freedom of this world.

Well, maybe so. I do not think so. But maybe so. But let me say the way we measure, remember, we measure results.

Let us take a look at what we have accomplished. Let us talk about what is going to happen now. Remember that the United States, in effect, chose sides when the administration decided to go into the sovereign territory of another country, which, by the way, just a couple of years ago, about 7 years ago, we went to war over.

As my colleagues will remember, when Iraq invaded the sovereign territory of Kuwait, we, as a country, said you should not invade the sovereign territory of another country so we will go to war with you to push you outside that sovereign territory. Well, now the United States, through the auspices of NATO, is doing exactly the same thing. They invaded the sovereign territory of Yugoslavia.

Now, do not take me wrong. There were some very atrocious things going on in Yugoslavia. But they were not only being committed by the Serbs. They were also being committed by an organization called the KLA, the Kosovo Liberation Army.

Do we know anything about the Kosovo Liberation Army with whom we sided in this conflict? The answer is yes. Do my colleagues know how we knew of them? They are terrorists. These people, this organization, was listed by our State Department as terrorists. They committed acts of terrorism. Our country recognized them as terrorists.

So what our administration consciously decided to do was to go into the sovereign territory, to go into the sovereign territory of another country to take sides with an organization that we ourselves label as terrorists and to go to battle.

Well, now that we have apparently pushed the Yugoslavian Serbs out of the territory of Kosovo, I can tell my colleagues that the Kosovo Liberation Army will not stop there. They do not want the Serbs just out of Kosovo. They want an independent State of Kosovo.

If the United States were to grant that or NATO or the world were to say that is what should happen, in effect we would have given our sign of approval and actually participated in the invasion of a foreign country by a defensive organization. Remember, NATO is a defensive organization. So we have NATO go on offense. We go into the sovereign territory of another country. We portion out a part of that country and turn that portion over to an organization called the Kosovo Liberation Army, which we know are terrorists.

Well, let us think about what is going to happen. Who is going to disarm the Kosovo Liberation Army? Who is going to control them? We have controlled the Serbs. But remember, this latest conflict started when the Kosovo Liberation Army people started assassinating Serb police officers.

How are we going to disarm the Kosovo Liberation Army? In my opinion, we are not going to disarm them. This is the onset of a new problem that will last for a long time. And I can tell my colleagues that our European allies will expect the United States to resolve it. I am going to talk about burden sharing a little later on in my comments. But the United States is going to be the one in the future that is looked upon to resolve this.

We have got some other questions. How are we going to police these areas? This is what we want to see in the details of that agreement. Again, if we have got an agreement and if we can answer these questions with a positive result, and that is what we want to measure are the results, then this is great. But we ought to ask those questions.

And my colleagues, do not let the spin that is going to come off this agreement tomorrow by the administration or whoever, do not let that spin mask the fact that we all need to look at what the details of this agreement are. Who is going to police the areas? How are we going to set up a judiciary system? What are we going to do about the economy?

Remember, in Kosovo they did not have any time to plant the seeds. They did not get in their spring plantings. They do not have an economy. My colleagues, many of those refugees, who, by the way, I think will claim political asylum and ask to stay in the United States, many of those refugees will not go back into Kosovo. Many of those refugees who do go back into Kosovo are going back to burned bridges, destroyed schools, destroyed clinics, destroyed roads, destroyed fields, no economy, no health care, no type of welfare system, no transportation system, no heat for the winter, no air conditioning for the summer, no water that is kind of like the water we have, purified and clean water.

This is a huge problem over there. Who is going to pay the tab of that? Well, you got it. In my opinion, the United States will. But I am going to address that a little later on.

We also know that the Serbs have destroyed all these legal documents. I mean, let us face it, the Kosovo Liberation Army and the Serbs are both bad characters; the leaders, not the citizens. The citizens are innocent and they are good people. But the leaderships of these two organizations are murderers, both sides of them. They are murderers. They are criminals. They are bandits. They are crooks.

Well, what the Serbs did is they made sure that for the innocent citizens in Kosovo, they destroyed all their legal documents. Who is going to set up the judiciary over there, the judicial process? Remember, our military, our soldiers are not judges. They are not police officers. And there is a difference between a police officer and a soldier. I used to be a police officer. I have a little understanding of that.

How are we going to set up the judiciary system? How will command and control work? What will Russia's role be in here? What is the future of American foreign policy? What we have done is set a legal precedent here. As I mentioned earlier, we have entered the sovereign territory of another country to resolve a civil war.

Now, some people will tell us that this was a genocide, that this is like Adolf Hitler, that the United States of America had a moral obligation to step in and stop this. Well, number one, it is not like Adolf Hitler. Number two, there are in fact atrocities. But three, they are driven more by civil war than by a dictator who is intent on destroying a population. It is a civil war dispute that we are getting into.

I am very appreciative of my good friend from Georgia (Mr. KINGSTON) coming to join us, because as he and I have discussed, these are very critical issues. But let me wrap up this legal point.

What is going to be our policy? This is an abrupt change for the United States and for NATO. NATO has never carried out a mission like this. Nor has the United States ever broken with legal precedence and done this.

What happens now if Quebec decides to vote for independence in Canada? Should we go to war with Canada to defend Quebec? What happens if some people in Mexico want to become U.S. citizens in the State of Texas and decides that Texans should seek independence and become part of the country of Mexico?

My colleagues, these are not imaginary questions. These are issues we should address.

Mr. Speaker, I yield to my good friend the gentleman from Georgia (Mr. KINGSTON). As the gentleman knows, the peace agreement has been signed. I am asking questions about, you know, the devil is in the details; what do we really have in these details? I have not seen the details. The briefing I got indicated it has been signed, but we have not been presented with any details.

Mr. KINGSTON. Mr. Speaker, I appreciate the gentleman yielding. I appreciate his basic opposition to our operations over there. And I have shared that opposition.

It is interesting to see where will this be as opposed to the previously tried agreement. I hope that it works. I am optimistic anytime we have a peace agreement. But, at the same time, my colleague is asking all the pertinent questions. He had asked our reason for being there to begin with.

Here we are now, 70 days of bombing, and I am still wondering, as a Member of Congress, as a member of the Committee on Appropriations, as somebody who sat in hearings and listened to Madeleine Albright and Secretary Cohen and General Shelton and Ambassador Pickering and all these other

folks, and I have asked them and I have heard other Members ask them, What are we doing there to begin with? And we got very vague, nebulous answers.

My colleague has raised the point about a civil war. What is going on in Sudan right now? Is there not a civil war? Is there not persecution of Christians over there?

Mr. MCINNIS. Mr. Speaker, reclaiming my time, in fact, in Sudan and Rwanda there is not a civil war. That truly is a genocide. And that is the difference. And if our policy is going to be to stop genocide, we ought to be in Rwanda tomorrow or, as my colleague said, Sudan. There are hundreds of thousands of deaths, many, many, many multiples of the kinds of deaths that we have in Yugoslavia.

Yugoslavia was a civil war, as the gentleman has correctly pointed out. In Rwanda and Sudan, there is truly a genocide. But we do not see that on CNN. We do not see the administration gung ho about doing that.

Mr. KINGSTON. Mr. Speaker, no, we do not. And there is also a border war between Eritrea and Ethiopia. Will we be over there? What is going to be the policy?

And where will NATO come to play? As my colleague pointed out, NATO is a defensive organization and yet this was an offensive operation. Are we going to be seeing NATO doing that all over the world? And then what are they going to do about the Middle East? Is NATO going to have a role in that? We probably will not see that. But what kind of precedent does that set?

In any case, as the gentleman has alluded to many times, in terms of the details, let us assume everything that he has mentioned to this point, everything works out. The big question then is how is it going to be paid for?

One of the things that has shocked me as a Member of Congress is that on peace agreements it is usually good ol' Uncle Sam, our hard-working taxpayers back home, our money basically buying off both sides. But over there, and it might be the President hosts something and you have all the heads of state and you have a big fanfare and it is in some strange and unusual place we have never heard of. And yet, at the bottom line, they all have one thing in common; and that is that the American taxpayers have paid both sides to quit fighting.

There can be a great advantage to that. It might be cheaper than to continue fighting. And it certainly may save American lives. And yet how much of this out of 19 NATO countries will we be paying?

Mr. MCINNIS. Mr. Speaker, I say to the gentleman from Georgia, I think that point is a very valid point and I think it is something that everyone on this floor has an obligation to explore.

Six hundred out of the 800 towns in Kosovo have been destroyed. There has been mass destruction, mass refugees who have exiled from that country who are going to have to go back.

I mentioned earlier the economy. This is going to cost a lot of money. The United States has already carried by far the vast majority of the financial obligation of this war. There are American forces. It is American equipment. And it is the taxpayer, every one of my colleagues in this Chamber, all of our constituents that are employed out there, we are carrying the burden for this.

So far it is $16 billion. But that is not very accurate. I think it is much higher than that. I think the tab to repair this is going to be around $100 billion.

Now, does that mean that we should not repair it, that we should not provide these people with heat in the winter, that they should not be provided with food, that we should not try to boost their economy? No. Just the opposite. I think there is an obligation to go in there and help these refugees rebuild their country, help maintain peace.

But I am tired of the taxpayers of the United States of America always carrying the burden. Where are our European allies? This is a problem in Europe. But I know what is carrying the burden. It is the United States taxpayers.

Now, as my colleague knows, I do not have any objection to helping out somebody; we help people on welfare; if we can help out a neighbor. That is why America is great. That is what makes our country great. But we also believe in sharing, sharing the burden. And that is the big question.

I am fully committed as long as I serve in this Congress to standing up to this President and this administration and drawing a line in the sand and say, look, Mr. President, we have got to have burden sharing here. What share are the Europeans going to carry in this? Is it going to be the United States taxpayers that for many, many years into the future will spend a lot of money that otherwise would go to our Social Security, that otherwise would go to our schools, that otherwise would go to our health care programs?

My colleagues, do not kid yourselves. If we do not have burden sharing by our neighbors and the other members of NATO, and I mean fair, proportionate burden sharing, it will be a sacrifice in this country.

Now, we are all willing to make a sacrifice to help a hungry person get food. But after a while, when we have got neighbors that can help feed them too, we cannot sacrifice our families. So this is a hot issue for me.

Mr. KINGSTON. Mr. Speaker, just to put it in Georgia terms, I represent coastal Georgia from Savannah to Brunswick to St. Mary's, Georgia. I also have, a little west of there, Vidalia, home of the Vidalia onions; Statesboro, Georgia, home of Georgia Southern University. You take all the 18 counties of the First District of Georgia, it is about 600,000 people. Go down just south of that to Jacksonville and we are talking about approximately 855,000 people, the entire coast of Georgia and part of the coast of Florida. That is who the refugees would constitute if we put numbers to it. We would have that many refugees.

□ 2215

You take all those people out of coastal Georgia and let us say a hurricane came and the hurricane destroyed all the roads, all the bridges, all the factories so there are no jobs, there are no schools, there are no hospitals, there are no homes, and you have got to rebuild all that.

And then as you have pointed out, our NATO allies have not been carrying their fair share in this war effort. I seriously doubt that they are going to be willing to do this in the peace effort. But as the President obligates us to rebuild Yugoslavia, think about what also is on the table. Social Security, Medicare, Medicaid, children's health care, immunizations, research for multiple sclerosis, for Parkinson's disease, for cancer, all this.

Now, in an ordinary household, the American taxpayer is saying, ''Okay, I understand, you got to spend some money in Kosovo so you're going to reduce spending over here, and these are good programs but I understand choice, because I the American worker have to do that. I have to choose between a new dryer or a new set of tires for the family van. And so I understand that.''

But that is not the case. Here in Washington what happens is you just continue spending in both places. That is one of the things that just drives us crazy with this administration, as conservative Members of Congress, is that if the administration wants to obligate us to spend all the money in Kosovo and let NATO not carry their fair share, then you would think they would at least say, ''Okay, but we are going to spend a little less elsewhere,'' but they do not do that. They continue to spend at extravagant and high levels of other causes, both worthy and wasteful. There again, the hardworking American families of middle class taxpayers who are already putting in 50 to 60 hours a week, two-income families and they are running back and forth, they are paying taxes, one more time they are going to get stuck with the tab.

Mr. MCINNIS. My district is Colorado. In fact the gentleman from Georgia comes out to Colorado and vacations out in the Colorado mountains. I happen to feel like him, I feel very lucky about the district that I represent. But we camp out a lot in our district, out there in the mountains. We kind of have a rule. It gets cold almost every night, even in the hottest day of the summer it still gets cold in the Colorado mountains at night. It still cools down, so you build a fire. We have a rule. ''If you want to sit by the fire, you got to help gather the firewood.'' That is just a basic obligation. In the morning if you want to eat breakfast, you too got to get out of

your sleeping bag when it is darn cold and help get things put together for breakfast. If we have got somebody who has got a broken leg or injured or is otherwise incapable of helping gather the firewood, then the rest of us pitch in and there is no complaint. Where the complaints start is when somebody is capable of pitching in and they simply say, ''Hey, let Jack do it. Jack's good at gathering firewood. I'd just as soon sit by the fire and not have to go out and do the work.''

That is what I am concerned about here. I want a peace agreement. I want this thing resolved. I think there are a lot of details we have to talk about, and I think we should all seriously assess what are the legal precedents that have been set. But at the same time I think this administration, and I hope they are doing it, but I think this administration has an absolute obligation to the citizens of this country to say, ''Hey, we've been gathering all the firewood,'' and I can assure you that on this war in Yugoslavia, all of the firewood or 90 something percent of the firewood that has gone into that fire was gathered by the United States, not by the other 19 people at the campsite. There are 19 people at that campsite. One of them gathered 90 something percent. Our good allies and good friends, the United Kingdom, who have always been good, solid allies for us, they gathered a proportionate share, about 10 percent or a little less, they have been putting in a little firewood, but they have had their arms full when they were coming in so they are working. But what are the others doing? They are not carrying their fair share of the firewood. Now that the real expenses are going to come into play here, now I think it is absolutely critical that a couple of us stand up. We are not going to be popular because at this campsite there are 19 people, 17 who really are not contributing too much, so the two of us who stand up to the other 17 and say, ''You got to pitch in,'' you can imagine those 17 are going to say, ''Be quiet, what are you moaning about?'' and so on. But we have a responsibility to the American taxpayer to stand up and say to our European allies, ''You're going to have to pitch in on this rebuilding. You're going to have to help too. You're going to have to help gather that firewood.''

Mr. KINGSTON. I think the point is that what we need to do as Members of Congress is to make sure that the President does everything he can do to get everybody to, I guess, pass the hat fairly, because if this is truly a European peril and Europe has the primary interest in it, then Europe has to also have the primary obligation to help funding in it.

Mr. MCINNIS. I think we are at a real advantage tonight because our colleague from California has come in with some more details that have happened just in the last few minutes or have at least been released. I thank the gentleman for coming out. I think it is a great opportunity for us to send this message out.

I yield to the gentleman from California (Mr. OSE).

Mr. OSE. I thank the gentleman from Colorado and the gentleman from Georgia for their generosity. As many of the Members know, we have access over the Internet to any number of things. I have taken the time this evening to track down off the Internet the draft text of the proposed peace agreement. I found it at msnbc.com/news/277886.asp.

It is the text of the U.N. draft on Kosovo. While this is the draft, and it was put together yesterday, it does contain a number of things that I think merit our attention in line with the gentleman from Georgia's comments about our commitments here and our obligations as we go into the future. I would just like to highlight a couple of those in particular. There are three parts to this agreement. There is the 21 paragraph preamble, if you will, then there is Annex 1 and then Annex 2. I do not recall which of the gentlemen referred to it, but the phrase was the devil is in the details. I would particularly commend to your reading Annex 1 and Annex 2.

In Annex 1, the document calls for a political process towards the establishment of an interim political framework agreement providing for a substantial self-government for Kosovo taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia.

Now, what I am concerned about is what does that mean? It says a political process towards the establishment of an interim political framework. Now, I thought we were trying to find a political framework that would allow the solution, not work towards a political framework. The consequence of this is that we still have doubt and uncertainty as to our ultimate goals.

There are three other points I would like to make about this draft text. Again, that was in Annex 1. In Annex 2, paragraph 5, there is a statement, ''Agreement should be reached on the following principles to move toward a resolution of the Kosovo crisis,'' item number 5 being an establishment of an interim administration for Kosovo as part of the international civil presence under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia to be decided by the Security Council of the United Nations.

Take note, if you would, please. We have been there as NATO. Now we are transferring to the United Nations the responsibility for establishing interim administration and an international civil presence. Again in Annex 2, paragraph 6, there is agreement to allow an agreed number of Yugoslav and Serbian personnel to return to Kosovo to perform various civil and security functions after the agreement is made.

Now, that is all well and good. But then, going back again in Annex 2, the last one, is a comprehensive approach to economic development and stabilization of the region, including a stability pact for Southeastern Europe.

Ladies and gentlemen, we have agreed to autonomy for Kosovo, self-government for Kosovo, an international civil presence in Kosovo to protect the Kosovars and their autonomy, the return after their initial withdrawal of Yugoslavian and Serbian personnel for limited civil and security purposes, deployment in Kosovo of an international and civil security presence, and a blank check for economic development and stabilization. Well, who is going to bear the burden here? It begs the question. Who is going to pay for this? I am serious about this. We have spent $2 billion at least to date. Between now and the end of the fiscal year, we are scheduled to spend an additional 3 to $4 billion. And we have opened the door to a draw because we are the only country that can do it, to a draw on the United States Treasury to reconstruct what we just finished destroying.

Now, the gentleman from Colorado and the gentleman from Georgia are correct. At what point do we make a choice as to the best interests of the United States and its residents? Do we in fact spend the money in Kosovo and Yugoslavia for reconstruction? Or do we spend the money on education and health care and infrastructure here in the United States? That is a true and unavoidable choice.

I regret to say, and I do want to say, I mean, I have been an opponent of our activities in Yugoslavia. I think the President made a serious mistake. I want to make sure that I am clear about this. I commend him for his behind-the-scene efforts in getting us to this point where we at least have the draft, as yet unsigned, of a treaty, a peace agreement that will allow us to terminate our activities there. I commend the administration for that. Mr. Speaker, it is a great thing for us to get to this point. But there is substantial uncertainty that remains here. As Members of the House exercising our constitutional oversight authority, we need to be cognizant that the United States remains the bank, if you would, on which the rest of the world will ultimately come calling to fund all of these measures that lack specificity, that are not well defined, that would not be used in private industry for any transaction whatsoever. This is a step in the right direction. I hope between now and the time when the United Nations Security Council adopts this and the members of NATO affirm it that definition is added to this agreement sufficient to answer these questions as to what the various phrases in here mean about substantial autonomy, substantial self-government and the like.

Mr. MCINNIS. I think the gentleman from California's points are very well made. He says the choice. Is the choice that we take, and I think actually the

costs run about $1 billion a day. I spent a lot of time in business and in cost accounting. In fact back here I like to track the numbers. I like to figure out where we are. There is a lot of money shifting, not illegally but they put it in this account or take it out of that so it is hard to get a true, accurate reflection of what this is going to cost us. My estimation is by the time it is all rebuilt, it will cost somebody about $100 billion. Now, I think militarily we have probably spent about $16 billion, would be my guess. Now, they only got the supplemental appropriation for an amount but there are other moneys that they have drawn upon. But, that said, the question that the gentleman from California asked, which is a very sound question and, that is, do we take away from Social Security and from the programs, domestic programs of the United States? I think the people of the United States are willing to help make a contribution. Or the other option is, do you completely ignore the needs of these refugees? Do we ignore the fact that these villages have been destroyed primarily by NATO military aircraft? I am not saying it is NATO's fault, I am just saying that is the fact, that is how they were destroyed. Do we ignore the fact they do not have electricity for the winter, they did not put in their spring crops, et cetera, et cetera, et cetera? No, we cannot ignore that. What is the answer? I think the answer is a third option, that is, we go to our European partners and say, ''Look, this wasn't supposed to be a one-sided deal. You weren't supposed to get a free ride. You're supposed to help on this thing. You've got to help gather wood for the fire. If you want to sit by the campsite and sit by the fire, you've got to help gather wood.''

So I think the option that we have to be very aggressive about and reach out and grab hold of is the fact that our European partners, our colleagues in NATO, have an obligation to pitch in.

□ 2230

They have got to help pay for this. They have to have their taxpayers help with this. Not just the American taxpayers, but the European taxpayers. And do not just make American programs like our schools, our Social Security, our transportation, our Medicare, et cetera, et cetera, do not make just the American taxpayers go up to the bar and throw money on the bar; make the Europeans. They are our allies.

Frankly, I think they have gotten a free ride. Ninety percent of our military force over there has been American. Now, the British, let me make one exception when I say European allies. The British, the United Kingdom, they have been wonderful. They are as solid as you can get.

Frankly, the other allies we have over there are not gathering enough firewood. I am one of those people, and the gentleman is one of those people who have been doing a lot of gathering.

I am saying to the other 17 people out of the 19 at this campsite, I am saying guys, gals, I am stopping. You are going to help pitch, or we are not going to have a fire. Now, obviously we are going to have a fire, but it is not going to be warm enough for all of us. You have to pitch in.

Mr. OSE. If the gentleman will yield, the United States has a long list try, as recently exhibited in the early nineties, of going to our allies and asking them to pitch in, as the gentleman suggested.

It is curious, we have received from one ally a contribution, that being the ally from Taiwan. They have put up significant money, and I apologize for this, I don't recall whether it is 300 thousand or 300 million, but the money they have contributed has gone towards medical and assistance, other assistance, with our refugee and humanitarian aid. So it is not a question of whether or not there are countries, allies of ours, even non-NATO Members, to whom we can turn for assistance. That exists. There are people who will help us in this challenge that we all face. It is a question of are we asking them? Have we asked them for their contribution?

Mr. MCINNIS. You know, we are about to face some tough budget decisions coming up this summer. We are the Republicans, we are in the majority, it is our decision. Somebody has to lead the charge. We have got to make tough decisions. I am not running from a tough decision.

But the President in his budget has all kinds of program requests which in my opinion will greatly exceed the budget caps, or so you are familiar with it, the budget discipline that we put upon ourselves.

We figured years ago, as the gentleman knows, that in order for this economy to stay solid, for the government to not continue to go into annual debt, we already have the national debt, to reduce the national debt and avoid the annual deficits, we have got to exercise some fiscal discipline that has not been exercised in the past. So we got an agreement out of the President that we would all live within what we call the caps.

Well, the President's budget, what it does is it raises taxes so it allows expenses to go way up, but he says it is within the caps, the administration, because they raise taxes. We are saying you are not going to raise taxes, we have got to control spending.

Now, out of this, it is going to be tough. We do not have a lot of money laying around back here. While you hear the word ''surplus'' a lot, when you really take an accurate picture, we still have that national debt.

What is going to happen is if we do not go to our European allies, then this amount of money we have in the pot for American domestic programs, which is going to be tight as it now exists, in other words, it is going to be a really tough year fiscally, we now are going to have to make additional contributions out of our programs, out of the programs that are the highest priority for us as American citizens, to pitch in.

As I said earlier, the gentleman has talked about this off the floor to me, we have an obligation to pitch in. We have a humanitarian obligation. That is what made our country great, is the fact that America always stood up to the plate. The United States was always there to help the underprivileged and to help the needy. We will fulfill that obligation. But, by gosh, I do not want it always coming out of the hide of the American taxpayer and out the hide of the people who benefit from our domestic programs.

So my message tonight, as is shared by my colleague from California, is you all, European allies, we all need to say hey, pitch in. No free rides. We have got a problem out there, let us get the solution. And if we all pitch in, by the way, it is not going to be too heavy a burden on any one of us. We can all help carry the pack up the mountain. But so far it is you and I, speaking of the United States, that have carried it this far up the mountain.

I am getting tired of it. I want to give some benefit to our taxpayers.

Mr. KINGSTON. I wanted to shift gears with the gentleman, if it is okay. One of the issues which the gentleman and I have spoken about, the gentleman being from Colorado, me being from Georgia, we have had shootings at schools recently, is what is the cause of this? I hope the gentleman from California stays, if he can.

But I go back to my Clark Central High School in 1973. It was a large public school. We had the usual share of problems, of teens. We had love, we had breakups, we had couples, we had drugs, we had alcohol, we had DUIs, we had fast cars, we had the pressures of the post-sixties generation and long hair and hippies and good times and bad times associated with that. We did have school violence, we had fights and we had inner-city problems and some racial tension here and there. But we did not have random shooting of children.

You ask yourself as a parent, I have four children, and I ask myself, what is it in 1999 that is different than 1973 that causes children to randomly shoot each other? What is it out there? Is it in the air? Is it in the entertainment business? Is it in education? Are we missing something in early childhood development? What can we do?

One of the things which the gentleman has been a leader of is pointing out the amount of time that children spend before violent TV shows or before violent video shows.

One of the statistics, interestingly enough I wanted to share with the gentleman, if I can put my hand on it right now, well, this is not the statistic I wanted to share right here, but the gentleman has brought this chart, and if the gentleman wants to explain it, I

will bring it down there to him, but here is one of the I would say typical video games which our children are exposed to.

If you go to just about any shopping mall, they are going to have a video arcade parlor. The gentleman and I growing up, we thought okay, that is foozball and air hockey and maybe one of those games where you go inside and drive real fast.

But this is what they have. This game is it is made by Interplay, who is a big donor to political causes, but the name of the game is ''You're Gonna Die.'' It is actually Kingpin. ''Kingpin is the life of crime.''

In it are children. This is not adults who play this game, this is children at the shopping mall on Saturday. They can decide who their gang members are going to be, they can decide who they are going to shoot. They can steal a bicycle or hop a train to get around town. Even when you are in jail, you can recruit gang members to your side. You can talk to people the way you want to, from smack to pacifying, and then you can shoot and have actual damage done, including exit wounds to specific body parts.

This is the cheerful manna that American children are exposed to over and over again. Because these kids, to play this game, you do not just walk in. Frankly, I do not think an adult could walk in and plunge a quarter or two down and start playing it. You have to develop the expertise. So this game is geared for kids who play lots of video, and, as we know, kids who play lots of video have a kind of addiction to it, and they play many hours worth a week. It could be football, it could be hockey or basketball, but, for some kids, unfortunately, it is Kingpin, Life of Crime, talking about ''You're Gonna Die'' and all these cheerful things. We wonder what kind of message we are sending to our children.

Mr. MCINNIS. Mr. Speaker, to the gentleman, you know what has been exciting though the last couple of weeks. As you know, Mr. KINGSTON, you and I a couple of weeks ago talked about this very specific problem we think exists out there with society, and that is go to your local arcade. You will be surprised. These games are actually murder simulators.

As I spoke a couple of weeks ago, it is very similar to the simulators that we use to train pilots how to fly an airplane, to teach drivers how to drive a car. These simulators teach people how to kill.

Now, if you do not believe me, I know how it sounds. ''Come on, Scott.'' Go into the arcade and see it for yourself. I had not been to an arcade for a long time. My three children, Daxon, he is 22, Tess is 21, Andrea is 17, so I hadn't been in an arcade. So I went into an arcade and I was surprised.

But what was exciting to me as a result of our conversations here on the floor was, number one, we came to the conclusion, we do not need more laws. That may not necessarily be the answer. Let us go out and be consumers. Both the gentleman from Georgia (Mr. KINGSTON) and I represent constituents, and I think we have the bully pulpit right here. We can use this to talk about the executives at Interplay Corporation and make requests.

You know what happened, Mr. KINGSTON? Well, you know. But for my colleagues, what happened after Mr. KINGSTON and I discussed it a couple of weeks ago, I had parents start calling me. ''What can I do,'' they said? I said go to your local arcade. If you think there is a game in there that is a murder simulator or is too violent for young people, the age of people playing it, tell the proprietor of that shop and demand that they remove it. Ask them to remove it and if they do not, demand they remove it.

I followed that. I went to the Denver International Airport, right in the Denver International Airport Denver, Colorado, there were violent, horrible games in their arcade located on city property. I called the mayor of Denver, Wellington Webb. Within an hour those games were yanked. That is cooperation.

Disney Corporation, Knoxville Farms, Six Flags. There are a number of people. Even the Video Association came in and expressed cooperation. They are concerned about this.

So what I think is an important message here for us to get out, because you and I are not proponents of more laws, that is not automatically the answer, we will pass more laws and then we will all be satisfied.

The answer is getting out there, get swift action, which you do not get with the United States Congress just because of the way the system is set up. Go out there, use consumer demand, go into the private marketplace, use the leverage we have and tell the producers, the manufacturers, the advertisers in the magazines and the people, retailers that put these games out there, look, no more. The game is over. Get those things out of here.

A couple of the executives I talked to, I asked them, I said, ''Do your kids play these games? Do you have this game at home, the one you just showed us?'' I said, ''If you do not, do you not have an obligation to the rest of the children in our society?''

We are going to make it out there so consumers do not want this product, consumers are going to want this product out.

Mr. KINGSTON. Under the title of Rapid Response, let me give our viewers a web page so they can look this up. It is interesting, I think this web page has been cleaned up in recent days since the pressure you have put on them, but I checked it out and it does not really say that much. But you can get a little bit of a feel.

Mr. MCINNIS. If the gentleman would yield, if the gentleman would give the web page to the colleagues on the floor, that would be helpful.

Mr. KINGSTON. Absolutely.

WWW.INTERPLAY.COM/KINGPINCORPSE.

So it is WWW.INTERPLAY.COM/KINGPINCORPSE.

Now, the music is provided by a group called Cypress Hill the 4th. That is their album. The band is Cypress Hill. They have a web site also. You can reach that by just going CYPRESSONLINE.COM you can get a feel for where our kids are.

One of the things that the gentleman and I as parents have done from time to time is sit down and talk to our kids deliberately about alcohol or drugs or sex or violence or whatever is going on in the teen world, and it is amazing to me what you find out when you take that time.

As a father of teens, you have to wait until they are ready to talk. You cannot just walk in there and say ''Hi, I am dad of the year, I am feeling guilty. I want to interface with you.'' It does not work like that. You have to be available to them. But when they want to talk, you can get it out of them.

It is shocking the exposure they have to violent lyrics or CDs or violent TV shows and R-rated movies where people are slashed from the very first frame to the final frame.

□ 2245

Then this arcade stuff, where they do it just over and over again. You know, if you start with small children, the desensitizing, by the time they are 10 or 11 years old, what a message we are sending them.

The pastor, in Paducah, Kentucky, they had a tragic school shooting about a year ago. The kids were praying. The pastor pointed out who was presiding over one of the funerals of the kids, and I am paraphrasing; he said: We live in a society where we tell our children it is okay for us to kill our unborn children, so why are we surprised when our born children start killing each other? We should not be surprised.

What he has done with that statement is raise this whole issue of violence to a different plane. What is the signal we are sending out here with the various messages that we are pummeling our children with over and over again?

It could be irreligious, it could be video entertainment, it could be movies. It might be the way we as parents say something. It might be something altogether different.

But what bothers me is we look at the actions by the U.S. Senate as they rushed on the blood of these children to pass strict gun control. For those who have no children at home, in most of the cases, to pretend that they have done something to protect my children or your children is absurd.

In Columbine, Klebold and Harris broke 23 existing gun control laws. In Georgia, the 22 which the student grabbed was locked up. He broke into it and went out and shot kids.

It sounds good, okay, we are going to pass gun control, but nothing that has been done by the Senate would protect my kids or the gentleman's kids or future grandchildren from anything that could happen at their school, which is similar to Columbine or what happened in Rockdale County, at Heritage High School.

I think we as parents and we as a responsible culture need to examine everything that is out there. What is the toxin that is getting into our kids? As I said in my opening statement, what was it in 1973 when I was in a large public high school with all kinds of tensions and all kinds of influences, what was it that is different than 1999, when kids just randomly start shooting each other?

Mr. MCINNIS. I appreciate the gentleman, Mr. Speaker. I want to read a couple of letters here, but I do want to thank the gentleman. I appreciate the gentleman, I would like to point out, as a father of several children, and I think he has a great family.

The key here is we can do something as consumers. As consumers we can do something about some of these products. Let us go out into an arcade. If we see a violent game, talk to the proprietor.

What I found is when we talk to these people, for example, when I talk to the mayor's office in Denver, I am not sure they were aware of that. I will tell the Members, they were really cooperative. They got right on it. They did something about it.

I think Members are going to find a lot of positive reaction within our community without more laws being passed by the Congress, being imposed upon citizens of this country. Without more laws, I think as a consumer we have some leverage.

Let me conclude first of all by thanking my colleague from the State of Georgia. I appreciate very much his participation this evening, and my colleague, the gentleman from California (Mr. OSE).

I am going to shift gears completely. I had the opportunity a couple of weeks ago, I make it a point when I go back to my district to try and go teach classes in the schools. Before the schools got out for the summer I went and taught some young people.

I wanted to read some of their responses in the thank-you letters. I like to leave this speech with a high note. We talked about Kosovo, we talked about violent video. Now let us leave it with a high note and talk about a few cute letters.

Dear Mr. MCINNIS, I enjoyed you coming to my class. Thank you for giving us the books, and thank you for saying I have a beautiful smile. Don't I look exactly like my mom? Your job sounds pretty exciting. I was really impressed with all those questions, and you could answer all of them. Thank you for coming. Your friend, Kyra. P.S., Josh was kind of cute.

Josh was my legislative assistant.

Dear Mr. MCINNIS, how are you? I hope your trip was great. I never knew that we had the freedom of speech. On your 11th birthday, what did you want to be? Thank you for coming to our classroom. Kyle Webster.

Dear Mr. MCINNIS, I didn't know that in some States you had to smoke in your house or outside your house. Thank you for coming. I think your job sounds fun. You taught us a lot, your friend, Matt.

Dear Mr. MCINNIS, I like you. I like how you taught us the tree. Thanks for the books. Thanks for coming. Thank you for teaching us. Your friend, Amber.

The tree means the branches of the judiciary, the executive, and the legislative branch.

Dear Mr. MCINNIS, thank you for telling me about the three branches of government, the executive, legislative, and judiciary. I didn't know anything about the three branches, but now I do. I really liked it when you talked about all the freedom of our country. Thank you for coming. From Derrick.

Mr. MCINNIS, I'm glad you taught me about the tree. I like the legislative branch the most. Thank you for teaching me what they mean, too. I'm glad you got to come in and show my class and me about all you showed us and taught us. I will remember what you taught us. Your friend, Brandon.

Dear Congressman MCINNIS, thank you for coming to our class. I enjoyed it. I learned a lot of things. One of them is that you are trying to make new rules. Your friend, Guy.

Dear Mr. MCINNIS: I never knew that Wyoming had the least people and California had the most people. My dad says that alcohol is like pouring fuel on a fire that's already burning. Thanks for coming to our class. Love, Alanna.

Dear Mr. MCINNIS: Thank you for teaching me things I never knew. I am still thinking smoking is not a law. Thanks for telling me about the three branches of our government. I never know there was such thing. I am surprised that in some places you can smoke.

Dear Mr. MCINNIS, thank you for coming to our classroom. I liked it when you talked about the population. Your schedule must be busy traveling all over. Have a safe trip!'' That was from ''Your friend, Lindsey.''

Dear Mr. MCINNIS, thank you for coming. We know that you have a busy schedule but we are very lucky to have you come to our class. I didn't know that the most population is in California, and the least population is in Wyoming.

Is it fun being a Congressman? Do you like to travel a lot? I think you are a very nice man. I hope you come again. Thank you for coming. Love, Joya L'Ecuyer.

Dear Mr. MCINNIS, thank you for the book. How does that money get to you? Does all that money go to you or do you share some of the money? I will miss you. You are a good teacher. I will never forget the lesson on the three branches. Thank you for coming, love Megan Mueller.

Dear Mr. MCINNIS, I learned the three branches and the names of them. I didn't know you had to travel a lot and go so far. On the tree the branch on the left is called the Executive branch. The one on the right is called the Judiciary. The one in the middle is called the the Legislative. Thank you for coming. From Daniel.

Dear Mr. MCINNIS, I never knew that California had the most people in it. I thank you for coming. Your friend, Gary.

Dear Mr. MCINNIS, thank you for coming to our classroom. I liked it when you talked about our freedom. It was very interesting. Thank you for the books. Morgan.

Mr. MCINNIS, I think our class is very lucky to have you come. Thank you so much, really. Oh, yes, by the way, thank you for the books. Thanks for teaching us all about the Constitution, laws, and tree branches. I think it must be hard to do the stuff you do. Your friend, Brittany.

Mr. MCINNIS, thank you for coming and telling us what it is like in Washington. It is cool how there are three branches of government. I never knew there were so many different ways to have freedom. Your friend, Brittany.

Dear Mr. MCINNIS, I didn't know that that is how taxes worked. Thank you for coming. Thank you for the book. From Douglas.

Mr. Speaker, as we talk about some pretty tough issues up here in the Capitol, we should never forget how many times freedom is mentioned in these letters from these young people, how proud these young people are to be Americans.

We often talk about what has gone wrong. I spent most of my speech talking about some things that were going wrong. But we should not forget the fact that most things are going right. If Members want to feel good about what is going on in this country, if they want to feel refreshed, go to a classroom. I have nothing but good things to say about a lot of teachers. It must be exciting every day to have these kinds of young people in their classroom.

Mr. Speaker, I appreciate the time I had this evening to speak to my colleagues, and I want to thank all my little friends that sent a letter to us.

REFLECTIONS ON THE WAR IN THE BALKANS

The SPEAKER pro tempore (Mr. TOOMEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Ohio (Mr. KUCINICH) is recognized for half the time remaining until midnight, which is approximately 30 minutes.

Mr. KUCINICH. Mr. Speaker, we are told tonight that we are at the beginning of the end of the war in the Balkans. But before the ink has dried on the agreement there are a few reflections that I think are in order, because we cannot just sign this piece of paper and pretend that we can move on, pretend that we have peace, because the truth is that problems could arise and we could end up in a multi-party land war right in the middle of the Balkans,

with our young men and women put in grave danger.

I would like to take this discussion tonight to another level which goes beyond the fine print of agreements, which inevitably are lost, and goes to higher principles. This is an appropriate time to reflect on the lessons that we have learned in the Balkan war, and to take those lessons and transform them, and to transform these thoughts of war into thoughts of peace, and turn the thought of peace into the reality of peace, and to speak to higher principles, which this country has the ability to create so that we can continue in our historic quest to be the light of the world, to be what the prophet spoke of as the shining city on a hill, resplendent in our commitment to all human values, to evolve into a country which can win the peace without finding it necessary to take up arms to win a war.

The values which are enshrined in the Declaration of Independence animate our concern for each other and for people around the world. These words ring in the hearts of Americans: We hold these truths to be self-evident, that all men are created equal; that they are endowed by their creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness.

These values, these ideas, these ideals, are so powerful that they cause others to rise up in defense of their own rights all over the world. We Americans love democracy, and it hurts us when we see tyrants imposing death or death of hope on people anywhere in the world.

Recent humanitarian catastrophes have occurred and the United States did not intervene: 80,000 dead in Algeria; 10,000 dead in the Ethiopian-Eritrean war in a recent month; 820,000 dead in Rwanda over 5 years; 1.5 million dead in Sudan in the first 15 years; 40,000 Kurds dead at the hands of Turkish forces; 200,000 people killed in East Timor by Indonesian forces.

These tragedies have befallen our brothers and sisters around the world, people we surely care about but people we did not help, people who died while the world watched.

We have the strongest Nation in the world, yet with that strength through great difficulty we learned to exercise the greatest discretion in the use of force, because once that force is used the consequences cannot be predicted. Sometimes the very people we intend to help may end up being hurt.

Such a dilemma has faced us in the Balkans. We have advanced here a doctrine of humanitarian intervention. By all fair accounts, that intervention has produced conditions which are worse than they were before we began our involvement.

Ethnic cleansing was being undertaken against the Kosovar Albanians. NATO's bombing accelerated it. Serbian paramilitary attacks cause masses of Kosovar Albanians to flee the province. NATO's bombing turned masses into a great human tide seeking to flee the war. Serbian paramilitary forces destroyed the homes and villages of Kosovar Albanians. NATO's bombing widened the area of destruction.

Today there will be a semblance of peace or a chance for peace in Kosovo, but what kind of a peace? It will be a peace which will have been gained at the cost of thousands of lives of innocent civilians of both sides? It will be a peace where the province has been decimated by both sides by cluster bombs, by booby traps, by landmines. It will harken to the comment that was made in another war: We have created a desert, and have called it peace.

Certainly in a democracy our history has shown us that there are some things worth standing up for. I think the most important thing that any one of us can do in life is to stand up and to fight for those things we believe in.

☐ 2300

In this country, we believe in freedom of religion. We hate to see that freedom denied to anyone anywhere else in the world. Yet that freedom is being denied today in China, in East Timor, in Burma, in North Korea, and in other nations; and that bothers us as Americans.

In the United States, freedom of religion is essential to our democracy. It is first in our amendments. It is first in our hearts. People come from all over the world here to find freedom of religion to follow that truth that resonates with their own hearts. Americans fought for that right. Indeed, it is a human right.

This freedom of religion means that all may pray and worship; that no one is forced to worship any faith except that which they believe; that the State sponsors no religion, but respects all religion. This is a powerful principle of freedom of religion.

We separate church and State in America, but separation and such separation by our Founders was never meant to imply that we should separate the practice of government from high principles or the actions of government from spiritual principles.

Our motto in the United States, as we all know, is ''In God We Trust.'' That motto is not simply the recognition of an external transcended reality. It is a communion of the Nation with the angels. It has become a clarion call for moral leadership. If we truly trust in God, then each of us must become as moral leaders. If we trust in God, each of us can summon a transcendent morality.

Spiritual awareness enkindles the power of the human heart, which brings to each of us love which transcends all, love which heals all, love which comforts all, love which sees all, love which forgives all, love which conquers all, love which speaks to all, love which you hear, love which you can feel, love you can touch, love you can see; and then we comprehend understanding, and we are able to touch the wings of angels.

That appeal to sense in essence transcends language when we communicate with each other through the heart. Love speaks to all languages. The language of the human heart speaks through all languages.

Now in Christianity, the highest commandment is to love one another. Love yourself. Love your neighbor as yourself. As we affirm love in our hearts, we affirm the future; and the future is in turn revealed to us, because a heart filled with love is like a magnet that draws to it the love that it desires. What the heart seeks, the heart finds. What the heart asks for, the heart receives. If the heart asks for peace, its prayer will be answered. So will be the prayer be answered if it asks for war. The doors at which the heart knocks on are open. As we affirm love in our hearts, we affirm truth, and eternity is revealed to us.

When this war in the Balkans first began, Mr. Speaker, I felt this illogic of war grip this Capitol. It was as a physical force, whirling like a vortex, the start of war. Words of war, actions of war produce war. We can be co-creators of our own world.

So as we are near the end of what we can only hope be the last war of this century, it is time to ask what kind of a world do we want in the next century and how can we avoid the wars of the next century. How can we build the peace of the next century.

We want a world of love, a world of hope, a world of joy, a world of prosperity, a world where all may worship, a world where all may live, a world where all may strive, a world where all may grow, a world of peace.

Many of us have come to America, indeed many of my constituents have come to America from different nations. That is one of our strengths in this country, our diversity.

The motto which soars above this majestic chamber speaks to the unity of one people, e pluribus unum: out of many, one. That is why it is so painful for we Americans to watch people suffering anywhere in the world, because they happen to have a different religion, a different race, a different ethnic group, a different political philosophy.

We come here from many Nations. We share a common destiny as brothers and sisters of a common planet. What kind of a world do we want? Only through the application of higher principles can we hope to have our systems of government forsake war and destruction and to make the survival of each person a sacred commitment.

In this world of strife and war, we are called upon to be channels of peace. In this world of darkness, we are called upon to bring light. In this world of fear, we are called upon to bring courage. In this world of despair, we are called upon to bring hope. In this world of poverty, much poverty, let us bring forth plenty. In this world of ignorance, let the light of knowledge light

the world. In this world of sorrow, let us use our spiritual principles to bring forth joy. In this world of judgment, certainly we are asked to bring forth mercy. It is through the heart that we connect with all humanity. It is through the heart that we connect with the infinite.

These are principles that transcend governments. Governments kneel before these principles. The Congress of the United States, even this Congress, is nothing next to these principles. The government of any country is humbled before these principles. It is through the human heart that we meet injustice and we transform it and through the application of spiritual principles we change the world.

We have throughout the last few months employed doctrines which are decidedly not spiritual in an attempt to solve our international problems in the Balkans. These doctrines speak to our limitations as a Nation, limitations which may burden us today, but limitations which we can jettison and which can fall away from our conscience, actions like the separation of a stage of a rocket falling back into the atmosphere as the capsule of destiny rockets higher and higher towards the stars.

But back on earth, we ought to inspect those doctrines which keep us earthbound which will make it impossible for us to have real peace. The doctrine of the end justifying the means. NATO has bombed civilians. NATO has bombed a civilian structure. NATO has helped to destroy a civil society with its bombs. Now the ends which NATO has sought to achieve, the end of ethnic cleansing, the dislodging of a powerful dictator, we have to ask if the ends have justified the means.

As one Russian leader asked us when we were in Vienna, would in fact it be a proper pursuit of peace if their government had decided to drop a nuclear bomb on a U.S. city? So we need to inspect this doctrine of the end justifying the means.

We need also to inspect the doctrine of might makes right. Now, I happen to believe that in America the law is what makes right. Yet, in this conflict, we have seen the United Nations charter, which this Nation was proud to lead the world in organizing, violated by an organization which saw fit to take the law into their own hands because they did not want to go through the United Nations, a United Nations which we recognize at this moment had to have been instrumental in finally bringing about an agreement in the Balkans.

The United Nations charter states that its primary purpose was to save succeeding generations from the scourge of war. It States in its article IV that ''all members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any manner inconsistent with the purposes of the United Nations.''

If might makes right, the U.N. charter does not mean anything. If might make rights, the North Atlantic Treaty signed in 1949, article I, may mean nothing. Article I states, ''The parties undertake, as set forth in the charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.''

□ 2310

So from the United Nations, that principle flowed into the North Atlantic Treaty. But if might makes right, the North Atlantic Treaty means nothing.

If might makes right, the Hague Conventions of 1907, which prohibit penalizing a population for someone's acts, means nothing.

If might makes right, the Geneva Convention of 1949, which prohibits attacks on objects indispensable for the survival of a civilian population, such as an electric system, water system, sewer system, if might makes right, the Geneva Convention means nothing.

If might makes right, the 1980 Vienna Convention, which bars coercion to make nations sign agreements, means nothing because the Federal Republic of Yugoslavia was told at Rambouillet that they would either sign that agreement or be bombed.

So we need to inspect this doctrine of might making right and we need to also, as we inspect it, determine whether the Constitution of the United States itself has the meaning which its founders imbued in it when it said in Article I, Section 8 that the Congress shall have the power to declare war.

And notwithstanding my affection for the person who holds that office right now, I have to ask whether or not the War Powers Act was violated and whether or not the Constitution of the United States itself was violated in this pursuit of an exercise of power. If might makes right, perhaps even the Constitution is without meaning.

We have to also, as we review this war, determine whether or not the doctrine of retributive justice, an eye for an eye, is to stand; that by killing people we teach people that it is wrong to kill people. When we advance such a doctrine, we end up in a moral cul-de-sac. We find ourselves chasing into a darkness and unable to extract ourselves from it.

The idea of vengeance is something that is a very old idea. In the literature of Beowulf from many, many years ago the concept of Wergild was that if you did something to somebody's relative that other family had the obligation to come back and kill one of yours. Yet we were told that in this wonderful book we know as the New Testament that there was a new law brought forward; that the law of an eye for an eye was no more. Vengeance is mine, said the Lord. I will repay. And if we have confidence in that doctrine, in the belief that there is a higher power who judges all and dispenses justice, then we have to ask about our feeble efforts to render justice through retribution and look at this doctrine of retributive justice.

In this war we get the opportunity to inspect the doctrine of collective guilt; that just because people happen to live in a country which is governed by a tyrant, which is governed by an individual who does not support basic human rights of an important minority group in his country; that because of that everyone in that country is guilty. We need to look at that doctrine. Because behind that doctrine is a sense of punishment which NATO apparently felt it had to mete out to the people of Serbia, taking over 2,000 lives of innocent civilians. We must look at that doctrine of collective guilt.

We must look at the doctrine of collateral damage. I have been in meetings in this Congress where the idea of collateral damage was brought forth, and if one did not listen carefully enough, one would not be aware that it meant killing innocent civilians. That phrase means the death of innocent civilians. And so in this war we have developed an acceptance of the idea of collateral damage.

But these are people. These are innocent civilians who were killed; people going to visit their relatives while riding on a passenger train; people riding a bus to work or to go to the market; refugees in a convoy trying to get out of a war-torn country; people sitting in their homes eating dinner; people in factories just trying to do their work; people like us who were just trying to live. And yet they become collateral damage. They do not even have names. They do not even have descriptions. They are deprived of their humanity. And when they are deprived of their humanity, we deprive ourselves of our own humanity. So we need to look at this doctrine of collateral damage.

We need to look at the doctrine of accidental bombing. How many times could we hear over and over and over again it was an accident; that we blew up these innocent civilians? An accident. I mean if any one of us driving a car found ourselves over and over and over again getting into accidents, two things would happen. We would not be insured any more and a court would take our license away. And so should NATO's license to prosecute a war against a civilian population be taken away, because there are no accidents when the accidents keep repeating themselves.

The doctrine of necessary distortion of meaning. George Orwell knew well this conflict. The idea of peace bombs. A peace war. Bombing for peace does violence to cognition and does violence to the commitment that this Nation

has, as a people, to speak plainly to those we represent, to tell them the truth of what is going on, to do it in language which is clear and sparkling so that no one can mistake what our intentions are and to not distort meaning.

Indeed, in listening to an earlier discussion about the culture of violence in our society, is it any wonder when we send out so many conflicting messages about the violence which is wreaked by international organizations that the children of any nation would be confused about violence being visited in their own midst?

And one other doctrine we need to inspect is the doctrine of creation of enemies. I remember years ago when I was a student at Saint Aloysius, an elementary school in the City of Cleveland, the United States was in a conflict with Russia. It was called the Cold War, and we used to do drills in school in the fifth grade. Some of my colleagues will remember those drills. They were called duck and cover. We were told that we should expect that at some time there was this possibility that a nuclear attack could be launched by Russia at the United States.

□ 2320

And we were told that if only we would put our arms around our head and protect it and tuck our head deep into our lap and closed our eyes and prayed, that when the flash came, we would not be blinded and perhaps we could go back home after school.

President Eisenhower himself knew in that era that such drills were folly because a nuclear strike would mean the annihilation of a major population. So those drills were merely to try to assuage the fears of the American people about the cataclysm of a nuclear war.

But we felt throughout that time in the Cold War that the possibility for destruction was there because enemies were being created and in that dialectic of conflict that went back and forth across the oceans, we found ourselves fearing each other, preparing to destroy each other.

And last month, in the middle of this Balkan conflict, the leader of the Yablako faction in Russia said that the effort to blockade the port in Montenegro was putting us on a direct path to nuclear escalation.

Last week, Premier Chernomyrdin of Russia, in an op-ed piece in the Washington Post, stated that the world was closer to a nuclear conflict than at any time in this decade because of the Balkan conflict. Russians were our enemies. They became our friends. And again we have tested that friendship and we began a repolarization, trying to exclude them right from the beginning from this process of peacemaking which could have been made possible through the U.N. Security Council so many months ago.

As we create enemies, we may fulfill the prophecy of destruction; and we will bring ourselves to a nuclear confrontation, we fear, if we stay on that path of the creation of enemies. We create enemies, and then we are ourselves our own enemies. ''We have met the enemy,'' in the words of Pogo, ''and he is us.''

Mr. Speaker, because of this great concern which Members of Congress had, 11 of us went on a mission of peace to Vienna on April 30 to meet with leaders of the Russian Duma, including Vladimir Luhkin, a leader of the Yablako faction, who only weeks earlier had made this powerful statement about the nations being on a direct path to nuclear escalation.

And in Vienna, under the leadership of my good friend the gentleman from Pennsylvania (Mr. CURT WELDON) 11 of us sat down with leaders of the Russian Duma and began to work out a framework for peace, to reestablish this amity which we have worked so hard for, where only a year ago Russian and American astronauts could work together in the same space program, where a short few years ago Russian and American astronauts could fly around the world together in the same space capsule.

We went to Vienna at a time where some were challenging whether or not Russian leaders and U.S. leaders ought to be together in the same room. And yet we took that step forward to apparently and quietly over a period of 2 days put together not an agreement between nations, but a framework that could be used to take steps towards peace and unravel what looked like a concentration of war energy that was moving like a juggernaut across this world.

That was many, many, many weeks ago, Mr. Speaker. And in that time since then, many opportunities toward peace were lost and many lives were lost and much damage was done to property and to people's hopes and dreams.

There are times that people around the world depend on the United States as being a protector of human rights to rise and to defend the principles that are enshrined in our own statue of liberty in the harbor in New York City, that that lady who holds the lamp in the harbor, the encryption at the base, which reads, ''Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the tempests, to me. I lift my lamp beside the golden door.''

So I speak of Bosnia. Now, I had the opportunity to witness firsthand, as a Member of the United States congressional delegation, the effects in Bosnia of hatred and tolerance where Muslim people were driven from their homes, where there was an attempt to destroy people for what they believed in, an attempt to destroy the homeland of Muslim people.

I saw graves ringed with fresh marble. I saw homes that had been blown up everywhere and everything riddled with bullets. I met with people that had been driven from their villages by fear and terror. And I met people that wanted to go home because home called them, as home calls us all. But fear put up a roadblock and governments put up a roadblock.

I met with the Muslim women of Srebrenica who lost their husbands, who lost their fathers, who lost their brothers, who lost their children when 5,000 Muslims were lined up and murdered only because they were Muslims.

I met with Dr. Sarich in Sarajevo and learned of the difficulty placed in the path of Muslims who simply wanted to return home in keeping with the Dayton Agreement. I appealed to the State Department and the Justice Department for the women of Srebrenica.

I spoke on the floor of the Congress for an appeal to the Government of the United States to remember what happened in Srebrenica and to maintain their commitment to the people of Bosnia as they try to resettle and restore their country and to help bring those who are responsible for the atrocities in Bosnia to justice.

Indeed, Mr. Speaker, it could be said that the seeds of the current war in the Balkans could have been sown because the world community failed to bring to justice those who committed war crimes. Because until they are brought to justice, can there really be justice with respect to Bosnia and to help find the missing and to help heal the broken families and broken hearts and to work with the assembled nations to help protect the peace and to help rebuild the civil society? Can that really be done if those who were responsible for creating that moment are not brought to justice?

The Dayton Agreement was merely a promise. It is not a reality. We must continue to work to make it a reality. And it is the responsibility of the Government of the United States to show leadership in the world and to make sure the promise of Dayton becomes a reality.

I am not a stranger to the Balkans. I was in Sarajevo. I was in Brzko. I was in Tuzla. And I was also in Croatia last year to visit family, to hope to have a chance to see the place where my own grandfather was born, a little town in eastern Slovenia called Botnoga, where John Kucinich was born many, many years ago. And I so much wanted to see the place where he was born.

□ 2330

And when I went to Zagreb to visit with friends and relatives, I learned that in Botnoga, there was no ''there'' there. In fact, the town had been leveled in the previous war with Serbia. And yet when I learned in that moment the feelings that I had felt, strong feelings, it occurred to me again, do we move forward in this world, hoping for peace if we believe that there must be vengeance, if we believe in an eye for an eye, if we believe that every injustice which is done to us must be returned in full measure by us? And so in

my own way I was confronted with those feelings.

I do not think that any of us could say that we have suffered the kind of tragedy which the Kosovar Albanians have suffered. And it is true that the world community has a responsibility to do everything it can to try to repair their shattered lives. We had a moral responsibility to take steps that stopped the destruction of Kosovo. We have a moral responsibility to bring about a peaceful resolution there. But I believe that right at the beginning, our responsibility rested on understanding the primacy of international law as expressed through the United Nations and through the U.N. Security Council and through the Geneva Convention, and through the Hague and through the United States Constitution, Article 1, section 8.

Now, ultimately military solutions are not adequate. Ultimately truly peaceful structures, we can call them democratic structures, must be in place. We had that opportunity more than a year ago. We remember when 100,000 people marched through the streets of Belgrade protesting the regime, asking for support, asking for an opportunity to uphold democratic values, asking for a chance to keep their media free, to keep their exercise of basic rights as part of their ongoing civic life. And yet that movement did not receive the support which the world community owed it. But peaceful structures must be put in place, notwithstanding the massive destruction, and the international community has agreed to participate in the rebuilding of the Federal Republic of Yugoslavia. But with that rebuilding must come democratic structures so people can live, people can worship, people can work, people can play and people can live out their lives. And so it is appropriate for the State Department, working with the United Nations, to begin to work to negotiate transitional government structures. To do less while simply giving lip service to humanitarian efforts is a cruel hoax. It has been said before and it should be said again, until the leadership in Belgrade is replaced through a democratic process, it will be very difficult to be able to have a lasting peace.

Now, the Bible says, ''You shall know the truth, and the truth shall set you free.'' We have to be seekers of the truth about what happened in the Balkans, so we do not repeat the same mistakes. And so that we can create new possibilities for peace. Let our country be seekers of the truth in our own land and in our own foreign policy, so that we can all see the light, when the light of truth shines through the darkness and the darkness will not overcome truth. Such is always the promise of America when we live by the ideals upon which this country was founded, the ideals of truth, the ideals of justice, freedom of religion, freedom of speech.

As we strive to become one Nation with liberty for all, one Nation with justice for all, one Nation with freedom of speech for all, one Nation with freedom of religion for all, let us remember that unity is something that all of us seek after, a transcendent unity of higher purpose. So let us strive for a government which strives for peace. And let us have a government which protects the freedom of all to worship, let us have a government which practices toleration, let us have a government which stands against discrimination, let us have a government which makes us always proud of our Nation, let us have a government which fulfills the promise of one of America's greatest Presidents, Abraham Lincoln, who spoke of a government of the people, by the people and for the people.

In America, the beauty of this country is that we are always creating a new Nation. Years ago we spoke of creating a Nation conceived in liberty. Today we create a new Nation again. And in this new millennium, which we are advancing towards, we can create a new millennium where peace, not war, is the imperative, begun in unity, where those who seek truth, where those who know truth and have found truth unite their thoughts across religions and cultures, drawing from the universality of the human condition and the higher consciousness which is the impulse of a universe that calls us forward.

Now, there is real power in that kind of America, power that transcends a $270 billion military budget. There is real power in a kind of America where we live by our ideals, where we stand by the spiritual principles which our founders held dear. This recognition would lead us to create a harmony that would dissipate the inevitability of war and consecrate the inevitability of peace.

As we move towards a new millennium, we can summon a new creativity and thought, a new vibration and feeling, a new consciousness which will help us create new worlds. It is time for us to think in terms of studying peace as we would study war. We have a war college. There ought to be a college for peace. We ought to spend more time in this country studying conflict resolution and mediation, at local, State and at the Federal level, so we can teach people, even in the schools, how to deal with their feelings, teach people how to respect each other's rights, make ours a quest for something that we have not even been able to grasp, a new condition for peace.

Perhaps it is time for a Department of Peace, as we have a Department of Defense, where the impact of every government decision, particularly with respect to the work of the Department of Defense, is studied finely as to what its effect would be on peace. I mean, if 1 percent of the Federal budget would be used for such a department, 1 percent of the Federal budget used for the military, that is, 1 percent of $270 billion, we would have enough to make a major beginning in a new millennium towards promoting tolerance which comes from understanding. Because once people understand, there will be more tolerance. Once people understand, there will be more acceptance, because acceptance follows knowledge and leads to the brotherhood and sisterhood of all. We could move together to create peace, not the peace of the grave which we are all too familiar with in the tragedies we have witnessed, but the peace of a joyful life, not just peace which is a cessation of war but peace which is something more innate, peace which is inside each one of us, peace inside which no one can take away, an inner peace which we in turn give to the world.

☐ 2340

Peace on earth truly begins within each of us, and that inner peace which makes each of us is a source of peace in the world which we extend to those who are persecuted, which we extend to those who hate us, which we extend to those who misunderstand us, which we extend to those, until their hearts open up and their eyes open up, my fellow Americans, our arms open up and we embrace each other as brothers and sisters, and we hold each other in a triumph of love, in a triumph of universal peace; Muslims, Christians, Jews, Buddhists, black, white, yellow, red, brown, brothers and sisters.

Mr. Speaker, peace.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCHUGH (at the request of Mr. ARMEY) for today until 7 p.m., on account of attending a funeral in his district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Ms. NAPOLITANO, for 5 minutes, today.

Mr. MALONEY of Connecticut, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mrs. BIGGERT, for 5 minutes, today.

Mr. CUNNINGHAM, for 5 minutes, today.

Mr. PORTMAN, for 5 minutes, on June 10.

Mr. SHUSTER, for 5 minutes, today.

A BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 1379. To amend the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, to make a technical correction relating to international narcotics control assistance.

ADJOURNMENT

Mr. KUCINICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Thursday, June 10, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

2546. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Packers and Stockyards Act, 1921, to establish a trust for the benefit of the cash seller of livestock until the cash seller receives payment in full for the livestock; to the Committee on Agriculture.

2547. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Agricultural Fair Practices Act to authorize administrative enforcement by the Secretary of Agriculture; to the Committee on Agriculture.

2548. A letter from the Architect of the Capitol, transmitting the report of all expenditures during the period April 1, 1998 through September 30, 1998, pursuant to 40 U.S.C. 162b; to the Committee on Appropriations.

2549. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to provide authority for the Department to provide support to civil authorities for combating terrorism; to the Committee on Armed Services.

2550. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Manufacturing Technology Program [DFARS Case 98–D306] received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2551. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Restructuring Savings Repricing Clause [DFARS Case 98–D019] received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2552. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Manufacturing Technology Program [DFARS Case 98–D306] received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2553. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Restructuring Savings Repricing Clause [DFARS Case 98–D019] received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2554. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Electronic Funds Transfer [DFARS Case 98–D012] received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2555. A letter from the Secretary of Health and Human Services, transmitting the 1996–1997 annual report on the National Health Service Corps (NHSC), the NHSC Scholarship Program (NHSCSP), and the NHSC Loan Repayment Program (NHSC/LRP), pursuant to 42 U.S.C. 254b(g); to the Committee on Commerce.

2556. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to establish a demonstration for testing and evaluating disease management approaches to the identification and treatment of asthma in children receiving medical assistance under title XIX or child health assistance under title XXI of the Social Security Act; to the Committee on Commerce.

2557. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to amend title 5, United States Code, to revise the overtime pay limitation for Federal employees; to the Committee on Government Reform.

2558. A letter from the Secretary of the Interior, transmitting a detailed boundary map for the 39-mile segment of the Missouri National Recreational River including two tributaries, 20 miles of the Niobrara River and 8 miles of Verdigre Creek, pursuant to 16 U.S.C. 1274; to the Committee on Resources.

2559. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to construct and operate a visitor center for the Upper Delaware Scenic and Recreational River on land owned by the State of New York; to the Committee on Resources.

2560. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation to amend the Act which established the Saint-Gaudens National Historic Site, in the State of New Hampshire, by modifying the boundary; to the Committee on Resources.

2561. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield, as previously authorized by law, by purchase or exchange as well as by donation; to the Committee on Resources.

2562. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off the West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 1999 Management Measures [Docket No. 990430113–9113–01; I.D. 042799A] (RIN: 0648–AL64) received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2563. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries in the Exclusive Economic Zone Off Alaska; Hired Skipper Requirements for the Individual Fishing Quota Program [Docket No. 980923246–9106–02; I.D. 071598A] (RIN: 0648–AK20) received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2564. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Report on the Administration of the Foreign Agents Registration Act for the 6 months ending June 30, 1998, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

2565. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the annual report on applications for court orders made to federal and state courts to permit the interception of wire, oral, or electronic communications during calendar year 1998, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

2566. A letter from the Deputy Administrator, General Services Administration, transmitting a report of Building Project Survey for American Samoa, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

2567. A letter from the General Counsel, Department of Commerce, transmitting a draft of proposed legislation to authorize appropriations for the programs of the Department of Commerce's Technology Administration, to amend the National Institute of Standards and Technology Act; to the Committee on Science.

2568. A letter from the Secretary of Energy, transmitting a report on the status and progress of the Department's hydrogen program and recommendations of the Hydrogen Technical Advisory Panel for any improvements in the program that are needed; to the Committee on Science.

2569. A letter from the Assistant Secretary of the Army, Civil Works, Department of the Army, transmitting a draft of proposed legislation to provide for the development, operation, and maintenance of the Nation's harbors; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

2570. A letter from the Acting General Counsel, Department of the Defense, transmitting a draft of proposed legislation to address certain transportation matters that affect the Department's operations; jointly to the Committees on Transportation and Infrastructure and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

[Omitted from the Record of June 8, 1999]

Mr. BURTON: Committee on Government Reform. H.R. 457. A bill to amend title 5, United States Code, to increase the amount of leave time available to a Federal employee in any year in connection with serving as an organ donor, and for other purposes (Rept. 106–174). Referred to the Committee of the Whole House on the State of the Union.

[Submitted June 9, 1999]

Mr. SHUSTER: Committee on Transportation and Infrastructure. Supplemental report on H.R. 1000. A bill to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes (Rept. 106–167 Pt. 2).

Mr. HYDE: Committee on the Judiciary. H.R. 576. A bill to amend title 4, United States Code, to add the Martin Luther King, Jr. holiday to the list of days on which the flag should especially be displayed (Rept. 106–176). Referred to the Committee of the Whole House on the state of the Union.

Mr. COBLE: Committee on the Judiciary. H.R. 1225. A bill to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes (Rept. 106–177). Referred to the Committee of the Whole House on the State of the Union.

Mr. WOLF: Committee on Appropriations. H.R. 2084. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–180). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

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

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 322. A bill for the relief of Suchada Kwong; with an amendment (Rept. 106–178). Referred to the Committee of the Whole House.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 660. A bill for the private relief of Ruth Hairston by waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity (Rept. 106–179). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GEKAS:

H.R. 2083. A bill to provide for the appointment by the Attorney General of a special counsel when investigation or prosecution of a person by an office or official of the Department of Justice may result in a personal, financial, or political conflict of interest; to the Committee on the Judiciary.

By Mr. WOLF:

H.R. 2084. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

By Ms. HOOLEY of Oregon (for herself and Mr. WALDEN of Oregon):

H.R. 2085. A bill to amend the Internal Revenue Code of 1986 to end the marriage penalty, to provide estate tax relief for family-owned farms and other family-owned businesses, to provide a tax credit for longterm care needs, to expand the child and dependent care tax credit, to increase the deduction for health insurance costs for self-employed individuals, and to adjust for inflation the exemption amounts used to calculate the individual alternative minimum tax; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself, Mr. BROWN of California, Mr. DAVIS of Virginia, Mrs. MORELLA, Mr. EWING, Mr. COOK, Mr. BRADY of Texas, Mr. EHLERS, Mr. ETHERIDGE, Mr. WELDON of Florida, Mr. KUYKENDALL, Ms. STABENOW, Mr. LUCAS of Oklahoma, Mr. SMITH of Michigan, Mr. DOYLE, Mr. ROHRABACHER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON-LEE of Texas, Mr. CAPUANO, Mr. BARTLETT of Maryland, Mr. UDALL of Colorado, Ms. WOOLSEY, Mr. CALVERT, Mr. GUTKNECHT, Ms. LOFGREN, and Mr. GORDON):

H.R. 2086. A bill to authorize funding for networking and information technology research and development for fiscal years 2000 through 2004, and for other purposes; to the Committee on Science, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TALENT (for himself, Mr. MCCRERY, Mr. ENGLISH, Mrs. BONO, and Mr. DEMINT):

H.R. 2087. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. HAYWORTH (for himself, Mr. ARMEY, Mr. BALLENGER, Mr. BARR of Georgia, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BATEMAN, Mr. BEREUTER, Mr. BLILEY, Mr. BLUNT, Mr. BONILLA, Mr. BRADY of Texas, Mr. BRYANT, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CALVERT, Mr. CAMP, Mr. CHABOT, Mr. CHAMBLISS, Mr. COBLE, Mr. COBURN, Mr. COLLINS, Mr. COMBEST, Mr. COOK, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. DAVIS of Virginia, Mr. DEAL of Georgia, Mr. DELAY, Mr. DEMINT, Mr. DICKEY, Mr. DOOLITTLE, Mr. DUNCAN, Ms. DUNN, Mr. EHRLICH, Mr. EVERETT, Mrs. FOWLER, Mr. FRELINGHUYSEN, Mr. GOSS, Mr. GRAHAM, Ms. GRANGER, Mr. HASTINGS of Washington, Mr. HAYES, Mr. HEFLEY, Mr. HERGER, Mr. HILL of Montana, Mr. HILLEARY, Mr. HOEKSTRA, Mr. HUNTER, Mr. HUTCHINSON, Mr. ISTOOK, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KASICH, Mr. KNOLLENBERG, Mr. KOLBE, Mr. LARGENT, Mr. LATHAM, Mr. LEWIS of Kentucky, Mr. MICA, Mr. MCCOLLUM, Mr. MCINTOSH, Mr. GARY MILLER of California, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NETHERCUTT, Mr. NEY, Mrs. NORTHUP, Mr. NORWOOD, Mr. NUSSLE, Mr. PAUL, Mr. PETERSON of Pennsylvania, Mr. PITTS, Ms. PRYCE of Ohio, Mr. RAMSTAD, Mr. ROGAN, Mr. ROHRABACHER, Mr. RYUN of Kansas, Mr. SALMON, Mr. SCHAFFER, Mr. SESSIONS, Mr. SHADEGG, Mr. SKEEN, Mr. SOUDER, Mr. SPENCE, Mr. STEARNS, Mr. STUMP, Mr. SUNUNU, Mr. TALENT, Mr. TANCREDO, Mr. TERRY, Mr. WAMP, Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, Mr. WHITFIELD, Mr. WICKER, Mr. BACHUS, and Mr. GOODE):

H.R. 2088. A bill to prohibit discrimination in contracting on federally funded projects on the basis of certain labor policies of potential contractors; to the Committee on Education and the Workforce.

By Mr. BOEHNER:

H.R. 2089. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide new procedures and access to review for grievances arising under group health plans; to the Committee on Education and the Workforce.

By Mr. GREENWOOD (for himself, Mr. SAXTON, Mr. FARR of California, Mr. GILCHREST, Mr. ROMERO-BARCELO, Mr. SENSENBRENNER, Mr. UNDERWOOD, Mrs. MORELLA, Mrs. CAPPS, Mr. CALVERT, Mr. ENGLISH, Mr. BLUMENAUER, Mr. FOLEY, Mr. EHLERS, Mr. FRANKS of New Jersey, Mr. BILBRAY, and Mr. GUTIERREZ):

H.R. 2090. A bill to direct the Secretary of Commerce to contract with the National Academy of Sciences to establish the Coordinated Oceanographic Program Advisory Panel to report to the Congress on the feasibility and social value of a coordinated oceanography program; to the Committee on Resources.

By Mrs. BIGGERT (for herself, Mr. ENGEL, Mrs. KELLY, Mrs. WILSON, Mr. MANZULLO, Mr. LIPINSKI, Mr. CROWLEY, and Ms. SCHAKOWSKY):

H.R. 2091. A bill to designate the Republic of Montenegro, the Former Yugoslav Republic of Macedonia, and the Republic of Albania under section 244 of the Immigration and Nationality Act in order to render nationals of these foreign states eligible for temporary protected status under such section; to the Committee on the Judiciary.

By Mr. BURTON of Indiana:

H.R. 2092. A bill to require that the membership of advisory bodies serving the National Cancer Institute include individuals who are knowledgeable in complementary and alternative medicine; to the Committee on Commerce.

By Mr. BURTON of Indiana (for himself, Mr. MARKEY, and Mr. TIERNEY):

H.R. 2093. A bill to establish the National Youth Violence Commission, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHRLICH:

H.R. 2094. A bill to amend the Webb-Kenyon Act to allow any State, territory, or possession of the United States to bring an action in Federal court to enjoin violations of that Act or to enforce the laws of such State, territory, or possesion with respect to such violations, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHNER:

H.R. 2095. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to make needed reforms relating to group health plans; to the Committee on Education and the Workforce.

By Mr. ENGEL:

H.R. 2096. A bill to amend chapter 89 or title 5, United States Code, to make available to Federal employees the option of obtaining health benefits coverage for dependent parents; to the Committee on Government Reform.

By Mr. FRELINGHUYSEN (for himself, Mr. FRANKS of New Jersey, Mr. MENENDEZ, Mr. PASCRELL, Mrs. ROUKEMA, Mr. HOLT, Mr. PAYNE, Mr. ROTHMAN, and Mr. SMITH of New Jersey):

H.R. 2097. A bill to require the Secretary of the Treasury to mint coins in commemoration of the U.S.S. New Jersey, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. FRELINGHUYSEN:

H.R. 2098. A bill to suspend temporarily the duty on dark couverture chocolate; to the Committee on Ways and Means.

H.R. 2099. A bill to suspend temporarily the duty on mixtures of sennosides; to the Committee on Ways and Means.

By Mr. GOODLATTE (for himself and Ms. LOFGREN):

H.R. 2100. A bill to amend the Trademark Act of 1946 to prohibit the unauthorized destruction, modification, or alteration of product identification codes, and for other purposes; to the Committee on the Judiciary.

By Mr. HOUGHTON (for himself, Mr. RANGEL, Mr. WELLER, Mr. LEWIS of

Georgia, Mrs. JOHNSON of Connecticut, Mr. MATSUI, Mr. RAMSTAD, Mr. HAYWORTH, Mr. LEWIS of Kentucky, Mr. WATKINS, Mr. LEVIN, Mr. MCNULTY, Mr. CARDIN, Mr. NEAL of Massachusetts, Ms. DUNN, Mr. SWEENEY, Mr. ENGLISH, Mr. FOLEY, Mr. MCINNIS, Mrs. THURMAN, Mr. JEFFERSON, Mr. COYNE, Mr. BECERRA, Mr. STARK, Mr. NUSSLE, and Mrs. LOWEY):

H.R. 2101. A bill to amend the Internal Revenue Code of 1986 to modify and permanently extend the work opportunity tax credit and to allow certain tax-exempt organizations a credit against employment taxes in an amount equivalent to the work opportunity tax credit allowable to taxable employers; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mrs. THURMAN, Mrs. KELLY, Mrs. MORELLA, and Mr. BAKER):

H.R. 2102. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums and a credit for individuals with long-term care needs, to provide for an individual and employer educational campaign concerning long-term care insurance, and to amend title XIX of the Social Security Act to expand State long-term care partnerships by exempting 75 percent of partnership assets from Medicaid estate recovery; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York:

H.R. 2103. A bill to amend the Family and Medical Leave Act of 1993 to allow employees to take, as additional leave, parental involvement leave to participate in or attend their children's educational and extracurricular activities and to clarify that leave may be taken for routine medical needs and to assist elderly relatives, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 2104. A bill to amend the Family and Medical Leave Act of 1993 to permit leave to care for a domestic partner, parent-in-law, adult child, sibling, or grandparent if the domestic partner, parent-in-law, adult child, sibling, or grandparent has a serious health condition; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOLLUM (for himself, Mr. RANGEL, Mr. GOSS, Mr. GILMAN, and Mr. MICA):

H.R. 2105. A bill to provide for the treatment of the actions of certain foreign narcotics traffickers as an unusual and extraordinary threat to the United States for purposes of the International Emergency Economic Powers Act; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MENENDEZ (for himself, Mr. BROWN of Ohio, Mr. DELAHUNT, Mr. ANDREWS, Mrs. MORELLA, Mr. FROST, Mr. EVANS, and Mr. ALLEN):

H.R. 2106. A bill to exempt certain small businesses from the increased tariffs and other retaliatory measures imposed against products of the European Union in response to the banana regime of the European Union and its treatment of imported bovine meat; to the Committee on Ways and Means.

By Mr. NADLER:

H.R. 2107. A bill to amend the Internal Revenue Code of 1986 to exclude from the gross estate the value of certain works of artistic property created by the decedent; to the Committee on Ways and Means.

By Mr. PALLONE (for himself, Mr. FRANKS of New Jersey, Mr. MARKEY, Mrs. CAPPS, Mr. ANDREWS, Mr. BONIOR, Mr. HINCHEY, and Mr. LEWIS of Georgia):

H.R. 2108. A bill to amend the Safe Drinking Water Act to increase consumer confidence in safe drinking water and source water assessments, and for other purposes; to the Committee on Commerce.

By Mr. PAYNE (for himself and Mrs. MALONEY of New York):

H.R. 2109. A bill to limit the sale or export of plastic bullets to the United Kingdom; to the Committee on International Relations.

By Mr. PAYNE:

H.R. 2110. A bill to provide for the waiver of certain grounds of inadmissibility related to political activity in Northern Ireland or the Republic of Ireland for aliens married to United States citizens; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 2111. A bill to amend the Internal Revenue Code of 1986 to repeal the personal holding company tax; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself, Mr. HYDE, and Mr. COBLE):

H.R. 2112. A bill to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trail, and to provide for Federal jurisdiction of certain multiparty, multiforum civil actions; to the Committee on the Judiciary.

By Mr. SNYDER (for himself, Mr. GREEN of Texas, Mr. FROST, Mr. OLVER, and Mr. HINCHEY):

H.R. 2113. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to ensure proper disclosure to participants and beneficiaries under group health plans covered under such title of limitations placed by such title on certain protections that would otherwise apply under State law; to the Committee on Education and the Workforce.

By Mr. STARK:

H.R. 2114. A bill to establish a Medicare administrative fee for submission of paper claims; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 2115. A bill to establish a demonstration project to authorize the Secretary of Health and Human Services to selectively contract for the provision of medical care to Medicare beneficiaries; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS (for himself, Mr. GUTIERREZ, Mr. STUMP, and Mr. EVANS):

H.R. 2116. A bill to amend title 38, United States Code, to establish a program of extended care services for veterans and to make other improvements in health care programs of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. STUPAK:

H.R. 2117. A bill to require any amounts appropriated for Members' Representational Allowances for the House of Representatives for a session of Congress that remain after all payments are made from such Allowances for the session to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt; to the Committee on House Administration, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WYNN (for himself and Mr. DAVIS of Virginia):

H.R. 2118. A bill to amend the Woodrow Wilson Memorial Bridge Authority Act of 1995 to provide for continued engineering, design, right-of-way acquisition, and construction related to the project to upgrade the Woodrow Wilson Memorial Bridge; to the Committee on Transportation and Infrastructure.

By Mr. ROHRABACHER:

H.J. Res. 58. A joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam; to the Committee on Ways and Means.

By Mr. GILMAN (for himself, Mr. GARY MILLER of California, Mr. SUNUNU, Mr. HINCHEY, and Mr. LAHOOD):

H. Con. Res. 129. Concurrent resolution expressing the sense of Congress that the Bureau of the Census should include in the 2000 decennial census all citizens of the United States residing abroad; to the Committee on Government Reform.

By Mr. FROST:

H. Res. 204. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

MEMORIALS

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

91. The SPEAKER presented a memorial of the Legislature of the State of New Mexico, relative to Senate Memorial 46 memorializing the United States Congress to enact Legislation amending the Social Security Act to prohibit Recoupment by the Federal Government of State Tobacco Settlement Funds; to the Committee on Commerce.

92. Also, a memorial of the House of Representatives of the State of West Virginia, relative to House Concurrent Resolution No. 22 memorializing the Congress of the United States to enact legislation amending the Social Security Act so that funds due the states as a result of the Master Settlement Agreement reached with the tobacco industry are exempted from recoupment by the Health Care Financing Administration and prohibiting federal interference with the states in deciding how to best utilize those settlement funds; to the Committee on Commerce.

93. Also, a memorial of the Legislature of the State of Minnesota, relative to Resolution No. 2 memorializing the Congress and the Administration to support legislation that would explicitly prohibit the federal government from claiming or recouping any state tobacco settlement recoveries; to the Committee on Commerce.

94. Also, a memorial of the General Assembly of the State of Utah, relative to House Concurrent Resolution No. 3 memorializing

the EPA to refrain from overfiling or threatening to overfile on state-negotiated compliance actions if the actions achieve compliance with applicable state and federal law and are protective of health and the environment; to the Committee on Commerce.

95. Also, a memorial of the Senate of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 490 memorializing the Congress of the United States to establish a limited pilot program which exempts the Commonwealth of Virginia from the provisions of Sec. 13612 (a) (C) of the Omnibus Budget Reconciliation Act of 1993 requiring states to make recovery from the estates of persons who had enjoyed enhanced Medicaid asset protection; to the Committee on Commerce.

96. Also, a memorial of the General Assembly of the State of Rhode Island, relative to Senate Resolution No. 99–S 0849 memorializing the United States Congress to enact legislation amending the Social Security Act to prohibit recoupment by the federal government of state tobacco settlement funds; to the Committee on Commerce.

97. Also, a memorial of the Senate of the State of New Hampshire, relative to Senate Resolution No. 5 memorializing Congress to authorize construction of the World War II Memorial in Washington, D.C. to begin immediately; to the Committee on Resources.

98. Also, a memorial of the House of Representatives of the State of Montana, relative to House Joint Resolution No. 4 memorializing Congress to have the management of grizzly bears returned to the fish and wildlife agencies of the states of Montana and Idaho; to the Committee on Resources.

99. Also, a memorial of the Senate of the State of Montana, relative to Senate Joint Resolution No. 5 memorializing the United States Congress and the Executive Branch of the United States Government to take action to require coverage of the cost of long-term care and prescription drugs by the Federal Medicare Program; jointly to the Committees on Commerce and Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. MALONEY of Connecticut.

H.R. 17: Mr. BRADY of Texas.

H.R. 88: Mr. HINCHEY, Mr. BENTSEN, Mr. CAPUANO, Mr. MCGOVERN, Mr. FRANK of Massachusetts, Mr. SABO, Mrs. MORELLA, Mr. UDALL of Colorado, Ms. KILPATRICK, Mr. TIERNEY, Mr. BARTON of Texas, Mr. LEACH, Ms. HOOLEY of Oregon, Ms. STABENOW, Ms. SLAUGHTER, and Mr. LEWIS of Georgia.

H.R. 111: Mr. BRADY of Texas, Mr. JEFFERSON, Mr. KLECZKA, and Mr. GOODLATTE.

H.R. 116: Mr. ABERCROMBIE and Mr. SMITH of Washington.

H.R. 125: Ms. KILPATRICK and Mr. REYES.

H.R. 165: Ms. CARSON, Mr. CAPUANO, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 274: Mr. LANTOS, Mr. DOOLITTLE, and Mr. EWING.

H.R. 306: Mr. ALLEN, Mr. BAKER, and Mr. PORTER.

H.R. 352: Mr. STENHOLM and Ms. BERKLEY.

H.R. 358: Mr. FORBES.

H.R. 371: Mr. LIPINSKI.

H.R. 383: Mr. GUTIERREZ.

H.R. 415: Mr. CUMMINGS.

H.R. 417: Mr. LAFALCE.

H.R. 444: Mr. SANDERS.

H.R. 489: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 561: Mr. PASCRELL.

H.R. 566: Mr. QUINN and Mr. BARRETT of Wisconsin.

H.R. 570: Mr. BOUCHER.

H.R. 583: Mr. HINOJOSA.

H.R. 599: Mr. EVANS and Mr. FRANK of Massachusetts.

H.R. 648: Mr. TRAFICANT, Mr. DELAHUNT, and Mr. ENGEL.

H.R. 664: Mr. LANTOS.

H.R. 690: Mr. REYES.

H.R. 691: Mr. PICKERING and Mr. SMITH of Washington.

H.R. 700: Mr. ROTHMAN.

H.R. 708: Mr. REYES and Mr. SMITH of New Jersey.

H.R. 728: Mr. MCCRERY, Mr. DOOLITTLE, Mr. CHAMBLISS, Mr. THORNBERRY, Mr. THUNE, Mr. GIBBONS, Mr. GILCHREST, Mr. ISTOOK, Mr. LEWIS of Kentucky, Mr. HILLIARD, Mr. BURR of North Carolina, Mr. LUCAS of Kentucky, Mr. BRYANT, Mr. HINOJOSA, and Mr. HALL of Texas.

H.R. 772: Mr. LANTOS.

H.R. 782: Mr. TERRY and Mr. GILCHREST.

H.R. 784: Mr. MCCRERY, Mr. ENGEL, and Mr. TAYLOR of North Carolina.

H.R. 789: Mr. INSLEE and Mr. BARCIA.

H.R. 791: Mrs. MORELLA.

H.R. 815: Mr. CUMMINGS and Mr. GRAHAM.

H.R. 827: Mr. UDALL of Colorado, Mr. GOODLING, and Mrs. MALONEY of New York.

H.R. 832: Mr. SMITH of Washington.

H.R. 837: Mr. MCDERMOTT.

H.R. 852: Mr. ROEMER, Mr. GANSKE, and Mr. GARY MILLER of California.

H.R. 860: Mr. TIERNEY.

H.R. 872: Mr. BONIOR.

H.R. 878: Mr. COBLE.

H.R. 896: Mr. GOODLATTE.

H.R. 902: Mr. HORN, Mr. HOLT, Ms. LOFGREN, Mr. MENENDEZ, and Mr. HASTINGS of Florida.

H.R. 904: Mr. MALONEY of Connecticut and Mrs. MORELLA.

H.R. 932: Mrs. THURMAN.

H.R. 942: Mr. TURNER.

H.R. 976: Ms. VELAZQUEZ, Mr. NEAL of Massachusetts, and Mr. LANTOS.

H.R. 984: Ms. JACKSON-LEE of Texas.

H.R. 987: Mr. WHITFIELD, Mr. CALVERT, Mr. LATHAM, and Mr. KASICH.

H.R. 1004: Mr. STUMP, Mr. CAMPBELL, and Mr. BAKER.

H.R. 1029: Mr. PASTOR, Ms. KILPATRICK, and Mr. CUMMINGS.

H.R. 1054: Mrs. CUBIN.

H.R. 1060: Mr. KUCINICH.

H.R. 1071: Mr. SMITH of Washington and Mrs. JONES of Ohio.

H.R. 1083: Mr. LEWIS of Kentucky.

H.R. 1085: Mrs. CHRISTENSEN and Mr. HINCHEY.

H.R. 1093: Mr. FLETCHER, Mr. FRANK of Massachusetts, and Mr. THOMPSON of California.

H.R. 1102: Mr. EVANS, Mr. HULSHOF, Mr. LARGENT, Mr. BARCIA, Mr. BRADY of Pennsylvania, and Mr. WAMP.

H.R. 1109: Ms. VELAZQUEZ and Mr. GUTIERREZ.

H.R. 1118: Ms. LOFGREN, Ms. BERKLEY, and Mr. BILBRAY.

H.R. 1123: Ms. NORTON, Ms. ROYBAL-ALLARD, Mr. PAYNE, and Mr. BLAGOJEVICH.

H.R. 1129: Mr. UNDERWOOD, Mr. MENENDEZ, and Mr. CAPUANO.

H.R. 1167: Mrs. CHRISTENSEN.

H.R. 1178: Mr. GOODLING, Mr. STUPAK, Mr. PETERSON of Pennsylvania, Mr. RYUN of Kansas, Mr. GARY MILLER of California, Mr. HUTCHINSON, Mr. SHUSTER, Mr. GORDON, Mr. TAYLOR of Mississippi, Mrs. CUBIN, Mr. MCINTOSH, and Mr. DICKEY.

H.R. 1196: Mr. KUCINICH, Mr. COOK, Mr. FILNER, and Ms. SANCHEZ.

H.R. 1218: Mr. SHERWOOD.

H.R. 1245: Mrs. MORELLA, Mr. CROWLEY, Ms. JACKSON-LEE of Texas, Mr. LIPINSKI, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WEXLER, and Mr. WYNN.

H.R. 1248: Mr. FRANKS of New Jersey and Mr. MARTINEZ.

H.R. 1256: Mr. PALLONE.

H.R. 1261: Mr. LAFALCE.

H.R. 1272: Mr. BURTON of Indiana.

H.R. 1293: Mr. DEFAZIO.

H.R. 1300: Mr. WEINER, Mr. HILLIARD, Mr. PETRI, and Mr. NEY.

H.R. 1301: Mr. ROGERS, Mr. ETHERIDGE, Mr. REGULA, Mr. BATEMAN, Mr. BURTON of Indiana, Mr. BRYANT, Mrs. BONO, Mr. CALVERT, Mr. WELDON of Pennsylvania, Mr. STEARNS, Mr. WATTS of Oklahoma, and Mr. LAHOOD.

H.R. 1315: Mr. GARY MILLER of California.

H.R. 1326: Mr. CHAMBLISS.

H.R. 1329: Mr. PAUL and Mr. DIAZ-BALART.

H.R. 1342: Mr. KLECZKA, Mr. COYNE, and Mr. ROTHMAN.

H.R. 1349: Mr. GRAHAM, Mr. DEMINT, and Mr. GOODLATTE.

H.R. 1350: Mrs. NAPOLITANO, Mr. WU, Mr. GONZALEZ, Ms. VELAZQUEZ, Mr. DELAHUNT, and Mr. MORAN of Virginia.

H.R. 1354: Mr. ADERHOLT, Mr. ENGLISH, and Mr. MINGE.

H.R. 1355: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1358: Mr. MINGE, Mr. WELLER, and Mr. KUCINICH.

H.R. 1366: Mr. BARTLETT of Maryland, Mr. JEFFERSON, Mr. MENENDEZ, and Mr. JOHN.

H.R. 1385: Mr. PETERSON of Pennsylvania, Mr. GIBBONS, Mr. GORDON, and Mr. ROTHMAN.

H.R. 1389: Mr. LUTHER, Mr. PASTOR, Mrs. MORELLA, Mr. EVANS, Mr. LAHOOD, Ms. RIVERS, and Mr. ETHERIDGE.

H.R. 1402: Mr. HASTINGS of Washington, Mr. RADANOVICH, Ms. WOOLSEY, Mr. DELAY, Mr. RYUN of Kansas, Mr. PHELPS, Mr. REYES, Mr. HINOJOSA, Mr. LEVIN, Mr. BROWN of California, Mr. ROGERS, Ms. JACKSON-LEE of Texas, Mr. REGULA, Mr. MCKEON, Mr. UDALL of Colorado, and Mr. GOODLING.

H.R. 1412: Mr. BONIOR and Mr. DELAHUNT.

H.R. 1433: Mr. FROST, Mr. MCDERMOTT, and Mr. CLEMENT.

H.R. 1441: Mr. BONILLA, Mr. BEREUTER, and Mr. COLLINS.

H.R. 1442: Mr. SENSENBRENNER, Mr. CRAMER, Mr. HOBSON, Mr. ANDREWS, Mr. MASCARA, Mr. GREEN of Texas, Mr. WELDON of Pennsylvania, and Mr. BERMAN.

H.R. 1443: Mrs. MEEK of Florida and Mr. GUTIERREZ.

H.R. 1456: Mr. LAMPSON, Mr. PICKERING, Mr. SAWYER, Mr. LANTOS, Mrs. CLAYTON, Mr. CLYBURN, Mrs. CAPPS, Mr. MARTINEZ, and Mr. WU.

H.R. 1477: Mr. UNDERWOOD, Mr. DIAZ-BALART, and Mr. FALEOMAVAEGA.

H.R. 1485: Mr. KING.

H.R. 1497: Mrs. JOHNSON of Connecticut.

H.R. 1503: Mr. SHOWS, Mr. FROST, Mr. SUNUNU, Mrs. THURMAN, Mr. GOODE, Mr. GEKAS, Mr. HOSTETTLER, and Mr. SKELTON.

H.R. 1511: Mr. LARGENT, Mr. SHAW, and Mr. DEMINT.

H.R. 1525: Mr. CLAY and Mr. ENGEL.

H.R. 1546: Mr. DEMINT.

H.R. 1568: Ms. BROWN of Florida, Mr. ROMERO-BARCELO, Mrs. CHRISTENSEN, Mr. LEACH, Mr. SHOWS, Ms. MILLENDER-MCDONALD, Mr. SPENCE, Ms. WOOLSEY, Mr. EWING, Mrs. THURMAN, Mrs. EMERSON, Ms. CARSON, Mr. FROST, Ms. DANNER, Mr. ENGLISH, Mr. RAHALL, Mr. GUTIERREZ, Mr. STUPAK, Mr. LIPINSKI, Ms. BERKELY, Mr. COOK, Mrs. BONO, Mr. SWEENEY, Mr. LOBIONDO, Mr. SMITH of Washington, Mr. ENGEL, and Mr. COOKSEY.

H.R. 1584; Mrs. KELLY and Mr. BARRETT of Nebraska.

H.R. 1598: Mr. DAVIS of Virginia and Mr. FROST.

H.R. 1600: Mr. BARRETT of Wisconsin.

H.R. 1622: Mr. TIERNEY, Mr. EVANS, and Mr. SANDERS.

H.R. 1629: Mr. WATT of North Carolina, Mr. BURR of North Carolina, Mr. THOMPSON, of Mississippi, Mr. NEY, Mr. OBERSTAR, Mrs. CAPPS, and Mr. STEARNS.

H.R. 1631: Ms. ROS-LEHTINEN.

H.R. 1649: Mr. METCALF.

H.R. 1658: Mr. DEFAZIO, Ms. KILPATRICK, Mr. METCALF, Mr. MURTHA, Mr. NADLER, Mr. NETHERCUTT, and Mr. STUMP.

H.R. 1663: Mr. FROST, Mr. ENGLISH, Mr. PITTS, Ms. BERKLEY, and Mr. LAHOOD.

H.R. 1675: Mr. ROMERO-BARCELO, Mr. BONIOR, Mr. FILNER, and Ms. NORTON.

H.R. 1687: Mr. SCHAFFER and Mr. STUMP.

H.R. 1693: Ms. SCHAKOWSKY, Mr. WU, Mr. CAMPBELL, and Mr. PAUL.

H.R. 1706: Mr. DEMINT.

H.R. 1710: Mr. DEMINT, Mr. GALLEGLY, and Mr. COBURN.

H.R. 1771: Mr. PETERSON of Minnesota, Mr. NEY, Mrs. WILSON, Mr. BACHUS, Mr. KANJORSKI, Mr. LANTOS, and Mrs. MYRICK.

H.R. 1772: Mr. LATOURETTE and Mr. LANTOS.

H.R. 1775: Mr. COOK, Mr. JOHN, Mr. ACKERMAN, and Mr. JONES of North Carolina.

H.R. 1777: Mr. GARY MILLER of California and Mr. FILNER.

H.R. 1786: Mr. HINCHEY, Mr. SAWYER, and Mr. WEYGAND.

H.R. 1791: Mr. TIERNEY.

H.R. 1796: Mr. BOUCHER, Mr. FROST, and Mr. LAFALCE.

H.R. 1839: Mr. MCGOVERN.

H.R. 1840: Mr. HASTINGS of Florida, Mr. CLYBURN, Mr. BLUNT, Mr. CHAMBLISS, and Mr. SALMON.

H.R. 1862: Mr. FROST, Mr. WEINER, Mr. COSTELLO, Mr. LANTOS, Mr. WYNN, Mr. MCGOVERN, Mr. CUMMINGS, Mr. WEYGAND, and Mr. LAFALCE.

H.R. 1880: Mr. GALLEGLY.

H.R. 1887: Mr. TOWNS and Mr. TIERNEY.

H.R. 1899: Mrs. JOHNSON of Connecticut, Mr. LANTOS, and Mrs. MCCARTHY of New York.

H.R. 1932: Mr. COYNE, Mr. HINCHEY, Mr. CROWLEY, Ms. STABENOW, Mr. PRICE of North Carolina, Mr. BOSWELL, Mr. DINGELL, Mr. WEXLER, Mr. DEUTSCH, Mr. BLUMENAUER, Mr. WEYGAND, Mr. KILDEE, Mr. MATSUI, Mr. LEVIN, Mr. EHLERS, Mr. TIAHRT, Mr. DICKEY, Mr. TAYLOR of North Carolina, Mr. BARCIA, Mr. ANDREWS, Mr. WEINER, Mr. UDALL of New Mexico, Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE of Texas, Mr. HOUGHTON, Mr. ENGLISH, Ms. SCHAKOWSKY, Mr. SAWYER, Mr. PHELPS, Mr. RAMSTAD, Mr. LEACH, Mrs. MALONEY of New York, Mr. BAIRD, Mr. LUTHER, Mr. DIAZ-BALART, Mr. ACKERMAN, Mr. JONES of North Carolina, Mrs. KELLY, Mrs. MYRICK, Mr. NEY, and Mr. FORD.

H.R. 1960: Ms. KILPATRICK, Mr. RAHALL, Mr. WAXMAN, Mr. MENENDEZ, Mrs. JONES of Ohio, Mr. BROWN of Ohio, Mrs. MEEK of Florida, Mr. HINCHEY, Mr. BORSKI, Mr. WYNN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAWYER, Mr. LANTOS, Ms. LOFGREN, Mr. VENTO, and Mr. CUMMINGS.

H.R. 1973: Mr. EVANS, Mr. WELDON of Pennsylvania, Mr. SHUSTER, and Mr. GREENWOOD.

H.R. 1977: Ms. PELOSI, Mr. LANTOS, Mr. SHAYS, Ms. LOFGREN, Mr. MINGE, Mr. HALL of Ohio, and Mr. BERMAN.

H.R. 1998: Mr. MOAKLEY.

H.R. 1999: Mr. MINGE.

H.R. 2002: Mr. DINGELL.

H.R. 2030: Mr. MCINTOSH.

H.R. 2031: Mr. BARR of Georgia and Mr. GILMAN.

H.R. 2039: Mr. EWING.

H.J. Res. 48: Mr. KUCINICH, Mr. MARTINEZ, Mrs. MORELLA, Mr. LAMPSON, Mr. PORTER, Mr. BATEMAN, Mrs. NORTHUP, Mr. COBURN, Mr. HOLDEN, Mr. LAHOOD, and Mr. DEMINT.

H.J. Res. 55: Mrs. MYRICK.

H. Con. Res. 38: Mr. LAMPSON, Mr. FROST, Mr. HILLIARD, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con Res. 46: Mr. FARR of California.

H. Con Res. 60: Mr. LANTOS, Mr. SMITH of Washington, and Mr. LATHAM.

H. Con Res. 77: Mr. MCNULTY and Mr. STUMP.

H. Con Res. 107: Mr. FLETCHER and Mr. COMBEST.

H. Con Res. 113: Mr. FROST.

H. Con Res. 121: Mr. PORTER.

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PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, FIRST SESSION

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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Here is a promise from God for today. It is as sure for us as it was when it was spoken through Isaiah so long ago. Hear this word today! ''Fear not, for I am with you; be not dismayed, for I am your God. I will strengthen you. Yes, I will help you. I will uphold you with my righteous right hand.''—Isaiah 41:10.

Let us pray.

Dear God, we claim that promise as we begin this day's work. Your perfect love casts out fear. Your grace and goodness give us the assurance that You will never leave nor forsake us. Your strength surges into our hearts. Your divine intelligence inspires our thinking. We will not be dismayed, casting about furtively for security in anything or anyone other than You. Fortified by Your power, help us to focus on the needs of others around us and of our Nation. May this be a truly great day as we serve You. Bless the Senators as they place their trust in You and follow Your guidance for our Nation.

Gracious God, we thank You for the people who work here in this Chamber to serve the Senate. Especially today we thank You for Senate doorkeeper Eugene Kelly, who died last evening. We thank you for his life and for his work among us and ask You to be with his wife, Doris, to comfort and encourage her. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from New Hampshire is recognized.

Mr. SMITH of New Hampshire. I thank the Chair.

SCHEDULE

Mr. SMITH of New Hampshire. Mr. President, today the Senate will be in a period of morning business until the hour of 11 a.m. As a reminder, the cloture vote on the motion to proceed to the Y2K legislation has been vitiated. By previous consent, debate on the Y2K bill will begin following morning business at 11 a.m. Amendments are anticipated throughout today's session, and therefore votes can be expected.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the Senator from New Hampshire is recognized to speak for up to 10 minutes.

(The remarks of Mr. SMITH of New Hampshire pertaining to the submission of S. Res. 113 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

Mr. SMITH of New Hampshire. I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

The Senator from Maine is recognized for a period of up to 20 minutes.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1189 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Ms. COLLINS. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mrs. BOXER. Mr. President, Senator DURBIN has asked that I control his 30 minutes under the previous agreement. I ask unanimous consent that I may do that.

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

Mrs. BOXER. I say to my friend, Senator DORGAN, I will be probably 5 minutes in my initial remarks and then will yield to him, if he needs—how much time?

Mr. DORGAN. Mr. President, I wonder if I might ask consent to be recognized for 15 minutes. Senator WELLSTONE is coming over to take part of that, following the presentation by Senator BOXER.

Mrs. BOXER. I have no objection to that. I have Senator TORRICELLI coming over for time. I will go for 5 minutes, to be followed by 15 minutes under the control of Senator DORGAN. Then I will take back the remainder of that time. That is a unanimous consent request.

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

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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LEGISLATIVE ACTION IN THE SENATE

Mrs. BOXER. Mr. President, a funny thing happened before the Memorial Day recess. We finally did something around here. I say ''a funny thing'' because we haven't done that much to write home about. What happened was we had the juvenile justice bill come before this body. It was debated. Amendments were offered. Votes were taken. The Senate passed the bill by a large bipartisan majority.

I think that is the way we ought to be doing our business rather than having a bill brought up and having the so-called amendment tree filled to prevent those of us on this side of the aisle from bringing up amendments. I think the way the juvenile justice bill was handled was good. I hope we see more of that openness on the floor of the Senate.

When we had the juvenile justice bill before us, we did some good things. One of the good things we did was to pass some commonsense gun laws.

Now, after a 2-week break, the House is going to be taking up the juvenile justice bill and looking at these gun laws and deciding on which of them they are going to move forward. From the reports I read in the paper today—I haven't read the House bill yet, although we are going over it now—those gun laws are significantly weakened.

I say to my friends in the House, where I proudly served for 10 years, if anything, you should strengthen those laws, not weaken those laws. We had the Lautenberg amendment that passed. As I understand it, it has been weakened over on the House side, opening up new loopholes so that people at gun shows can call themselves exhibitors and not have to pay attention to all the important background checks that should take place before a gun is purchased at a gun show. So we will be watching.

As the people were very happy to see us do sensible gun laws, they also are waiting for us to do something else. That has to do with their health care. That has to do with the Patients' Bill of Rights. That has to do with the fact that many HMOs are not treating patients in the right fashion.

I know we are taking up the Y2K bill to protect businesses from lawsuits. It is an important bill. I am glad we are taking it up. I have my opinions on it. I will be offering an amendment on it. I hope I can support it.

But what about the vast majority of Americans who need us to pass a Patients' Bill of Rights? Somehow this keeps going to the back of the list. More and more Americans need us to look at their problems: Women who can't get access to their OB/GYNs or, if they do, it is very restrictive; people who get taken to an emergency room far away from the closest one and are told that this really wasn't an emergency, because, guess why, they didn't die, so then their HMO doesn't cover the visit; a child needs to see a specialist and can't see one or has a chronic condition and must always see a specialist and go through bureaucratic hoops to see that specialist.

I thought we honored our children. That is not the way to treat a sick child. We should be making the lives of our children easier, not harder, especially when they are very sick.

Worst of all, HMOs cannot be held accountable in court. You cannot sue your HMO, even if the HMO made a medical decision that resulted in a patient's death or put someone in a coma permanently.

The PRESIDING OFFICER. The 5 minutes of the Senator from California have expired.

Mrs. BOXER. I ask unanimous consent to complete in 1 minute.

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

Mrs. BOXER. Mr. President, the practices of too many HMOs are outrageous. It is equally outrageous that we haven't had a chance to bring that bill to the floor for debate. We on this side of the aisle spent all last year pleading to bring it up, but we were met with delay and obstruction, just as we did on the minimum wage.

We fought hard to finally get a minimum wage bill brought up a couple of Congresses ago. We are going to fight hard again to get a new minimum wage bill brought up, to get a Patients' Bill of Rights brought up. We are not going to stop until it happens. We want to make this Senate relevant to the lives of our people, just as we did when we took up the juvenile justice bill. I look forward to working with Members on both sides of the aisle on a Patients' Bill of Rights, raising the minimum wage, and other issues we need to take up.

I thank the Chair. I yield the floor.

ORDER OF PROCEDURE

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized for 15 minutes.

Mr. McCONNELL. Will the Senator yield?

Mrs. BOXER. Yes.

Mr. McCONNELL. Does the Senator from North Dakota control the time?

The PRESIDING OFFICER. The Senator from California would have 5 additional minutes after the Senator from North Dakota.

Mr. McCONNELL. Mr. President, I am just trying to get in line here.

Mrs. BOXER. Mr. President, can I say to my friend that Senator DURBIN had taken 30 minutes in this part of the morning business hour. He has designated me to control that 30 minutes. As I understand it, I took 6 minutes. We now have 15 minutes for Senator DORGAN and the remaining time by Senator TORRICELLI. That would complete this side's time. We have no problem with the Senator getting his time.

Mr. McCONNELL. Mr. President, I am confused as to what I am inquiring about. The time is controlled by Senator DURBIN until when?

The PRESIDING OFFICER. Twenty-three and a half minutes remain under the control of the Senator from California.

Mr. McCONNELL. Mr. President, I ask unanimous consent that I be recognized at the end of the time controlled by Senator DURBIN.

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

PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Nicolas Benjamin be granted floor privileges.

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

(The remarks of Mr. DORGAN and Mr. WELLSTONE are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

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

Mr. TORRICELLI. Mr. President, I ask unanimous consent Senator REED be recognized for 10 minutes and I be recognized for 10 minutes.

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

The Senator from New Jersey is recognized for 10 minutes.

GUN CONTROL

Mr. TORRICELLI. Mr. President, last month for the first time in a generation, the Senate voted for some reasonable additions to the national gun control legislation.

We principally did three things of value to our country: We voted to ban the possession of assault weapons by minors; we voted to require background checks on the purchase of firearms at the 4,000 gun shows held nationally in our country; and to require that firearms come equipped with a child safety lock.

They were hard-won victories. Each in their own right was an important statement about our commitment to the safety of our citizens. Each represents America coming to terms with the level of gun violence in America. But it is important that they be held in some perspective, because none was particularly bold. While they make a contribution to dealing with the problem, they do not begin to end the problem.

Now the House of Representatives has another chance to build on the work of the Senate and respond to the needs of the American people, the desperate need to have some reasonable

levels of gun control to protect our citizens. The simple truth is that we have a great deal more to do. Every year, 34,000 Americans are victims of gun violence. Firearms are now the second leading cause of death, after car accidents, and gaining quickly. The lethal mix of guns and children is particularly disturbing. Fourteen children are dying every day from gunfire. Teenage boys are more likely to die from gunshots than all natural causes combined. It is not simply a problem. It is not enough to call it a crisis. There is an epidemic of gun violence that is consuming our citizens generally and our children in particular.

In truth, there are many causes. No one measure in either gun control legislation or in addressing this problem generally is going to solve the problem. Those who wait for a single answer to solve a complex societal problem will never be part of a solution. Our schools will play different roles. Our parents are learning the difficulties of raising children in a changing and complex society. The media will learn new levels of individual voluntary responsibility. But, as certainly as each of those elements is a part of dealing with gun violence in America, and particularly the new problems of youth and school violence, so, too, this Congress and gun control is an element.

In the last 2 months the shootings in Littleton, CO, and Conyers, GA, have represented a potential historic turning point on this issue. Almost certainly, when the history of our generation is written, the events in Conyers and Littleton will be seen in the same light as the publishing of Rachel Carlson's ''Silent Spring'' is seen as the beginning of the environmental movement or the 1960s march on Washington is for civil rights.

It may be possible we have now reached a critical mass in this country where, as a majority of the American people have otherwise been relatively silent on this issue while a small minority seemed to control and monopolize both the national debate and the political judgments, now the balance may be changing. If, indeed, we have reached this point of change, then this Congress will respond by doing several things that are meaningful in ending gun violence:

First, restrict the sales of handguns to one per month. It is not unreasonable that Americans limit their consumption of handguns to one every 30 days, and it is a real contribution to dealing with this problem, because States such as my own, New Jersey, which have had reasonable gun control for 30 years, are being frustrated. Mr. President, 80 percent of the guns used to commit felonies in New Jersey are coming from five States that do not have similar gun control. Guns are being purchased wholesale in other States and taken to my State for use in the commission of a crime. Limiting purchases to one a month will prohibit it from becoming profitable for people to engage in this unseemly business.

Second, reinstitute the Brady waiting period. Even if we perfect the technology of an instant background check to assure that people with mental illness or felony convictions do not buy guns, a cooling off period is still valuable. In this nation, the most likely person to shoot another citizen is a member of his or her own family in a crime of passion or rage. A cooling off period to separate the rage from the purchase of the gun and the act could save thousands of lives.

Third, require that handguns be made with smart gun technology. We have the technology to assure that the person who fires a gun owns the gun—a thumbprint or another means of electronic identification. That technology is in hand. It can be perfected. If it is not available today, it can be available soon. It can separate criminals from guns that are being stolen out of our own houses, our own stores, and killing our own people.

Fourth and finally, to regulate firearms, as every other consumer product, to ensure that firearms are safely designed, built, and distributed, not only for the general public but specifically and, more importantly, for the people who are actually buying the guns.

Together, these four measures represent a comprehensive national policy of responding to the growing spiral of gun violence in our society. Individually, none of them will meaningfully solve the problem, but together they represent an important statement and a critical beginning, using our technology, our common sense, and our laws to protect our citizens. Ironically, they principally benefit the people who own and buy guns, who are most likely to be hurt by a gun improperly made or distributed or stolen from their own home.

In recent months, we are recognizing that what the Federal Government is failing to do in dealing with gun violence other levels of government are doing, particularly the mayors of our cities—New Orleans, Chicago, Atlanta, Camden County in my home State, Philadelphia through Mayor Rendell—who are beginning lawsuits to hold gun manufacturers responsible for how they manufacture these guns and how they distribute them. I am proud they are doing so but not proud that the Federal Government is not part of this effort. The simple truth is, in a society in which the Federal Government regulates the content of our air, the quality of our water, virtually every measure of consumer product for its safety, its design and its content, the single exception is guns manufactured in the United States. By statute, the ATF is prohibited from engaging in the regulation of the design and distribution of firearms.

A toy gun is regulated for its design: The size of its parts, to protect an infant child, the contents of the materials. A toy gun is completely regulated by the Federal Government. But the actual gun, including the TEC–9 used in Columbine High School, is not. No one could rationally explain that contradiction, but it is the truth. Indeed, as I have demonstrated on this chart, a child's teddy bear is regulated for its edges, its points, small parts, hazardous materials, its flammability, but a gun—which 14 times a day takes a life—that may be in the same home, in proximity to that child is not.

I want to point out that in the Firearms Safety Consumer Protection Act we deal with each of these issues. I urge my colleagues to consider it and lend their support.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 10 minutes.

Mr. REED. Mr. President, I am here today to join my colleagues, Senator TORRICELLI and Senator BOXER and others, who are pointing out that America has recently been both shocked and, we hope, awakened to the danger of gun violence throughout our land and particularly the gun violence that envelops our children.

A few weeks ago, last month, we in this Senate began to recognize that the people of the United States want reasonable gun control policies. They want these policies to protect themselves and particularly to protect their children. During consideration of the juvenile justice bill, we made some progress by passing a ban on the juvenile possession of semiautomatic assault weapons and a ban on the importation of high-capacity ammunition clips. We saw Republicans join all Democrats in voting to require that child safety devices be sold with all handguns. Finally, with a historic, tie-breaking vote by the Vice President, we passed the Lautenberg amendment to firmly close the gun show and pawnshop loophole by requiring background checks on all sales and allowing law enforcement up to 72 hours to conduct these background checks, as currently permitted by the Brady law.

These are the kinds of measures that Democrats in Congress have been advocating for years. It is unfortunate that it took the Littleton tragedy to bring our colleagues in the majority around to our way of thinking. We welcome even these small steps in the right direction. But these are, indeed, small steps, and we need to do much more. We should reinstate the Brady waiting period, which expired last November, to provide a cooling off period before the purchase of a handgun. My colleague from New Jersey said it so well: Too often crimes with handguns are crimes of rage and passion. A cooling off period might insulate the acquisition of the gun from the crime of passion or rage. Even if we do perfect the instant check, this waiting period will still play a very valuable role in ensuring that handguns are not the source of violence and death in our society. We should also pass a child access prevention law to hold adults responsible if they allow a child to gain access to a firearm and that child uses the firearm to harm another.

These are the types of protections that are, indeed, necessary.

In addition, we should completely close the Internet gun sales loophole, something the Senate failed to do last month when we were considering the juvenile justice bill. We all know the increasing power of the Internet to sell goods and services. Whatever is happening now in the distribution of firearms through the Internet is merely a glimpse and a foreshadowing of what will happen in the months and years ahead. We should act now, promptly, so we can establish sensible rules with respect to the Internet sale of firearms.

I also believe that we should apply to guns the same consumer product regulations which we apply to virtually every other product in this country. Again, the Senator from New Jersey was very eloquent when he described the paradox, the unexplainable paradox, the situation in which we regulate toy guns but we cannot by law, in any way, shape or form, regulate real guns. If toy guns, teddy bears, lawn mowers, and hair dryers are all subject to regulation to ensure they include features to minimize the dangers to children, why not firearms?

I have introduced legislation to allow the Consumer Product Safety Commission to regulate firearms to protect children and adults against unreasonable risk of injury. I know my friend and colleague from New Jersey has introduced a bill to allow the Treasury Department to regulate firearms. Whichever agency ultimately has oversight, the important thing is that guns should no longer be the only consumer product exempt from even the most basic safety regulations.

Finally, I believe that gun dealers should be held responsible if they violate Federal law by selling a firearm to a minor, a convicted felon, or others prohibited from buying firearms.

Currently, there are over 104,000 federally licensed firearms dealers in the United States. While most of these dealers are responsible small business people, recent tracing of crime guns by the Bureau of Alcohol, Tobacco and Firearms has found substantial evidence that some dealers are selling guns to juveniles and convicted felons. This direct diversion of weapons from retail to illegal markets is taking place both through off-the-book sales by corrupt dealers and through so-called straw purchases, when an ineligible buyer has a friend or relative buy a firearm for him or her.

Indeed, just this week, my colleague, Senator SCHUMER, from New York released a study of Federal firearms data that reveals a stunning number of crime guns being sold by a very, very small proportion of the Nation's gun dealers. According to data supplied by the Bureau of Alcohol, Tobacco and Firearms, just 1 percent of this country's gun dealers sold nearly half of the guns used in crime last year. The statistics suggest we must move aggressively against these dealers who are flouting the laws and who are disregarding public safety.

To remedy this situation, I have introduced S. 1101, the Gun Dealer Responsibility Act, which would provide a statutory cause of action for victims of gun violence against dealers whose illegal sale of a gun directly contributes to the victim's injury. I believe this legislation will make unscrupulous gun dealers think twice about to whom they will sell a weapon, particularly if they intend to sell it to minors, convicted felons or any other ineligible buyer, either directly or through straw purchases.

Anyone who honestly considers the tragic events in Littleton 1 month ago and the 13 children who die from gun violence each day in this country must concede that our young people have far too easy and unlimited access to guns. It is a shameful commentary that in this country today, in 1999, for too many children it is easier to get a gun than it is to get counseling. We have to work on both fronts—improving our schools and access to mental health services and counseling and support—but we also have to close the loopholes which make it easy for youngsters to get guns. Last year, 6,000 American students were expelled from elementary or high school for bringing a gun into the school building. That, too, is an indication that we have to work to ensure that children do not have access to firearms.

We must do more than just keeping the guns away, but that is something we have to do right now in a comprehensive and coherent way.

The measures I have suggested and the measures that my colleague from New Jersey suggested are sensible parts of a comprehensive strategy to do what every American wants done: to keep weapons out of the hands of young children who may use them to harm themselves or harm others.

I hope that having been awakened by the tragedy in Littleton, we are ready to move progressively and aggressively to remedy this situation in the Senate.

I thank the Chair. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I ask that we remain in morning business and I be allowed to make a statement.

The PRESIDING OFFICER. The Senator is recognized for the remainder of morning business.

Mr. BREAUX. I thank the Chair.

MEDICARE

Mr. BREAUX. Mr. President, when I first got into this business of being involved in Congress many years ago and also involved in fundraising activities, I remember trying to compose a fundraising letter. I sat down at my desk and drafted one. I thought I put out a pretty good fundraising letter to constituents saying why I thought I was the best person running for a particular office and would they please consider sending a contribution to me because I was obviously the best person for the job.

I shared the draft of my fundraising letter with one of the professional people who does this for a living. He looked at it, read it and said: This will never do.

I said: Why?

He said: It is not outrageous enough.

I said: What do you mean?

He said: In order to get people to extend money to you in your election, you have to be outrageous in the letter, be as outrageous as you possibly can; don't worry about whether it is totally accurate. Just make sure it gets the people's attention and really scares the you know what out of them in order for them to feel like it is absolutely essential that to save their future, they need to send you a political contribution.

I said: I am not going to do that. It doesn't fit how I operate, and I think it is a wrong thing to try and scare people.

Apparently, there are organizations in this city that think otherwise. I call to my colleagues' attention one of them called the National Committee to Preserve Social Security and Medicare. It is a very noble-sounding organization. They sent out this letter, a bright yellow thing, and it came in an envelope that is enough to look like it is from the Internal Revenue Service.

It says: ''Urgent Express. Please expedite. Dated material enclosed.''

It would really get your attention if you walked out to the mailbox and received this. But also, if you are a senior, you would be scared to death if you thought what they were telling you was true.

It starts off by saying the Breaux-Thomas effort to fix Medicare is going to basically destroy Medicare by giving you a voucher instead of a guaranteed contribution for your Medicare benefits. No. 1, that is absolutely, totally inaccurate, incorrect, misleading, false and anything else you want to call it.

What we do is give seniors the same type of system that every one of us as Federal employees, including Members of the Senate, has. Under our plan, it is guaranteed in law that the Federal Government will contribute 88 percent of the cost of whatever plan the seniors take. The seniors would pay about 12 percent. That is what they pay now. That is not a voucher. For them to say it is a voucher is misleading, false, and intended to simply scare people into giving more money.

If you look at the rest of their letter, they say you do not get guaranteed benefits. That is not true. The statute clearly says that you will have the same guaranteed benefits that you get under Medicare today. That is in statute. That is guaranteed. What they have to say is false.

What they are really trying to do, in addition to scaring seniors, is they are trying to raise money from them; tell

them anything to scare them to death and hope they send money.

I was underlining all the times they said, ''please send money'' in this letter. It is one after another.

It says on page 3: ''. . . we need your signature . . . and your generous special donation . . . .''

Then they go on to say: ''We also need as generous a donation as you can afford. . . .''

They then talk about sending a special donation to help us with our effort, and by making a special donation today, we can help save Medicare; endorsing this with as generous, and then they call it an ''emergency donation''—they go from ''special donation'' to send us an ''emergency donation'' to stop what BREAUX and THOMAS are trying to do by fixing Medicare.

Then they say:

> [Please] boost our grassroots efforts by including an emergency contribution with your Petition. Your contribution of [$10] or $25, will be used to reinforce [our] message. . . . I've suggested [some] contribution amounts, but anything you can give will help more than you know. Please decide the most you can afford and enclose your check with your signed . . . Petition in the enclosed envelope . . . .

Your emergency donation is needed ''along with your contribution of [blank] or [blank] in the envelope provided.''

Mr. President, this is a fundraising letter intended to scare seniors into digging into their pockets, into their retirement funds and funding this operation so they can continue to put out false, erroneous, inaccurate information, information which is simply not true.

The PRESIDING OFFICER. The time of the Senator has expired. I would like for him to go on.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senator from Louisiana be allowed as much additional time as he needs.

Mr. BREAUX. This is not the way to fix Medicare, by scaring seniors. They do not mention that under the current Medicare program the premiums are going to double by the year 2007 if we do not do anything to fix it. That should really scare seniors into saying we need to do something to fix the program for our children and our grandchildren. But to send out false information calling the program a voucher, which it clearly is not, and to say it does not have the defined benefits, which it clearly does, all under the guise of scaring seniors into digging into their pockets and sending money that they need for food and groceries and extra Medicare benefits that they do not get now is something they should be ashamed of.

I think all of us know what they are trying to do. We just have to stand up and say it like it is and call it what it is. This is shameful.

UNANIMOUS CONSENT AGREEMENT—S. 96

Mr. BREAUX. Mr. President, I ask unanimous consent that the Graham amendment to the Y2K legislation be designated an amendment to be offered by Senator TORRICELLI.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. HUTCHINSON). Morning business is closed.

Y2K ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 96, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 96) to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a two-digit expression of that year's date.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 608

(Purpose: To regulate interstate commerce by making provision for dealing with losses arising from Year 2000 Problem-related failures that may disrupt communications, intermodal transportation, and other matters affecting interstate commerce)

Mr. MCCAIN. Mr. President, I am pleased to start out by offering a substitute amendment to S. 96, the Y2K Act. This substitute amendment is truly a bipartisan effort. It represents spirited discussion, hard fought compromise, and agreement with a number of my colleagues on both sides of the aisle, led by Senators DODD, WYDEN, HATCH, FEINSTEIN, BENNETT, LIEBERMAN, GORTON, LOTT, ABRAHAM, SANTORUM, and SMITH of Oregon.

The substitute is at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Arizona [Mr. MCCAIN], for himself, Mr. DODD, Mr. WYDEN, Mr. HATCH, Mrs. FEINSTEIN, Mr. GORTON, Mr. BENNETT, Mr. LOTT, Mr. ABRAHAM, Mr. FRIST, Mr. BURNS, Mr. SANTORUM, Mr. SMITH of Oregon, and Mr. LIEBERMAN, proposes an amendment numbered 608.

Mr. MCCAIN. I ask unanimous consent reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. MCCAIN. Mr. President, I thank Senator WYDEN for being one of the true leaders on this bill. Senator WYDEN said at our committee markup that he wanted to get to ''yes.'' He has worked tirelessly with me and others to get there. Having not only the necessary majority vote but the 60 votes necessary to move forward is directly related to his efforts.

I also thank Senator DODD of Connecticut. He has offered an important perspective and has provided excellent suggestions and comments which I think make this substitute we offer today a better piece of legislation.

I am grateful to my colleagues, especially the senior Senator from Connecticut, for their unflinching dedication to dialogue, to working through our differences and remaining focused on the common goal of enacting this critical piece of legislation. Without the leadership of Senators DODD and WYDEN, this bipartisan effort would not have been possible.

Before I talk about the legislation and the language of the substitute itself, I would like to note that there was a unanimous consent agreement that 12 amendments would be in order on both sides. We are now in the process of working with the sponsors of those amendments, some of which we can agree to, some of which may require votes. But I hope my colleagues will also come over here ready to offer those amendments so that in a very short period of time we can begin to dispense with them.

We all know the very heavy schedule of legislation that lies before us between now and the next recess on the Fourth of July. So I am hopeful we can take up and dispense with these amendments in a timely fashion.

The first effort, obviously, will be to get time agreements on those amendments that we are unable to get agreement on, although I believe, from a first look at many of these amendments, we will be able to work out language so that we can accept a number of them. In fact, I think some of them will improve the legislation.

I want to walk through the details of this substitute amendment and the background and history of this bill.

First, let me summarize what this substitute contains.

Specifically, the substitute amendment:

Provides time for plaintiffs and defendants to resolve Y2K problems without litigation.

It reiterates the plaintiff's duty to mitigate damages and highlights the defendant's opportunity to assist plaintiffs in doing that by providing information and resources.

It provides for proportional liability in most cases, with exceptions for fraudulent or intentional conduct or where the plaintiff has limited assets.

It protects governmental entities, including municipalities, school, fire, water, and sanitation districts, from punitive damages.

It eliminates punitive damage limits for egregious conduct while providing small businesses some protection against runaway punitive damage awards.

And it provides protection for those not directly involved in a Y2K failure.

The substitute, as the original bill, does not—I emphasize, does not—cover personal injury and wrongful death cases.

The specific changes the substitute makes from the version of the bill which Senator WYDEN and I offered in April are those proposed by Senator DODD. It eliminates the director and officer liability caps, it eliminates the punitive damages caps for businesses with more than 50 employees, it provides that State evidentiary standards will be used in specific situations, and it preserves the protections provided in the Year 2000 Information and Readiness Disclosure Act.

Let me be quite blunt. These revisions represent significant compromise. They move this bill a considerable distance from the Y2K bill passed by the House. Even with these compromises, I believe the bill will accomplish the goals for the legislation—to encourage remediation and prevention of Y2K problems and eliminate frivolous and opportunistic litigation which can only serve to damage our economy. However, I do not believe any additional compromises are necessary or warranted.

I want to reemphasize that point. There have been additional efforts made to have us accept or work on additional changes to the bill. We run the risk right now of compromising to the degree where it makes these protections, if not meaningless, so reduced that we are not able to achieve the goal we seek. So I do not intend—nor do, I believe, the majority of my colleagues, including those on the other side of the aisle—to continue to work behind the scenes towards a compromise. If there is a change that Members believe needs to be made to this legislation, then let's go through the amending process, let's have a time limit on debate, and vigorously debate and educate our colleagues, and then have votes.

We have, thanks to Senator WYDEN, moved a significant way, and also thanks to Senator DODD; we have done that. We cannot move from our position further. Yet we do obviously have 12 amendments in order on that side, 12 amendments on this side, which is ample opportunity for debate and discussion about this issue and further amending, obviously, with majority rule.

So I point out again, these are significant compromises that have already been made, some of them to the dissatisfaction of some of our constituents. It has not made everybody happy. But having been around here now for some years, it is my firm belief that we have to make compromises, because that is the essence of legislation. But we have made enough compromises that we can no longer make any further changes without compromising the fundamental principles behind this legislation.

Let me make one other point. Time is of the essence here. We cannot dally. We cannot wait until the end of the year when Y2K is upon us.

Already lawsuits have been filed, some of them pretty interesting, and emphasize, at least to my mind, the necessity of this legislation.

But we need to move. I fully intend, once we pass this legislation, to move to conference as quickly as possible. There are differences between the House-passed legislation and this legislation. I am absolutely convinced we will be able to reach agreement in conference and come back here before the recess with a final conference report and bill to be approved by both Houses.

I am committed to passing legislation which is effective. I am not interested in passing a meaningless facade. We will do the public a great disservice to claim victory in passing legislation which leaves loopholes for spurious litigation. If we aren't going to legitimately fix the problem, then we must be forthright with the public and tell them it could not be done. I think that would be a disastrous result, but it would be more honest than to pretend to provide a solution and not.

This bill deserves the support of every Member of the Senate. It is fair, practical, and legally justifiable. It is important not only to the high-tech industry or only to big businesses but carries the strong support of small businesses, retailers, and wholesalers.

The coalition of support for this bill is compelling. Yesterday a press conference was held to reiterate the support of the overwhelming majority of the Nation's gross national product: the U.S. Chamber of Commerce; the National Association of Manufacturers; the National Retail Federation; virtually every high-tech industrial association, including the ITAA, the Business Software Alliance, and others who participated, to emphasize the need for the bill and their support for the compromises which have been made.

Many of those supporting this legislation will find themselves as both plaintiffs and defendants. They have weighed the benefits and drawbacks of the provisions of this legislation and have overwhelmingly concluded that their chief priority is to prevent and fix Y2K problems and make our technology work, not to divert their resources into time-consuming and costly litigation.

The estimated cost of litigation associated with fixing the Y2K problem is really quite enormous. In the view of some, it is as high as $1 trillion. I do not know if it is that high, but already major corporations in America have spent millions and millions, in some cases tens of millions, of dollars in fixing existing problems. If we throw into the mix the litigation we have already seen the beginnings of, it could really have an effect, not only on the ability of our businesses to do business, not only on the ability of our high-tech corporations to continue investing in research and development and improvements in technology, but it really would have a significant effect on our overall economy. You take that much money out of our economy in the form of litigation, you are going to feel the economic impacts of it.

Let me remind my colleagues how this legislation came to be, its genesis and rationale. The origin, as we all know, of the Y2K problem was in the 1950s and 1960s, when computer memory was oppressively expensive. According to the February 24, 1999, report of the Senate Special Committee on the Year 2000 Technology Problem, headed by Senators BENNETT and DODD, in the IBM 7094 of the early 1960s, core memory cost around $1 per byte. By comparison, today's semiconductor memory costs around $1 per million bytes. Thus, there was a strong incentive to minimize the storage required for a program and data.

A two-digit data code became the industry standard in order to economize on storage space. It was presumed that sometime during the 40 or 50 years before the end of the millennium, the coding would be changed as computer memory became more accessible. Unfortunately, although memory costs fell dramatically, the interface requirements of old software with new discouraged and slowed the changeover process. The computer equipment and software that was expected to become obsolete survived many layers and programming updates. The result is that the two-digit programs are not designed to recognize dates beyond 1999 and may not be able to process data-related operations beyond December 31 of this year.

Although some who oppose this litigation charge that the solutions are simple and should have been completed long ago, the reality is not that simple. First, there are over 500 programming languages in use today. A universally compatible Y2K solution would have to be compatible with most or many of these languages. Embedded processors in embedded chips have to be found and replaced. There are also several ways to reprogram causing additional interfacing issues.

Technical approaches to solving the problem include reprogramming all two-digit date codes with a four-digit date code; windowing the date codes to make programs think that the two-digit codes are applicable to the year 2000 and beyond; and encapsulation which, like the windowing method, tricks the computer program into thinking that the two-digit date code is applicable beyond 1999. Unless the same approach is taken in all computers, additional programming is required to allow interface of four-digit codes with two-digit codes which have been windowed or encapsulated.

Let me read from a recent publication of the National Legal Center for the Public Interest, the Year 2000 Challenge, Legal Problems and Solutions, which summarizes why the year 2000 problem is so difficult to solve.

I quote from the article from the National Legal Center for the Public Interest:

One of the most insidious characteristics of the Year 2000 problem is that the difficulty of solving it in any particular organization often is so underestimated. Since both the nature of the problem and the actions needed to fix it are relatively easy to explain, people who are not familiar with IT projects in general and the peculiar difficulties of Year 2000 projects in particular tend to think of Year 2000 projects as less difficult and risky than they really are.

The unfortunate fact is that there is no ''silver bullet'' solution to the Year 2000 problem in any organization, and the risks and difficulties in any Year 2000 project of even moderate size and complexity can be enormous. None of the remediation techniques described above is without disadvantage, and for many IT users the time and resources required to accomplish Year 2000 remediation far exceed what is available. Most major remediation programs involve finding and correcting date fields in millions of lines of poorly documented or undocumented code. There is no single foolproof method of finding date fields, no assurance that all date fields will be found, corrected, or corrected accurately, and no assurance that corrections will not produce unintended and undesirable consequences elsewhere in the program. In many cases it will be necessary to rely on information or assurances from third-party vendors regarding the Year 2000 compliance of their products, even though experience teaches that many such representations are inaccurate or misleading. Comprehensive end-to-end system testing of remediated systems in a simulated Year 2000 ''production'' environment is often impractical or impossible, and less intensive testing may fail to detect uncorrected problems. And even when an IT user has succeeded in making its own system Year 2000 ready, Year 2000 date handling programs of external programs or systems (such as the systems of customers or suppliers) can often have a devastating effect on internal operations.

In addition to the technical problems with solving the problems, we must consider the cost dimension of the Y2K problems. From the ITAA, Information Technology Association of America, Year 2000 website, I have the following information:

At $450 to $600 per affected computer program, the Gartner Group has estimated that a medium-sized company will spend between $3.6-$4.2 million to convert its software. The cost-per-line-of-code has been estimated between $1.00-$1.50. Viasoft estimates cost-per-impacted-programs between $572-$1,204.

Estimates place correcting the problem for businesses and the public sector in the United States alone between $100–$200 billion. If you accept the premise that the total information technology services marketplace in America approaches $150 billion annually; that means Year 2000 Software Conversion could represent anywhere from 33%–50% of dollars spent for information systems in one year. Some ITAA Year 2000 Task Group members report estimates placing the worldwide total to correct the problem between $300 to $600 billion.

In addition, the Senate Year 2000 Committee in its report cites figures for several specific companies, as well as total costs which include estimated litigation costs.

There is no generally agreed upon answer to this question. The Gartner Group's estimate of $600 billion worldwide is a frequently cited number. Another number from a reputable source is that of Capers Jones, Software Productivity Research, Inc. of Burlington, MA. Jones' worldwide estimate is over $1.6 trillion.[5] Part of the difference is that Jones' estimate includes over $300 billion for litigation and damages but Gartner's does not. A sense of the scale of the cost can be gained from looking at the Y2K costs of six multinational financial services institutions; Citicorp, General Motors, Bank America, Credit Suisse Group, Chase Manhattan and J.P. Morgan. These six institutions have collectively estimated their Y2K costs to be over $2.4 billion.

Mr. President, the point here is that this is a complex technical problem with no easy, cheap solution. Although the opponents of this legislation would have us believe that Y2K failures can only result from negligence or dereliction on the part of the technology industry, and all those who use computer hardware and software, in truth, massive efforts are underway, and have been for some time, to prevent the Y2K problem from occurring. Even with the nearly incomprehensible amounts of money being devoted to reprogramming date codes in virtually every business and industry in our country, there are going to be failures. Well-intentioned companies, acting in good faith, are nevertheless going to encounter problems in their systems, or in the interface of their systems with other systems, or as a result of some other company's system.

But what experts are also concluding is that the real problems and costs associated with Y2K may not be the January 1 failures, but the lawsuits filed to create problems where none exist. An article in USA Today on April 28 by Kevin Maney sums it up:

Experts have increasingly been saying that the Y2K problem won't be so bad, at least relative to the catastrophe once predicted. Companies and governments have worked hard to fix the bug. Y2K-related breakdowns expected by now have been low to nonexistent. For the lawyers, this could be like training for the Olympics, then having the games called off.

The concern, though, is that this species of Y2K lawyer has proliferated, and now it's got to eat something. If there aren't enough legitimate cases to go around, they may dig their teeth into anything. . . . In other words, lawyers might make sure Y2K is really bad, even if it's not.

Mr. President, the sad truth in our country today is that litigation has become an industry. While there are many fine, scrupulous attorneys representing their clients in ethical fashion, there are also many opportunistic lawyers looking for new ''inventories'' of cases. The Y2K problems provide these attorneys with a lottery jackpot.

Let me read from an article published in March of this year, by the Public Policy Institute of the Democratic Leadership Council, written by Robert D. Atkinson and Joseph M. Ward:

As the millennium nears, the Year 2000 (Y2K) computer problem poses a critical challenge to our economy. Tremendous investments are being made of fix Y2K problems, with U.S. companies expected to spend more than $50 billion. However, these efforts could be hampered by a barrage of potential litigation, as fear of liability may keep some businesses from effectively engaging in Y2K remediation efforts. Trail attorneys across the country are actually preparing for the potential windfall. For those who doubt the emergences of such a litigation leviathan, one only needs to listen to what is coming out of certain quarters of the legal community. At the American Bar Association annual convention in Toronto last August, a panel of experts predicted that the legal costs associated with Y2K will exceed that of asbestos, breast implants, tobacco, and Superfund litigation combined.[1] That is more than three times the total annual estimated cost of all civil litigation in the United States.[2] Seminars on how to try Y2K cases are well underway and approximately 500 law firms across the country have put together Y2K litigation teams to capitalize on the event.[3] Also, several law suits have already been filed, making trail attorneys confident that a large number of businesses, big and small, will end up in court as both a plaintiff and defendant. Such overwhelming litigation would reduce investment and slow income growth for American workers. Indeed, innovation and economic growth would be stifled by the rapacity of strident litigators.

I want to point out that is from the Public Policy Institute of the Democratic Leadership Council.

Mr. President, already at least 65 lawsuits—some report as many as 80—have been filed, and we are still 6 months away from January 1. Most of these lawsuits involve potential problems that have not even occurred yet. Our nation's legal system is not designed to handle the tidal wave of litigation which will undoubtedly occur if we do not act to prevent it. We must reserve the courts for the cases with real harm, real factual support, and which cannot be otherwise resolved through mediation and resolution.

Probably the classic example of opportunistic litigation is a class action suit filed in California by Tom Johnson against six major retailers. Tom Johnson, acting as a ''private attorney general'' under California consumer protection laws, has brought an action against a group of retailers, including Circuit City, Office Depot, Office Max, CompUSA, Staples, Fryes, and the good guys, inc. for failing to warn consumers about products that are not Y2K compliant.

He has not alleged any injury or economic damage to himself, but, pursuant to state statute, has requested relief in the amount of all of the defendants' profits from 1995 to date from selling these products, and restitution to ''all members of the California general public.'' Although he claims that ''numerous'' products are involved, he has not specified which products are covered by his allegations, but has generally named products by Toshiba, IBM, Compaq, Intuit, Hewlett Packard, and Microsoft.

It is crystal clear that the real reason for this lawsuit is not to fix a problem that Mr. Johnson has with any of his computer hardware or software, but to see whether he can convince the

companies involved that it's cheaper to buy him off in a settlement than to litigate—even if the case is eventually dismissed or decided in their favor.

And, even more interesting, is the history of how this case came to be filed. The Wall Street Journal carried a story on Friday, May 14, 1999 in its Politics and Policy column by Robert S. Grernberger.

It says:

Michael Verna, a California lawyer, is warning a group of technicians about the dangers ahead if they don't get the gliches out of their companies' computers by the end of the year.

Here in Seattle, Mr. Verna is explaining how writing internal memos or careless e-mail could hurt a firm in a Y2K lawsuit. Loretta Pirozzi of Data Dimensions Inc., a consulting firm, complain that most bosses aren't budgeting enough money to fix the problems. A knowing chuckle sweeps the room. Mr. Verna warns that memos on such budget disputes become smoking guns in court.

''What can we do?'' asks another woman.

''Have lawyers show you how to protect your documents, for one thing,'' he says. ''By the way,'' he adds, ''that isn't a sales pitch.''

But, of course, it is. Bowles & Verna, a 21-member firm in Walnut Creek, Calif., has a Y2K game plan. It starts with semimars that help develop new clients. The millennium itself will usher in the ''failure litigation phase'' of court fights. And in about five years, just when it seems like everyone has sued everyone else, comes the ''insurance-coverage phase,'' when companies go after their insurers to pay some of their Y2K losses.

''You want to be on the leading edge of the tort of the millennium,'' Mr. Verna says.

Bowles & Verna's journey to 2000 began almost by chance, in 1997, while Kenneth Jones, then a third-year law student, was playing a computer football game. It is wife, Sandy, was telling him that people were stocking up on canned goods and bottled water for the expected chaos of Y2K. At that moment, Mr. Jones recalls, he had an epiphany.

A new area of law, involving future failures due to Y2K bugs, was being born, and Mr. Jones, a law student comfortable with technology, was perfectly positioned for it. He also was headed for a job at Bowles & Verna, where he had been a summer law clerk. ''I decided the firm could be the experts.

With Mr. Verna's strong encouragement, the 28-year-old Mr. Jones proded his colleagues, giving some of the firm's techno-challenged lawyers a book, ''Year 2000 Solutions for Dummies.'' Gradually, the firm formed a Y2K team. All it lacked was a client. Then, late last year. Mr. Jones's friend Torn Johnson, a Walnut Creek swimming coach, went shopping for a laptop computer—and Bowles & Verna found its first Y2K lawsuit.

But with no apparent injury to Mr. Johnson, the firm needed a legal theory. California's Unfair Business Practices Act came to the rescue. The statute permits citizen lawsuits on behalf of the people of the state to stop unfair or deceptive business practices. And so Mr. Johnson is suing about half a dozen retailers for injunctive relief to require disclosure for Y2K compliance, but not for damages. And, under the state law, Bowles & Verna would collect attorney's fees.

This is precisely the type of frivolous and opportunistic lawsuit which would be avoided by S. 96. Rather than have all of these named companies wasting their time and resources preparing a defense for this case, S. 96 would direct the focus to fixing real problems. In this instance, Mr. Johnson does not have an actual problem, but if he did, he would need to articulate what is not working due to a Y2K failure. The company or companies responsible would then have an opportunity to address and fix the specific problem. If the problem isn't fixed, then Mr. Johnson would be free to bring his suit.

This case is the tip of the iceberg—if thousands of similar suits are brought after January 1, the judicial system will be overrun—and the nation's economy will be thrown into turmoil. This is a senseless and needless abuse that we can avoid by passing S. 96.

Mr. President, let me turn to the substance of the substitute amendment offered today. Without going through every paragraph of the bill, let me highlight the most important provisions.

Certainly the centerpiece of the bill are the provisions of Section 7 regarding notice. This section requires plaintiffs to give defendants 30 days notice before commencing a lawsuit. This provides an opportunity for someone who has been harmed by a Y2K failure to make the person responsible aware of the problem and to fix it. If the defendant doesn't agree to fix the problem, then the plaintiff can sue on the 31st day. If the defendant does agree to fix the problem, 60 days are permitted to accomplish the remediation before a lawsuit can be filed. This offers a reasonable time and opportunity for people to work out legitimate problems with sincere solutions, without cost of litigation. It focuses on the fact that most people want things to work—they don't want to sue.

A corresponding critical element of this legislation is the requirement for specificity in pleadings found in Section 8. Not written nor intended to cause loopholes for lawyers, the thrust of this requirement is that there must be a real problem in order to sue. Our judicial system should not be clogged with possible Y2K failures, nor novel complaints to ensure the payment of lottery style settlements and attorneys fees. We must reserve our judicial resources for real problems which have caused real injury which can be redressed by the court.

The Duty to Mitigate in Section 9 is also important. While it is in some respects merely a statement of current law, it highlights the emphasis to be placed on preventing problems and injury to the maximum extent possible, and articulates the role that prevention information made available by the affected industries can play in limiting injury to product users.

The economic loss rule found in Section 12 is also a restatement of law in the majority of states. It is critical, however, because it confirms that damages not available under contract theories of law cannot be obtained through tort theories. This is particularly important here where personal injury claims have been excluded.

Punitive damages caps have been retained for small businesses, defined as those with 50 fewer than 50 employees. Punitive damages are permitted under some state laws in certain egregious situations primarily as a deterrent from a repetition of the conduct.

Punitive damages are awarded primarily as punishment to a defendant. They are intended to deter a repeat of the offensive conduct.

Punitive damages are not awarded to compensate losses/damage suffered by a plaintiff.

The Y2K cases are unusual in that the conduct is not likely to occur again, thus there is little deterrent value in awarding punitive damages.

Without a deterrent effect, punitive damages serve only as a windfall to plaintiffs and attorneys.

Additionally, since we have eliminated personal injuries from coverage of the bill, the only harm caused by defendants will be economic damage, which can be appropriately compensated without the need for punitive awards.

Further, excessive punitive damage awards will simply compound the economic impact of Y2K litigation and the costs will be passed along to the public/consumers through higher prices.

In this situation, punitive damages truly become a ''lottery'' for the plaintiff, thus they should be limited.

S. 96 provides an exception to the caps for intentional injury to the plaintiff, which is most likely to be conduct worthy of additional punishment.

S. 96 protects all governmental entities so that taxpayers are asked to provide compensation for actual damages, but not provide windfalls to plaintiffs. This is especially important to municipalities and special districts (school, fire, water and sanitation). This is strongly supported by National League of Cities.

Let me speak to some of the points raised by the proposal of Senators KERRY, ROBB, DASCHLE, REID, BREAUX, and AKAKA. While it is encouraging that they agree the Y2K problem is one which must be addressed, it is unfortunate that they continue to reject some of the most important goals of the legislation.

First, their proposal applies only to ''commercial losses.'' It excludes consumer actions from the scope of the bill. I think this exclusion is misguided and merely strengthens the hand of the opportunistic lawyers.

It denies the consumer the protections afforded by S. 96, including the ability to have problems fixed quickly and without the need for expensive litigation. It places a burden on those least able to afford legal counsel.

Notwithstanding the purported attempt to cover consumer claims brought as class actions, in fact it provides a ''lawyers' loophole'' by permitting individual claims to be brought

and consolidated or aggregated to avoid the notice and pleading requirements of the class action section.

There are no punitive damage limitations or protections, either for business (large or small) or for governmental entities. Punitive damages are intended to punish poor behavior and deter a repeat of it in the future. Punitive damages do not have such an effect in Y2K litigation because of the uniqueness of the problem. Thus, in Y2K litigation, punitive damages become an incentive for ''jackpot justice'' and abusive litigation.

The proportionate liability provisions are ineffective in preventing ''deep pocket'' companies from being targeted by mass litigation.

The approach of requiring a defendant to prove itself innocent in order to be assured proportionate liability is misguided and ignores the vast array of potential defendants and the myriad of factual situations which may be encompassed in a Y2K action. In particular, defendants who are in the middle of the supply chain may be sued for a breach of a contract caused not by the failure of the defendant's computers but by those elsewhere in the supply chain.

Requirements in the Kerry proposal would result in that defendant being jointly and severally liable—an injustice. The result is, the deep-pocketed defendants will face needless and abusive litigation and will be subjected to either defending or settling such cases, regardless of their share of responsibility for causing the plaintiff's problems.

The Kerry proposal also fails to encourage settlement of cases before trial. Defendants who do settle with the plaintiff should not be subjected to continued liability or responsibility for other defendants. This defeats the purpose of incentive for early settlement in mediation.

The Kerry proposal rejects the protections for settling defendants contained in S. 96. The fair rule in this situation is that each defendant pays for the portion of the problem which that defendant causes. S. 96 provides that clear rule, with exceptions patterned after the Securities Act, as proposed by Senator DODD.

There are important differences as well. The Kerry proposal does not protect contracts as negotiated but permits them to be revised and overturned by uncertain common law. This results in the parties being uncertain of their duties and obligations under their contracts and will increase the likelihood of litigation. The proposal also too narrowly applies the economic loss rule, subjecting defendants to broader damages available under current law in most States.

Taken as a whole, the Kerry proposal simply does not provide the solutions which are needed to the Y2K problem. It is a meager attempt to provide lip service to the business community while protecting the trial lawyers' income stream. I urge my colleagues to carefully review the details of the proposal and reject this form-over-substance amendment.

I have taken a long time on this legislation. This is a very important issue, to say the least. It has a profound impact on our economy, on our country, and the lives of men and women who are engaged in small, medium, and large business throughout America.

This substitute amendment is a good piece of legislation that deserves the support of the Senate. It is not perfect. It certainly does not provide a wish list of product liability or tort reform. The business community certainly would like more than what is in this compromise. The House passed a bill that contained many of the provisions we have eliminated to reach this bipartisan compromise.

As in any negotiation process, there must be give and take. We have given a great deal. I remain convinced that the Y2K problem is real and must be addressed now. I believe that this substitute offered will achieve a just and reasonable approach to Y2K: Fair prevention, remediation, and litigation. This bill should not be further emasculated. It has the support of the broadest possible cross section of our Nation's economy. It is a bill which is good for our country. It will ensure that our economy is not derailed with opportunistic litigation.

It is critical that it pass without further delay. I ask each of my colleagues for their support in bringing this bill to its final successful conclusion and enacting it into law.

I thank the Senator from South Carolina, who I know has the very strongest views on this issue. He is a fierce fighter for the principles he believes in, which are obviously in opposition to this legislation. However, the Senator from South Carolina has allowed this bill to come to the floor. He could easily have blocked it further. I appreciate his cooperation in doing so.

We have 12 amendments that are in order on each side. We would like to see those amendments, and we would like to start work on them so we can resolve those and perhaps get time agreements or accept those amendments on both sides.

I thank my two dear friends who are on the floor today, Senator WYDEN and Senator DODD, without whose cooperation and effort we would never have reached this stage nor would we reach enactment of this legislation. The essence of doing business in this body on these kinds of issues is a bipartisan coalition. That is why we have a 60-vote rule, which many times I decry when I am pushing issues which have no more than 50 votes, such as campaign finance reform.

I think it also compels Members to work in a bipartisan fashion so we can work together. I argue that at the end of the day the legislation is probably much better for it.

If it is agreeable with the Senator from South Carolina, I will begin with colleagues on our side and then the other side of the aisle to begin addressing the amendments, so we can get agreement and time agreements so we can dispatch this legislation as soon as possible, although I know that the Senator from South Carolina will have a great deal to say on this issue, as he has in the past.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the distinguished chairman is correct, the Senator has had sufficient time now during the negotiations over the past 4 weeks to consider, after hearings before our committee, all the different ramifications and contentions by the parties. It is the intent of Members on this side of the aisle to expedite the vote on this particular measure whereby we will have only amendments that are germane to the particular issue, and that they be limited and there be no delaying conduct and action.

I must address immediately some of the comments made by my distinguished colleague from Arizona with respect to trial lawyers, with respect to punitive damages, the lottery, and various other things that go without contest up here in Washington because they look good on a poll.

If we were to poll the States' attorneys general or the Governors, they wouldn't be here at all. The State tort law has taken care of product liability, according to the American Bar Association, in a very efficient manner over the many years. In fact, we have the safest of all societies in America as a result of product liability. That is the subject at hand, of course—product liability—namely, the computerization, the software, the glitch or the Y2K problem that could occur January 1, 2000.

Everybody is on notice for January 1, 2000. All of these measures before the Senate—the McCain-Wyden-Dodd amendment—say January 1, if we have a glitch, we should first talk about it for 2 or 3 months. We have 6 months right now. We have had 30 years.

The computer industry, the software industry, has appeared before the committee. They have known about this problem for the past 30 years. Ross Perot says it is easy to fix; just take the year 1972; everything conforms in the year 2000 with the year 1972, and we have a fix.

There are other sinister drives, motives, and intents behind this particular measure that must be surfaced at the very outset. This is not a product liability problem for the computer industry. They know and have warned everybody, and everybody is making tests. For example, the best of the best, some 2,000 leading industries, are named in March in Business Week. The market, of course, has taken care of the problem. It is a nonproblem, as far as Y2K, as far as computerization, as far as the product itself.

There is another problem with respect to the Chamber of Commerce, the

Business Roundtable, and that crowd coming in here and trying to diminish the rights of consumers, the protection for consumers, of all Americans.

March 1 in Business Week, an article tells a story about Lloyd Davis, in his Golden Plains Agricultural Technologies, Colby, KS, business.

He needs $71,000 to get his particular system Y2K-compliant. He has a problem. He can borrow up to $39,000, but he has not been able to borrow the rest of it.

We are not talking about an injured party in an auto collision who has a bad back and brings a frivolous suit—nobody can tell whether the back is bad or not until after the verdict—and then walks away. That has happened in America several times. But these are substantial small businesses. I am quoting now from the article:

> Multinationals such as General Motors, McDonald's, Nike, and Deere, are making the first quarter—or the second at the latest—the deadline for partners and vendors to prove they're bug free. A recent survey says that 69 percent of the 2,000 largest companies will stop doing business with companies that can't pass muster.

Mr. President, 2,000 companies of the blue chip corporations in America here are coming forward and saying—already, 2 months ago, 3 months ago—if you are not compliant by the end of this month, June at the latest, we are going to have to find another supplier. We cannot play around. We have to do business. We are going to others:

> Cutting thousands of companies out of the supply chain might strain supply lines and could even crimp output. But most CEOs figure it will be cheaper in the long run to avoid bugs in the first place.
>
> Some small outfits are already losing key customers. In the past year, Prudential Insurance Co. has cut nine suppliers from its ''critical'' list of more than 3,000 core vendors, and it continues to look for weak links, says Irene Deck, Vice President for Information Systems at the company. And Citibank Vice President, Ray Apte, ''cuts have already been made.''

Mr. President, you are talking about frivolous lawsuits. Not with all this warning, with all the record made and public hearings here in the Government itself and the Congress, with all the chances to cure all the glitches. We have had chance upon chance upon chance and effort upon effort. The most recent one here, of course, was just a couple of weeks ago in the Washington Post:

> Banking regulators worried about the year 2000 readiness of a big ATM service company in the west have just ordered it to get in shape by June 30 or face possible contract cancellations by its 750 bank customers.

The point is, business is not telling business let's work it out in 90 days, like the law that they propose. Business is telling business: Blam, you either get with it, business is business, or we are going to cut you off.

As an old-time trial lawyer, the punitive damages they are talking about is only for willful neglect. By January 1, 6 months from now, we have this big debate, we have the best of minds, we have the best of witnesses, we have the best of software experts coming, everything else—we have the best of business leadership saying: Get with it or we are going to cut you off. If they have not gotten with it by January 1, that is willful neglect. All cases after January 1, under the record being made here in 1999 in the National Government, ought to indicate if there ever were an indication of willful neglect, willful misconduct, it would be now on Y2K.

No, this is not really about business because business cannot wait around. Incidentally, the claimants are not frivolous—which is a remarkable thing, how they can tie people in. The National Federation of Independent Business ought to be standing here with me in this well, because the average computer for these small businesses, I would say, is around $20,000. These are not people willy-nilly looking for a lawsuit. They are not looking for a punitive damage lottery and all of that kind of nonsense that they make fun of here and try to stir up the emotions and say we have those old trial lawyers.

The truth of the matter is, these small business people have to get on and do business. They have no time to get a lawyer and wait the 90 days and come back around after 90 days, then file a pleading, and then on and on. Then under their particular bill, on joint and several—I cannot tell where the parts are made, but I guarantee the majority of the parts of the computers are made outside of the United States. If I cannot get joint and several, where am I going? To India, where a lot of the parts in computerization are made? Am I going to Malaysia to bring my suit? I am a small businessman.

Oh, no, they have to get joint and several out of here. Why? On account of product liability, the Chamber of Commerce on account of Tom Donahue and Victor Schwartz. I have been here for 20 some years in the Federal Government proudly standing on the side of the American Bar Association, the Association of State Supreme Court Justices, the State legislators. They met and they back us up every time, because this is a problem at the local level that has long since been solved in tort law, in verdicts made there. But otherwise, long since, here, there is evidence upon evidence of businesses saying we cannot wait around for lawsuits and lawyers and punitive damages and everything else of that kind. We have to get on with it.

But Silicon Valley has the money. People are falling over pell-mell. I wish we could have passed campaign financing reform because we are going to talk money out here on the floor, which is when this legislation really gets any kind of impetus or attention. Everybody wants Silicon Valley contributions. I do, too. But I cannot see changing 200 years of tort law in order to get it.

Most advisedly, if General Motors came up here to the National Government and said: Look, we are going to put out a new model come the first of the year, and it might have some glitches. So, if we find any glitches in our 2000 year's model, what we need to do is get together with anybody who has a glitch, and let's talk to them for 2 or 3 months. I don't know what they are supposed to do with the car during that time because it will not work.

But that is the law they want to pass: let's talk about it for 90 days. How fanciful and nonsensical this whole move is. Thereafter, bring your lawsuit. By the way, everybody has known about this particular problem for years on end, every business magazine and everything else. But let's not have any punitive damages or willful misconduct. Let's not have any joint and several liability.

General Motors would say: Senator, how about changing 200 years of the State tort law for me because I am going to put out a new model?

You would run General Motors out of town. You would not listen to them at all. But General Motors is not up here making those kinds of contributions. Silicon valley is. Oh, boy, we can bring the records here and show just exactly what the issue is. Everybody wants to show I am a friend of technology.

They do not have to talk to this Senator about technology. I authored the Advanced Technology Program. I authored the Advanced Technology Business Partnership Act. I have been working with the young computerization people and technology people for 20-some years at least. So don't tell me about technology and being a friend of technology. What they are is a friend of campaign contributions.

So, you have the money marrying up with the manifest intent of the Chamber of Commerce, the Business Roundtable, the Conference Board, the National Association of Manufacturers and the National Federation of Independent Business. The reason I can correlate them so easily is I had to face them last year in the campaign. Of course the Chamber of Commerce endorsed my opponent because I was such a sorry Senator. Then in February they gave me the Enterprise Award for the year 1998, since I had done such a good job. They do not have any shame. That is the bunch with the most gall I ever met to come around, take the fellow they opposed, and then give him an award for doing such an outstanding job; the very reason, such a sorry job, why they opposed him. But that is the kind of shenanigans we have going on and giving it an official recognition here.

Do not let me leave out the insurance companies. The insurance companies out there right now are at a hearing, Mr. President, before your subcommittee and mine: ''No fault.'' But they have a different name for it.

It has not worked. They have tried it in Connecticut, they have tried it in Georgia, they have tried it in Nevada, but it has not worked, and they canceled it out. We do not need a hearing.

We have the actual experience in the States. But the insurance companies, at every turn, are in here driving to change the laws here, there and yonder for money, to increase their profits.

I have been at the State level and have been a sort of States rights Senator. I have been defending insurance at the State level, saying it has been regulated.

They have come with Y2K; they have come with product liability; they have come with auto choice. They call it no fault. They want a little tidbit here and a little tidbit there. Let's federalize interstate commerce—if any business is an interstate commerce—and let's federalize the insurance industry in the United States and set the rules for all 50 States, and then they will not have to qualify it.

I bring these things out because they are most important, for the simple reason that the trial lawyers, for example, and punitive damages—both—do a wonderful job for America.

Let's go back to the leading case: the Pinto case back in 1978. There is an outstanding attorney in California named Mark Robinson. He got a verdict for $3.5 million actual damages and $125 million punitive damages. He never collected a red cent of the punitive damages.

When the Senator from Arizona gets up here and talks about the punitive damages lottery, the American Bar Association said less than 4 percent of all tort cases result in a punitive damage verdict, and half of those are reversed again on appeals. So we are talking about less than 2 percent. He is up here describing it as ''just roll the dice and we can get a lot of money and we have a lottery coming.''

What has that punitive damage verdict done? Go over, as I have done, to the National Safety Transportation Board and you will find out that in the last 4 years—Mr. President, I want you to listen to this statistic—they have had 73,854,669 vehicle recalls. There were some last week. Chrysler was recalling some cars. Another one had something to do with the ignition; it was causing fires. Another one had something else wrong with it. We are constantly getting the recalls. Why? Not because they love safety, but because of the punitive damage lottery and the trial lawyers; they are going to get them.

On a cost-benefit basis, in the Pinto case, they said do not worry about it, we can kill a few, let the gas tank explode and let them die; but the cost of those deaths is not near as much as the profit we make on selling the car.

On cost-benefit, as a result of trial lawyers, we have had, just in the last 4 years, 73 million recalls. That has promoted tremendous safety in America, has saved thousands of lives, millions of injuries, I can tell you that. If they want to give a good Government award to anybody with respect to bringing about safety in America, find Mark Robinson in San Diego and give him the award, because I am proud of him and America is proud of him.

The trouble is, they are being derided and rebuked and defamed in the National Congress because we have a bunch of Congressmen and Senators who have never been in a courtroom, never tried a case, do not understand that people do not have time for frivolous lawsuits. Trial lawyers know they take on all the expenses, they take on all the time and effort for the discovery, for the interrogatories, for all the motions, all the appearances, thereupon the trial and thereupon—this is what they call a lottery—get all 12 jurors by the greater weight of the preponderance of evidence, take the case on appeal and get a verdict from the Supreme Court, and then they get that fee they all talk about now in the tobacco cases.

The trial lawyers have done more than Koop and Kessler. I have been up here working with them on cancer. I have received national awards, I can say immodestly. I helped and worked and got a center for this particular disease, but I can tell you advisedly, after 32-some years, these trial lawyers on smoking, on lung cancer, on heart attacks, saving lives, preventing cancer deaths, have done way more than Koop and Kessler, because we used to meet out here and nobody would pay attention to Koop and nobody would pay attention to Kessler. When the trial lawyers then started bringing the cases and getting these settlements, it was not the fees that they got but, more or less, the good that they brought to our society. Let's give them the good Government award this morning.

I want to clear the air here because we have just run into all of this lottery stuff and spurious suits and frivolous suits. This case involves small business folks who have put $20,000 or more into a computer, and they are trying, like the doctor who appeared before the committee, their dead-level best to get some results because they are not waiting, of course, until January 1, 2000.

We had the testimony of Dr. Robert Courtney on February 9, 1999, before the Committee on Commerce, Science, and Transportation. The good doctor was from Atlantic County, NJ. I had never met him before, but he gave an outstanding recount.

I ask unanimous consent that his statement be printed in the RECORD.

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

TESTIMONY OF DR. ROBERT COURTNEY AT THE SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION HEARING ON S. 96, THE Y2K ACT, FEBRUARY 9, 1999

Good morning, my name is Bob Courtney, and I am a doctor from Atlantic County, New Jersey. It is an honor for me to be here this morning, and I thank you for inviting me to offer testimony on the Y2K issue.

As a way of background, I am an ob/gyn and a solo practitioner. I do not have an office manager. It's just my Registered Nurse, Diane Hurff, and me, taking care of my 2000 patients.

These days, it is getting tougher and tougher for those of us who provide traditional, personalized medical services. The paperwork required by the government on one hand, and by insurance companies on the other is forcing me to spend fewer hours doing what I do best—taking care of patients and delivering their babies.

But it was a Y2K problem which recently posed a serious threat to my practice, and that is why I am here this morning.

As a matter of clarification, although I am a doctor, I am not here to speak on behalf of the American Medical Association. Although I am also a small businessman, I am not here to speak on behalf of the Chamber of Commerce. I cannot tell you how these organizations feel about the legislation before the Committee. But I can tell you how it would have affected my practice and my business.

I am one of the lucky ones. While a potential Y2K failure impacted my practice, the computer vendor that sold me the software system and I were able to reach an out-of-court settlement which was fair and expedient. From what my attorney, Harris Pogust, who is here with me today tells me,

I doubt I would have been so lucky had this legislation been in effect.

In 1987, I purchased a computer system from Medical Manager, one of the leading medical systems providers in the country. I used the Medical Manager system for tracking surgery, scheduling due dates and billing. The system worked well for me for ten years, until the computer finally crashed from lack of sufficient memory.

In 1996, I replaced my old system with a new, state of the art pentium system from Medical Manager for $13,000. This was a huge investment for a practice of my size.

I remember joking with the computer salesman at the time that this was a big purchase for me, and that I was counting on this system to last as long as the last one did.

I remember the salesman telling me that he was sure that I would get at least ten years out of it. He showed me a list of how many of his local customers had used the Medical Manager for longer than ten years.

And, the salesman pointed me to this advertising brochure put out by Medical Manager. It states that their product would provide doctors with ''the ability to manage [their] future.''

In truth, I never asked the salesman about whether the new system that I was buying was Y2K compliant. I honestly did not know even to ask the question. After all, I deliver babies. I don't program computers. Based on the salesman's statements and the brochure, I assumed the system would work long into the future. After all, he had promised me over ten years' use, which would take me to 2006.

But just one year later, I received a form letter from Medical Manager telling me that the system I had just purchased had a Y2K problem. It was a problem that would make it impossible for me to schedule due dates or handle my administrative tasks—as early as 1999.

Medical Manager also offered to fix the problem that they had created—but for $25,000.

I was outraged, as I suspect anyone sitting around this table would be. The original system had cost me $15,000 when I purchased it in 1986. The upgraded system cost me $13,000 in 1996. Now, a year later, they wanted another $25,000. They knew when they sold me the $13,000 system that it would need this upgrade—but of course, they didn't tell me.

I wrote back to the company that I fully expected them to fix the problem for free, since I had just bought the system from them and I had been promised that it would work long into the future.

The company ignored my request, however, and several months later, sent me an estimate for fixing the problem—again, for over $25,000.

At this point, I was faced with a truly difficult dilemma. My practice depends on the use of a computer system to track my patients' due dates, surgeries and billings—but I did not have $25,000 to pay for an upgrade. Additionally, I was appalled at the thought of having to pay Medical Manager for a problem that they had created and should have anticipated.

If I had to pay that $25,000, that would force me to drop many of my indigent patients that I now treat for free. Since Medical Manager insisted upon charging me for the new system, and because my one year-old system was no longer dependable, I retained an attorney and sued Medical Manager to fix or replace my computer system at their cost.

Within two months of filing our action, Medical Manager offered to settle by providing all customers who bought a non-Y2K compliant system from them after 1990 with a free upgrade that makes their systems Y2K compliant by utilizing a software ''patch.''

This settlement gave me what I wanted from Medical Manager—the ability to use my computer system as it was meant to be used. To my great satisfaction, the legal system worked for me and the thousands of other doctors who bought Medical Manager's products since 1990. In fact, since I brought my claim against Medical Manager, I have received numerous telephone calls and letters from doctors across the country who had similar experiences.

Additionally, even Medical Manager has stated that it was pleased with the settlement. According to the Medical Manager president who was quoted in the American Medical News, ''[f]or both our users and our shareholders, the best thing was to provide a Y2K solution. This is a win for our users and a win for us.'' [pick up article and display to Senators] I simply do not see why the rights of doctors and other small businesses to recover from a company such as Medical Manager should be limited—which is what I understand this bill would do. Indeed, my attorney tells me that if this legislation had been in effect when I bought my system, Medical Manager would not have settled. I would still be in litigation, and might have lost my practice.

As an aside, at roughly the same time I bought the non-compliant system from Medical Manager, I purchased a sonogram machine from ADR. That equipment was Y2K compliant. The Salesman never told me it was compliant. It was simply built to last. Why should we be protecting the vendors or manufacturers of defective products rather than rewarding the responsible ones?

Also, as a doctor, I also hope the Committee will look into the implications of this legislation for both patient health and potential medical malpractice suits. This is an issue that many doctors have asked me about, and that generates considerable concern in the medical community.

In sum, I do appreciate this opportunity to share my experiences with the Committee. I guess the main message I would like to leave you with is that Y2K problems affect the lives of everyday people like myself, but the current legal system works. Changing the equation now could give companies like Medical Manager an incentive to undertake prolonged litigation strategies rather than agree to speedy and fair out-of-court settlements.

I became a doctor, and a sole practitioner, because I love delivering babies. I give each of my patients my home phone number. I am part of their lives. This Y2K problem could have forced me to give all that up. It is only because of my lawyer, and the court system, that I can continue to be the doctor that I have been. This bill, and others like it, would take that away from me. Please don't do that. Leave the system as it is. The court worked for me—and it will work for others.

Thank you.

Mr. HOLLINGS. I thank the distinguished Chair.

I will run right down, trying to save time. It says:

But it was a Y2K problem which recently posed a serious threat to my practice, and that is why I am here this morning.

As a matter of clarification, although I am a doctor, I am not here to speak on behalf of the American Medical Association. Although I am also a small businessman, I am not here to speak on behalf of the Chamber of Commerce. I cannot tell you how these organizations feel about the legislation before the committee. But I can tell you how it would have affected my practice and my business.

I am one of the lucky ones. While a potential Y2K failure impacted my practice, the computer vendor that sold me the software system and I were able to reach an out-of-court settlement which was fair and expedient. From what my attorney, Harris Pogust, who is here with me today tells me, I doubt I would have been so lucky had this legislation been in effect.

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In 1996, I replaced my old system with a new, state of the art pentium system from Medical Manager for $13,000. This was a huge investment for a practice of my size.

I remember joking with the computer salesman at the time that this was a big purchase for me, and that I was counting on this system to last as long as the last one did.

I remember the salesman telling me that he was sure that I would get at least ten years out of it. He showed me a list of how many of the local customers had used the Medical Manager for longer than ten years.

The salesman pointed out the advertising brochure, and so forth.

But just one year later, I received a form letter from Medical Manager telling me that the system I had just purchased had a Y2K problem.

Here comes business. This is the practice of the business that is going on here now in June of 1999, 6 months ahead of January 1, 2000. The computer people are moving in and they are saying: Wait a minute, you have got a Y2K problem.

I quote again:

It was a problem that would make it impossible for me to schedule due dates or handle my administrative tasks—as early as 1999.

Medical Manager also offered to fix the problem that they had created—but for $25,000.

I was outraged, as I suspect anyone sitting around this table would be. The original system had cost me $15,000 when I purchased it in 1986. The upgraded system cost me $13,000 in 1996. Now, a year later, they wanted another $25,000. They knew when they sold me the $13,000 system that it would need this upgrade—but of course, they didn't tell me.

I wrote back to the company that I fully expected them to fix the problem for free, since I had just bought the system from them and I had been promised that it would work long into the future.

The company ignored my request, however, and several months later, sent me an estimate for fixing the problem—again, for over $25,000.

At this point, I was faced with a truly difficult dilemma. My practice depends on the use of a computer system to track my patients' due dates, surgeries and billings—but I did not have $25,000 to pay for an upgrade. Additionally, I was appalled at the thought of having to pay Medical Manager for a problem that they had created and should have anticipated. If I had to pay that $25,000, that would force me to drop many of my indigent patients that I now treat for free.

Since Medical Manager insisted upon charging me for the new system, and because my one-year old system was no longer dependable, I retained an attorney and sued Medical Manager to fix or replace my computer system at their cost.

Within two months of filing our action, Medical Manager offered to settle by providing all customers who bought a non-Y2K compliant system from them after 1990 with a free upgrade that makes their systems Y2K compliant by utilizing a software ''patch.''

This witness appeared before the committee attesting to the fact that what really happened is the attorney put it on the Internet. Whoopee for the Internet. And once he got his case on the Internet, some 20,000 purchasers in a similar situation started calling on the phone and filing in. Then on a cost/benefit—business is business—they knew what the law was. They knew they intentionally misled. The salesman had said: Man, this thing will last you more than 10 years, like your last system. In a year it was already on the blink. They wanted to charge $25,000—more than he paid for the first system and the upgrade combined.

They got a free upgrade. They paid the lawyers, too. They were tickled to death to get out of this one after it got on the Internet.

Let me quote:

This settlement gave me what I wanted from Medical Manager—the ability to use my computer system as it was meant to be used. To my great satisfaction, the legal system worked for me and the thousands of other doctors who bought Medical Manager's products since 1990. In fact, since I brought my claim against Medical Manager, I have received numerous telephone calls and letters from doctors across the country who had similar experiences.

Reading on and skipping a good part, to conclude:

I became a doctor, and a sole practitioner, because I love delivering babies. I give each of my patients my home phone number. I am part of their lives. This Y2K problem could have forced me to give all of that up. It is only because of my lawyer, and the court system, that I can continue to be the doctor that I have been. This bill, and others like it, would take that away from me. Please don't do that. Leave the system as it is. The court worked for me—and it will work for others.

It is working all over the country, and, frankly, at a very minimal cost. The consummate sum total of all products—this is product liability matters—of all product liability verdicts does not exceed the $12.1 billion that

Pennzoil received in a verdict against Texaco. When business sues business, oh, boy, as Senator Dirksen stood here at this chair and said: Then it gets into money. He said: A billion here and a billion there, and before long it runs into money.

This is something to protect the consumers of America. It is very much needed. They are working on it at the State level, and they have plenty of notice. They do not need a bill to say, come January 1st, give them another 90 days. We are going to give them 90 days beginning right now with the debate. And we are going to give them another 60. Happy day. We are giving them more days right now.

Just use the law, use your sense, do what business practices are doing all over the country. But there is no question that this thing here is just the footprint of a political exercise by those entities downtown at the Chamber, which I am embarrassed for because I used to be a champion of the Chamber of Commerce.

Talk about a businessman's politician, I challenge anybody to meet the record we made bringing business, and continue to bring, to the State of South Carolina. Incidentally, none of them have said anything about Y2K; none of them have said anything about product liability.

I remember taking another prospect the other day to Bosch. They make not only all the fuel injectors but all of the antilock brakes for Toyota and Mercedes and a 10-year contract for General Motors. Just going along down the line, I said: By the way, what do you have on product liability?

The fellow got insulted. He said: Product liability? He ran over and said: Look here. He showed me a serial number on every one of the antilock brakes. He said: We would know immediately what went wrong.

You see, substantive basic tort law brings about due care, brings about safety, brings about sound products. It is working in America. And here comes a bunch of pollster politicians and a downtown group, greedy as they are, trying to ruin small business, that is going to have a problem.

Here is what the Washington Post, which is usually on the other side of trial lawyers and everything else of that kind, said:

> The Senate is considering a bill to limit litigation stemming from the Year 2000 computer problem. The current version, a compromise reached by Sens. JOHN MCCAIN and RON WYDEN, would cap punitive damages for Y2K-related lawsuits and require that they be preceded by a period during which defendants could fix the problems that otherwise would give rise to the litigation. Cutting down on frivolous lawsuits is certainly a worthy goal, and we are sympathetic to litigation reform proposals. But this bill, though better than earlier versions, still has fundamental flaws. Specifically, it removes a key incentive for companies to fix problems before the turn of the year, and it also responds to a problem whose scope is at this stage unknown. Nobody knows just how bad the Y2K problem is going to be or how many suits it will provide. Also unclear is to what extent these suits will be merely high-tech ambulance chasing or, conversely, how many will respond to serious failures by businesses to ensure their own readiness.
>
> In light of all this uncertainty, it seems premature to give relief to potential defendants. The bill is partly intended to prevent resources that should be used to cure Y2K problems from being diverted to litigation, but giving companies prospective relief could end up discouraging them from fixing those same problems. The fear of significant liability is a powerful incentive for companies to make sure that their products are Y2K compliant and that they can meet the terms of the contracts they have entered. To cap damages in this one area would encourage risk taking rather than costly remedial work by companies that might or might not be vulnerable to suits. The better approach would be to wait until the implications of the problem for the legal system are better understood. Liability legislation for the Y2K problem can await the Y2K.

That is the message of Business Week. It was very interesting that they reached the same conclusion. I quote from that March 1 article:

> Other industries are following suit.

It went on to talk about the 2000.

> Through the Automotive Industry Action Group, General Motors and other carmakers have set Mar. 31 deadlines for vendors to become Y2K-compliant.

There is the Pinto case. They know what is coming down the road. They run good business. If I was on the board of General Motors, I would say right on. We are not waiting for political fixes of tort law by politicians looking for silicon contributions.

> In March, members of the Grocery Manufacturers of America will meet with their counterparts from the Food Marketing Institute to launch similar efforts. Other companies are sending a warning to laggards and shifting business to the tech-savvy. ''Y2K can be a great opportunity to clean up and modernize the supply chain,'' says Roland S. Boreham, Jr., chairman of the board of Baldor Electric Co. in Fort Smith, Arkansas.

There you go. They look upon it as a wonderful business opportunity, the Y2K problem.

They, in essence, are saying, come on. Let's have the problem. Let's find out who is efficient, who can really supply us. Let's find out who can become compliant in time. You still have 6 more months. But politicians are coming up here, we have to get there and identify. We have to get those contributions. We have to get with the Chamber of Commerce and Victor Swartz at the NAM and that crowd and show them that we are good boys, and we are going to be on their voting charts that they will publish when I run for reelection and everything else. They have a political problem. It is not a Y2K problem. Business says, right on with the Y2K problem. We can clean up the supply chain, find out who is not really compliant and everything else early on here in 1999. We are not waiting for January 1, 2000.

Right to the point, this particular legislation changes 200 years of tried and true tort law, all for a special group that has the unmitigated gall to come in and say all this about punitive damages, lotteries, trial lawyers, frivolous lawsuits, and everything else.

Nothing is going to be frivolous after January. We have talked it to death already this year. They have published the business articles about it. Everybody has known about it. Every case, come January 1, ought to be punitive, I can tell you that, because they ought to know about it.

My particular power company group has already met and they have tested to make sure it works. My State of South Carolina was just cited, by July 1 the entire State system will be ready and going. So everybody is doing it.

What we see and hear at the Washington level with the McCain-Wyden amendment is, sit back, rest on your fanny, don't do anything. We are going to take care of you, because on the one hand we are going to provide a time that will put you out of business waiting the 90 days, because you are a small businessman and you have to do business. And then after the 90 days, we are going to say, by the way, the part was made in Malaysia, so you have the wrong party.

Now, that is the game in this particular McCain-Wyden-Dodd amendment. It should be defeated outright.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I thank the Chair.

Mr. President, I am going to be brief this morning. I know my colleague from Colorado has been waiting. The Democratic leader of the Y2K effort, Senator DODD, has also been waiting. I will be brief to begin.

It is just a couple of hundred days to the new millennium. It seems to this Member of the Senate that how this body handles this legislation will say a great deal about our Nation's ability to keep our strong technology-oriented economy prospering in the next century.

I believe that failure to pass this responsible legislation would be like sticking a monkey wrench in the high-tech engine that is driving our economic prosperity. There is no question that there are going to be problems early next year stemming from the Y2K matter. What is going to happen, however, is that the frivolous lawsuits will compound those problems.

The sponsors of this legislation—the chairman of the committee, the Democratic leader of the Y2K effort, Senator DODD, and myself and others who have been intensively involved—believe that with this bill our Nation will be in a better position to be on line rather than waiting in line for a courtroom date when the problems occur.

We have heard my chairman, Senator HOLLINGS, and others talk about the matter of changing jurisprudence in our country. Senator HOLLINGS specifically, who I respect so much, talked about how 200 years of case law and jurisprudence is being changed.

This is a very narrow bill. Senator DODD and I insisted that there be a sunset date on this legislation. We believe,

and all the evidence points to the fact, that we are going to see the problems stemming from Y2K trailing off 1 to 3 years into the new century. We have put a tight 36-month sunset date on this legislation.

This is not changing Anglo-American jurisprudence for all time. This is a narrow bill that will apply for 36 months so that we do not have to have, for example, a special session of the Senate early next year to deal with this problem.

Mr. KERRY. Will my colleague yield for a question?

Mr. WYDEN. I have been waiting about an hour. I will be happy to yield to my friend, who I know has also been doing a lot of work.

Mr. KERRY. Mr. President, I ask my colleague if he might yield during the course of his statement so that we may have a good dialogue with respect to some of the issues he raises as he raises them.

The PRESIDING OFFICER. The Senator from Oregon has the floor.

Mr. WYDEN. Mr. President, I will be anxious to yield to my colleague from Massachusetts after I have had a chance for just a few minutes of discussion of this issue.

I will take a minute and outline an example of the kind of issue that we are going to see early next century and how this legislation specifically responds to it.

Let's say that Mabel's restaurant buys $10,000 worth of computers from the Jones Company and they crash on January 3 of next year. Mabel's restaurant loses a million dollars' worth of business as a result. Mabel writes to Jones Computer Company telling them that the crash was as a result of a Y2K failure; they want the computers fixed, she wants compensation for the million dollars.

Here is what happens: The Jones Computer Company has to respond within 30 days of hearing from Mabel's restaurant. They can say: Yes, Y2K failure; we are going to fix the computer the way Mabel wants, and we are going to pay the million dollars as well. Or they can say: We will fix the Y2K problem, but we don't think we ought to be responsible for the entire million dollars' loss. Mabel and Jones Computer agree Jones ought to fix them, they negotiate and come up with what Jones is liable for, and if Mabel doesn't think she is getting everything she ought to, she can go out and sue Jones immediately. Or she can say the situation isn't fixed the way she wants it and she can go out and again file a lawsuit immediately.

Now, some have said, well, what happens if the Jones Computer Company is bankrupt and insolvent? Well, Mabel can name in her lawsuit anybody she thinks is a responsible party. The jury will then decide what portion of the blame each potential defendant ought to bear. Virtually all of these cases are going to be decided on the basis of existing State contract and tort law. We lock into this legislation protection for existing contracts, and in virtually all of the cases State contract and tort law is going to be protected.

So what you are going to have is a situation where Mabel's restaurant, if it isn't fixed to her satisfaction, can go to court essentially immediately and recover all of her economic damages. She is in a position, by the way, to recover up to a quarter of a million dollars in punitive damages. I made my career with the Gray Panthers, the senior citizens group, before I came to Congress and now for 18 years in Congress, around consumer advocacy. It seems to me that is a pretty good deal, what I have outlined in this hypothetical case for this restaurant, for just about any consumer in our country.

I want to talk specifically about whether Americans are losing any legal rights in this particular legislation. I guess we could say they are losing the right to sue for a few days. As I said, they can sue immediately if they choose to. But the reason we are trying to have that 30-day period for defendants is to make sure they fix people's problems. It is better to be on line than waiting in line for that court date.

Second, I guess you can say the cap on punitive damages as it relates to small business means we are not going to stick it to small business. Well, I happen to think those small businesses are making an extraordinary contribution to our economy. So let's have a philosophical debate. The Senator from Massachusetts, who has worked hard on this issue, and I have a difference of opinion on that. We don't disagree on a whole lot of issues. I think we do disagree on that one. But I think we ought to protect the small businesses from these unlimited punitive damages.

Third, I guess you can say our legislation does make some changes with respect to joint and several liability. What we are saying, however, is that anytime you have a corporate defendant who engages in egregious conduct, rips off consumers, is guilty of fraud, joint and several liability applies in those kinds of instances. It also applies when we have individuals with a low net worth as well.

I would like the Senate to also reflect on the fact that essentially what we are doing here is what we did in the Securities Litigation Reform Act. It parallels most of the key issues in that area.

I want to wrap up by just mentioning briefly all of the major changes that were made in this legislation after it left the Senate Commerce Committee where Democrats, in a united fashion, opposed the bill.

I mentioned the 3-year sunset provision. I want it understood by all Members of this body that I will be against any bill that comes out of the conference committee that doesn't have a sufficient sunset provision. This is not changing Anglo-American jurisprudence for all time; this is a 3-year bill. We insisted on it after it came out of the Commerce Committee.

Second, the business community originally talked about a vague Federal defense that would essentially give them protection if they engage in reasonable efforts. On the basis of what we heard from the consumer groups, the Democratic leader of the Y2K effort, Senator DODD, and I thought that was too vague, to give corporate defendants that kind of break. So we cut that out.

Third, we dropped the new preemptive Federal standard for establishing punitive damages. The only people we are protecting are the small business people. We may have a philosophical difference of opinion on that. We think those folks deserve protection.

On the question of joint and several liability, when it came out of committee, even if you engaged in fraud, even if you had a low-net-worth defendant, there wasn't protection for the plaintiff. We insisted on those kinds of changes. We said if a corporate defendant engages in outrageous conduct, if they are trying to rip somebody off, you bet joint and several applies. Senator DODD and I insisted on that provision as well.

Also, a provision which is certainly not popular in the business community: There is liability for directors and officers if they make misleading statements or they withhold information regarding any actual or potential Y2K problems.

So at the end of the day, I believe we have a balanced bill. The defendants have an obligation under this legislation to go out and cure problems, to get their businesses online and make sure they are in a position so that this technology-driven economy can continue to hum as it has. The plaintiffs have equal obligations. They have a duty to mitigate. So there are obligations on the part of the defendants and obligations on the part of the plaintiffs.

But this is a narrow bill. It is going to discourage frivolous claims, but it is also going to make sure that those who have a legitimate, honest concern, as in that example of a small business I outlined here this morning, that that small business is going to be able to go after all of the parties, all of the parties responsible, and hold them liable for the portion of the problem to which they actually contribute. So I am very hopeful the Senate will pass this legislation.

We heard mention of the trial lawyers on the floor of the Senate earlier. Probably, prior to my involvement in this legislation, I was considered one of the better friends of those folks. Mention was made of the tobacco issue. I was the Member of Congress who got the tobacco executives under oath to say nicotine was addictive, which I think has had a little bit to do with helping to protect kids and consumers in this country. So I don't take a back seat to anybody in terms of standing up for consumer rights.

I say to the Senate today that as a result of months of difficult negotiations, led by the chairman of the Commerce Committee, Senator MCCAIN, the Democratic leader of the Y2K effort, Senator DODD, myself, Senator FEINSTEIN, and others, we have brought a balanced bill to the floor of the Senate. It is going to ensure that we do not throw a monkey wrench into this technology engine that is doing so much to ensure our prosperity.

Mr. DODD. Will my colleague yield?

Mr. WYDEN. Yes.

PRIVILEGE OF THE FLOOR

Mr. DODD. Mr. President, I ask unanimous consent that Tania Calhoun, a fellow with the Select Committee on Y2K, be granted the privilege of the floor during consideration of the bill.

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

Mr. DODD. Mr. President, I wish to again turn to the Y2K liability bill and the very real importance of this issue. As you know, I have served for the past year with Senator BENNETT on the Senate Special Committee on the Year 2000 Technology Problem. For over a year, we have examined the coming millennium changeover and the possible problems associated with it. We have held hearings to examine the effects of the year 2000, including hearings on industry, finance, energy, telecommunications, international trade, community safety, health, and litigation. Throughout these hearings, the committee has become increasingly alarmed at both the perception and the reality of a gathering storm of potential liability and consequent litigation that could swamp our court system and impact our Nation's businesses.

Mr. President, I would dare say that many Americans, have in one way or another felt the direct effect of our Nation's burgeoning wave of litigation that has been growing steadily over the past half century. Whether it be the increasing cost of health care, insurance premiums or consumer products, we have all experienced the results of litigation costs. Americans have become accustomed to living in a litigious society. Occasional abuses of the legal system generally arise from problems that are generally limited in scope. An example of this can be found within the securities industry where the legal system was no longer an avenue for aggrieved investors but rather had become a pathway for a few enterprising attorneys to manipulate legal procedures for their own profit. So-called strike suits were generated whenever stocks went down and sometimes when they went up. These costly suits were frequently settled by companies seeking to avoid the expense of protracted litigation. I authored litigation reform legislation, which passed despite a veto by the White House. In other words, I have strongly supported litigation reform efforts in the past. As with securities litigation reform, the need for Y2K litigation reform arises from a national problem yet it should be addressed with a narrowly tailored solution.

Mr. President, only a narrowly tailored solution could effectively manage the demands of such a pervasive problem. Potentially, any business in the country might be swept into the Y2K problem, either because it is itself not prepared or because a firm it depends upon is not prepared. The Special Committee on Year 2000 has heard testimony that as many as 15 percent of the businesses in this country will suffer Y2K-related failures of some kind. Even now we read that small and medium-sized businesses across the globe are not taking the necessary steps to become Y2K-compliant, and many think they don't have a Y2K problem. Since businesses are interconnected these days, just one failure in one business may generate cascading failures that may then generate numerous lawsuits.

The mere fact that this is such a pervasive problem is in itself the primary reason why litigation on this matter could cost in the hundreds of billions. It has been suggested that as a result of Y2K, the United States could easily find itself witnessing not only a huge surge in litigation, this potential litigious bloodletting could have long-term consequences on the economic well-being of our country. By now we have all heard that the cost of Y2K litigation could reach the astronomical figures. Various experts, including the Gartner Group from my own state of Connecticut, have estimated that the costs of litigation may rise to $1 trillion. Such estimates, and I must stress that these are only estimates, underscore the need for serious review and a bipartisan approach to this issue. Massive amounts of litigation has the potential to overwhelm the court system, disrupting already-crowded dockets for years into the next millennium. We must be careful that an avalanche of lawsuits does not smother American corporations and bury their competitive edge. A maelstrom of class action lawsuits could have long-term consequences on the American economy and the American people.

There are several things that should be absolutely understood about this bill, first and foremost, the provisions in this bill will sunset in 2003. Secondly, this bill will not affect the rights of plaintiffs and defendants in personal injury actions in any way. Most importantly, this bill seeks to encourage individuals and businesses to do all that they can do to make themselves Y2K compliant and to encourage efforts to mitigate Y2K related damages.

This is a complex bill with many complex legal issues. Some of my colleagues are opposed to the section of the bill that provides for proportionate liability, which generally means that a defendant can be held liable only for the damages for which he is responsible. Some of my colleagues argue that it is unfair for an innocent plaintiff to run the risk that it might not recover 100 percent of its damages if it can't hold the defendant liable for that amount, even if that defendant was only responsible for 20 percent of those damages. I would respond by saying that not only is it equally unfair to demand that businesses with little complicity in a dispute be required to pay for most of the damages just because it has deep pockets. Moreover without some form of proportionate liability, plaintiffs' lawyers will always name a deep-pocketed defendant in a suit because they know the deep-pocket will have to pay for all the damages even if that defendant is only marginally responsible. I would remind my colleagues that the bill retains joint and several liability in cases where the defendant acted with specific intent to injure the plaintiff or knowingly committed fraud and does not affect personal injury cases. As a result, the proportionate liability provision in this bill finds a reasoned balance between the rights of plaintiffs and the rights of defendants.

As I have said on numerous occasions that a Y2K liability bill should not be a vehicle for broad tort reform. And efforts to impose broad caps on punitive damages are just that. The provisions that I propose aren't tort reform, but merely protect small businesses and the mom and pop enterprises by capping punitive damages only for small businesses that have 50 or less employees and caps damages at $250,000 or three times the compensatory damages, whichever is smaller. The White House has expressed concern about the bill's provisions for capping punitive damages, however as my esteemed colleague Senator WYDEN pointed out the last time the Senate considered this issue during last year's products liability bill, it included a cap on punitive damages lower than this, and the White House agreed to this proposal. It is unclear then why they are opposing the cap in this bill which provides for more punitive damages.

Other voices have suggested that this bill relieves businesses and corporations from accountability or responsibility. The bill does not do this, but does try to ensure that those who do sue will do so responsibly and specifically and that there will be ample opportunity for parties to solve the Y2K problem before litigating their Y2K problems. To ensure responsibility on the plaintiff's side, for example, the bill requires the plaintiff to provide specific details about the injuries they've suffered when they file a complaint. Plaintiffs who can articulate the nature of their injuries are less likely to be filing frivolous complaints. To ensure accountability on the defendants side, companies are given a narrow window of opportunity to solve any Y2K problems they've created before a lawsuit is filed. This window of opportunity gives them the chance to maintain a business relationship by providing professional and responsible

service to their customers before the business relationship is soured by a lawsuit.

There are those who say that state courts have been addressing issues like the Y2K problem for years and can continue to do so. They also say the state legislatures are fully capable of addressing the Y2K problem and that there is no need for the Federal Government to become involved. My colleagues should know, however, that nearly every state to date has either passed Y2K liability legislation or is considering such legislation, so Y2K actions in the future will probably not be set on long-standing state precedents. Instead, they may be decided under new untested and untried state laws. The bill provides in most cases, for uniform provisions to be applied to Y2K cases, enabling both plaintiffs and defendants to predict the law that applies to them. Furthermore, since all of these laws are different, firms engaged in interstate commerce—nearly every firm these days—will be at a disadvantage. It is difficult to do business where potentially 50 different and changing sets of laws might apply. The bill's provision of generally uniform guidance for Y2K cases levels the playing field and reduces the cost of doing business for potential plaintiffs and potential defendants. Multiple sets of laws also raise the problem of forum shopping, which occurs when plaintiffs try to bring their lawsuits in states where the laws are most advantageous to them. This leads to imbalances in our state courts, and high costs for defendants. Since the bill provides for generally uniform standards across the country, forum shopping in Y2K cases will not be a problem. State courts can maintain balanced caseloads: and the cost of defending Y2K lawsuits will not be unreasonably high due to forum shopping.

Some are of the view that the Y2K problem has been around for 40 years and should already have been solved, and that the Senate has no business stepping in to protect the high-technology industry. And we should be clear, we are not trying to protect the high-technology industry, but instead we are trying to manage a problem for all business and individuals, the mom and pop grocery and the major enterprise. We are all plugged in today, and the bill speaks to the massive litigation boom that has the potential to bankrupt all kinds of businesses, costing individual Americans their livelihoods.

While we are rushing to solve the Y2K problem and the policy issues therein, we should above all strive to enter the next century with a sense of vision, and this vision should include a prudent analysis of the looming challenges of potential Y2K litigation. As I have said before, no one wants to begin the next millennium by trading a vision of the future for a subpoena.

I commend my colleagues from Arizona, Oregon and others who have worked so hard on this. I thank my colleague from South Carolina, the ranking Democrat of this committee. He feels very strongly about this legislation. It could have—as Members have the right to do—delayed action a long time on this. In fact, to be able to get to the consideration of it today is something that I deeply appreciate. We disagree on this matter. It is one of those rare occasions when we do. But, when we do, that is a normal way of conducting business.

I happen to think this is a good bill. It is a practical bill. It is a 36-month bill—3 years. That is it. It is narrow in scope and narrow in time. It is a practical way to try to deal with a serious problem that looms on the horizon.

We have to have balance. It incorporates the ideas that are fair to the plaintiffs and that are fair to the defendants. It allows resolution of these potential difficulties without having to get to court. We are a very litigious society. Every person in the country knows that. I think every effort that we can make to avoid going to court instead of rushing to fix the problem we ought to do. This bill tries to achieve that goal without denying people the right to get to court.

I commend my colleagues in this effort. I hope that we can pass this bill today or tomorrow after covering a variety of amendments, and go to conference.

I thank my colleague for yielding.

Mr. WYDEN. Mr. President, I will yield the floor in just a moment.

First, I thank the Democratic leader for the Y2K effort, and Senator DODD for all of his counsel and help. He, of course, is the principal author on securities litigation legislation which, to a great extent, this bill is modeled after.

Just before I yield the floor, I, too, want to say to Senator HOLLINGS, the Democratic leader of the Commerce Committee, that I agree with so much of what he has done—whether it is a matter of Social Security surplus or campaign finance. I regret that on this one we have a difference of opinion.

I think that we have brought a balanced bill to the floor of the Senate. But I look forward to the many other issues on which Senator HOLLINGS and I are going to be in agreement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 609 TO AMENDMENT NO. 608

(Purpose: To provide that nothing in this Act shall be construed to affect the applicability of any State law [in effect on the date of enactment of this Act] that provides greater limits on damages and liabilities than are provided in this Act)

Mr. ALLARD. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 609 to amendment No. 608.

At the end of the amendment, add the following:

SEC. . APPLICABILITY OF STATE LAW.

Nothing in this Act shall be construed to affect the applicability of any State law that provides greater limits on damages and liabilities than are provided in this Act.

Mr. ALLARD. Mr. President, first of all, I want to say that I support the piece of legislation that has been brought forward by Senator MCCAIN, working with the Senator from Oregon, and also the efforts of the Senator from Connecticut in that regard.

I believe that we need to address a very important issue that is in this amendment. I appreciate the work that Senator MCCAIN and the Commerce Committee have done to craft this important and vital piece of legislation, especially in our high-technology society.

I support this effort to encourage prompt resolution of Y2K problems, minimize business disruptions, and discourage unnecessary and costly lawsuits. However, I am concerned about one aspect of this proposal: State laws addressing year 2000 liability issues will be preempted by Senate bill 96 unless we specifically provide for protection of stronger State statutes. I am proposing an amendment to do just this.

The Colorado State Legislature passed a strong statute which specifically addresses the Year 2000 liability issue.

Our Governor signed the legislation on April 5, 1999, and it will be effective July 1, 1999.

Colorado's law provides certain protections from damages for businesses that experience a year 2000 problem. While the intent of this state law is similar to that of S. 96, the state's protections are stronger than those proposed in S. 96.

Colorado's statute will be overridden by the Federal legislation we are considering today.

My State is not the only one in this situation; Texas, North Dakota, South Dakota, Virginia, Florida, and Arizona have also passed Year 2000 liability legislation that is stronger than this Federal law would be in one way or another.

The State laws are consistent with the intent of S. 96 and were supported by a broad cross-section of concerned groups.

In addition, 17 other States have pending Y2K legislation that is near passage.

We should not be working to nullify the States' efforts. I am offering this amendment in order to allow the greater State limits on damages and liabilities to stand.

The intent of S. 96 as it relates to State law is confusing, and most troublesome is the provision stating that the Federal law will supersede State law to the extent that it is inconsistent with the Federal law.

I am sure that several of my colleagues will be interested in protecting their States' Year 2000 liability laws.

I encourage those Senators to support my amendment, and I encourage

others to consider the justification for preempting State laws outright, especially those laws that establish stronger limits than proposed at the Federal level.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. MCCAIN. May I ask the Senator from Colorado to yield to me?

Mr. ALLARD. I am glad to yield to the Senator from Arizona.

Mr. MCCAIN. I will tell my friend from Colorado that I believe we are going to accept the amendment. So the yeas and nays will not be necessary. So I request that he retract his request.

Mr. ALLARD. Mr. President, I withdraw the request.

Mr. HOLLINGS. Mr. President, let me commend the distinguished Senator from Colorado. This was exactly the intent when we reported this bill out by 11 to 9. Of the nine that was the main concern—that if there were a problem, we have laws to take care of these problems. We have had laws on the books for years. Business was moving.

What the Senator is saying here in this particular amendment is that this shouldn't preempt any greater provisions of State law, that the State law would apply.

I think it is an excellent amendment. I am glad to accept it.

Mr. ALLARD. Mr. President, I thank both the manager for the minority and the manager for the majority for their favorable comments.

Mr. MCCAIN. Mr. President, I don't believe there is any further debate on the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 609) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN. Mr. President, I thank the Senator from Colorado. I think it is an important amendment. I appreciate not only his concern for the entire bill but for the State of Colorado, since this obviously would have an effect on the hard work of the State legislature and the Governor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, at an appropriate time I may send an amendment to the desk. But I want to begin at least talking about where we are, where this bill currently puts us, and I have a number of points I would like to make in the effort to do that.

I am struck by one thing that has just happened, which is why I am a little less hesitant.

A few moments ago, the Senator from Colorado put in an amendment that preserved the State law; but at the same time the Senator from Oregon previously had made it very clear that their bill leaves in place the existing State law protections for consumers in both tort law and contract, but, in fact, what has happened is by virtue of the amendment just passed by the Senator from Colorado, they have actually changed that so that we have a different law for both contract and for tort.

It seems to me the bill has already, suddenly, by acceptance, moved to a significantly different place from what they had intended. Maybe this will be worked out later. I think it certainly makes this bill more complicated in many regards and will probably give yet another reason for the White House to veto this.

Let me state where I think we are with respect to this legislation. I supported willfully, happily, and with a sense of pride the securities reform legislation. Senator DODD was a leader on that, and I voted for it and voted to override the veto of the President because I thought it was important to address what was an egregious overreach within the legal community where we saw a pattern of abuse. We took action as a result of that. I think it was the right action.

In addition, I also voted for tort reform with respect to the aircraft industry, because Senator Kassebaum appropriately brought legislation to the Senate that made it clear that liability issues with respect to manufacturers—and she represented a State which is the home base for Cessna, among other aircraft manufacturers—and we made an appropriate change in liability law in the capacity of lawyers to bring these so-called dreaded lawsuits that we hear a lot about on the Senate floor. I voted for that and we changed it. It was for the better.

I say that because I want to make it as clear as I can in an atmosphere where people are quick to try to paint Members into a corner or sweep Members into one position of ideology or another. I am approaching this from a perspective of what I hope is common sense and fairness.

I heard the distinguished Senator from Arizona—who is a great personal friend of mine and a man for whom I have enormous respect and a great relationship—say a few minutes ago, and I will certainly pass it off merely as rhetoric, that the amendment I will offer is ''form over substance'' and it is designed to ''protect the income stream of the trial lawyers.'' It is exactly that kind of polarization in the rhetoric that is preventing Members from looking at what the Senate may or may not do here, what the Congress may or may not do, and what may happen to the American citizens that we represent.

I challenge my colleagues to show me one piece of language in the amendment that I will submit that makes it easier for a lawyer to bring a lawsuit. There is not one. In point of fact, every point raised by the high-technology community that they wanted Members to address is addressed in their favor—in favor of the high-tech community. They wanted a period to cure; we provide a period to cure. They wanted mitigation; we put a responsibility on plaintiffs to mitigate. They wanted economic loss and contract preserved; we preserve contract law. Finally, they wanted proportionality; all we require for them to qualify for proportionality is that they act as a good citizen and do two things: We ask they identify the potential in the product they make for a Y2K failure, and having done so, we ask that they let their purchasers, their clients, know of that potential.

That is all we ask. We don't ask that they fix it. They have a duty; they have a period of cure within which they can fix it. If they fix it within the duty, a period of cure, as the McCain bill, they would be free from any lawsuit.

That doesn't help plaintiffs. That is not a plaintiff's bill. That is not an effort to maintain the revenue stream for lawyers.

Let's talk about the reality of what is happening here. The reality is that an industry is coming to the Congress for the first time in American history and asking for prospective anticipatory relief from liability for something they make—the first time ever.

What would happen if Ford Motor Company came in here and said: Gee, we produced a car that instead of turning right while turning the wheel right, turns left. Forgive us. We will fix it. Don't worry.

There are similar ways in which companies could come to a Senator and say they don't want to be held liable because they ''kind of overlooked something.''

As the Senator from South Carolina said a little while ago, 20 years ago people knew about this. The founder and executive director of RX 2000 Solutions Institute said:

> I am a former computer programmer who used two digits instead of four to delineate the year. Granted, this was more than 20 years ago, but even then I was aware of the anomaly posed by the year 2000. When I expressed concern to my supervisor, he laughed and told me not to worry.

The Y2K bug is not something that just fell out of the sky. The Y2K bug is not a freak occurrence that happened as a God-given act. The Y2K problem is a result of conscious choices that people made or didn't make, deliberate decisions made to delay fixing a problem. They have led us to where we are now.

I represent high-technology companies, and I am very proud of them. I have had the support of high-technology CEOs, workers, and employees. I truly have a respect for the entrepreneurial capacity and the extraordinary path they are leading us on that is second to nobody in the Senate, and I understand the nature and complexity of this Y2K problem that suggests we don't want to have a wholesale slug of lawsuits that clog the courts, that create the capacity for small companies to tie up their capital, to diminish further entrepreneurial effort, to reduce creativity.

I understand all of those arguments. Together with Senator ROBB, Senator DASCHLE, Senator REID, Senator MIKULSKI, and Senator AKAKA, I am offering a compromise. It is not everything that the Chamber of Commerce wants, and it sure isn't everything the lawyers want. However, it is common sense, and it will be signed by the President of the United States into law. The bill that is being offered by Senator MCCAIN and others will not in its current form be signed into law.

If Members are really concerned about the Y2K problem and want to do something about it, we have an opportunity to legislate on the floor of the Senate in a way that is fair, that makes sense, and that will help the companies deal with Y2K, and at the same time, it doesn't turn around and ignore common sense about how to leverage good behavior within the community.

People ask, What are the real differences between this bill and Senator MCCAIN's bill? I will get to that. I will explain that. Two of the most important are on the issue of proportionality. That takes a little bit of explanation. Not everybody in the Senate is a lawyer. There are 55 Members who are, but even among lawyers there has always been a great tension on this issue of joint and several liability versus proportional damages.

Under the bill that Senator MCCAIN, Senator DODD, and Senator WYDEN are offering the Senate, a company will automatically get proportional liability. They don't have to be a good citizen. They don't have to go out and remediate, even though they say that remediation is the purpose of their legislation. There is no leverage in getting out of joint and several liability that encourages them to remediate. They automatically get proportional damages. The bill gives it to them right up front—automatic. So they could display the most negligent, the most reckless behavior, and still they get it. Is that possible? Some people will sit here and say no, that is not going to happen.

Look at the instance the Senator from South Carolina talked about. Ford Motor Company is historically recorded as having made a conscious business decision to measure how much it cost them to move the gas tanks and fix the gas tank problem versus the potential of damages. They chose not to move it and ultimately it caught up to them in a famous, famous case and they paid the price. That is why we have had something called punitive damages.

Punitive damages are not, as the Senator from Arizona said, simply to deter. Punitive damages are punitive. They are to punish in addition to deter. The deterrence is not just as to the behavior of the entity that is creating the problems. The deterrent is as to other potential entities, in the future. The reason we have the potential of punitives within the legal system is not just to deter behavior among a particular set of actors engaged in a particular behavior at a particular time. It is to say to other actors at a future time: If you do not heed the warning that the products you make could subject you to particular kinds of damages, then you, too, may be subject to them in the future. That is why, today, young kids have pajamas that don't catch on fire. That is why, today, people have all kinds of products in their homes where people are sensitive to what the impact of that product may be on a user.

My colleagues come in here and say we don't want punitives. These outrageous lawyers are going to come in and maybe get a punitive damage verdict. Let me tell you what my colleagues, either inadvertently or willfully, are doing. They are protecting companies from a requirement that the behavior they engage in has to be—let me make this very clear. Punitive damages are only awarded if a plaintiff can show the defendant acted in the worst activity possible, worse than mere negligence. We are talking about a defendant who has to commit either an intentional tort or otherwise here, because in their bill they have a very narrow limitation as to who will qualify for joint and several, very narrow. The fact is, they will exempt anybody who acts willfully, wantonly, maliciously, recklessly or outrageously.

I ask a simple question: What is the public policy rationale for coming in here and saying that a company that acted maliciously, willfully, recklessly, outrageously should somehow be completely exempted from the potential of joint and several liability and have a blanket exemption even before the fact? I do not understand that. I do not understand the public policy. Just because we do not like lawyers, just because on a few occasions there have been a couple of bad jury verdicts of punitive damages—which in every occasion, I say to my friends, have been reduced by the court on appeal. Those never get paid. They are great for headlines. They are wonderful for bad reputations for lawyers. But they don't get paid because the courts reduce them.

So I do not want to come here to the floor of the Senate and battle phantoms. I don't want to battle dragons that do not exist. I want to deal with the real problem of Y2K, and we deal with the real problem of Y2K because we make it tougher for lawyers to bring cases. I agree with what my colleague, the Senator from Connecticut, said a few minutes ago. He said we, in a litigious society, do not want a lot of frivolous lawsuits. We do not want to be caught up in court with a whole lot of lawsuits that are inappropriate.

I agree with that. I was outraged when I heard about lawyers automatically triggering lawsuits by computer when stocks changed and so forth. That is an abuse of the system. We ought to do everything in our power to require that the Federal courts, through the rules that are available to them, hold lawyers accountable so that frivolous lawsuits are denied and so forth. But we go farther than that. In my amendment, on Y2K we in fact lay out a series of requirements that make it much tougher for any lawyer to bring a case. Just like the legislation of Senator MCCAIN, ours is a 3-year bill. But ours is a 3-year bill that does not harm consumers. Ours is a 3-year bill that has a fair balance between this interest for remediation or mitigation and what we are prepared to contribute to the well-being of the whole industry, to blanket the whole industry.

Let me be specific about what I mean by that. The Y2K bill of Senator MCCAIN and company provides you automatically get proportionality, proportional damages. Ours says you have to do two things. You have to make the effort to identify the potential for a Y2K failure and then put out the information to the people you have dealt with about that potential.

The purpose of this legislation is to get companies to fix the problem ahead of time. In order to get a company to fix the problem ahead of time, you want to have the maximum incentive to the company. So if you say to the company: Look, you can have the lower standard. You can have what you want—which is you can get out from under joint and several; you can have proportional liability—but we want you to do something so you will encourage the very remediation and mitigation we are looking for. We want you to look at your products and see what the potential is for one of them to have a Y2K failure. When you find the potential, we want you to be a good citizen and tell the people who bought the things from you about it.

Why is that better than Senator MCCAIN's bill? It is better because of the Pinto principle. Some companies may look at the situation and say: Hey, the Senate just gave us proportional liability and we don't even have to worry about paying the full 80 percent if we think we have only 20 percent liability because we don't have to do anything. They gave it to us. It is cheaper for us not to fix it and wait and see if anybody comes after us. And when they do come after us, all we are going to have to do is do the 20 percent, not the 80 percent. I ask my colleagues, how is that an incentive for the good fixing of the problem beforehand that we are seeking?

The answer is, it is not. It will have exonerated people before the fact from the very thing we are trying to encourage, which is the incentive to fix it.

I find it very hard to believe that my colleagues in the Senate want to vote against asking companies to be good citizens. I find it hard to believe that my colleagues are unwilling to say a company ought to just look for the potential of failure. We do not require that they absolutely find it. We do not

require that they identify it. They have to make a good-faith effort to look for it.

Every company with whom I have talked tells me they have already done that. Most companies tell me they qualify today and they would accept that standard. I am proud to say that a company—I have a letter received today from Brian Keane who is co-president of the Keane Company headquartered in Boston, MA. It is a $1.1 billion information technology corporation and has over 12,000 employees located in 26 States. I quote from part of the letter, which I ask unanimous consent be printed in the RECORD.

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

KEANE, INC.,
Boston, MA, June 8, 1999.

Hon. Senator JOHN KERRY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KERRY: Keane, Inc. is a publicly traded, $1.1 billion information technology corporation with over 12,000 employees located in 26 states. As you know, Keane is headquartered in Boston, Massachusetts.

We are encouraged by your leadership role in the ongoing debate over the Y2K liability legislation. Keane is concerned that this important legislation is being used as a ''political football'' and would encourage all parties engaged in the debate to work together to craft legislation that will not only pass the Senate and the House, but also be signed by the President. Y2K liability legislation is a matter of great importance to Keane because, over the past three years, Keane has worked with literally hundreds of American companies to help them solve the Y2K problem.

Keane believes the most recent draft of the Kerry language is a politically viable solution, because it serves the purpose of protecting against frivolous Y2K litigation and would be signed by the President.

Opponents of the Kerry bill argue that it does not adequately address the distribution of damages to responsible parties. However, Keane believes that the proportional liability language in the Kerry bill addresses this issue. Specifically, your staff has assured us that your language would protect defendants who demonstrate that the plaintiff restricted access to or failed to notify the defendant about any function(s) that could corrupt other Y2K vulnerable systems and defendant's who (1) performed a reasonable assessment with a defined methodology for resolution of the plaintiff's Y2K vulnerability prior to implementing a solution; or (2) implemented the Y2K solution with coordinated-comprehensive testing and quality assurance processes; or (3) secured, after completion of the remediation or testing, a formal acceptance agreement from the plaintiff. With such protections, Keane can endorse the Kerry language without reservation.

We appreciate your attention and leadership on this very serious matter and look forward to working with your office in the future.

Sincerely,

BRIAN KEANE,
Co-President.

(Mr. BUNNING assumed the Chair.)

Mr. KERRY. It says:

Keane believes the most recent draft of the Kerry language is a politically viable solution, because it serves the purpose of protecting against frivolous Y2K litigation and would be signed by the President.

Opponents of the Kerry bill argue that it does not adequately address the distribution of damages to the responsible parties. However, Keane believes that the proportional liability language in the Kerry bill addresses this issue. Specifically, your staff has assured us that your language would protect defendants who demonstrate that the plaintiff restricted access to or failed to notify the defendant about any function that could corrupt other Y2K vulnerable systems and defendants who (1) performed a reasonable assessment with a defined methodology for resolution of the plaintiff's Y2K vulnerability prior to implementing the solution, or, (2) implemented the Y2K solution with coordinated comprehensive testing and quality assurance processes. . . . Keane can endorse the Kerry language without reservation.

I believe that is reasonable, and I believe it is reasonable because they have looked at the reality of the language we have put forward. I want to go through a little bit of this now.

The McCain bill does not protect the individual consumer. They are requiring the individual person to go through the same hoops and the same requirements as a corporation. Again one has to ask: What is the public policy rationale for asking one—let's say one of these people sitting up in the gallery is assured, when they buy an alarm system for their house, that the alarm system is Y2K compatible. But they leave to go on vacation, the alarm system fails in the year 2000, their house is robbed, and they want recoupment.

They have to go through every hoop of a large corporation. They cannot go right in, file their suit, and get redress. They are going to have to be treated like the other corporate entities, and they cannot even get the discovery. They are left as powerless as, unfortunately, the average consumer is in our society today.

Again, when one looks at public policy rationale, it is hard to discern, and this is the main reason: Most of the Y2K problems that people are envisioning are corporation to corporation. We are talking about contract law. Most of this is contract law, and what we are talking about are companies that are going to have an interest conceivably in suing another company because the product they bought from that company does not do what the company that sold it to them said it would do.

Maybe under their warranties, just under the contract, it will be taken care of. But what the McCain bill wants to do is say to every American consumer: You are going to have to wait 3 months; you are going to have to wait the 30 days for the filing; you are going to have to refile if you were not filing with pleadings that were specific enough, according to what the corporation had to go through.

It is a remarkable thing, in my judgment, to thrust that kind of burden on a lot of situations that would be very difficult. Let me give you an example. This is very specific, and I apologize, it will take a minute, but I want to go through it.

Let's take a Mrs. Barnes who owns a home several streets away from the Acme Chemical Company. There are 85 million Americans who live or work within a 5-mile radius of one or more of the 66,000 facilities that handle or store high-hazard chemicals. Let me repeat that: 85 million of our fellow citizens live in homes near a chemical company.

On January 1, 2000, let's assume Acme's safety system fails and hazardous chemicals are released into the air and on to the land in the neighborhood. It forces Mrs. Barnes and others to evacuate their homes. People are allowed back into their homes after 2 days, but Mrs. Barnes' property is contaminated, including her well. She retains an attorney and she files a tort claim for recovery.

Acme Chemical claims that a Y2K computer failure was partially at fault for the safety system malfunctioning. Mrs. Barnes did not know that Y2K was a defense, of course, because most average citizens will not know this.

Under the new law, the Acme Company will treat the complaint as the notice. She has to wait 30 days for Acme to respond. In 30 days, they respond by saying: We can't pay for the cleanup and lost value. But she has to wait another 60 days to refile her lawsuit, notwithstanding that they tell her that.

Now the average American consumer is out 90 days and does not know where they are going, because we have protected the entity. All discovery is stayed during this period. There is not anybody in our system of justice who does not know what happens when you stay discovery for 90 days.

In 2 months, Mrs. Barnes refiles her suit. She refiles it against the company that installed the safety system. Under the McCain bill, she has to plead her case with a particularity in the complaint. She can state her damages as required, but she is going to have a lot of trouble specifying the materiality effect because she will not know what that is because there has been no discovery. The case is dismissed because the complaint failed to meet the pleadings requirements.

Assume somehow she can meet the pleadings requirement. She comes back, she finds other information to survive another motion to dismiss, and finally gets her day in court.

After hearing the case, the jury finds both defendants acted recklessly and outrageously for not identifying and fixing the problem, and it awards her $300,000 compensation for the property and the need to replace her water supply. They may find that Acme is 70 percent responsible and the safety system 30 percent liable under the proportionality. The total amount of her award might be $1.3 million, with the compensatory and punitive adjusted and reduced by the number of people according to the cap, because they only have 40 people who work for them. Under the cap in S. 96, that would be an adjusted award of $550,000.

We find that Acme cannot pay for all of the damage and files for bankruptcy. The safety system pays Mrs. Barnes $90,000 under their percentage, but that is not enough to clean up her property. She cannot get a new water supply, especially after she pays the legal bills. She tries to collect from Acme but without success. In the end, under the State law she would have received her $1.3 million, but because we are going to take that away, at the end, because of the Senate bill that is contemplated being passed here that does not protect this individual consumer, she will be left with only $135,000—not nearly enough to compensate for her loss, pay her legal fees, replenish her well and make her whole.

What is the public policy here? That is literally how this bill would work. That is taking us step by step through the requirements that are being put on the average American here, even though what we are really talking about doing here is protecting companies from lawsuits by companies.

To the degree that my colleagues say: Wait a minute, Senator. We know about those naughty things called class actions, and we don't want to have a class action brought against us, I say to my colleagues, I agree. We want to have a tough standard for the potential of any class action.

So we have put in our bill something lawyers do not like; we have put in our bill a materiality requirement that means they have to show that very specificity of defect, and it has to be specifically material to the impact on that particular damage that took place for that person. The majority of the people who make up the class have to have the same linkage to the materiality. That makes it very hard to go out and just construct a class. So I think class actions would, in fact, be seriously reduced and impacted in an appropriate way, I might add. So we are raising the bar. We are raising the standard.

Our bill, therefore, in my judgment, protects consumers. The McCain bill would apply all of its procedural burdens and damage limitations to individual consumers. I know that this is one of the things that the White House, the President, is particularly concerned about. We need to try to find some kind of reasonable compromise. We have not. And that begs a veto.

In addition, I have talked about the proportionality issue. It is hard to believe that colleagues would not be willing to vote that a company ought to engage in good citizen behavior of a two-step effort to identify mere potential—I underscore that mere potential; the company does not have to find the problem; the company does not have to cure the problem—they have to find the mere potential that something that they have created may have done it; and, two, let people know that they have done that. It is hard to believe that we would not vote to do that.

In addition to that, we impose an additional duty on the plaintiff. My colleague from Arizona said this is to keep the revenue stream going. We impose an additional duty on the plaintiff because existing State law generally requires plaintiffs to mitigate their losses in the case of a breach of contract. S. 96 puts on the plaintiff an additional burden to mitigate that isn't part of additional contract law, which allows a defendant to argue that the plaintiff should have avoided the damages based on information that was in the public domain.

So what we have done, to encourage information sharing and in order to encourage the remediation that we want, we leave the existing State law duties in place, supplementing them with an additional mitigation requirement if the defendant itself made the information available.

Why is that good policy? Because, again, it encourages the good behavior that our colleagues are saying everybody is going to engage in but for which there is no certainty and there is no leverage.

Here you have an additional burden on the plaintiff if the company undertook to share the information. What does that do? That means that the company is going to say: Oh, boy, if we go out and get the information and we put it out to the people we have sold it to, they are going to have the burden of showing that we somehow did not do what we were supposed to. We have shifted the burden to the people who then would be the plaintiffs. It makes it harder to bring a case. It also does more to encourage the mitigation that we want to get in this particular effort.

I want to make it very clear, I think it was back in April the Senator from Arizona, the chairman, put a letter in the RECORD from Andy Grove of Intel. The letter that was part of Mr. Grove's communication to the chairman. I will read the relevant portion of it:

> Dear Senator MCCAIN . . . The consensus text that has evolved from continuing bipartisan discussions would substantially encourage [bipartisan] action and discourage frivolous lawsuits.

He cited several key measures that are essential to ensure fair treatment of all parties under the law.

One was procedural incentives, the requirement of notice and an opportunity to cure defects before a suit is filed.

Senator MCCAIN has that in his bill. We have that in our bill: The same procedural requirement to cure, the same procedural effort to have alternative dispute resolution. We both encourage alternative dispute resolution and mitigation.

Second point: A requirement that courts respect the agreements of the parties on such matters as warranty obligations and definition of recoverable damages.

Senator MCCAIN does that; we do that. We provide the exact provision of contract protection except where there is an intentional—intentional—injury to a party. I ask my colleagues, what is the public policy rationale for exempting a company from an intentional wrongdoing to an individual that is not a specific intent to that individual but nevertheless fits under the concept of a reckless, willful, or wanton act?

Third, Mr. Grove said he wanted threshold pleading provisions requiring particularity as to the nature, amount, and factual basis for damages and materiality of defects. We do the same thing. Senator MCCAIN does that; we do that.

Finally, appointment of liability according to fault, on principles approved by the Senate in two previous measures. That is the securities reform bill. I have already spoken to that.

Senator MCCAIN gives it to them no matter what, forget it. You just get it because you are who you are. We give it to them if they take two steps: Identify the potential for a Y2K problem, which is what this bill is all about, and let the people they have dealt with know about that potential.

Again, we do not require that they fix it. We do not require with a certainty that they find it. We require that they just say there is a potential. That is what they have to go out and fix.

The fact is that is a minimalist standard that most companies ought to be prepared to live by. Every company I have talked to tells me they are doing that. Of course, they are going to do that. They would have no reason to be concerned about that.

So the real fight here, I suppose, is over punitive damages and over the breadth of reach that some people are making with respect to some other efforts which I can go into later as they arise in the course of the debate.

We have a consumer carveout. We have a duty to mitigate. We have proportionate liability.

The McCain bill also creates jurisdiction for almost all Y2K class actions in Federal court. We do not do that. First of all, the Federal bar has told us they cannot handle it. They do not have room for whatever that might mean. Secondly, I cannot think of anything less respectful of States rights, of the States' abilities to manage their own affairs with respect to how they want to proceed. There is no showing that that is, in fact, necessary. So the reach of the bill, in fact, goes further than that which is necessary to fix Y2K.

I want to emphasize that I still hope maybe we can find some medium where people will come together. It may be that the Senate isn't in the mood to do that right now, so it will just go ahead and pass S. 96—it will go to conference, come back, and then go to the President, and he will veto it, and we will come back. Or maybe when the President gets into the negotiations in the conference committee, the very things I am talking about will be resolved, and it will come back to us in a way that people of good conscience can say: This is good public policy because it protects consumers even as it creates a

fair process for the avoidance of frivolous suits and the avoidance of the burdening of an industry that we all respect and care about.

I think our bill does that. I think our bill justifiably protects the capacity of companies to be free from frivolous lawsuits. It increases the pleading requirements. It provides a cure period. It provides a duty to mitigate. It shifts a greater duty to the plaintiffs, and it does so, I think, in a reasonable and fair-minded way.

I regret that, unfortunately, this debate has been so caught up in a larger agenda of entities that are very forceful outside of the Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Arizona.

Mr. MCCAIN. Mr. President, I continue to respect the views of the Senator from Massachusetts. He makes some very persuasive arguments.

I strongly recommend to the Senator from Massachusetts that he put his objections in the form of an amendment or amendments and we vote. We have been through, I think the Senator from Massachusetts would agree, literally weeks, if not months, of negotiations with the Senator from Massachusetts. At no time have we been able to agree. I strongly recommend that he just propose an amendment, and we have a vote on it. The Senate will be on record. We will be then able to move forward, as is the legislative process.

I will make a parliamentary point. I have asked the Democratic side to try to get an agreement within about an hour or so on remaining amendments that will be proposed of the 12. We now have about 6 or 7. I think the same is true on the other side. We want to give everybody ample opportunity to propose their amendments. Then I will also ask that we get those amendments in so we can start negotiating time agreements. I see no reason why we can't finish this bill by tomorrow evening.

I urge my colleagues, again, if you have an amendment on either side of the aisle, tell Senator HOLLINGS or me so we can get those 12 nailed down on either side so we can start negotiating.

I think it is very important to recognize that there has been amazing solidarity shown on the part of big, medium, and small business on this legislation, including the parts of it that were just addressed by the Senator from Massachusetts. They do not accept his remedy. I strongly admire the knowledge, the information, and the incredible tenacity that Senator KERRY has shown on this issue.

The reality is—and every once in awhile we have to face reality, I say to my friend from Massachusetts—we are going no further. However, if we are going no further in the process of negotiation, that does not change in the slightest the fact that the Senator from Massachusetts can propose 1 of these 12 amendments, or 2 or 3 or 4 of them, I think there is room, and we can debate and vote on them.

I yield for the Senator from Oregon.

Mr. WYDEN. I appreciate the chairman yielding. I will be brief.

I think what the chairman of the Commerce Committee is suggesting is a practical way to get at it. This Member of the Senate believes, with all due respect to my friend from Massachusetts, that the Kerry amendment would be a lightning rod for additional frivolous lawsuits with respect to Y2K. I think, for example, some of the language is so vague—this question of identifying the potential for Y2K failure.

Mr. KERRY. Will the Senator yield for a question?

Mr. WYDEN. As soon as I have made this point, because it is the chairman's time.

I think that is so vague that it is going to ignite a litigation derby. That is No. 1.

No. 2, we have had a kind of mixing of the concept of punitive damages and proportionality by the Senator from Massachusetts that I think is just not borne out by the bipartisan bill. Our punitive damage limitation applies only to small business. It has nothing to do with reckless behavior or careless behavior.

On proportionality, we are saying that you can hold everybody liable for exactly what they contribute, whether they are a small business or anything else.

Finally, on the example of the person, I believe it was Mrs. Barnes, and the chemical plant, she has all her existing remedies with respect to personal injury and wrongful conduct under negligence law. That is all outlined on page 10.

I appreciate the chairman of the Commerce Committee yielding me the time to briefly make a response to the Kerry amendment. As I say, I am a Senator who agrees with the Senator from Massachusetts on so many things. I do share his view that I hope by the time we are done with this legislation, we can have something that gets upwards of 70 votes. But suffice it to say, this Senator believes, with all due respect, the proposal of the Senator from Massachusetts will be a lightning rod for a variety of frivolous lawsuits.

I thank the chairman of the committee for yielding.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I intend to send my amendment to the desk. It is more inadvertence than anything else, and enthusiasm. I am not going to delay it whatsoever. I agree with him. We want to get on with this and make an effort.

Let me just make a couple of comments and address this. First of all, with respect to what the Senator from Oregon just said, the woman in the hypothetical I used would be precluded from the very kind of damages, because your bill limits it to physical injury. She is not physically injured. The fact is, the property damage and other damage would, in fact, not be subject to it.

Secondly, under the economic losses in the bill from the Senator from Arizona—and I think this is important for the Senator from Arizona to understand—data processing would not be included in the definition that you have with respect to economic loss. You speak to the question of property and you allow certain kinds of property, but you don't include in the definition of ''property'' intellectual property.

What happens if a company has a loss as a consequence of an entire software system that went down and their data being lost and, therefore, they do not provide a service to somebody? You could have a huge economic interruption as a result of that, and you don't include that as an economic loss. I will give you the precise language. There are serious, real consequences here.

Secondly, the Senator from Oregon just said that we are just precluding small businesses from punitive damages. Again, I just spoke at a graduation of a law school. I hate to say it, I had to stand up and say in front of the graduates of the law school, welcome to the most hated profession in America. They understood what I was saying.

You can't come to the floor of the Senate and quote me defending lawyers. That is not what I am doing. I am defending a principle. I am defending a cherished notion within America about how we redress problems.

I know people do not like being hauled into court. I almost laughed when I heard the Senator from Arizona say that all the big businesses and all the business community are united behind this bill. Of course, they are. Big surprise. They are about to get out from under an accountability system that suggests to them that they ought to behave some way.

The Senator from Oregon has just said to me, small businesses will only be held accountable for the proportion that they are liable. OK. What happens in this example? The small businesses in Oregon and the people served are in Oregon, but they are only 20 percent of the problem. The people who sold them the hardware and the rest of the equipment are in Japan. You cannot reach them, because you are a small lawyer and you don't have the long reach. You don't have jurisdiction, and you cannot get them conceivably. There are a lot of companies out there right now operating like that. So all you have is 20 percent of the person being made whole.

The theory of law for years, under joint and several, has been that in America we care first about the victim, and we are going to make the victim whole. Then the companies that have the power and the clout will sort out between each other who gets what. That has been a very efficient and effective distribution system. It is efficient.

What we are now saying is, sorry, average American, sorry, we are going to

give the power back to the corporate entities and you, the little average person, you are going to have to go to Japan and chase them, or you are going to have to just stomach your loss.

Small businesses are most of the business in the country. I am also pretty sensitive to that, because I am the ranking member of the Small Business Committee. I take great pride in the things that I have done to try to further small business efforts. I believe in it. I am the only Senator I know who has a zero capital gains tax bill here for targeted investments in the high, critical technologies. I would love to empower small business to do better. But all that punitives apply to are willful, wanton, reckless, destructive, irresponsible, unacceptable behavior. And what my colleagues are doing is coming to the floor, as a matter of public policy, and saying the Senate ought to go on record saying that we don't care how you behave. We are going to take away the capacity to make the average citizen whole, and we are going to give it to the corporate entity.

Now, I love these corporations. Look, I represent them and I respect the leaders of them. They are doing great work for America. We have created 18 million jobs in the last 10 years or so because of their virtues and capacities. I will come back here and labor on their behalf on encryption and a host of other things. But, fair is fair. Fair is fair. Are you telling me we should not have these companies do two simple things?

My colleague said the language is too vague on those two simple things. Well, let's talk about that for a minute. The bill says ''identify the potential.'' What does that mean, ''identify the potential''? Does anybody have trouble with that? It means to identify whether the product the defendant made or sold had the potential for Y2K failure. How would you know that? You know you have an embedded chip in it. You know whether or not in the digitalization process you use two or four digits. I am not technically competent enough to tell you all of them, but there are people who are; they are running around the country fixing these things.

The IRS has invested $1.3 billion and several years of effort in order to be Y2K compliant, and they are today. How did they get there? They got there because they asked this very question. Do we have the potential for failure? And if we do, what are we going to do to fix it?

My colleagues come to the floor and they are trying to tell us that this bill is to encourage people to fix it. But what do they do? They let them right out from underneath it, give them an upfront, blanket exemption saying: We are not going to require that you be subject to joint and several; you don't have to do anything; you just walk. And that is wrong as a matter of policy.

All we ought to ask them to do is the very thing this bill's purpose is about: Look and see if you have the potential for failure and tell the people you sold it to. If we can't ask them to do that, then we are not standing up for the average citizen in this country. It is that simple.

AMENDMENT NO. 610 TO AMENDMENT NO. 608

(Purpose: To regulate interstate commerce by making provision for dealing with losses arising from Year 2000 Problem-related failures that may disrupt communications, intermodal transportation, and other matters affecting interstate commerce)

Mr. KERRY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself, Mr. ROBB, Mr. DASCHLE, Mr. REID, Mr. BREAUX, Mr. AKAKA, and Ms. MIKULSKI, proposes an amendment numbered 610 to Amendment No. 608.

Mr. KERRY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, again, I find the logic of my friend from Massachusetts somewhat tortured. He maintains that these ''two simple things'' will meet the approval of the high-tech community. Yet, it doesn't. So in his mind, of course, clearly it should. But the fact is, it doesn't.

So we are in a very interesting kind of hyperbole here that the Senator from Massachusetts keeps saying the high-tech community supports this and this is perfectly acceptable to them. Yet, they don't support it or agree with it—and for good reason—because these ''two simple things'' are directed at the high-tech defendants, not the rest of the business community that will be defendants. When a wholesaler fixes their systems within their company, yet it leases a trucking group to deliver whatever that product is, and then they are subject to joint and several liability, then, of course, it opens the floodgates.

The Senator from Massachusetts seems surprised that, or somehow casts doubt about the motivation of business in supporting this legislation. Of course they are supporting it, because they don't want to be subject to a flood of litigation. That is the whole purpose of the legislation. The whole purpose, I tell my friend from Massachusetts, is to stop a flood of litigation.

Mr. KERRY. Will my colleague yield for a question?

Mr. McCAIN. In a second. The Progressive Policy Institute of the Democratic Leadership Counsel says:

Despite the number of lawsuits avoided during a 90-day cure period, or the number of disputes settled through ADR, the cost of Y2K litigation will remain exorbitantly high as long as opportunities remain for people to abuse our legal system. However, there are a number of Y2K-specific reforms that can be enacted to curb that abuse and the subsequent costs. To begin with, responsibly strengthening pleading standards would keep many baseless suits out of the systems. Plaintiffs seeking money awards for damages should be required to state the particular nature and effects of material Y2K defects and how they figured into calculating those damages. In addition, to insure fairness, rejected plaintiffs should be allowed to refile their suits with the required specifics in order to protect legitimate claims that are not initially apparent. Furthermore, legislation should deny awards for damages that could reasonably have been avoided.

Class action suits are normally the most expensive and wasteful of product liability lawsuits and often contain enormous numbers of groundless complaints. Legislation should insure that the majority of members in class action suits have truly experienced Y2K-related failures and deserve redress. By reducing the number of invalid claims, waste and fraud could be significantly eliminated from the adjudication of class action suits.

The effects of abusive litigation could be further curbed by restricting the award of punitive damages.

That is what this legislation does. That is where the Senator's amendment will open a loophole wide enough to drive a truck through.

Punitive damages are meant to punish poor behavior and discourage it in the future. However, because this is a one-time event, the only thing deterred by excessive punitive damages in Y2K cases would be remediation efforts by businesses.

I say again to the Senator from Massachusetts—and we have had this dialog for hours on the floor, and for hours in the committee, and I will continue because of the enormous affection I have for the Senator from Massachusetts. We will continue this dialog. We are in fundamental disagreement on the interpretation of the Senator's proposed amendment. It is as simple as that. So I would be——

Mr. WYDEN. Will the chairman yield briefly?

Mr. McCAIN. The Senator from Massachusetts has asked me to yield first.

Mr. KERRY. I am happy to let my colleague go first, and I will come back.

Mr. McCAIN. I yield to the Senator from Oregon for a question.

Mr. WYDEN. I thank the chairman.

It seems to me that on the basis of everything we have gone through in terms of the committee, there is a reason that the high-tech community is overwhelmingly opposed to the Kerry amendment. As far as I can tell, there is this company the Senator from Massachusetts has talked about, and I will acknowledge that. But the high-tech community, as far as I can tell, is overwhelmingly opposed to this Kerry amendment. As far as I can tell, the reason they are is that the Kerry amendment introduces vague, ill-defined terms that are going to trigger

more litigation. On the basis of everything we went through in the committee, is it the chairman's judgment that that is the reason the high-tech community is overwhelmingly opposed to the Kerry proposal now before the Senate?

Mr. MCCAIN. That is my understanding.

Obviously, I would like to include the Senator from Massachusetts in this dialog. Under his amendment—and I will be glad to respond to his question—isn't it true that defendants who are in the middle of the supply chain may be sued for a breach of contract caused not by the failure of the defendant's computers but by those elsewhere in the supply chain? That is the fundamental problem we have with Senator KERRY's amendment.

I yield to the Senator from Massachusetts.

Mr. KERRY. Mr. President, let me respond to that because it is very important. May I also respond by saying this, and, again, I say this with great respect and affection for both of my colleagues. But to be on the floor of the Senate using as a justification the passage of something that does somebody a lot of good, the fact that they like that it does them a lot of good, is kind of a strange argument. If the fox is there to guard the chicken coop and you are going to put a big fence around the chickens, and you ask the fox, ''Do you like it?'' and he says, ''No,'' that is no surprise. It is the same thing here. Who is going to be surprised that the companies are going to say: Of course, we support your bill, because it gives us more than we really properly ought to get.

Having said that, let me say to my friend that our bill does everything the Senator from Arizona just said.

We could do all of the things the Senator listed. The only difference is, we asked them to identify the potential for the failure and provide information that is calculated to reach the people. We don't even require that it reach the people.

My colleague just said this is going to open up a whole lot of litigation.

I ask my colleague, has he asked companies? Does he know of a company that isn't trying to identify their Y2K failure? Does he know of a company that, having done that, would not tell the people to whom they sold it?

Mr. McCAIN. First of all, my response to the Senator from Massachusetts is that these companies and corporations that are in favor of this legislation—did the Senator from Massachusetts forget that half of them could be plaintiffs? Why is it that so many of them who could be plaintiffs are in support of this legislation? They are not just the defendants, they are the plaintiffs.

The fact is that we are helping business all over America. I have to tell my friend from Massachusetts that I came here to help business all over America. I came here to help entrepreneurs. I came here to stop the flood of litigation that has so distorted the business system in America. I came here with a clear campaign to say, look, we have too many frivolous lawsuits in America; we have too many class action suits; we have too many lawyers and not enough business people.

I am unashamed and unembarrassed to tell the Senator from Massachusetts that I am here in behalf of defendants who, if I took a poll tomorrow, would number 90 percent. I don't know the percentage that are lawyers, but I know it grows bigger by the day. But all of those who are lawyers would say: Yes, please, Senator MCCAIN, help business get off this terrible burden where we are paying so much, where we have become a litigious society in America and so many terrible things have happened as a result.

As I pointed out, Mr. Tom Johnson—a man who is becoming famous here on the floor of the Senate, I might add—is bringing these lawsuits against honest, hard-working people, especially small and medium-sized businesses.

If the Senator from Massachusetts is astonished—and I include the Senator from Oregon in the category—at trying to help businesses, small, medium, and large, from the incredible burden of litigation which has flooded the United States of America—guilty as charged. Guilty as charged.

The second aspect of this issue is clearly what I, as a business owner, would tell people. It is that I, as a business owner who distributes my product, would not be able to vouch for other people and other businesses that are also part of this distribution chain of my product.

That is again where I get back to the point that I do not know of any business in America that doesn't want to fix the Y2K problem. I know lots of business people who don't know, because of the distribution system—both through distributors and retailers—that they can vouch for those persons' willingness or ability to fix the Y2K problem, which then opens up that flood.

I hope I answered the Senator's question.

Mr. KERRY. Mr. President, I hate to say this. I say it again with affection and respect. But the Senator didn't actually completely answer the question, because he didn't tell me of any company in the country that wouldn't do what I have said or that hasn't done what I have said.

Mr. McCAIN. My answer is, I know of no company or corporation in America that would not want to have the problem fixed.

Mr. KERRY. That is precisely the point. The Senator has just acknowledged precisely the point I am making. I come back to it.

I am not serving on the Banking Committee and the Commerce Committee and the Small Business Committee because I don't care about business. I have the same desires as the Senator from Arizona to see business succeed. He came here for the same purpose—to create jobs and to make the country better for all of our citizens.

But this bill is not going to make lives better for all of our citizens in its current structure. Yes, it is wonderful for those corporate entities to be singled out to get the benefits of it. I agree with the Senator. Everything in the amendment I have offered does the exact same thing—to protect those companies, as his does, with one exception. We are fighting here over one big exception right now. This is the exception. The very thing the Senator from Arizona just acknowledged—he said yes, every company ought to want to find that, and I don't know of any company that isn't trying to.

That is the precise standard that we are trying to be sure companies embrace—to have a guarantee that we are doing the most to encourage mitigation, to fix the problem, inadvertently or otherwise.

The Senator's bill gives them automatic entry into the proportionality of damages, without the guarantee that they tried to make that effort. Why is that important? It goes to the Senator's question to me. It is important because some companies may conceivably choose the cheaper road, which is to not necessarily pay for the fix up front but wait and see what the damage might be and not engage in the very mitigation we have encouraged.

If that company is the midline company that the Senator just referred to, under his proposal they would automatically be subject to get the proportional level of their damage. But they could have weighed on an economic basis whether the bottom line of that proportional damage was such that they would rather wait and see, or weigh that rather than fix the problem and avoid whatever the consequences may be to consumers generally.

I don't think that is good public policy. Maybe we differ on that. I think there is a fair way to provide all of these companies with the protection that we want them to have, and we want them to have an appropriate level of protection.

But, again, my colleagues can't show me why it is unreasonable to suggest that a company can't identify the potential for a Y2K failure. How can you not do that? All you have to do is sit down with your design people, have a meeting, document the meeting, and ask a couple of questions: Do we have a Y2K problem? Do we have any invented processors? What products do we have them in? Whom did we sell them to? Whoops. Let's send a letter to those people and tell them.

Is that asking too much?

The purpose of this bill is to encourage people to fix the problem. If you do not ask people to do that, how can you say you are really exhausting all of the possibilities of how you are going to fix the problem? I don't understand that. I

say to my colleagues that that is one thing we are fighting about.

The other thing is the question of dealing with damages. I know I have said it before. Some people do not like dealing with damages. But the standard you have to get over to have punitive damages apply—I don't know of anyone in the high-tech industry, I can't imagine a company in the high-tech industry, that would be subject to that. Any CEO I have met has as much public conscience as anybody in the Senate and is engaged in a bona fide effort to make their company work. I don't know anybody who is not.

But if there is some junk artist out there who is just hungry for the bottom line, trying to gamble on all of the Internet success and everything that has happened with high-tech stocks, who started out fly-by-night, who wanted to go out there and make a quick hit, if that person did it, and willfully, wantonly, recklessly, outrageously impacted the life of an American citizen, I want that American citizen to be able to have redress for that. I don't think it is right to deny them that.

Mr. WYDEN. Will the chairman yield?

Mr. McCAIN. If I could respond very quickly about one aspect of this, I have confessed with great pride and sometimes with pleasure that I am not a member of the legal profession. But I am afraid the Senator from Massachusetts does not quite comprehend what we are dealing with here.

This is a book, ''Year 2000 Challenge, Legal Problems and Solutions,'' from the National Legal Center for the Public Interest. Let me quote for the Senator what we are facing so we can really put this in the proper perspective.

The unfortunate fact is there is no ''silver bullet'' solution to the year 2000 problem in any organization, and the risks and difficulties in any Year 2000 project of even moderate size and complexity can be enormous. None of the remediation techniques described above is without disadvantages, and for many IT users the time and resources required to accomplish Year 2000 remediation far exceed what is available. Most major remediation programs involve finding and correcting date fields in millions of lines of poorly documented or undocumented code. There is no single foolproof method of finding date fields, no assurance that all date fields will be found, corrected, or corrected accurately, and no assurance that corrections will not produce unintended and undesirable consequences elsewhere in the program. In many cases it will be necessary to rely on information or assurances from third party vendors regarding the Year 2000 compliance of their products, even though experience teaches that many such representations are inaccurate or misleading. Comprehensive end-to-end system testing of remediated systems in a simulated Year 2000 ''production'' environment is often impractical or impossible, and less intensive testing may fail to detect uncorrected problems. And even where an IT user succeeded in making its own systems Year 2000 ready. Year 2000 date handling problems in external systems (such as the systems of customers or suppliers) can have a devastating effect on internal operations.

With all due respect to my friend from Massachusetts, this is what we are trying to get in our legislation and this is what the Senator's amendment basically prevents us from doing.

Here is the problem. I don't claim to have the expertise that the Senator does on punitive damage or on joint and several liability. I know the problem pretty well. We have had extensive hearings in the Commerce Committee, and we have talked to all the experts. This is really what we are trying to take care of—not as the Senator from Massachusetts asked me, in good faith, do I believe there is any company or corporation that is not trying to fix a problem. I don't know of any.

I think what I read to the Senator from Massachusetts explains how difficult and enormously complex solving this problem is. This is why, although I respect and admire the Director of the FAA who will fly all day long on January 1, the year 2000, I intend to remain at home that day. However, I encourage others, as the Senator from Massachusetts, to fly around the country.

I say seriously to my friend from Massachusetts, I hope this explains to him the complexity of the problem. We not only can take care of the individual manufacturer, but all the systems and subsystems that are connected with it are not addressed, in my view, adequately, in the Senator's amendment.

Before I yield to both Senators, could we agree to some time on this amendment?

Mr. KERRY. Mr. President, I want to cooperate. I cannot agree at this particular instant, because I need to canvas the cosponsors to figure out who desires to speak. We have no intention of prolonging this.

Mr. McCAIN. If the Senator from Massachusetts and his staff will work on that, I appreciate that.

I yield the floor.

Mr. KERRY. Mr. President, let me come back to the remarks of the Senator from Arizona, because I appreciate everything he just read. I would like to be associated with putting it into the RECORD. However, I don't associate myself with the notion that the consequences of what he just read ought to be automatically given a bye, a pass, if you will, without some duty to make the determination of what he just read.

Any company that is going to be subject to what the Senator from Arizona just read would answer the standard I have put forth about a potential for failure in the affirmative in 10 seconds. The Senator from Arizona has acknowledged that. We are almost fighting about a difference that is not a huge distinction here, but it is significant enough because of what we want to do to achieve the mitigation we want to get out of this bill.

There isn't a company in good standing in this country that cannot answer affirmatively the two-step qualification for proportional damages. To suggest that we will give every company an automatic bye without requiring them to do that is to actually adopt a bill that doesn't go as far as it can to achieve the purpose that the Senator from Arizona states we are trying to achieve.

That is why there is a fundamental difference here.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Oregon.

Mr. WYDEN. Mr. President, I will be very brief. I want to respond to the point the Senator from Massachusetts made with respect to the standard that he would apply in identifying the potential for Y2K failure.

I believe that using language that vague virtually ensures that a significant number of frivolous cases are going to end up going to juries—exactly what we fear. What will happen, companies will attempt to defend themselves, the judge will be offered a motion to dismiss, and the company will say: It is frivolous; we move to dismiss the case. The judge will look, and if this were the standard that were actually adopted, he would say: I don't know whether they identified the potential for Y2K failure. And we would, in fact, be igniting an additional round of frivolous lawsuits.

A motion to dismiss under this standard will get by because it is so vague.

With respect to the economic losses the Senator from Massachusetts has talked about and believes are inadequately addressed under our bipartisan legislation, in this bill we keep State contract and tort law in effect. We keep State contract and tort law in effect. The problem is that there are some who disagree, some who would essentially like to create torts out of these contractual rights where no torts exist.

Finally, with respect to punitive damages, the Senator from Massachusetts said again that our bipartisan bill would hollow out, for example, protections that are needed for consumers. We ensure our standard of evidence with respect to this is in line with State requirements. Again, we are trying to take a balanced approach.

I hope my colleagues will oppose the Kerry amendment. I think it ensures we will see a significant number of frivolous suits not being dismissed where they ought to be but essentially ending up going to juries and causing great economic duress early in the next century.

I yield the floor.

Mr. McCAIN. Mr. President, for the purpose of proposing some amendments, I ask that the pending Kerry amendment be set aside for that purpose, with the proviso of returning immediately to the Kerry amendment.

I send to the desk two amendments by Senator MURKOWSKI, an amendment by Senator GREGG, an amendment by Senator INHOFE, and two amendments by Senator SESSIONS, and I ask for them to be numbered.

The PRESIDING OFFICER. Without objection, the amendments will be numbered and laid aside.

Mr. MCCAIN. Mr. President I ask unanimous consent we return to the pending Kerry amendment.

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

Mr. MCCAIN. One of the irate staff just came over here. I saw no harm associated with that process. If there were an objection, I would be glad to remove those amendments. They were simply amendments to be numbered in case when we get an agreement on both sides of the aisle.

I ask unanimous consent to withdraw those amendments, and we will leave everything as it was before.

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

Mr. MCCAIN. Regarding the Kerry amendment, I want to mention that a company that has made no effort to prevent failure or fix its systems will undoubtedly be found more responsible for a plaintiff's injuries under the terms of S. 96 in liability already proposed, without the hazard of making a company that can't control the entire chain of distribution liable for the entire damage awarded the plaintiff. Our opposition to the pending Kerry amendment is almost that simple.

I note that the Senator from California is waiting to speak. I hope by the time the Senator is finished, perhaps we could have some agreement for a vote on this amendment so we could move forward, as well as agreement on the other side for resolving the remaining 12 amendments on both sides.

I yield the floor.

The PRESIDING OFFICER. The Senator from the great State of California.

Mrs. FEINSTEIN. Mr. President, I rise to support the underlying McCain-Dodd-Wyden-Lieberman-Feinstein bill, because I believe this bill is a once in a millennium, 3-year law. Without it, I believe we could see the destruction or dismemberment of America's cutting-edge lead in technology. We all know that the year 2000 is rapidly approaching and with it there comes a wide variety of possible disruptions relating to the so-called Y2K problem.

It is true, though, that no one really knows how big the problem will be or how small it will be, so government organizations, businesses large and small, and private individuals are all scrutinizing the area from their own particular perspective. The area that has received the most attention is concern over a possible flood of lawsuits that could clog courts and distract businesses from solving these problems early in the next millennium. Several well-known consultants and firms, including the Gartner Group, have established that Y2K litigation could quickly reach as high as $1 trillion. So concerned Members of Congress, including Senators MCCAIN, HATCH, DODD, and others, have been working for many months in an attempt to craft a solution to what has recently been described as this trillion-dollar headache.

The genesis of the bill now pending on the floor was a request by literally dozens of companies and more than 80 industry groups—including the Semiconductor Industry Association, the National Association of Manufacturers, the Chamber of Commerce, the Information Technology Association—to develop legislation to prevent frivolous and baseless lawsuits that could jeopardize companies moving to quickly solve Y2K problems. The trick was not at the same time to prevent the suit with merit.

I began working on a similar bill with Senator HATCH almost 6 months ago, because I became convinced that the Congress did need to intervene in order to ensure that Y2K problems are quickly and efficiently solved. Now, after several months of negotiating and a combined effort among a number of different Senators, I believe we have reached a fair compromise. This bill is especially important to California where over 20 percent of the Nation's high-tech jobs are located. The problem actually extends even beyond high-tech companies to the lives of employees, stockholders, and customers in a wide range of American businesses.

One of the first indications I had of the depth of the concern was when groups of consultants began to come to us saying they refused to become involved in helping companies solve Y2K problems for fear that they would open themselves up to being sued later on. Instead, they would rather just not get involved. One such group was the American Association of Computer Consulting Businesses that represent 400 companies and more than 15,000 consultants. They told me personally that they were going to refuse to enter into any Y2K consulting contract until they had some kind of additional protection. So it became very clear to me that, indeed, we do have a real problem. I believe the underlying bill crafts a real solution.

I think it is important to say, and say again and again, that nothing in this bill is permanent. It is simply a 3-year bill, limited to specific cases. The bill applies only to Y2K failures and only to those failures that occur before January 1, 2003. Let me quickly go over the provisions as I see them.

The 90-day cooling off period during which time no suit may be filed enables businesses to concentrate on solving Y2K problems rather than on fending off lawsuits.

The bill provides for proportionate liability in many cases, so that defendants are punished according to their fault and not according to their deep pockets. I am not an attorney and I have always felt this was the most fair way to go, except in certain situations, and the bill does provide for those certain situations. I would like to go into this in greater detail.

The bill also encourages parties to request and use alternative dispute resolution at any time during this 90-day cooling off period. For Y2K class actions, the bill requires, in order to qualify, that a majority of plaintiffs must have suffered some minimal injury. That would avoid cases in which thousands of unknowing plaintiffs are lumped together in an attempt to force a quick settlement.

For small businesses, the bill limits punitive damages to $250,000, or three times compensatory damages, so as to deter frivolous suits. It prevents the ''tortification'' of contracts with several provisions that require businesses to live up to their agreements rather than turning to the courts in the hopes of avoiding their responsibilities.

These are not the only provisions in the legislation, but these provisions represent the basic premise of a bill that does not seek to prevent the truly injured from recovering damages, but will hopefully prevent the frivolous lawsuit and keep companies from solving problems without delay.

There is much that is not in this bill, and there have been many changes made in the bill, certainly since I became involved in it. I would like to just indicate a few of them.

All caps on attorney's fees have been removed. Punitive damage caps for large businesses have been eliminated. Punitive damage caps for small businesses have been increased from three times actual damages to three times compensatory damages. All government regulatory or enforcement actions have been exempted from the bill, and three exceptions to the elimination of joint and several liability are provided in order to protect smaller plaintiffs and those who cannot recover from every defendant. The caps on liability for officers and directors have been removed, and the bill has been changed to provide that per suit there is only one 90-day cooling off period.

I think the cooling off period is probably very well known and probably very well accepted, so let me dispense with any further explanation on that point. But let's go to one of the more controversial parts, proportionate liability.

One of the reasons this bill is important to the affected companies is that it prevents plaintiffs from forcing quick settlements from innocent defendants who should be trying to solve Y2K problems. Additionally, under the system of joint and several liability, a defendant found to be only 20, 10, or even 1 percent at fault can nonetheless be forced to pay 100 percent of the damages. This system, as we all know, encourages plaintiffs to go after deep-pocket defendants first in order to force that quick settlement. It is my basic belief that this is fundamentally unfair, and the bill eliminates joint and several liability in some Y2K cases.

Under the new system, for this brief 3-year period, defendants will be responsible only for that portion of damage that can be attributed to them. The bill does have, as I have said, three specific exceptions to the elimination of joint and several liability, and those

were taken from the Private Securities Litigation Reform Act recently passed overwhelmingly by the Congress and signed into the law by the President.

First, any plaintiff worth less than $200,000 and suffering harm of more than 10 percent of that net worth may recover against all defendants jointly and severally. This exception in the bill protects those plaintiffs with a low net worth but will not unduly injure defendants, because the damages recovered will not be that great.

Second, any defendant who acts with an intent to injure or defraud a plaintiff loses the protections under this bill and is again subject to joint and several liability. The bill does not protect those acting with an intent to harm.

Finally, the bill provides a compromise for those cases in which defendants are judgment-proof. In cases where a plaintiff cannot recover from certain defendants, the other defendants in the case are each liable for an additional portion of the damages. However, in no case can a defendant be forced to pay more than 150 percent of its level of fault.

These proportionate liability provisions offer a more fair and, I truly believe, rational approach to the system of damages in Y2K cases. Without this more balanced system, a few large companies will soon be forced to bear the entire brunt of Y2K litigation regardless of fault, and that is the problem. That is what will destroy the cutting edge of American prominence in this area, and that will result in jobs being lost.

Under the system of proportionate liability, this bill holds defendants responsible for the extent of their fault and no more, with the exceptions I have just mentioned.

Another area that I think deserves a little bit of clarification is the class action area. Under the class action section of this bill, a year 2000 class action suit cannot proceed unless the defect upon which the action is based is material to a majority of class members. This section is very important. Essentially, this clause prevents the type of ''strike suits'' we saw in the securities litigation area.

In the Y2K context, this provision will stop overly aggressive plaintiffs from searching out small defects in computer programs, gathering together thousands of software users who do not even know they have been injured, and trying to force a quick settlement out of the software manufacturer.

Once this bill passes, if a class action suit alleges that software does not function properly, the action can proceed only if the alleged defect affects a majority of the class members in some significant way. Trivial defects that would not even be noticed by most class members would not be cause for a class action. Again, plaintiffs with good cause may still proceed, but frivolous suits would be stopped. That is the purpose of the provision and the purpose of the bill.

There has been a lot of discussion in this Chamber about punitive damage caps. The Dodd-McCain compromise caps punitive damages, for small businesses only, at the lesser of $250,000 or three times compensatory damages.

The idea of capping punitive damages is one of the most controversial issues in this or any other bill dealing with changes to our system of civil justice. In this case, I believe reasonable and carefully drafted caps on punitive damages can deter frivolous suits. Additionally, capping punitive damages reduces the incentive to settle meritless suits because companies will not be at risk for huge, unwarranted verdicts.

I recognize that this is a controversial issue and that intelligent, well-meaning people may disagree over whether this is the time or the place to address punitive damages. But I have continually emphasized that this bill is not about punitive damages, and the compromise dramatically limits the punitive damage caps compared to earlier versions.

In summary, this $1 trillion litigation headache is approaching. This Congress can provide thoughtful, preventive medicine and some anticipatory pain relief in the form of reasoned, fair, and thoughtful compromise. I think the bill sets forward clear rules to be followed in all Y2K cases. I believe it levels the playing field for all parties who will be involved in these suits. Companies and individuals alike will know the rules and will know what they have to do. Most important, there is an element of stability that can come from this bill which will allow companies to prevent Y2K problems when possible, fix Y2K defects when necessary, and proceed to remediate damages in an orderly and fair manner.

It is true that some plaintiffs may have to wait a little bit longer to file a suit for damages, but their rights will not be curtailed and recovery will not be prevented. In fact, the waiting period in the bill will make it far more likely that problems will be solved quickly, allowing potential plaintiffs to get on with the activities that were disrupted by the Y2K problem at issue.

This bill has been through a tortuous legislative drafting process with criticisms, suggestions, and changes made from every side and by every sector of our society. I hope we can pass this bill and send it to the President, and let us show the Nation that the Y2K crisis will not cripple our courts, will not disrupt our economy, and will not slow our progress toward a 21st century world.

I thank the Chair, and I yield the floor.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

AMENDMENT NO. 610

Mr. DODD. Mr. President, I am grateful to Senator KERRY of Massachusetts for offering his amendment, which allows us now to have a full debate on what is a comprehensive amendment. It covers a whole series of provisions which are included in the pending bill before the Senate.

Let me try, if I can, to take each of the critical provisions in the amendment, address them, and explain why I believe, despite the good intentions of its author, it would do significant damage to the underlying purpose of the bill that Senator MCCAIN and Senator WYDEN and myself and others have offered to the Senate for its consideration.

I said at the outset of my remarks earlier today that this bill is very narrow in scope, very narrow in duration, and limited to a fact situation which most Americans, I think, have a growing awareness of today.

In 204 days the millennium clock will turn, and there is a very serious set of issues that could affect many Americans and many people outside of our shores: that is the so-called Y2K glitch or bug in computers based on information that is included in embedded chips and other items within these computers which would read the date of the year 2000 incorrectly.

I am, of course, simplifying the situation. I think the Senate is well are aware of the danger inherent in the Y2K problem. That problem could, of course, create serious disruptions in a variety of mission-critical functions in telecommunications, transportation, medical care, Federal services, and the like.

Over the last year and a half the Senator from Utah and I, as chairman and vice chairman of the Y2K Special Committee, have conducted some 21 hearings to examine where we were with the Y2K problem, what the Federal Government was doing, what State governments were doing, what local municipal governments were doing, and what the private sector and nonprofits were doing in order to remediate the problem; to fix the problem as soon as possible; and, where that may not be possible, to have contingency planning to avoid the kind of potential disruptions that those who are most knowledgeable about this issue suggest could occur.

Over that period of time we have seen significant improvement in the remediation done by the private and public sector, State and local governments, all across this country. In fact, we are at the point where we believe, as of this date, in June, with some 204 days to go, the country is by and large in good shape. We should not anticipate or be worried about any major disruptions here in the United States. There could be exceptions to that but, by and large, we think that is the situation today.

One of the things we are trying to do is see to it that when January 1 arrives, the best effort of a business—small, medium, or large—does not go for naught as a result of its inability to detect problems with embedded chips that ultimately result in Y2K-related failures.

Last year we passed a bill on disclosure to encourage the various sectors of our society to share as much information as possible with each other so that we could contribute to the remediation effort and avoid the kinds of problems some are anticipating will occur after January 1. That bill created a safe harbor provision, which allowed for the sharing of information—not sharing of lies and knowingly false information, but sharing as much knowledgeable information that businesses had—without worrying that someone would come around later and say, ''what you said in June of the year 1999 was not exactly right,'' and, therefore, you would be subject to litigation.

That bill was passed overwhelmingly by this body and the other body and signed into law. It is making, we think, a significant contribution to avoiding the kinds of problems that we could have had after January 1 of the year 2000. But it does not eliminate all the problems. In fact, no one can pass a piece of legislation that will eliminate all the difficulties.

We realize with those problems that may emerge that you could have disruptions as a result of the failure to detect such things as faulty embedded chips. So this legislation before us is designed to be a complementary piece of legislation to the disclosure act of last year, a complementary piece of legislation to the efforts of Senator BENNETT, myself, and others who have worked on that committee, who strived to encourage, jawbone, do whatever we could, to minimize the kind of difficulties Americans could face.

We do not claim we have achieved all of that yet. But with the adoption of this bill, a 3-year bill, a 36-month bill, we say to potential plaintiffs and defendants: If, in fact, a problem arises that under any other circumstances might give rise to a lawsuit, we want you to try to avoid that lawsuit, if you can. We want you to try to work out the problem. We want you to spend your time, your money, and your efforts to fix the Y2K problem, not to run to the nearest courthouse and then spend weeks and months, potentially years, at the cost of millions of dollars, litigating an issue and not solving the underlying problem which is causing the kind of disruptions this issue can potentially cause.

That is the purpose of this bill. That is the rationale behind it: to try to avoid rushing to the courthouse.

We are a litigious society. We love lawsuits. Most Americans are painfully aware of this. There is nothing wrong with going to court to try to solve your problems. But I think most would agree that if you can avoid going to the courtroom to solve your problems, you can get better results in many instances.

So this legislation is designed specifically to avoid rushing to the courthouse for 36 months—not for a lifetime, not for eternity, but for 36 months—during the critical period where this issue is upon us, to see if we can't work out these difficulties. We only do that for 36 months with issues directly related to the Y2K issue, not any matter that comes up, but specifically the Y2K issue. We do so in a very limited way.

Specifically, we do not prohibit lawsuits. We merely are trying to see if we cannot come up with an alternative vehicle to solve the problems.

Mr. President, what Senator KERRY of Massachusetts has done is offered a series of ideas that he and those who have joined him believe will enhance the underlying legislation. They state—and I believe them—that they are desirous of making this a better bill, of making it less likely that we are going to have a race to the courthouse.

As you analyze what they have proposed, despite their good intentions it would appear they are doing just the opposite of their intentions. I can accept, although I do not entirely understand, those who are just fundamentally opposed to what we are trying to do, and then offering a series of provisions which would gut our very underlying intent. I do not support it. I vehemently oppose it. But I can't understand how a rationale could be made for you to oppose the idea of trying to avoid litigation for 36 months, if you can, on this Y2K issue.

Let me take, if I can, some of the provisions included specifically in the Kerry proposal and explain why I think those provisions directly undercut the underlying intent of the McCain-Wyden-Dodd proposal.

One deals with the bill's proportionate liability provisions. As I read the legislation, the Kerry bill, on page 13 of this proposal, states that notwithstanding the proportionate liability sections, the liability of a defendant in a Y2K action is joint and several if the defendant fails to demonstrate by a preponderance of the evidence that prior to December 31, 1999, the defendant identified the potential for Y2K failure, and then, in paragraph two, provided information calculated to reach persons likely to experience Y2K failures. Consider what those two provisions would do. Those are findings of fact, not findings of law. So even if a defendant has made some effort to identify potential Y2K failures, and made efforts to provide information calculated to reach the likely persons, you know very well that those are questions of fact, not of law. I would be hard pressed to identify a judge that was not going to say that questions of fact go to a jury.

As a result, there will be litigation on the very issue upon which my colleague from Massachusetts is trying to avoid litigation. Again, I can understand why some may disagree with the proportional liability provisions of the bill. They do not like the idea of having proportional liability. But I think it is only fair and just, under these fact situations. Otherwise what you get, very clearly, is attorneys who will go shop around for some company that is infinitesimally involved but simultaneously has deep pockets, and that becomes your defendant. They will then try to get that fractionally involved defendant as becoming totally responsible and culpable for the Y2K failure.

That is directly contrary to what we are trying to do here in this bill, directly contrary to what we are trying to do with the 90-day cooling off period, directly contrary to our saying that you have to go after the people responsible for the injury. By suggesting here that if they would just identify the potential Y2K problems and provide information to reach the persons likely to experience these failures, it seems to me that you have undercut entirely the desired goal in the underlying bill by avoiding the proportional liability provisions of the legislation. It is these provisions that we think will do a great deal to minimize the rush to the courthouse.

These matters just do not end up in court miraculously. It takes an energetic and aggressive bar that wants to pursue them. That would be the case, in my view, if this amendment were adopted.

Again, these are findings of fact, not of law. No judge that I know of would dismiss a case where there are findings of fact to be determined. Those should go to a jury. Therefore, your motion to dismiss fails. Therefore, you are in court. Therefore, you have destroyed what we are trying to accomplish with this 36-month bill, just to deal with a Y2K issue, where the issue ought to be to try to resolve the problems the American public faces.

As a practical matter, we have 204 days left before the millennium clock turns. If you adopt these provisions here over the next 204 days, instead of remediating the problem, setting up your contingency planning, which is what you ought to be doing at this point, we will have people running around here trying to figure out ways to meet some standard here so they can avoid the joint and several liability provisions.

I can see them suggesting that we ought to be spending resources here to identify potential Y2K failures and provide information to persons likely to be subjected to those failures. With 204 days to go—if my colleague from Utah were here, I think he would echo these comments—we need everyone in this country involved in this issue spending every available moment of time and every bit of resources fixing these problems instead of trying to avoid the kind of legal hurdles placed in the way that the Kerry amendment would require, if his amendment were to be adopted.

An excellent point that should be made is that this proportional liability section would also encourage results where U.S. companies could end up paying for the wrongs of foreign companies, non-U.S. companies. It has been stated over and over again, and I can tell you that it is true based on our information, that Y2K remediation efforts abroad are lagging. If a U.S. plaintiff can't recover against a non-U.S. company, he is going to try to recover against the closest deep pocket in this country. So you end up having U.S. companies that have made a significant remediation effort having to bear all the burden because a foreign manufacturer has not done the job as well. The plaintiff has a hard time reaching that potential defendant, so he races to the most fractionally involved U.S. company in order to get their full compensation. That is just not fair.

The amendment's contracts preservation section does not preserve contracts. Although it is essential that Y2K contract rights be fully enforceable, the bill's formulation allows contractual provisions to be set aside, even by vague State common law rules. This approach would give State court judges the power to throw out contract provisions they don't like.

One thing that has been sacrosanct is, when there is a contractual relationship, that is what prevails. If the parties enter into a contract, then the contract rules. If you are going to allow, as you would if the Kerry amendment is adopted, State court judges to undo contracts, because you don't like contract law but you want tort law, then you are expanding an area of the law that we have never done. Where there is a contract in place, the contract rules. If you are going to allow State courts to undo that and then allow attorneys to shop around the country until they find a State jurisdiction where they have avoided these contracts, you have just gutted this bill.

If you want to gut the bill, gut the bill. If you want to destroy this effort, destroy the effort. But do not stand up simultaneously and tell me you are trying to enhance what we are trying to do and then allow State courts to gut contract law in this country.

The Kerry amendment also makes liability for economic losses more expansive than current law. Under current law in most jurisdictions, plaintiffs who are in a contractual relationship with the defendant cannot circumvent the contract by trying out the tort idea.

I understand lawyers want to do this. We don't like the contract my client entered into, so let's try going to the tort idea here. Not terribly clever, not terribly unique, pretty commonplace. But we are not going to all of a sudden say that contracts are no longer valid here.

In essence, if you adopt this amendment, at least this part of it, that is what you are doing. If there is a good contract, then the contract rules. The idea you can circumvent that contract by seeking to bring a tort suit to recover your economic losses permits all intentional torts to go forward, whether or not the parties have a preexisting relationship. Whatever else you may like about this amendment, that provision alone ought to cause it to be overwhelmingly defeated.

The amendment's carveout for noncommercial suits, in my view, will permit a huge range of abusive actions. The Kerry proposal carves out suits by individuals from most of the provisions of this bill. I believe that abusive class actions on behalf of consumers are one of the greatest dangers in the Y2K area, because such suits are easily created and controlled by plaintiffs' lawyers. That also was the case in the securities area prior to the enactment of the securities legislation, a bill that we adopted several years ago.

Again, in this area, the McCain-Wyden-Dodd bill does protect class action lawsuits. They are not done away with here. We simply try to tighten up the rules under which class actions can be brought, and I think wisely so. We don't want to be going back and saying basically that in these areas you can file vague complaints where no one can determine what the charges are against you. Remember, in this area of Y2K—unlike securities litigation where clearly the defendants are going to be securities firms and the like—a small business can be a plaintiff and a defendant very quickly. It is not going to be as clear as to who the consumers are here.

Is one going to suggest to me that a small business where there is a computer glitch that all of a sudden gets sued is a nonconsumer, in a sense? I think we are trying to draw lines here that don't apply in the area of law that we have crafted with the McCain-Wyden-Dodd bill.

So by suggesting that all the other provisions of law are OK here is to basically just say this bill has been defeated. If that amendment is offered as a single freestanding amendment, we may as well not take the time of the Senate to go further. I will recommend that you pull the bill down because, frankly, then you have said this proposal here has no merit.

So I am not suggesting these are all the provisions of the Kerry amendment, but they are the ones I think are most egregious and which I think would do the most damage to the underlying effort that the Senators from Oregon and Arizona, and others, have tried to craft here.

Again, this is a bill for 36 months, that is it. We have 204 days left to do something to minimize a serious problem. I hope we have no problems come January 1 and February, and that all of the talk about a serious Y2K problem turns out to be wrong. Then we can look back and say maybe we didn't need this bill. But I would rather be standing here and have that happen than to be sitting around in January and all of a sudden watch serious problems occur, people racing to courtrooms all over the country because this body didn't think 36 months set aside in this area was a worthy exercise to defend against a potential problem that could cause Americans a lot of difficulty.

For once, this body, the Congress, is taking action in anticipation of a problem. What we normally do is wait for the problems to happen and then scurry around trying to fix them. Here in June we are trying to do something to avoid potential catastrophes in January. I commend my colleagues again—those who have been involved in this—for having the wisdom to step up and try to take meaningful action here.

Do we have a perfect bill? No, I can't tell you that. We realize we are sailing in uncharted waters here. But we think we are on the right side of this and our footing is strong—36 months, narrow in scope and time—to try to avoid the millions, if not billions, of dollars that ultimately taxpayers and consumers may end up paying for a lot of worthless lawsuits to satisfy the appetites of a few narrow members of the bar. I think it is a risk worth taking. I think in the long run the American public will support our efforts. With all due respect to my colleague from Massachusetts, for whom I have a great deal of admiration, we fundamentally disagree. Were his proposal to be adopted, I believe it would do significant, if not irreparable, damage to the McCain-Wyden-Dodd approach we have drafted and submitted for our colleagues' consideration.

I yield the floor.

UNANIMOUS CONSENT AGREEMENT

Mr. MCCAIN. Mr. President, I ask unanimous consent that the following amendments on this side be in order and these amendments only:

Senator MURKOWSKI, two amendments; Senator INHOFE, one amendment; Senator GREGG, one amendment; Senator LOTT, one amendment; Senator SESSIONS, two amendments.

Although it may be redundant, I add to that the amendments that were already agreed to in yesterday's CONGRESSIONAL RECORD: Senator HOLLINGS, three amendments; Senator KERRY, one amendment; Senator BOXER, one amendment; Senator FEINSTEIN, one amendment; Senator FEINGOLD, one amendment; Senator GRAHAM of Florida, one amendment; Senator LEAHY, one amendment; Senator DODD, one amendment; Senator EDWARDS, two amendments; Senator DASCHLE, one amendment.

Would it be agreeable to Senator HOLLINGS if that is included in the unanimous consent agreement?

Mr. HOLLINGS. Yes. I thank the distinguished Senator. The Feinstein and Dodd amendments are now cared for. As listed in the calendar for today, it is correct. We agree.

Mr. MCCAIN. I ask unanimous consent that those amendments be the

only ones in order in consideration of the bill.

Mr. HOLLINGS. The Senator from Florida, Mr. GRAHAM, has switched with the Senator from New Jersey, Mr. TORRICELLI.

Mr. MCCAIN. The amendment under Senator GRAHAM will now be listed under Senator TORRICELLI.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I also want to mention that I think the Senator from Massachusetts wants to discuss this amendment again. We are prepared to enter into a time agreement with the Senator from Massachusetts when he returns to the floor for his further discussion of the amendment. Perhaps we can enter into an agreement at that time. I will also be contacting Members whose amendments are still listed as relevant to reach time agreements with them so that perhaps by the close of business this evening we could have time agreements allocated, if possible. If not, we will just proceed with the amending process tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise to speak in support of the Y2K Act. I commend Senator MCCAIN for the leadership he has provided the Senate on an issue that is of critical importance to small businesses across this country. I do not know if we have highlighted enough the cost of the Y2K problem on small business. That is what I would like to briefly address. I also thank the Chamber of Commerce for the effort they have made to bring this problem to the attention of the Congress and to the public.

I support protecting businesses from unnecessary and frivolous litigation that will arise from the Y2K problem. While businesses are hard at work trying to fix potential problems arising from the Year 2000, others are trying to exploit it through excessive and expensive litigation. It has been reported in that the cost of litigation in the U.S. arising from this problem will range from $200 billion to $1 trillion. It is just incredible. The Senate Commerce Committee has reported that up to 48 lawsuits relating to the Y2K problem have already been filed. What has been described as a ''tremendous new business opportunity'' for lawyers is done at the expense of the private business sector, in particularly small businesses. Small businesses are most at risk from Y2K failures because many have not begun to realize the potential problem and they do not have the capital to remedy any Y2K difficulties.

This bill goes a long way toward preventing litigation from the Y2K problem by establishing punitive damage caps, alternative dispute resolution, and proportional liability. While this bill will limit the amount of frivolous litigation, it will not prevent those who are blatantly negligible in becoming Y2K compliant or have caused personal injuries as a result of their noncompliance from escaping their responsibilities. They will still be held responsible.

Although I believe S. 96 will prevent and limit any litigation arising from the Y2K problem, I am still concerned that the greatest beneficiaries of the Year 2000 computer problem will be the trial lawyers. I am disheartened that there is no provision in this bill that places a reasonable cap on attorneys' fees. An attorney fees' cap will help prevent excessive litigation against small businesses by creating a financial disincentive for trial lawyers. Unlike the big corporations who have millions to spend on solving the Y2K problem and defending themselves in any Y2K civil action, the small businesses do not have the financial resources and are therefore the primary targets of any potential Y2K litigation. A reasonable and fair attorney fees' cap will decrease the amount of excessive and frivolous litigation arising from the Y2K problem. But without a reasonable cap, I am concerned that the Y2K problem could become a boondoggle for the trial lawyers at the expense of small businesses. However, in the interest of passing this legislation, I will not be offering an attorney's fee amendment at this time. I do hope that the Senate will be able to consider and debate this issue in the future.

That having been said, I ask that the Senate move quickly to pass this legislation and protect small businesses from potential Y2K litigation.

Thank you very much, Mr. President.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, as one of the original cosponsors of both S. 96 and the bipartisan amendment that now constitutes the base bill before the Senate, I am, of course, strongly in support of that proposal and opposed to the Kerry amendment, even including all of the changes, almost all of which are constructive, that have been added to it during the course of its development.

But in reflecting on both my support of the base bill and my opposition to the Kerry amendment, I wish to reflect on the fact that most, though not all, of the major actors in this bill have been Members of the Senate for a decade or so. Each of them can remember that it is a decade or less ago that one of the constant refrains on the floor of the Senate—and for that matter, throughout our society—was our deep concern about American competitiveness.

Volumes of the CONGRESSIONAL RECORD are filled with speeches about the fact we were losing ground to many of our competitors, most particularly the Japanese, because of their work ethic, because of their educational system, or for a half dozen other reasons. Probably the last such speech was made on the floor of this Senate more than half a decade ago.

It is obvious that the United States, whatever its problems then, has had a magnificent recovery and dominates the economic and technical world by as great a margin as it ever has had during the course of the 20th century.

While all kinds of American geniuses are responsible for this change, I think it is safe to say that the extraordinary, imaginative, entrepreneurial work of the men and women whose companies make up the Year 2000 Coalition supporting this legislation have the greatest responsibility and deserve the greatest amount of credit for changes in the nature of our economy and of our society and the way in which we live, the way in which we communicate with one another and the way in which we preserve and enhance knowledge. These factors have changed as much in this last decade as in the previous century.

It is, therefore, the very people and the very companies that have done more to enhance the quality of life in the United States and the quality of life around the world who have done more to break down barriers between people and regions and nations. It is these people who seek the modest relief proposed in this bill, these people who are so responsible for our economic success.

I have been handed a letter to the distinguished junior Senator from Massachusetts from the Year 2000 Coalition. I ask unanimous consent that letter be printed in the RECORD.

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

YEAR 2000 COALITION,
June 8, 1999.

Hon. JOHN F. KERRY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KERRY: The Year 2000 Coalition, a broad-based multi-industry business group, is committed to working with the Senate to enact meaningful Y2K liability legislation. We fully support S. 96 sponsored by Senators McCain and Wyden, with amendments to be offered by Senator Dodd. This is also supported by Senators Hatch, Bennett, Gorton, Feinstein and others. S. 96 is the most reasonable approach to curtail unwarranted and frivolous litigation that might occur as a result of the century date change.

While we appreciate any effort that further demonstrates the bipartisan recognition of the need for legislation, the Coalition does not support the amendment to S. 96 that is being circulated in your name. We urge you to support S. 96 and to not introduce an amendment to it. Your vote in favor of cloture is important to bring the bill to the floor and allow the Senate to address the challenge of Y2K confronting all Americans. A vote in favor of S. 96 is a vote in favor of Y2K remediation, instead of litigation.

This letter was also sent to the following Senators: Robb, Daschle, Reid, Breaux, and Akaka.

Sincerely,

Aerospace Industries Association, Airconditioning & Refrigeration Institute, Alaska High-Tech Business Council, Alliance of American Insurers, American Bankers Association, American Bearing Manufacturers Association, American Boiler Manufacturers

Association, American Council of Life Insurance, American Electronics Association, American Entrepreneurs for Economic Growth, American Gas Association, American Institute of Certified Public Accountants, American Insurance Association, American Iron & Steel Institute, American Paper Machinery Association, American Society of Employers, American Textile Machinery Association, American Tort Reform Association, America's Community Bankers, Arizona Association of Industries, Arizona Software Association, Associated Employers, Associated Industries of Missouri, Associated Oregon Industries, Inc.

Association of Manufacturing Technology, Association of Management Consulting Firms, BIFMA International, Business and Industry Trade Association, Business Council of Alabama, Business Software Alliance, Chemical Manufacturers Association, Chemical Specialties Manufacturers Association, Colorado Association of Commerce and Industry, Colorado Software Association, Compressed Gas Association, Computing Technology Industry Association, Connecticut Business & Industry Association, Inc., Connecticut Technology Association, Construction Industry Manufacturers Association, Conveyor Equipment Manufacturers Association, Copper & Brass Fabricators Council, Copper Development Association, Inc., Council of Industrial Boiler Owners, Edison Electric Institute, Employers Group, Farm Equipment Manufacturers Association, Flexible Packaging Association.

Food Distributors International, Grocery Manufacturers of America, Gypsum Association, Health Industry Manufacturers Association, Independent Community Bankers Association, Indiana Information Technology Association, Indiana Manufacturers Association, Inc., Industrial Management Council, Information Technology Association of America, Information Technology Industry Council, International Mass Retail Council, International Sleep Products Association, Interstate Natural Gas Association of America, Investment Company Institute, Iowa Association of Business & Industry, Manufacturers Association of Mid-Eastern PA, Manufacturer's Association of Northwest Pennsylvania, Manufacturing Alliance of Connecticut, Inc., Metal Treating Institute, Mississippi Manufacturers Association, Motor & Equipment Manufacturers Association, National Association of Computer Consultant Business.

National Association of Convenience Stores, National Association of Hosiery Manufacturers, National Association of Independent Insurers, National Association of Manufacturers, National Association of Mutual Insurance Companies, National Association of Wholesaler-Distributors, National Electrical Manufacturers Association, National Federation of Independent Business, National Food Processors Association, National Housewares Manufacturers Association, National Marine Manufacturers Association, National Retail Federation, National Venture Capital Association, North Carolina Electronic and Information Technology Association, Technology New Jersey, NPES, The Association of Suppliers of Printing, Publishing, and Converting Technologies, Optical Industry Association, Printing Industry of Illinois-Indiana Association, Power Transmission Distributors Association, Process Equipment Manufacturers Association, Recreation Vehicle Industry Association.

Reinsurance Association of America, Securities Industry Association, Semiconductor Equipment and Materials International, Semiconductor Industry Association, Small Motors and Motion Association, Software Association of Oregon, Software & Information Industry Association, South Carolina Chamber of Commerce, Steel Manufacturers Association, Telecommunications Industry Association, The Chlorine Institute, Inc., The Financial Services Roundtable, The ServiceMaster Company, Toy Manufacturers of America, Inc., United States Chamber of Commerce, Upstate New York Roundtable on Manufacturing, Utah Information Technology Association, Valve Manufacturers Association, Washington Software Association, West Virginia Manufacturers Association, Wisconsin Manufacturers & Commerce.

Mr. GORTON. This letter was signed by companies or groups too numerous for me either to name or to count. They explicitly state support of the Year 2000 Coalition for S. 96 in the form in which it finds itself now, explicitly opposing the Kerry amendment to that bill.

Personally, I think that letter deserves great weight and our most solemn consideration without regard to any of the details of the debate on the differences between S. 96 with its bipartisan amendment and the Kerry amendment. When one goes into the details of those differences, the justification for this letter becomes even more apparent.

My long-time friend and distinguished rival in this matter, the Senator from South Carolina, and I have differed on a substantial number of legal concepts that go far beyond Y2K legislation. He knows, as does the distinguished occupant of the Chair, that my own personal preference—and I suspect the preference of the Year 2000 Coalition—would be to abolish the concept of joint liability in its entirety. The concept of joint liability is one pursuant to which a person, a group, a defendant, only partially or even marginally responsible for a given legal wrong, nonetheless can be held responsible for all of the damages caused by all of the defendants against whom a judgment is entered.

On its surface and beneath its surface, such a concept is extraordinarily difficult to justify.

In the case of potential Y2K litigation, it is even more difficult to justify, as in any typical Y2K lawsuit there may well be dozens of defendants—the manufacturers of all of the elements of what can be an extremely complicated software and hardware production, its distributors, both wholesale and retail, and perhaps many others. The risks to companies, whether sophisticated or unsophisticated in the nuances of the law, the panic created in them, the disruption of their priorities, both in the development of new technology and dealing with potential Y2K litigation, is impossible to overestimate.

At first, this bill, or any bill that has seriously been considered here on subjects like this, abolishes in its entirety the concept of joint liability. Even though I prefer the original S. 96 to this proposal, it is a matter that has been worked out very carefully by a group of Republicans and Democrats—one of the most important of whom is the Senator from Connecticut who is present on the floor—to be a result that has broad support not only in this Chamber but around the country as a whole.

Just as the Senator from Connecticut and many of his colleagues have compromised on some elements they wish like to have in the bill, so have we on our side, and we have with respect to joint liability. There are some very real limits on it and S. 96, as it appears before the Senate now, and there are a few in the Kerry substitute, but they are largely illusionary.

A second field in which there are differences in this bill has to do with punitive damages. How anyone even in this isolated Chamber could come up with a proposition that software companies, members of this Year 2000 Coalition, are so indifferent to the problems of Y2K that somehow or another they deserve to be punished—not in a criminal court but by the potential loss of unlimited punitive damages—is difficult for me to imagine. It is clear by the vehement opposition to limits on punitive damages that there are those in the legal profession who at least hope for the bonanza of huge punitive damage awards, however difficult it is to imagine the justification for such awards as we debate this matter. Or perhaps it would be more accurate to say they hope they can force settlements, even on the part of companies they believe have not been negligent at all, because of the threat, the mere possibility of a very large punitive damage award.

I represent one of the handful of States in the United States of America that does not permit punitive damages in civil litigation, that believes that punishment should be a part of the criminal law and not the civil law. I have not noticed, in a long career, that justice is unavailable to plaintiffs in the courts of the State of Washington on that account. I believe we would have a more responsible legal system, a more fair and more just legal system, if the concept of punitive damages in civil litigation was abolished across the country. It is not going to be. It was not even in the product liability legislation of which I have been a sponsor in the past. It was not in the original form of this bill, and it is not in the form that appears before us now.

But there are some distinct limitations on punitive damages for relatively small companies, companies that could obviously be bankrupted by punitive damage awards—a bankruptcy that, I submit, in almost every case

would not benefit the economy or the people of the United States. Yet, for all practical purposes, even those minor limitations are removed from this bill in the Kerry amendment.

Finally, the Kerry amendment allows for the single form of litigation that may most disturb the members of the Year 2000 Coalition, class actions on the part of consumers, actions in which almost invariably the plaintiffs are nominal plaintiffs, actions in which many of the plaintiffs often do not even know they are plaintiffs, actions that very frequently have been far more on behalf of the lawyers who bring them than on the nominal class of plaintiffs themselves. To allow such actions seems to me to be a serious mistake and seriously to undermine the entire goal of Y2K relief.

In summary, I do not think S. 896, as modified, is a terribly strong bill. I think it provides a degree of appropriate relief to a fundamentally vital element of the American economy and the advancement of our own standard of living in a fashion which is important to that industry and in a fashion that is beneficial to that industry. But I do not think it goes far enough. Others think it goes too far. I do believe, however, we have now reached a conclusion that will be supported by a significant majority of the Members of the Senate, members of both parties.

I can no longer say, with the changes that have been made in it, that the Kerry amendment is useless, that it provides no relief at all. It does include in it some constructive elements, some which may be appropriate for consideration during a conference subcommittee meeting between the House and the Senate as we put this bill in final form. But in comparison with the base bill before us, it does not provide appropriate relief. It does not meet the minimum needs of the year 2000 Coalition. It does not meet the minimum needs of a standard of reasonable justice with respect to a single problem that will go away shortly after the beginning of the new millennium in a piece of legislation that will not become a part of the permanent law of the United States, because it will not be needed.

So, I return to the remarks with which I began. The members of this coalition, the signatories to this letter, have done an extraordinary service, not only to themselves, not only to the American people and the American economy, but to the entire world and to the task of building bridges among people in the entire world. They have asked for help for a single specific problem that faces them and that faces us and will for a few short months and for a relatively short period of time thereafter. They deserve that relief. They deserve it as promptly as we can possibly pass it. And they deserve it with our enthusiastic support.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, as a Senator from Virginia, with one of the most vibrant high-tech communities anywhere in the country, I am acutely aware of the problems the Y2K bug presents. And I want a bill. I have worked with the high-tech community in Virginia, particularly Northern Virginia, but throughout the State since my days as Lieutenant Governor and as Governor.

During the time I was Governor, I created a task force on high technology and they came up with 44 recommendations, the most prominent of which was to create a Center for Innovative Technology, which, for the benefit of our colleagues, is housed in that funny-shaped building very close to Dulles International Airport. Colocated with it was the Software Productivity Consortium, because we wanted to be able to provide a central point for consideration of all the issues and concerns of the technology industry and a way to broker the release of the scientific work on technology-related projects.

So, I come with a lengthy background of working with the high-technology community and a specific interest in getting legislation that will address the Y2K problem.

The potential wave of litigation which could accompany the turn of the century could, in fact, be crushing, and many businesses have indicated that the threat of litigation could keep them from devoting the necessary resources to addressing their own Y2K problems. A reasonable bill, which would weed out frivolous lawsuits and encourage parties to remediate their Y2K disputes outside the courtroom, would be to everyone's benefit. But while there is general agreement that some sort of bill should pass, regrettably, we do not yet have consensus on exactly what language should be in this bill.

Passage of almost any legislation requires some elements of compromise. We have seen that process ongoing. Indeed, I entered this debate several weeks ago—actually, now months ago—to help find the necessary consensus on this issue. Given the rapidly approaching new year, as well as the dwindling number of legislative days left in the Senate, it is important for us to act on this legislation now. Further delay will only make it more difficult to reach the consensus most of us are looking for.

With the tight timeline we are facing, I am concerned with the direction the debate still seems to be taking. Notwithstanding my own misgivings about certain provisions in S. 96, the administration strongly objects to the bill in its current form, and the President has promised that if Congress sends S. 96 to the White House without significant modifications, he will veto it. Thus, we are presented with a dilemma. If we want a bill that will solve a legitimate problem, we need a bill that the President will sign or at the very least will not veto, or we need 67 hard votes in order to override a veto. Otherwise, we are just playing with politics. I regret to say I am afraid that is where we are now. We do not at this point, on this language, have the necessary 67 hard votes.

The President has promised to veto this bill if it comes to him in its current form. So we are going through an exercise to polarize and politicize an issue instead of providing a solution to an issue.

I appreciate the very hard work that my distinguished colleague from Massachusetts has put in trying to find the necessary language that would provide the relief that is legitimate and on which virtually everyone in the Chamber can agree and still get the President to sign.

If we continue to approach this legislation with a vehicle we know the President has already promised to veto, we are not giving the industry the relief they so critically need. All we are doing is scoring political and debating points, but we are not coming up with a solution. We have that dilemma.

I am, therefore, a cosponsor of the legislation offered by my distinguished friend, the Senator from Massachusetts, because the White House has indicated they will sign that particular legislation if these changes are made. It has line-by-line changes to certain provisions, and they are relatively limited at this point.

I applaud the good will that has prevailed on both sides to this point in reaching this particular position, but we are still not there. For this reason, I hope that our colleagues will support the amendment that has been drafted and negotiated by my distinguished partner from Massachusetts because, at that point, we will have a bill. It will not be a perfect bill, but it also will not be a vetoed bill.

It is inconceivable to me, given the many demands that have come to this Chamber from all of the interests that are involved, that we could ever come up with a perfect bill, but at least we will have protection from the kinds of lawsuits that the industry is most concerned about, and we will have it in time to make decisions to remediate some of the problems they could otherwise deal with if they were free from the threat of litigation in this particular area.

I thank my colleague from Massachusetts for his patience in working out the amendment which is now before us, and I urge my colleagues to pass this particular amendment.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

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

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

AMENDMENT NO. 610

Mr. KERRY. Mr. President, I know my colleagues on the other side are anxious to know how we will proceed. Senator DASCHLE intends to speak, and I suspect that may be it on our side. I am sure our colleagues on the other side will be thrilled to hear that, and we can move forward.

I want to say a couple of things about what has been said in the last hour of debate. Some of my colleagues have mentioned the ''vagueness'' of the standard that is being applied to ask whether or not a company ought to determine if they have a potential for Y2K liability. First of all, there is no vagueness whatsoever in any company's capacity to determine on its own, through its technological knowledge, whether or not it has a potential of liability, and that is because of the nature of the problem.

We are talking about inventing chips with time-sensitive digitalization on ''00'' and its capacity for interpretation. People can run through their programs and run through the demand list, so to speak, on that program and pretty thoroughly test it to make the kind of determination about potentiality. Anybody who has sufficiently done that is going to qualify automatically for proportionality.

To the degree that my colleagues complain and say, well, gee, they are coming in here with this standard that might have to go to jury—the Senator from Connecticut is worried about a standard that goes to the jury—turn to their bill, page 28, Section 9: Duty to Mitigate.

> Damages awarded in any Y2K action shall exclude compensation for damages the plaintiff could reasonably have avoided in light of any disclosure or other information of which the plaintiff was, or reasonably should have been, aware, including information made available by the defendant to purchasers. . . .

So there is an issue for the jury. There is an issue. They have no problem putting the responsibility on the plaintiff. They have no problem at all finding a vague standard, so to speak, using their terminology. I do not believe our standard is vague, but they have no problem at all requiring the jury to determine the reasonableness of what the defendants have done. And the plaintiff is going to have to prove it.

So that is part of the imbalance of this bill. Every step of the way, there is a shifting, a change in tort law, a requirement for a higher standard that goes beyond the original purpose.

I have heard my colleagues say the purpose of this bill is to help technology companies that are an important part of the American mainstream, economic bloodline, if you will, for all of our country. I agree with that. I absolutely agree with that. I do not want frivolous lawsuits. I do not want lawyers lining up for some kind of constructed settlement process that is based on a fiction.

But our bill does not provide for that. Our bill is very clear in the way in which it requires a period of cure, just as S. 96 does, a period of mitigation, just as S. 96 does. It requires the same underlying relationship with contract law, with one exception—where you have an intentional, willful, reckless action by a company. No one for the other side has been able to answer the public policy question of why any entity that acts recklessly, with wanton, willful purpose, ought to be exonerated from a standard that holds them accountable. I do not think any American, average citizen, who is subjected to the consequences of those kinds of actions would believe that is true.

Finally, on proportionality, the argument was just made by the Senator from Washington that you ought to have this proportionality available to a company. I agree with him. But it ought to be available to a company that has at least made a de minimis effort, a de minimis effort to determine whether its own product might have the potential to have a Y2K problem.

I think our colleagues are going to have a hard time explaining why a company should not have to at least show that it inventoried its own products to determine that. It would be irresponsible, in the context of a bill that is supposed to encourage mitigation and encourage remedy and cure, to suggest that companies should not be encouraged to go out and determine what they may have done wrong. It is just inconsistent.

So I believe our effort is a bona fide effort to do precisely what the sponsors of S. 96 want to do. I believe it achieves it in a more fair and evenhanded way. I believe that, as a consequence of the White House agreement with our position, ultimately we are going to have to adjust.

I say to my friends in the high-technology industry, I hope they will carefully read the language in our proposed amendment. If one of them wants to come to me and suggest language that is clearer, to suggest how they could conform in a reasonable way that they are not afraid of, I will adopt that language.

If any one of them wants to show me a reasonable way to have a standard here that makes them a good citizen or qualifies them as such, I am all for it. I have not yet found a CEO of a company who has been able to suggest to me anything except wanting to not be sued as a rationale for why, from a public policy perspective, we should change the law of this country prospectively in an anticipatory fashion to change a longstanding relationship. And I do not think that case will be made.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks time?

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

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

Mr. WYDEN. Thank you, Mr. President.

I would like to take just a few minutes, as we wait for the minority leader to address some of the concerns that have been raised by the Senator from Massachusetts, to describe why I and the Democratic leader of the Y2K efforts, Senator DODD, believe that the Kerry amendment, though certainly sincere, is really a glidepath, an invitation, to frivolous lawsuits with respect to this Y2K matter.

I come today to say we know we are going to have problems early in the next century. That has been documented on a bipartisan basis by the Y2K committee. What we are concerned about is not compounding the problem with frivolous lawsuits. Regrettably, the KERRY proposal is going to do just that.

What the Senator from Connecticut and I have tried to do is to talk first about the vagueness of the language in the Kerry proposal. This notion that you would simply have to identify ''potential'' with respect to the Y2K issue and Y2K problems is just going to be a lawyers' full employment program. What is going to happen is, you are going to have frivolous cases brought; you will very quickly have companies, particularly small business defendants, move to dismiss those cases because they are patently frivolous.

Because the Kerry standard is so vague, a judge is going to have really no alternative other than to send that to a jury. So I think that provision, identifying ''potential,'' is a real lightning rod for frivolous lawsuits. That would be our first concern.

The second, it seems to me, is that the Senator from Massachusetts has, to a great extent, mixed together, commingled, the principles of punitive damages and proportionality. I would like to try to step back for a minute and see if I can clarify that.

The Senator from Massachusetts has spoken repeatedly, he has come to the floor repeatedly, and said that under the bipartisan legislation, if defendants are engaged in reckless, irresponsible, wanton conduct, there is going to be no remedy for the plaintiff in those situations.

The fact of the matter is, under proportionality—clearly laid out in our legislation—you are liable to the extent that you contributed to the problem. That is true if you are a small business, if you are one of the Fortune 500 businesses—it is true no matter who you are. Under our language, with respect to proportionality, you are liable for what you contribute. It is just that simple.

With respect to punitive damages, besides keeping in place the State evidentiary standards on punitive damages, what we in fact say is the only

people we are really going to try to protect are those who are such a key part of the technology engine for our country, and that is the Nation's small businesses.

Finally, colleagues, I think there is some confusion with respect to this issue of economic losses as well. The Senator from Massachusetts has said that in some way the bipartisan proposal we bring has narrowed the availability of coverage for economic losses. We very specifically, in our legislation, make clear that existing State contract and tort law is kept in place.

What the dispute is all about is that the Senator from Massachusetts, and perhaps others, is in effect trying to tortify existing contract law. They would like to try to create some torts for 36 months in the Y2K area where those torts do not exist today in existing law.

My reputation, my background is as a consumer advocate. That is what I was doing with the Gray Panthers for 7 years before I was elected to the Congress, what I have tried to do for 18 years in both the House and the Senate. I feel very strongly about protecting consumers, and there are areas where it is appropriate to create new torts. Certainly, I have created a few causes of action during my years of service in the Congress.

If I can just finish, then I will be glad to yield to the Senator from Massachusetts. I think it would be a mistake, given the extraordinary potential for economic calamity in the next century, to change the law with respect to economic loss. We are neither broadening it nor narrowing it. We are keeping it in place. I know that those State laws with respect to economic loss do not do a lot of the things that the Senator from Massachusetts thinks are important, but that is, in fact, what we do in our legislation.

I want to be clear, our legislation does nothing, absolutely nothing, to limit remedies that are available to plaintiffs when, in fact, they are victims of a personal injury or wrongful death. So if an individual, early in January of the next century, is in an elevator, for example, and the computer in the elevator breaks, and the individual tragically falls to his or her death or suffers a grievous bodily injury, all existing tort law remedies apply in that kind of instance.

The bill that is before the Senate now is a very different one than the one that was voted on on a partisan basis by the Senate Commerce Committee. In fact, in the Senate Commerce Committee, I joined the Senator from Massachusetts in saying that it was wholly inadequate in terms of protecting the rights of consumers. I happen to think the bill the House of Representatives passed is wholly inadequate.

The legislation that we have now is a balanced bill. The defendants have strong obligations to cure defects. The plaintiffs have an obligation to mitigate damages. I think our failure to pass this bill, which has now included 10 major changes to favor consumers and plaintiffs since the time it left the Commerce Committee, our failure to pass this bill, I think, is a failure to meet our responsibilities as it relates to this technology engine that is driving so much of our Nation's prosperity.

I think when we look at the potential for calamity early in the next century, I don't think there is any dispute that we are going to have a significant number of problems. The question is, does the Senate want to compound those problems by triggering a round of unnecessary and frivolous litigation?

I hope we won't do that. I urge my colleagues to oppose the Kerry amendment.

I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, the comments of the Senator from Oregon now have highlighted the sort of difference between what they say they do and the reality of what is done here.

I am not going to ask the reporter to read back the comments, but let me just quote the Senator. He can tell me if I have said differently. The Senator just said on the floor of the Senate that the Kerry bill seeks to create new torts. Am I correct? Am I stating what the Senator said?

Mr. WYDEN. Mr. President, if the Senator will yield, I am happy to engage him.

I am saying that our proposal protects State contract law with respect to economic losses. It seems to me that the gentleman's proposal, in wanting to change existing State contract law, is clearly moving us in a different area which legal experts have come to describe, pretty arcanely, as the notion of tortifying contract law doctrine, yes.

Mr. KERRY. Let me say to my colleague, he has just confirmed what I said. He is insinuating that we are creating a new tort.

I want to make it very clear, what the Senator and Senator MCCAIN and others are doing is taking away the right of State law, with respect to existing contract law, to be applied. They are saying that if a State allows a particular tort with respect to economic loss, they can't do it.

I will be very specific about it. My provision with respect to economic loss does exactly what the provision of the Senator from Oregon and the Senator from Arizona does. We are both trying to hold on to contracts, to avoid contract limitations on liability, and not to have people move into tort. Neither of us want contract law to become tort. So we both prevent that.

Here is the distinguishing feature. What we do that Senator MCCAIN and company do not do is, we say the following: If the defendant committed an intentional tort, you are not going to void the contract law, except—and this is the only exception—where the tort involves misrepresentation or fraud regarding the attributes or capabilities of the product that is the basis of the underlying claim.

Mr. WYDEN. Will the Senator yield on one point?

Mr. KERRY. In a moment I will yield.

Mr. WYDEN. Is that available under current law?

Mr. KERRY. I want to make this clear, Mr. President. Under the McCain bill, if a party is induced by fraud to enter into a contract, they can't recover damages for that. So what if in a conversation they say to the salesperson of the company: Is your product Y2K compliant? And the person says: Oh, absolutely, our product has been Y2K compliant. We are terrific, blah, blah, blah.

If they intentionally were to induce them into the contract on misrepresentation and they lose business as a result of that, they are being denied the ability to sue for that by S. 96.

I think that is wrong. I don't know, again, what public policy interest is served by suggesting that fraud and misrepresentation ought to be protected. Why should they be protected?

Mr. WYDEN. Will the Senator yield?

Mr. KERRY. I will yield for an answer to the question. Why should fraud or misrepresentation be protected?

Mr. WYDEN. We apply State contract law to these economic losses. What we say is, you get your economic loss under current law if your State law lets you. The Senator from Massachusetts is absolutely right. There is a sincere difference of opinion here. We are saying economic losses should be governed by State contract law. The Senator from Massachusetts says that he would like to go with a different concept. That is the difference of opinion here.

Mr. KERRY. Let my say to my colleague, with all due respect, that he is dead wrong. He is even more so dead wrong, because moments ago they adopted an amendment by the Senator from Colorado, the Allard amendment, which makes it very clear that State law is superseded. That is the amendment they adopted. So State law takes precedence, period, end of issue. You cannot protect people from misrepresentation or fraud, and there is no public policy rationale for that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, with consent across the aisle, I believe, I ask unanimous consent that there be 1 hour equally divided on the Kerry amendment No. 610, followed by a vote on or in relation to the amendment, with no amendments to the amendment being in order prior to the vote, but that the vote will take place at a time to be determined by the managers.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I wonder if my friend from Washington could hold that unanimous consent request for a few minutes. We have to make a couple calls.

Mr. GORTON. I will withdraw the request for the moment.

The PRESIDING OFFICER. Who seeks time? The Senator from Nevada.

Mr. REID. Mr. President, I am here to speak as one of those who is a cosponsor of the amendment now pending, the Kerry amendment. People have spent a tremendous amount of time coming up with the various proposals that are now before the Senate. I commend and applaud those who have worked so hard on this issue. I see on the floor my friend from Oregon. He has spent not hours and days, but weeks on this legislation. I commend him for the efforts he has made.

I do, however, say that in addition to the work he has done as a principal author of the bill, the junior Senator from Massachusetts has also spent a tremendous amount of time on this issue—as much if not more than my friend from the State of Oregon. The problem we have with this legislation—and we all recognize that it is extremely important—is that we have 204 days left until Y2K. We don't have time to play partisan politics and wait until the next session to produce a bill.

With 204 days left, we have to get to some serious legislation here and get something that is not perfect, but doable. I suggest that the amendment I am cosponsoring, which the chief author, the Senator from Massachusetts, has spoken at some length on, is legislation that the President will sign. We have to take that into consideration.

In the last several months I have traveled around the country meeting with high-tech companies, small businessmen and women, and individuals who have done so much to help this robust economy in which we are now involved. These individuals who run these companies want a bill. They don't want or expect a perfect bill, but they want a bill. They want a bill that would become legislation. They want a bill that would meet the demands they have. These small business men and women are successful enough, and certainly smart enough, to realize that with 204 days left there is a lot that has to be done. They would much rather have something signed into law than nothing at all.

We have to make sure that whatever we do is reasonable. The Kerry amendment is reasonable. The amendment now pending before this body is reasonable. We reward people for making an effort to address the Y2K problem. We also discourage frivolous lawsuits. I hope this amendment will receive a resounding vote.

I submit to this body that what we are doing is offering an amendment to the underlying bill that would make the legislation something the President would sign. We hope that when this bill, with this amendment, gets out of here, it will go to conference, and at the conference the differences will be worked out.

As it now stands, the underlying bill simply will not be signed by the President. I submit to my friend from the State of Oregon, who has worked so hard on this, that his legislation will not be signed. They have amended the McCain legislation, but the President of the United States will not sign this legislation. He has said this orally and he has said it in writing.

So I think, we have to push something through, in good faith, to help this problem that we have, something that would be signed by the President. I hope that people of good will on both sides of the aisle will join together and offer support for the underlying amendment.

Mr. GORTON. Mr. President, I ask unanimous consent that there be 1 hour equally divided on the Kerry amendment No. 610, followed by a vote on or in relation to the amendment, with no amendments in order prior to the vote, with the vote to take place at a time to be determined by the managers.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Reserving the right to object. I actually didn't hear it.

Mr. GORTON. It provides for 1 hour equally divided, with no more amendments while that hour is going on, and that the time for the vote will be determined by the managers of the bill.

Mr. KERRY. The managers, plural?

Mr. GORTON. Yes.

Mr. KERRY. I have no objection.

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

The PRESIDING OFFICER (Mr. SESSIONS). Who yields time?

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I be permitted to talk as in morning business for up to 10 minutes, and that it not be charged to either side.

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

(The remarks of Mr. LAUTENBERG pertaining to the introduction of S. 1193 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

AMENDMENT NO. 610

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thought our colleagues might find it worthwhile to know that there are literally dozens of organizations, representing a significant percentage of the gross domestic product of this country, that endorse the McCain-Wyden-Dodd legislation, the Y2K bill. Beginning with the aerospace industry organizations, running through to the Wisconsin Manufacturers and Commerce Association, the West Virginia Manufacturers Association, Valve Manufacturers, Service Masters—all of the high-tech organizations, many of the State organizations—the North Carolina Electronic and Information Technology Association, Technology of New Jersey—it just goes on down this long list. My colleagues may want to have some idea and sense of the people we have worked with mostly now for many months to try to craft this legislation in a timely fashion.

This list represents almost 70 percent of the gross domestic product of the United States and thousands and thousands of working men and women in this country who would like to see Congress come up with some answer of how to solve the Y2K problem and yet not create a cost and an action that doesn't solve the problem but ends up with more costs and without resolving the very serious issue that Y2K poses. I ask unanimous consent that list be printed in the RECORD.

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

YEAR 2000 COALITION,
June 8, 1999.

DEAR SENATOR: The Year 2000 Coalition hand-delivered the attached letter to Senators KERRY, ROBB, DASCHLE, REID, BREAUX, and AKAKA, who have prepared a staff working draft of a proposed amendment to S. 96, The Y2K Act. The Coalition supports passage of S. 96 with incorporated amendments to be offered by Senator DODD. We have urged the Senators that are working on the staff draft to support S. 96.

Sincerely,

Aerospace Industries Association; Airconditioning & Refrigeration Institute; Alaska High-Tech Business Council; Alliance of American Insurers; American Bankers Association; American Bearing Manufacturers Association; American Boiler Manufacturers Association; American Council of Life Insurance; American Electronics Association; American Entrepreneurs for Economic Growth; American Gas Association; American Institute of Certified Public Accountants; American Insurance Association; American Iron & Steel Institute; American Paper Machinery Association; American Society of Employers; American Textile Machinery Association; American Tort Reform Association; America's Community Bankers; Arizona Association of Industries; Arizona Software Association; Associated Employers; Associated Industries of Missouri; Associated Oregon Industries, Inc.; Association of Manufacturing Technology; Association of Management Consulting Firms; BIFMA International Business and Industry Trade Association; Business Council of Alabama; Business Software Alliance; Chemical Manufacturers Association; Chemical Specialties Manufacturers Association; Colorado Association of Commerce and Industry; Colorado Software Association; Compressed Gas Association; Computing Technology Industry Association; Connecticut Business & Industry Association, Inc.; Connecticut Technology Association; Construction Industry Manufacturers Association; Conveyor Equipment Manufacturers Association; Copper & Brass Fabricators Council; Copper Development Association, Inc.; Council of Industrial Boiler Owners; Edison Electric Institute; Employers Group; Farm Equipment Manufacturers Association; Flexible Packaging Association; Food Distributors International; Grocery Manufacturers of America; Gypsum Association; Health Industry Manufacturers Association; Independent Community Bankers Association; Indiana Information Technology Association; Indiana Manufacturers Association, Inc.; Industrial Management

Council; Information Technology Association of America; Information Technology Industry Council; International Mass Retail Council; International Sleep Products Association; Interstate Natural Gas Association of America; Investment Company Institute; Iowa Association of Business & Industry; Manufacturers Association of Mid-Eastern PA; Manufacturer's Association of Northwest Pennsylvania; Manufacturing Alliance of Connecticut, Inc.; Metal Treating Institute; Mississippi Manufacturers Association; Motor & Equipment Manufacturers Association; National Association of Computer Consultant Business; National Association of Convenience Stores; National Association of Hosiery Manufacturers; National Association of Independent Insurers; National Association of Manufacturers; National Association of Mutual Insurance Companies; National Association of Wholesaler-Distributors; National Electrical Manufacturers Association; National Federation of Independent Business; National Food Processors Association; National Housewares Manufacturers Association; National Marine Manufacturers Association; National Retail Federation; National Venture Capital Association; North Carolina Electronic and Information Technology Association; Technology New Jersey; NPES, The Association of Suppliers of Printing, Publishing, and Converting Technologies; Optical Industry Association; Printing Industry of Illinois-Indiana Association; Power Transmission Distribution Association; Process Equipment Manufacturers Association; Recreation Vehicle Industry Association; Reinsurance Association of America; Securities Industry Association; Semiconductor Equipment and Materials International; Semiconductor Industry Association; Small Motors and Motion Association; Software Association of Oregon; Software & Information Industry Association; South Carolina Chamber of Commerce; Steel Manufacturers Association; Telecommunications Industry Association; The Chlorine Institute, Inc.; The Financial Services Roundtable; The ServiceMaster Company; Toy Manufacturers of America, Inc.; United States Chamber of Commerce; Upstate New York Roundtable on Manufacturing; Utah Information Technology Association; Valve Manufacturers Association; Washington Software Association; West Virginia Manufacturers Association; Wisconsin Manufacturers & Commerce.

Mr. DODD. Mr. President, again, I listened to the debate on the Kerry amendment. Again, as I stated earlier, I went down the various points of the proposal. The amendment basically is designed to open up the McCain legislation to the kinds of unbridled litigation that can occur in this area.

As I said earlier, we have not argued that we have crafted a perfect bill. It is our fervent hope that this legislation will become unnecessary, because the problems that many anticipate we hope will not occur. But if they do occur, if, as some claim, we are going to face serious problems in this country, then we think it is the wiser course of action for Congress to enact legislation that would encourage the resolution of the Y2K problem.

That is what we have attempted to do with this bill. We have had to compromise it, because it asks for compromise. Senator WYDEN, our distinguished colleague from Oregon, is responsible for at least 11 or 12 changes, that I know of, in this bill from its original crafting. I worked on three or four of the ones dealing with the punitive damages and directors' and officers' liability in the States in this bill. We have compromised slightly. But every day you have to move the goal post to serve yet another constituency.

We would like to have a bill that everyone would support. It would be wonderful to have a piece of legislation that 100 Senators would get behind. But candidly, you have a handful—really just a handful—of law firms that are opposed to this, it is a total misstatement to suggest that the trial bar in general is opposed to this bill. It is a couple of law firms in this country that are opposed to this bill. That is the fact of the matter. Because of a couple of law firms, we have an amendment that I am confident these law firms are very attracted to, like, and support for the obvious reasons. It basically makes this bill meaningless or worse; it actually expands an area of the law that didn't exist prior to the consideration of this bill. It is one thing if you want to change the bill. It is another matter to take existing law and create yet new opportunities. That is what the Kerry amendment does. When you allow State law to obviate contract law, you are not only disagreeing with our bill but you are disagreeing with existing law.

For Members to come in and support this amendment, understand that if it carries and ends up being adopted, it will encourage the adoption of it. Then we are not only not dealing with the Y2K problem, we are expanding areas of litigation that do not presently exist. Whatever disagreements you have with the underlying bill, if you want to vote against that bill, fine; but don't expand areas of litigation.

With all due respect to my colleague from Massachusetts, clearly his amendment does that. I think it would be a tragedy, as we are trying to shut down and reduce the proliferation of litigation, that we find we are expanding those opportunities.

Again, a lot of compromise has been involved in this and a lot of time and a lot of effort to bring it to this point.

Again, I have a great deal of respect for those who disagree with this work product. They have a different point of view—one that I disagree with, but I respect. To come in and to somehow suggest that we are improving this legislation and that we are in fact minimizing the possibility of further litigation with the adoption of the Kerry amendment is just not the case. You are expanding the opportunities for litigation.

For those reasons, the high-tech communities of this country feel strongly about this amendment, and for good reason.

When the amendment comes up for a final vote, I urge my colleagues to reject it and to let us move along and try to pass this legislation, and send a message that we care about this issue and want to minimize the problems the Y2K issue can present.

I do not know if there is any more time. I know there is some talk about other Members who wish to come over. I urge them to do this. This has been going on for 6 hours now. We have 21 other amendments to consider. My hope is that we can get this completed fairly quickly and at least have one or two votes today before we adjourn.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, we are now under controlled time, are we not?

The PRESIDING OFFICER. The Senator is correct.

Mr. KERRY. How does that stand? How much time does each side have at this point?

The PRESIDING OFFICER. The Senator from Massachusetts has 26 minutes 50 seconds, and the opposition has 23 minutes 53 seconds.

Mr. KERRY. I yield myself 5 minutes.

I listened to the Senator from Connecticut. I must say that I am a little disappointed, from what I heard, for a simple reason. I haven't come to the floor of the Senate and talked about the Chamber of Commerce. I haven't come to the floor of the Senate and talked about specific companies and interests that are represented or the dynamics this raised. I think to suggest that somehow what I have put on the floor represents the interests of just a few law firms really is an insult to the legislative effort that has taken place here. There is nothing in here that lawyers like. There is a restraint on plaintiffs almost every step of the way. This has been negotiated with many different people. I have sat with high-tech people at great length.

I have tried to do the bidding of the high-tech community to the greatest degree possible. I have listened to them. I have talked to Andy Grove three or four times. In his letter to the committee chairman, he stated that of his four interests, each had been met in this legislation.

We do exactly what the McCain bill does on cure. We do exactly what the McCain bill does on the mitigation. We do exactly what they do with respect to contract preservation. The one distinction in the four ingredients is a requirement that a company be a good citizen by looking over its inventory and making a determination as to what it did or didn't put out into the marketplace that might have the potential for creating a problem.

My colleagues come to the floor say again and again: We want remediation; we want to make it get better; we don't want lawsuits. I don't, either. We want the same remediation.

But if you ask a company to investigate its inventory, in my judgment, you are doing a better job of encouraging them to remediate than if you give them a blanket ''out'' from under one of the great leverages of our judicial system, which is the joint and several liability. They get it no matter

what they do. How that is an invitation to fixing the system and making it better is beyond me.

I think we need to be very clear here. Moreover, we have been told we are changing contract law. We are not changing contract law. We are suggesting contract law ought to be respected, and we are very clear about that. In fact, we uphold the contract law as it is, State for State.

No one has answered this question: Why should a company be able to escape responsibility for an intentional, willful, wanton, reckless or outrageous, willfully committed fraud against an individual when it creates economic loss? If you have economic loss under the provision of S. 96, you are not permitted to sue with respect to the intentional willfulness that took place. Why you want to protect a company that so behaves is beyond me. Another company may have a huge loss of intellectual property; they may drop their entire database; they may not be able to provide their contracts to other companies for months; they have economic loss; there was an intentional defrauding. And we are not going to hold them accountable for that.

We should be clear as to what we are talking about. This is a very moderate, very legitimate effort, just as legitimate without any insinuations of who may be directing the interests of the other side and just as legitimate to legislate a sound approach to Y2K liability.

I reserve the balance of my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I am reluctant to get into this fight because, as I said before, I am unburdened with legal education. Occasionally when I hear these legal debates, it makes me grateful for the fact that I did not go to law school.

However, I feel the need to stand and comment on some of the things that have been heard and some of the statements that have been made with respect to this particular amendment.

It is my understanding that anybody who commits an intentional act of fraud has no relief as a result of this bill. If anybody can contradict that, I will be happy to hear it, because I do not want, in any way, to be part of supporting a bill that protects people from intentional fraud. That is not my purpose.

I must stand, as the chairman of the Senate Special Committee On The Year 2000 Technology Problem, and tell my colleagues that this is a unique situation. This has the potential of creating a unique chain of events that requires a unique solution. That is the purpose of the McCain-Dodd-Wyden bill, and that is why the bill has a 3-year sunset in it. We are not changing the world forever. We are crafting, as carefully as we can, a piece of legislation to deal with the unique circumstance of the Year 2000.

Mr. KERRY. Will the Senator yield?

Mr. BENNETT. I am happy to yield.

Mr. KERRY. I appreciate the Senator's comment enormously. I want to call the Senator's attention to the language of the bill. Section 121, Damages and Tort Claims:

> A party to a Y2K action making a tort claim may not recover damages for economic loss involving a defective device or system or service unless——

And you have two conditions under which they could.

No. 1, where the loss is provided in the contract; and, No. 2, if the loss results directly from damage to the property caused by the Y2K failure.

I have a third, and the Senator's folks are opposed to it. Here is the third. The defendant committed an intentional tort. Except where the tort involves misrepresentation or fraud regarding the attributes or capabilities of the product. Does the Senator want to pass a bill without that, without the fraud and misrepresentation?

It is in the bill.

Mr. BENNETT. I see my colleague from Oregon wishes to respond to this and perhaps has a better legal handle on it than I do.

My own layman's reaction would be not to sign a contract that didn't have a provision for fraud in it, as a businessman.

Mr. WYDEN. I appreciate my colleague yielding.

This goes right to the heart of the debate. We essentially say that State contract law will govern in these jurisdictions. The Senator from Massachusetts believes in a variety of instances that there should be other remedies. He is creating other remedies during this 36-month period where we are trying to present frivolous lawsuits.

The key principle here and what is now being debated is that under what Senator MCCAIN, Senator BENNETT and Senator DODD, the leader on our side on the Y2K issue, have said, we are going to protect State contract law with respect to economic losses. But we don't feel it is appropriate to try to create new remedies at this time when we are trying to prevent these frivolous lawsuits.

I am very appreciative to the Senator from Utah for yielding to me. I hope our colleagues will see that on this point of economic loss, State contract law is fully protected.

Mr. BENNETT. I yield to the Senator from Connecticut.

Mr. DODD. Let me give a factual example to make the case. Assume you have two identical computer systems, system A and system B, sold by the same manufacturer. They prove to be defective and cause economic damages of $100 million and lost profits to each purchaser, A and B.

System A crashed because of defective wiring, while system B crashed because of the Y2K bug. If Congress enacts the proposal suggested by my colleague from Massachusetts, that would allow no recovery of economic damages in tort cases. Purchaser B in the example would be able to sue for economic losses under the Y2K legislation while purchaser A would not.

There is no justification for such a result. In effect, the net result of the Y2K bill would be to expand liability in Y2K cases. Indeed, it would create an incentive for plaintiff's lawyers to look for any Y2K problem and then make that the predicate for legislation, exactly the opposite of the policy aim of the legislation.

In the faulty wire case, you only get economic damages and you have to apply State law. Under the Y2K legislation as proposed by my colleague from Massachusetts, you are expanding this. We are not trying to expand law here; we are trying to at least follow a similar pattern. So there is a fundamental difference: the defective wire in one case, the defective Y2K problem in the other. You end up with completely different results and encourage, of course, groping around, looking for Y2K issues, rather than defective wire which may be the cause of the problem.

I don't think that is the intent of our colleagues who are generally supportive of the very proposal we have before the Senate. That does expand existing law.

Mr. BENNETT. I thank the Senator from Connecticut. I realize the Senator from Massachusetts wants to engage in this. I ask unanimous consent that such time as is taken up by the Senator from Massachusetts be charged to the time of the Senator from Massachusetts rather than charged against my time.

With that understanding, I am happy to yield to the Senator further.

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

Mr. KERRY. That is entirely fair. What I would like to do is just respond and then I will sit down and reserve the remainder of the time.

Let me say to both of my colleagues, and I am glad we are getting to the nub of this, I say this gently and nicely: Both of the presentations that were made are incorrect with respect to what I said. The Senator from Oregon made a bold defense of contract law, and the economic loss argument that he made refers to the preservation of existing contract law. But economic loss is a tort claim. It is a tort claim. His argument is simply irrelevant when he says he is protecting the capacity of the contract law, so to speak, to be preserved within the framework of the economic loss argument. Here is why: My colleague from Connecticut just said we are trying to open this up to some broad, new thing, and the example he cited would not be, in fact, included. It absolutely would be included because our language includes both of the examples that he gave.

If it is provided in the contract, the person would be made whole. Or if it is the result of a Y2K failure, the person would be made whole. Here is the only difference. We go one step further. We do not allow them a whole lot of intentional torts except—and I read from

the language—''where the tort involves misrepresentation or fraud.'' That is the only ''new thing'' here. So, if the Senator from Connecticut is really concerned, what he is concerned about is that a lawyer might be able to lay out, according to the tough standards in both of our bills, sufficiently precise pleadings with a period to cure.

You may never have a lawsuit because everybody is going to have a 90-day period to cure, and we hope they are going to do exactly that. But if they do not do that and they do meet the sufficiency of the pleadings, and there also is a sufficiency of a showing of fraud or misrepresentation, they ought to get their economic losses. What we are saying is that under S. 96, under the current way it is written, you are denying economic losses if there is fraud or misrepresentation. That is the only ''new thing.''

The Senator from Connecticut says we are going to open up some great Pandora's box, a whole lot of lawyers bringing cases. We have tough pleading requirements here, really tough. Even after you send in your first notice of a lawsuit, the company is going to get 90 days to fix it. Any company that does not fix it in 90 days probably ought to be held accountable for the fraud and misrepresentation. But your bill says no to fraud and misrepresentation. Ours says yes. I ask anybody which they think is more fair.

I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, again I witness this clash between great legal minds. Yet, I am informed by a number of other legal minds the Kerry amendment would, in fact, destroy the effect of the bill. As a businessman, I always ended up asking my legal team whether it was appropriate for me to sign a particular lease or contract. I had to learn to depend on good lawyers. I think we have hired good lawyers in this situation and I am accepting their advice. I am moved by the eloquence of my friend from Massachusetts, but I shall not vote with him.

I want to once again focus on what it is we are doing here. We are dealing with a unique situation the likes of which we have never seen in international commerce and probably never will see again. That is why specific legislation is necessary.

Let me go back to a statement made by my friend from Massachusetts in the earlier debate when he said: We want people to be driven to examine their inventory to make sure it is compliant, but if the liability is limited they will not do that. This is not a question of examining your inventory to make sure it is compliant. We are already getting examples of people who have done everything prudent and possible to make sure that things were compliant with Y2K, only to discover after they had done everything prudent that it still didn't work. There are bugs hidden in this kind of problem that cannot in reasonable fashion be discovered in advance. There is a presumption on the part of the Senator from Massachusetts that those bugs were there because of some misrepresentation or fraud. My concern is that there will be that presumption on the part of a lawyer bringing suit if those bugs occur in equipment that at one time or another has passed through the hands of a very wealthy corporation.

This is where proportionality of joint and several liability comes in. If a corporation with deep pockets has at one time or another had its hands, figuratively, on a product where such a Y2K glitch occurs, there will be an obvious invitation to sue that corporation and then settle out of court for a large settlement because the corporation will decide, on business terms, it is cheaper to settle than proceed with the suit.

I have had the experience as CEO of a company of settling a lawsuit where I felt the merits were firmly on our side but where the economics said you do your shareholders a better service by taking this settlement than you do by going to court. I have had personal experience with that. I know how those kinds of decisions are made. In a situation where there will be unforeseen consequences and products that have passed through many hands in order to finally get to where they go, the temptation to sue the deep pockets will be overwhelming unless we pass this legislation. Every lawyer that I have spoken to who has examined the legislation from that point of view has said you cannot adopt the Kerry amendment. It will gut the legislation. It will render the whole thing moot, as far as we are concerned.

So I stand here not as a lawyer but as a businessman who has now, for 3 years, immersed himself in the Y2K issue and, frankly, who feels he understands that issue fairly well. I call on my colleagues to defeat the Kerry amendment, to pass this legislation, and to give to American firms—not just high-tech —give to American firms that will be involved in products that will suffer from Y2K problems the ability to solve those problems without the specter of huge lawsuits and huge settlements hanging over them.

Let me go back to one thing I said and repeat it. As I have been immersed in this issue for the period of time I have, I have come to realize that it is not strictly a high-tech issue. Yes, the high-tech community has been the most visible in pushing for this legislation. But they are by no means the only part of the American economy that will be affected by this issue. There will be municipalities that can be sued. There will be cities around this country that will suddenly discover that essential services do not work, that will have done everything they thought reasonable to get there only to have some glitch that they were unaware of come out of the blue.

Then the lawsuits will start. The question will be who was in the supply chain to produce whatever the device is that failed. Let's see who has the deepest pockets. It may not be a high-tech company at all. States are scrambling now to try to pass their own limited liability. I think that is a mistake. I think the Federal legislation makes a lot more sense. But let us understand, once again, we have a unique situation here. We already have anecdotal evidence that shows us how capricious it can be, in spite of the greatest effort to remediate and be in control. We do not want to turn this into a playground for plaintiffs' lawyers who want to take advantage of the class action circumstance, sue the deepest pockets, take a settlement, and walk away in a way that is of no advantage to anybody.

If we are making a mistake in this bill, if as we draft it there is mischief, it is not permanent mischief because the bill is gone at the end of 3 years. Everything is over at the end of 3 years. No one—no one—will make any attempt to extend it. Certainly I will not. By virtue of what the voters of Utah did, I will be here 3 years from now, if I am still alive, and I will certainly oppose any extension of this bill. I would think everybody would oppose any extension if somebody were to bring it up.

We are facing a unique situation. We have a piece of intelligently crafted legislation to try to deal with that situation, and we should not let ourselves get convinced that we are somehow changing the basis of American jurisprudence for all time as we try to take a prudent step in this particular circumstance.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I yield myself such time as I use.

Let me begin by paying tribute to both the Senator from Connecticut and the Senator from Utah. I know they have spent a huge amount of time, and they have done for the entire Senate and the country a great service in calling attention to and helping people understand the nature of this problem. I genuinely give both of them great credit for their leadership and their vision, understanding well over, what, 3 years ago that it was a problem and we needed to address it.

Our difference is not in good faith, in purpose, or intent. It is how we will or will not do something. I know my colleague from Utah is a very thoughtful and diligent student of these kinds of issues, and I share with him his own language with respect to the damages of limitation by contract, for instance. This is section 110, page 11, of the bill. It says:

> In any Y2K action for breach or repudiation of contract, no party may claim, nor be awarded, any category of damages unless such damages are allowed—
>
> (1) by the express terms of the contract; . . . .

Mr. BENNETT. Will the Senator yield? Mr. President, I suggest the Senator is reading from an old version.

There is no section 110 in the current——

Mr. KERRY. I apologize, it is now section 11.

Mr. BENNETT. I thank the Senator.

Mr. KERRY. I am reading from the accurate language. The point I am making is that you only allow damages according to the express terms of the contract. That contract could be illegal. That contract could be unenforceable or enforceable under other circumstances under State law. The language we have added simply says ''unless enforcement of the term in question would manifestly and directly contravene applicable State law in effect on January 1, 1999.'' Here is a major difference. You would, in fact, allow the contract to supersede applicable State law even if the contract were illegal. That is the way it reads.

There are serious implications in the language that is in the bill that would have a profound impact, and that is the kind of difference we have tried to address in pulling together our amendment.

I reserve the remainder of our time.

Mr. DODD. May I address——

Mr. KERRY. On your time.

Mr. BENNETT. I yield to the Senator.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, we are getting arcane. If a contract is illegal, it is not a contract. Just to say we have a contract, if there is no consent, if all the principles necessary for it to be a valid contract are missing, if a contract is inherently illegal, two people who engage in a contract for illegal purposes is not a contract to be protected under State law.

Mr. KERRY. With all due respect to my colleague, under the language in this bill, you will have given it life because you have, in fact, made it a contract that is binding.

Mr. DODD. We do not protect illegal contracts in this legislation. If there is any question, let the legislative history confirm that. I do not think we need confirmation. Upholding an illegal contract by legislation would require herculean efforts that do not exist in this particular proposal.

I yield the floor to others who may want to speak.

Mr. KERRY. I yield myself 30 seconds. If there is an illegal provision in a legal contract, you have the same problem I just defined. I do not want to get arcane, either. But you have, in the language of this bill, superseded the capacity of that illegality to be either a defense or a problem. That is all we are saying. These ought to be curable issues. We are passing a bill where they have not been cured. I promise you, if you want to create litigation problems, there they are.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, with some trepidation, I am going to read some legal language. As a layman, I have a hard time with this, but I will do my best and I think it is fairly clear. Under section 4 of the act:

(d) CONTRACT PRESERVATION.—

(1) IN GENERAL.—Subject to paragraph (2), in any Y2K action any written contractual term, including a limitation or an exclusion of liability, or a disclaimer of warranty, shall be strictly enforced unless the enforcement of that term would manifestly and directly contravene applicable State law embodied in any statute in effect on January 1, 1999, specifically addressing that term.

State law is preserved. State law is not overridden in this catchall provision, if you will, at this stage. At this point, I will quit trying to practice law.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. Mr. President, I will make one additional comment. Mention was made of Andy Grove. The Senator from Connecticut and the Senator from Oregon and I, along with several other Senators, had breakfast with Andy Grove this morning.

Just so the record is clear, the subject of the Kerry amendment came up in that discussion, and Mr. Grove, if I am quoting him correctly, said that his lawyers felt that the Kerry amendment would destroy the bill and leave it with no value. Indeed, my memory says he said that if the Kerry amendment was adopted, they would be better off without any bill. I ask the Senator from Connecticut if he has the same memory or if I am embroidering things.

Mr. DODD. I say to my colleague, we had a very delightful meeting for an hour and a half with Andy Grove. Those were, as I recall them, his sentiments expressed to us. He is someone who has been quoted over and over in the last number of weeks, and we finally got to meet the man quoted endlessly and found out where he stood on this legislation. Four or five of us had the privilege this morning of spending an hour and a half with him and discussing a wide range of issues, including education policy. He was very clear, I thought, in his expression of concerns about this effort and the damage that can be caused by the adoption of this amendment.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum and ask that the time be charged equally against both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. KERRY. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KERRY. Mr. President, how much time is remaining on both sides?

The PRESIDING OFFICER. The Senator from Massachusetts has 14½ minutes, and the Senator from Utah has 5½ minutes.

Mr. KERRY. I have no objection.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. DASCHLE. Mr. President, I thank my colleagues for the opportunity to express the views of this Senator on a very important amendment.

I think the biggest question facing the Senate today is not whether to support the Y2K liability reform. Most supporters, on both sides of the aisle, agree that we need to protect the high-technology companies from frivolous lawsuits.

For more than a decade, this industry has been the driving force of our economy. Its well-being is extremely important to this country and to all of us.

In South Dakota, Gateway computers is the largest private employer in the State today. I want a bill that provides Gateway—and every other member of this industry—with reasonable protections from frivolous Y2K-related lawsuits.

Businesses need to be able to focus on fixing the problem—not defending against lawsuits.

But the high technology industry is not the only group that faces potential difficulties as a result of this problem.

Consumers and other businesses that use and depend on computers face potential risks as well.

We need to protect consumers who might be hurt by the Y2K bug. We need to protect their right to seek justice in the courts.

A major problem with the underlying bill, as we consider just how we do that, is an issue of great importance to many of us; that is, how we resolve the issue of capping punitive damages that go beyond what is needed to prevent frivolous Y2K-related lawsuits.

The amendment offered by the Senator from Massachusetts, Mr. KERRY, and developed by him, and a number of our colleagues, corrects these problems.

Before I describe the differences between our approach and the underlying bill, it is important to point out that—on most of the basic issues—the two proposals are identical to the pending bill.

Both approaches encourage remediation by giving defendants 90 days to fix a Y2K problem before a lawsuit can be filed.

Both approaches would discourage frivolous lawsuits by allowing either party to request alternative dispute resolution at any time during the 90-day waiting period.

Both approaches require anyone seeking damages to offer reasonable proof—including the nature and amount of the damages—before a class action suit could proceed.

Both approaches would permit class-action lawsuits to be brought only if a majority of the people in the lawsuit suffered real harm by real defects.

Our approach addresses 95 percent—if not 100 percent—of what those in the high-technology community have asked for. It addresses all of the principles they have said are essential.

But there are a number of important ways in which our approaches differ.

Our proposal carefully balances the rights and interests of the industry, and consumers.

It limits its remedies to problems that are truly, legitimately Y2K related.

Our alternative offers high-tech companies more incentives than the underlying bill to fix the problem—now, while there is still time.

We are concerned that the underlying bill may—perhaps inadvertantly—provide such blanket protection against all Y2K problems, including those that could have and should have been avoided, that companies will lose the incentive to fix problems now.

For example, our amendment provides a balanced and reasonable solution to the issue of ''proportionality.''

The underlying bill preempts State laws on this issue. It would grant defendants proportional liability in almost all Y2K cases—no questions asked.

Our amendment, simply says that Y2K defendants would have to pass a simple test to quality for this protection.

It is sometimes referred to as the ''good corporate citizen'' test. And I know my colleague from Massachusetts has discussed this in some detail this afternoon. All a company has to do to pass the test is to show that it has identified potential problems and made a good-faith effort to alert potential victims.

This is a major concession. But we are willing to make it in this case because of the extraordinary circumstances.

These are reasonable conditions. Every single high tech company we know of has already met it.

If there are others that have not done so, they do not deserve special protection from Congress—plain and simple.

There are a number of other ways in which our amendment improves on the underlying bill:

It does not prohibit consumers from seeking justice in the courts for real and legitimate Y2K-related problems.

The underlying bill would require consumers to meet so many conditions before bringing suit that it would effectively shut the courthouse door.

Our bill establishes strict requirements for class actions to protect against frivolous suits.

The underlying bill shifts virtually all Y2K suits to the Federal courts. This has two effects. In many cases, it makes it harder for consumers to bring a suit. It also increases the strain on an already backlogged Federal court system.

This is strongly opposed by the Judicial Conference—not only because of the additional strain it would place on Federal courts, but also because it would upset the traditional division of responsibility between State and Federal courts.

I might say, I am continually amused by those on the other side of the aisle who have expressed themselves as being advocates of States rights and the Constitution and the requirement that States be given the prerogative in matters of jurisdiction on this and so many other areas; but when my colleagues on the other side of the aisle find it convenient, it seems this shift to Federal responsibility comes so easily. This is just yet another example of that shift. There have been scores of those examples in recent years.

Our alternative would not enforce illegal contract terms.

The underlying bill might. It could enforce any and all contracts—even those that are currently illegal under State and Federal laws.

Our alternative does not protect defendants from liability for intentionally wrongful acts. It allows victims of such acts to sue for economic losses.

The underlying bill protects companies even when they knowingly harm consumers, or use fraud to pressure someone into signing a contract.

Finally, our bill does not include a cap on punitive damages.

The pending bill would limit the amount of punitive damages that smaller businesses and municipalities could be assessed—regardless of whether they acted responsibly.

The people who would benefit from a cap on punitive damages are bad actors who injure others.

Ironically, many of those who would be hurt if this passes are themselves small businesses.

In summary, our amendment is identical to the underlying bill in every important, necessary way.

But, it does differ in ways that are critical to consumers, to businesses, and to the functioning of our courts.

Perhaps the most important difference between our approach and the underlying bill is that our approach is the only version the President will sign. We know that. The administration has said so unequivocally on numerous occasions. Make no mistake, unless the improvements in this amendment are adopted, the President will veto this bill for going too far.

So the choice is ours, and the year 2000 is fast approaching. Do we want to engage in an exercise that would be fruitless? Do we want to waste precious days debating a bill we know will be vetoed and then have to start all over? Do we want to limit frivolous Y2K lawsuits? This year is now more than halfway over. How much more time are we willing to let go before we agree to work together on a real solution?

The bottom line is, we have the power to fix the Y2K problem today. We have before us now an approach that targets the real problem and can be signed into law.

I urge my colleagues to join us in adopting the Kerry-Robb amendment.

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

The PRESIDING OFFICER (Mr. HUTCHINSON). The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

Mr. BENNETT. Mr. President, I will make one observation, and then I have a motion.

We hear again on the floor the threat of a Presidential veto. We hear that increasingly, as if the President should write legislation and we should supinely accept whatever the President recommends, that our function is simply to listen to the President, pass legislation that he announces in advance is acceptable and, thereby, abdicate our legislative responsibilities.

I am perfectly willing to risk a Presidential veto. I think that is the appropriate posture for a Member of the Senate.

I ask consent that following the debate in relation to amendment No. 610, the Senate proceed to an amendment to be offered by Senator MURKOWSKI or his designee and no other amendments in order prior to 6 p.m., and that at 5:50, there be 10 minutes for explanation followed by a vote in relation to the Kerry amendment No. 610.

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

Mr. BENNETT. Mr. President, I am prepared to yield back all further time on the Kerry amendment, if Senator KERRY is prepared to yield back.

Mr. KERRY. Mr. President, I cannot do that. I think Senator EDWARDS wants to use a little time.

Mr. BENNETT. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Utah has 1 minute 13 seconds; the Senator from Massachusetts has 3 minutes 47 seconds.

Mr. BENNETT. Mr. President, I reserve the remainder of my time.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to yield back my time, with the understanding that if Senator MURKOWSKI is not permitted to go forward, Senator EDWARDS can talk until he is, and if he has gone forward, that Senator EDWARDS would then be recognized to speak within the confines of the unanimous consent agreement just agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. BENNETT. There is no objection.

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

Mr. KERRY. Mr. President, I yield back the remainder of my time.

Mr. BENNETT. Mr. President, I move to table the Kerry amendment, with the vote to occur at 6, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BENNETT. For the information of all Senators then, the next vote will occur at 6 in relation to the Kerry substitute.

AMENDMENT NO. 612

(Purpose: To require manufacturers receiving notice of a Y2K failure to give priority to notices that involve health and safety related failures)

Mr. BENNETT. Mr. President, earlier today Senator MCCAIN filed an amendment No. 612 to the bill on behalf of Senator MURKOWSKI. It is my understanding this amendment is acceptable to both sides. Therefore, I ask unanimous consent to call up the amendment.

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

The clerk will report.

The legislative assistant read as follows:

The Senator from Utah [Mr. BENNETT], for Mr. MURKOWSKI, proposes an amendment numbered 612.

The amendment is as follows:

Section 7(c) of the bill is amended by adding at the end the following:

(5) PRIORITY.—A prospective defendant receiving more than 1 notice under this section shall give priority to notices with respect to a product or service that involves a health or safety related Y2K failure.

Mr. MURKOWSKI. Mr. President, as we consider S. 96, the Y2K bill, I want to point out an area of concern that will affect many northern states, especially my home state of Alaska. January 1, 2000, will arrive in the middle of winter. Unlike many states in the lower 48, where a power failure on the first of the year is a major inconvenience, a power failure in Alaska can have serious consequences if climate control systems fail.

Earlier this year my home town of Fairbanks saw the thermometer plummet below 40 degrees Fahrenheit. While I do not doubt the industrious nature of my fellow Alaskans who have for so long used their ingenuity and determination to survive in Alaska's cold climate, any delay in resolving a health or safety related failure in Alaska cannot only be costly, but also deadly.

Therefore, I am offering an amendment that would require that companies notified of a Y2K problem must first respond to requests where the Y2K failures affect the health or safety of the public.

Mr. MCCAIN. I thank my colleague from Alaska for offering his amendment. I point out that his amendment does not only protect Alaskans. If a consumer radio fails, it's an inconvenience. If a radio used by the Phoenix police department fails, not only does it put the life of the police officer carrying it in jeopardy, but it also jeopardizes the safety of the public he or she protects. A company should give priority in responding to the Phoenix police station's need for Y2K failure assistance.

I am pleased to accept the amendment.

Mr. MURKOWSKI. I thank my friend from Arizona for his attention to this issue.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. The Senator had two amendments. Is this one related to the safety and health conditions? Is that the Murkowski amendment? That is the one. OK. No objection.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. BENNETT. The Senator from Connecticut may have an objection.

Mr. DODD. I was going to urge that it be set aside for 5 minutes or so. There is an item that I think might make that a bit stronger.

Mr. BENNETT. Mr. President, I ask unanimous consent it be set aside for 5 minutes.

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

Mr. BENNETT. Mr. President, under the previous order, I understand now that Senator EDWARDS will be recognized.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EDWARDS. I thank the Chair.

Mr. President, I will speak briefly to the McCain bill and to Senator KERRY's amendment, which I think should be recognized as a real effort by Senator KERRY to cure some of the problems that exist with the McCain bill.

From my perspective, I think what we are trying to accomplish here is to find a reasonable, moderate approach that both protects the rights and interests of consumers while at the same time ensuring that computer company manufacturers have the protection that they need and deserve.

There has been a lot of talk today about frivolous lawsuits. The McCain bill has very little, if anything, to do with frivolous lawsuits. The two provisions in that bill that all of the Senators have spent a great deal of time on and that have caused the most controversy are joint and several liability and economic loss. Those two provisions have absolutely nothing to do with frivolous lawsuits.

Speaking for myself, and, I think, speaking for Senator KERRY, both of us are opposed to any kind of frivolous lawsuit. I would be willing to support any provision that would provide protection against frivolous lawsuits. The two provisions that we are talking about, the elimination of joint and several liability and the elimination, from my perspective, of the right to recover economic loss, are both things that occur after a defendant has been found responsible. In other words, before you ever get to those two provisions, you have to first determine that there has been some irresponsible behavior on behalf of a defendant.

The idea that those provisions, which are really the most controversial provisions in this bill, have anything to do with frivolous lawsuits just doesn't make any sense. They have absolutely nothing to do with frivolous lawsuits.

For example, joint and several liability has to do with who you can recover against and what percentage or proportion of your damages you can recover, once a jury has determined that the defendant acted irresponsibly or in violation of a contract.

The economic loss provision has to do with whether the small business owner or the consumer is allowed to recover for lost profits, lost overhead, out-of-pocket costs, once it has been determined that, in fact, the defendant is at fault. So the idea that this has anything to do with frivolous lawsuits is just misleading. The bill has very little, if anything, to do with frivolous lawsuits.

If what we are concerned about is getting these cases resolved, creating incentives for consumers, small business people, people who have purchased computers, people who have a Y2K problem, to work with the computer manufacturers, with the people who manufacture the component parts of computers, I think that makes a great deal of sense. But this bill doesn't do that. Instead, what this bill doesn't do, in contrast to Senator KERRY's amendment, is strike a proper balance between providing reasonable protections for computer companies, while at the same time making sure we protect consumers. There has been an awful lot of discussion on the floor today about lawyers and the interests of lawyers. The reality is that lawyers and the discussion about frivolous lawsuits have little or nothing to do with this bill. Lawyers didn't make these computers; lawyers didn't have anything to do with the manufacture of these computer chips. And it is not lawyers who are going to be injured as a result of this bill. The people who are going to be hurt are consumers, the people who have purchased these computers.

I think it is really important that we as Senators focus on the people who are most likely to be injured as a result of the passage of this bill. Now, there are two provisions in the McCain bill that I think Senator KERRY's amendment addresses that are critically important. The first, and the one I want to focus most of my attention on, is a provision about economic losses. This is under section 12 of the bill entitled ''Damages and Tort Claims.''

What this provision does—and this is a provision of the McCain-Dodd-Wyden bill—is it eliminates the right to recover economic losses by a small businessman if a computer or a computer chip manufacturer irresponsibly creates a Y2K problem. Let me give you an example, and I think this example is very important. A small businessman in Murfreesboro, NC, is in his business establishment one day and a computer salesman comes in the door and says: I have this great computer system I

want to sell you that will make your operation more efficient. It will help you operate your cash registers. It will help with your accounting. It will help with your collections. The businessman heard about all these Y2K problems, but he was told by the salesman this system is totally Y2K compliant.

This small businessman, believing what he was told, buys the computer system. Well, come the year 2000, he begins to have problems, and the problems shut down his cash registers, shut down his accounting system, shut down his ability to collect; and this business, which he and his family have been involved in all their lives, all of a sudden has no cash-flow. So they lose profit and they continue to incur overhead, and over a period of 2 or 3 months they essentially lose everything they have spent their lives working on—all as a result of a Y2K problem that, in my example, the computer salesman knew existed when he sold them the computer.

In other words, when he made the statement to this businessman that this system was totally Y2K compliant, he knew full well what he was saying was not true. In fact, the evidence available to him indicated it was not Y2K compliant. So he made a fraudulent misrepresentation, a misstatement to this businessman.

Under that example, under the terms of the McCain bill, this is what that businessman who has been put out of business for the rest of his life—a family business they spent their entire lives building up—is entitled to recover: The cost of his computer.

So if he spent $3,000 on the computer as a result of this misrepresentation by the computer salesman, and he has been put out of business forever, under this bill—which will, by the way, control all of these cases regardless of what State law provides, and I want to talk about that in just a moment—this small businessman is out of business and what he can get back is the cost of his computer. So what the bill does, in essence, is it provides absolute immunity, with the exception of the cost of the computer.

I want to be clear about one other thing. There has been a lot of discussion about punitive damages on the Senate floor. Punitive damages are damages that are awarded to punish a defendant for highly egregious conduct. But punitive damages have nothing whatsoever to do with what I am talking about now. We are now talking about a small businessperson being able to recover lost profits, having to shut down his or her business, having to continue to pay overhead in connection with the operation of that business. These are normal damages to be recovered without reference to punitive damages.

What I am saying is a very simple thing. If this bill passes, then a negligent computer chip manufacturer, a computer salesman, or computer company that sells computers, that outright lies—I am talking about engages in a fraudulent misrepresentation in their sales—can only be held responsible for the cost of the computer. That is exactly what this bill provides.

I respectfully disagree with what my colleague, Senator WYDEN, said earlier today, that all Federal and State remedies for economic loss are left in place. I think exactly the opposite is true. In fact, what this bill does is eliminate, to the extent that a cause of action exists under State law, the ability to recover for economic losses.

So what we have is a huge, huge problem. We have a provision in the bill where, prospectively, we are going to say to small and large businessmen and women around this country that if somebody has made a misrepresentation to you about the computer system you were buying, No. 1, and No. 2, if they irresponsibly and recklessly sold you a computer system that was not Y2K compliant, i.e., they didn't act with reasonable care or they acted negligently, what we are going to let you recover is the cost of your computer; and you cannot recover any of the costs associated with the operation of your business, your lost profits, and all of the costs associated with the day-to-day running of the business.

I don't believe there is an American out there listening to this who would believe that is fair. It is not fair. Now, I might add, for Senators WYDEN, MCCAIN and DODD, that there are provisions in this bill that I have absolutely no problem with. I think we want to create incentives for people to work together. We want to create incentives for manufacturers to solve this problem. I think a 90-day cooling off period is a good idea. I think the idea of having an alternative dispute resolution so that folks have a mechanism outside having to file a lawsuit and go to court is a very good idea. These are all very positive things.

The problem is that, ultimately, there are going to be people across this country who, because of somebody acting irresponsibly or somebody misrepresenting something to them, are going to have problems with their business that will cause lost profits, lost overhead, which could ultimately lead to a shutdown of their business. And they will be able to recover absolutely nothing but the cost of their computer. I might add that later I intend to offer an amendment that specifically addresses this problem.

I just don't believe that is what the American people would support. It is fundamentally unfair because what you have is a small businessperson who acted in good faith, innocently, in purchasing a computer system, and as a result of a law passed in this Congress, that person would be out of business, through no fault of his own. But the person who is at fault and is totally responsible for what happened to him is only responsible for paying for the cost of the computer. The bottom line is, if this guy gets hurt and they get caught, what they have to pay is the money they originally got from these folks, which is the cost of the computer. That is fundamentally unfair. It violates every principle of fairness and equity that exists in the law of this country and has existed for over 200 years. That alone is clearly enough that this bill should not be supported.

Senator KERRY's amendment addresses that problem. It also addresses another problem that exists with this bill, which is the issue of joint and several liability. I have talked about this once before on the floor, but I think it is really important for the American people to understand what joint and several liability is. Essentially, it has existed in the law of this country for a couple hundred years now. It says that where you have an innocent—as in my example—small businessman and you have multiple parties on the other side who may be responsible for what happened, under joint and several liability the innocent party never has to pay for the loss, that the loss is shared in some way among the parties who are responsible for that loss. In this case, it may be the computer chip manufacturers; it may be the computer company that actually sold the entire system—a whole multitude of defendants. It is for them to resolve who pays what among themselves. In my case, the small businessman is innocent. And, as a result of the current law on joint and several liability, this innocent party is relieved of having to share the loss with guilty parties.

That is the reason joint and several liability exists. It is the reason it has existed in law in this country for a long time.

Senator KERRY's amendment sets up what I consider to be a very moderate, thoughtful approach—that responds to the computer industry and the high-tech industry's request for some protection against joint and several liability.

What Senator KERRY says is basically, if you come in and show you have acted responsibly as a good citizen, you get proportionate liability; that is, you can never be held responsible for anything more than your fair share of the damages.

It seems to me, although that is not the law in a great number of States in this country, that is a reasonable approach. It is a compromise. There is no question about that. We all recognize that, while I personally believe joint and several liability makes a great deal of sense, because it essentially says as a matter of policy we are going to always make people who are responsible for the loss share that loss, and never the innocent small businessman pay for the loss.

Senator KERRY has attempted to fashion a compromise that provides protection for what I believe to be the great bulk of computer companies that are out there doing business, who have acted responsibly, who can show that

they have been good corporate citizens, and when they do that, then they get proportionate liability, which is what they want.

But there is still, I have to say, the most fundamental problem in the McCain-Wyden-Dodd bill, which is the provision about economic losses. Ultimately what it means is, if you can't recover anything but the cost of your computer, we are giving prospective absolute immunity to an industry, not knowing at this point what the losses are going to be for anything except the cost of the computer. It is something we have never done in the history of this country. It would be a remarkable thing to do now.

I have to say in response to some remarks I heard from Senator DODD earlier, whom I greatly admire and respect, that he talks at great length about this being a 36-month or a 3-year loss, that there is not some dramatic change in the law, that it is just 3 years.

Here is the problem. That 3-year period is going to cover every Y2K loss that occurs because of the nature of this problem. These losses are going to come up quickly, and they are going to occur starting in January of the year 2000, or before. By the end of that 3-year period, the problems will have shown themselves, or they will be gone, or they won't exist at all.

When Senator DODD says it is just a 3-year provision, it is a 3-year provision that covers every single Y2K loss that is going to occur. It covers them all. We just have to recognize that when he talks about this being just a 3-year period of time that is being covered, that is what it is. It covers every Y2K loss that may occur.

The bottom line is this: I think it makes great sense to have a bill that provides some reasonable protection for the computer industry. I think Senator KERRY's amendment works very hard at doing that.

I think there are at least two huge problems with the McCain bill, the most dramatic of which, to me, is that no businessman, no matter what has been done to him, whether he has been lied to, whether he has been the victim of irresponsible conduct, whatever it is, all he or she can ever recover is the cost of the computer, even if he or she has been put out of business. I don't believe the American people would think that is fair.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, on this point, Senator EDWARDS is such a magnificent lawyer and I am always reluctant to get into this, but the bottom line in this matter of economic losses is, whatever the plaintiff is entitled to get under State contract law with respect to economic losses is what our bill does. That is just the bottom line. Whatever the plaintiff is entitled to under State contract law is what they are going to get for economic loss—no more, no less. The bill keeps the status quo.

I want to take a minute to go to one example. I want to take a minute to talk about the options available to the typical small business in these kinds of cases.

Let's say we have a company that buys $10,000 worth of computers from another company, and they all crash January 3 of 2000. They lose $1 million worth of business as a result. Obviously, they are unhappy. They write the computer company and they say that crash was the fault of the computer company, the Y2K failure, and they want it fixed, and they want their money, they want their $1 million. I want to take a second and describe what happens in those situations.

The computer company has to get back to the small business within 30 days. It has to make it clear. You have to move. They can say it was a Y2K failure. The computer company says, ''It is our fault. We will fix it the way the business wants—the restaurant. We will give you $1 million.''

That is that. They can say they will fix the Y2K problem, but they should not be responsible for the whole $1 million. They might say, ''We will fix it, but we have to negotiate this out. We are liable for some. You are liable for some.''

If the small business isn't satisfied with what the computer company does, they can basically go out and sue immediately in that kind of situation.

The third kind of example would be, the computer company just stiffs the small businessperson, is completely unresponsive to what the small business needs. In that case, the plaintiff, the small businessperson, can go out and file a suit immediately against the computer company.

Finally, we have raised the example of what happens if that computer company is bankrupt and insolvent. At that point, the small businessperson can name in their lawsuit anybody they think is a responsible party. They can name Intel; they can name Microsoft; they can name anybody they want. It is at that point the jury is going to decide what portion of the blame each potential defendant ought to bear.

That strikes us as sensible. That is the principle of proportionality. We are saying that you ought to pick up the burden of the problem you actually produced, but if you did something intentional, if you ripped somebody off, if you engaged in egregious conduct, then joint and several applies.

If we are talking about a low net worth of a defendant, it is the same sort of situation. So the plaintiff isn't left hanging.

As we get towards the final vote, I ask my colleagues to remember that is what a typical small business is entitled to—those four kinds of situations, so that at the end of the day they are going to have their economic losses dealt with just as they would under State contract law—no more, no less.

Really, we have what amounts to only a handful of real protections for this 36-month period. Yes, we do say that if a small business is operating in good faith, we would put some limits on punitive damages. I guess there can be a philosophical difference of opinion on that. Reasonable people can differ. But we think that if a small business acts in good faith, there ought to be some limit in terms of these punitive damages. There are only a handful of protections.

Again, the 30-day period is a limitation on somebody's right to sue. That is why we say if you really think you are stiffed, you can go out and sue immediately. We think it makes sense for a 30-day period to try to cure these problems.

On the proportionality issue, we are making a change to deal with a situation where we think that unless somebody engages in an egregious offense-type of conduct with a low net worth defendant, it is appropriate in this situation to say you are liable for what you actually produced.

In addition to this being a bill that lasts for a short period of time, it does not apply to personal injury problems at all. If somebody is in an elevator and the computer system falls out and the elevator drops 10 floors and somebody is badly injured, all existing tort remedies apply.

I am very hopeful we will have a significant number of our colleagues, particularly on the Democratic side of the aisle, supporting this. There have been 10 major changes made in this legislation since it left the Senate Commerce Committee. Our senior Democrat, the distinguished Senator from South Carolina, was absolutely right—the bill that came out of the Senate Commerce Committee was completely unacceptable in terms of the rights of consumers and the rights of plaintiffs. I joined him in opposing it.

Since that time, we took out the items that were unfair. A lot of them happened to be in the House bill—which is completely unacceptable to me, as well.

This bill is a balanced bill. It tells defendants they have to go out and cure problems; it tells plaintiffs they have to go out and mitigate damages. I hope our colleagues recognize that failure to pass a responsible bill in this area is just like hurling a monkey wrench into the technology engine that is keeping our economy humming. I hope we won't do that.

The Senator from North Carolina asked me, before I went through that enlightening example of small business, to yield. I am happy to do so.

Mr. EDWARDS. I appreciate the work of the Senator from Oregon. We have talked about this matter a good deal. I appreciate the time spent doing that.

We do have a fundamental disagreement. My reading of Section 12 says that people cannot recover economic

losses. I think if you can't recover economic losses as a result of the negligence or intentional acts or misrepresentations by a defendant, then essentially that means all you can ever get is the cost of the computer—even if you have been put out of business.

I don't think anybody in America would think that is right, fair, or just.

My first question is if, in fact, all the remedies for recovery of economic loss—that is lost profits, et cetera—are left in place under Federal and State law, why do we need a section, Section 12, on that matter at all in this bill?

Mr. WYDEN. If the Senator will let me reclaim my time, I will read the precedence we are citing with respect to our opinion that our bill covers economic losses in line with State law and common law.

Let me read to the Senator the precedent:

> The prevailing common law rule is that ''recovery of intangible economic losses is normally determined by contract law.''

That is Prosser, 1984.

Accordingly, the courts have essentially allowed plaintiffs to address these matters in State contract law by Clark v. Int'l Harvester Company, Chrysler v. Taylor, Inglis v. American Motor Company.

Our position is that the economic loss rule in our bill is merely an explicit recognition of this sensible principle, which is in line with the legal precedence I cited, and also Prosser.

Mr. EDWARDS. If the Senator will yield, the problem I have, if it is true that all State and Federal remedies for economic loss are left in place, it seems we would need to say nothing about that in this bill. We could say absolutely nothing and they would remain in place as they are under existing law, or we could have one sentence and that sentence would say ''economic losses are permitted as presently exist under applicable Federal or State law.''

Instead, I have a 2½ page section on economic loss, and before it ever gets to mentioning Federal or State remedies for economic loss, it sets forth a long description of requirements that have to be met—requirements that don't exist in any State or Federal law.

The reality is this bill sets up requirements that are far more draconian than exist across this country. Then the amendment says if you can meet all of those requirements, and the recovery of these economic losses are permitted under State and Federal law, then you can recover economic losses.

The truth of the matter is, if it were true that economic losses as they presently exist in the law and as they exist across this country—which means people can recover, in my example, more than the cost of their computer; they can recover for lost profits, their overhead, and all the costs associated with that, things that most Americans would consider completely fair, reasonable, and just—if that were true, we do not need a provision about this at all. We sure do not need 2½ pages about it. Or we could do it in one sentence: Existing recoveries for economic losses are permitted under applicable Federal or State law.

Instead, we have 2½ pages. We have a provision that essentially eliminates the right to recover economic losses, even in the case of someone who has had a fraudulent representations made to them about the product they are purchasing.

Can the Senator show me the specific language that simply says all Federal and State law remains in place, without any other requirements?

Mr. WYDEN. I appreciate having the chance to look at any alternative language the Senator from North Carolina wants to pursue.

The Senator raised the question of whether or not plaintiffs ought to be able to circumvent the provisions of State contract law by repackaging suits as tort claims. That has not been allowed by the courts.

If the Senator is talking about something else, we are happy to look at this. What we have in our legal analysis, and I have cited the specific cases that back up our particular point, is an indication that we believe we are protecting plaintiffs and plaintiffs' rights to recover in line with State contract law on economic losses.

If the Senator is not trying to ''tortify'' contracts, I am certainly willing to work with him on any kind of language.

Mr. EDWARDS. Mr. President, I don't have any problem at all with the idea of protecting existing contracts. I think Senator KERRY's amendment does exactly that. I think the problem we are confronted with—and I have asked this question a couple of times—this 2½ pages on economic loss does not say that State remedies prevail.

I might add, I believe your home State of Oregon allows the recovery of economic losses under the circumstances that I am describing where someone has acted irresponsibly. So we have a bill that will change laws not only in other places around the country but in your home State.

Let me give you an example of what I am talking about.

Mr. WYDEN. If I could reclaim my time to respond to the Senator, first, we made it very clear regarding economic losses. We want to see people recover in line with their State contract law.

If the Senator can show me something in the 2½ pages that he is so alarmed about—he has referred to the 2½ pages now three or four times—if the Senator can show me something in those 2½ pages that indicates that a plaintiff could not recover through their State contract law economic losses, I guarantee myself, Senator DODD, and Senator MCCAIN are interested in working with the Senator on it.

We cannot find anything. We have precedence and we have a legal analysis that backs up our point of view. If the Senator finds something in those 2½ pages that the Senator thinks indicates that a plaintiff cannot recover their economic losses according to State contract law, we will be very open to seeing it.

Mr. EDWARDS. For just a moment, if I could just give an example of what I am referring to, let's suppose a computer has been sold by a computer company that sells a system. They have sold it to a small businessman. There is a Y2K problem and the small business is put out of business. They have lost millions of dollars over the course of several months. What we determine, when the investigation is done, is that what caused the problem is a chip, a computer chip that was sold by a manufacturer with whom this purchaser never had any interaction. Or it was some program that was loaded onto the computer. And the plaintiff never had any relation with the software manufacturer. Of course they would not; they bought the computer at a computer store from some computer salesman.

Under the provisions of this bill, the person who was actually responsible, that is the manufacturer of the computer chip or software that was not Y2K compliant—you cannot recover against that responsible person for economic losses under the express provisions of this paragraph in Section 12. In fact, the Senator and I both know in reality that is what is most likely to happen. What most people are going to confront when they have a Y2K problem is some very isolated, discrete part of their computer system that caused the problem. It is not going to be the entire system. My point being there is no contract between the purchaser and that responsible party, that party in my example who is acting irresponsibly.

What you are doing in this bill is you are absolutely cutting off the right of this innocent businessman to recover anything more than what he has lost, what he has lost out of his pocket, what he has lost as a result of not being able to make sales. This bill is very clear about that, I say to Senator WYDEN. I don't think it can be interpreted in any other way.

Mr. WYDEN. Our interpretation and our legal analysis, which I am happy to give, indicates the plaintiff can recover exactly what they are entitled to today. They are not going to get any more.

I recognize what the agenda is here. I respect that we have a difference of opinion. But the bottom line is—I am happy to give our legal analysis—they can recover exactly what they are entitled to today.

Mr. KERRY. If the Senator will yield for a moment on just a point further, the language in section 2 says ''such losses result directly from damage to tangible personal or real other property.''

The economic losses my colleague is skillfully referring to may be the much

larger losses that come from, say, the intellectual property failure.

Mr. WYDEN. I think the Senator is talking about the tort section.

Mr. KERRY. No, he is referring—excuse me, yes, I am, at this point. But that is a similar complication here of what the Senator is eliminating without being aware that is, in fact, being eliminated.

Mr. WYDEN. Mr. President, if I can reclaim my time, there is a difference of opinion here on the matter of economic losses. In the 2½ pages the Senator from North Carolina has cited, we believe every plaintiff is going to be able to recover exactly what they are entitled to recover today. If in fact there is some evidence to the contrary, we will certainly be happy to pursue that.

Mr. HOLLINGS. Will the distinguished Senator yield?

Mr. KERRY. Will the Senator yield?

Mr. WYDEN. Let me yield, if I can, to Senator HOLLINGS.

Mr. HOLLINGS. When the Senator says ''exactly what he is entitled to under the contract,'' when I go buy a computer from you, under my contract I am not contracting for any economic loss or loss of customers, or wasted moneys for advertising because the business has closed down, or any of the other economic losses. When the Senator says ''exactly under State contract law,'' the contract is only for the item itself. State contract law is not State tort law. I take it that is the difference. ''Exactly what he is entitled to,'' not under State tort law but under State contract law; isn't that the Senator's position?

Mr. WYDEN. If I could refer the distinguished Senator from South Carolina to the specific section, I have been talking about section 11, contractual damages. I gather the Senator from North Carolina, who is getting us into this area, was largely talking about the tort section. That, of course, is the difference of opinion here. I believe it would be a mistake to try to ''tortify'' these contractual rights at this time when we are staring, early in the next century, at all of these liabilities.

I have three good friends with whom I agree on probably the vast majority of issues that come up in this body who see it otherwise. I recognize that. But I want to, again, in the name of trying to work things out, make it clear if there is anything in the contract section—in the contract section—that would suggest a plaintiff cannot get the economic losses they are entitled to under State contract law, I am very certain Senator MCCAIN and Senator DODD and I will be happy to look at that. We do have a difference of opinion on this matter involving torts.

Mr. HOLLINGS. How could they be entitled to anything, any economic losses under State contract law when it was not contracted for? You see, you just contract to buy the item. If I go into Circuit City, or whatever it is, and get the computer, I don't say: Now, wait a minute, if something goes wrong with this computer here 60 days from now or something else like that and my business is closed down for 90 days or whatever, then I want the loss of customers, the loss of good will, and all these economic losses. I am only contracting for the item.

So when you say ''exactly what he is entitled to under State contract law,'' it is saying in the same breath he is not entitled to any economic loss under tort law. Isn't that the case?

Mr. WYDEN. The jurisdictions differ. But what we are trying to adhere to, with respect to economic losses and contracts, is the status quo. If there is some evidence we can be shown indicating otherwise, we will be happy to take a look at it.

I have taken an awful lot of time. I yield the floor.

Mr. EDWARDS. Can I ask Senator WYDEN one last question?

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from North Carolina.

Mr. EDWARDS. I want to make sure we are clear about this for purposes of our discussion. Does my colleague now concede that for any claim other than under contract, that economic losses are being completely eliminated by this bill? Does he concede that?

Mr. WYDEN. No. Not at all. In fact, let me again read from our legal analysis:

> The economic loss rule is a widely recognized legal principle that has been adopted by the United States Supreme Court in the vast majority of States. It states a party who has suffered only economic damages must generally sue to recover those damages under contract law, not under tort law. Tort law generally applies only where a party has suffered personal injury or damages to property other than the property in dispute.

So we are having, I guess, a duel of legal analyses. But we are happy to share ours. We believe, again, the court precedents and the specific analysis I am citing make it very clear that recovery that is available today for economic losses under State contract law is not being altered in any way by this bill.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, if I can respond just very briefly, there are two fundamental problems I respectfully disagree with Senator WYDEN about. The first of those problems is he talks at great length about State contract law. I do not have any problem with State contract law being totally enforced. I believe the law generally ought to be enforced and that includes State contract law. The problem is in the real world, most of the time, as Senator HOLLINGS pointed out, to the extent there is any written contract that contract is drafted by the manufacturers. It is not drafted by a small businessman who is buying a computer. So the Senator knows as well as I do it is a farce to say there is going to be a provision in the contract that provides for economic losses. It is not going to be anywhere in any contract, because the contracts have been written by teams of lawyers who drafted these contracts to protect the seller. They are the people who are in the position of economic power.

So the reality is there is not going to be anything in the written contract if there is a written contract. That is one problem.

But there is a second problem that is even larger than that, which is in many cases it is not going to be the contracted-with party who is responsible. The contract is between a purchaser and a seller. The seller is selling a computer system and the negligent or irresponsible party is not the seller who has included many computer chips in his computer system.

The PRESIDING OFFICER. The Senator's time has expired. Under the previous order, the KERRY amendment is now up for 5 minutes of debate on each side, equally divided.

Mr. EDWARDS. Mr. President, I ask unanimous consent for 1 more minute.

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

Mr. EDWARDS. If I can finish this thought, the bottom line is in many cases—in fact, in the vast majority of cases—the computer company that is responsible for putting a small businessman out of business, for all the losses that the small businessman incurs is not going to have a contract. In fact, the only way the person who is ultimately responsible can be held accountable is through a cause of action for breach of warranty or breach of product warranty and negligence, and this bill eliminates the right of that small businessman to recover any of his losses other than the cost of the computer.

The result of this discussion is Senator WYDEN now recognizes that, and with all due respect, I do not believe the American people will find that fair.

The PRESIDING OFFICER. Who yields time? If neither side yields time, time will be charged to both sides.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, this country is facing an unusual and very dangerous legal situation. I understand and appreciate the details given by the Senators as they have debated the nature of contracts and damages and economic loss rule and negligence as compared to contract law. It is pretty complex.

Historically, we have created rules under which to file. For contracts, you have burden of proof. If you file under tort, you have another standard you have to prove. All of those are complex, and we ought to be openminded to make sure we are proceeding in a way so as to create a statute that is effective and will achieve what we want.

It is time for us to face up to the fact that we do need some change in this Y2K computer problem. Our Nation is facing a real challenge. We could end

up with massive litigation in every single county in America: lawyers on both sides filing lawsuits arguing over how much business was lost in this grocery store, how much this bank lost; arguing over punitive damages, standards of proof; the computer companies situated in one State are having to defend themselves against 50 separate State laws; sometimes individual judges within individual States, if they do not have guidance, may rule differently than one expects them to rule.

Under the circumstances of this situation, as a person who does believe States ought to do those things they do best, and the Federal Government ought not to take over, when we are dealing with the computer industry—which is not only interstate but international and is a fundamental source of our productivity increases—that industry can be sued thousands of times throughout the country, and as a result, they will be weakened economically, they will be substantially less able to fix a problem that may occur and will spend more and more time with lawyers and on litigation than they need.

We need to create a system which focuses on fixing the problem, and that does mean changing the way we have to do business for this one problem for a maximum of 3 years. This is what we need to do. We do not need to allow our Nation to assault from every possible venue that exists in this country the computer industry, which Alan Greenspan has indicated is one of the primary reasons for our productivity increases as a nation, why our Nation is doing better than other nations, and why we need to keep it that way.

I see the distinguished Senator from Arizona has arrived. There may be some time remaining. I will be glad to yield the floor to him.

The PRESIDING OFFICER. One minute 25 seconds remains.

Mr. DODD. How much time remains on all sides?

The PRESIDING OFFICER. The Senator from Massachusetts has 5 minutes; the Senator from Alabama has 1 minute 24 seconds. Who yields time?

Mr. SESSIONS. I yield the floor.

Mr. MCCAIN. We reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, over the course of the day, there has been a lot of argument about what we seek to do and do not seek to do. I want to make it very clear. Both sides are seeking a fair and sensible way to address the Y2K problem. There is no argument that one side wants frivolous suits, the other does not. There is no argument that one side somehow wants to keep business from flourishing. We are all on the same side of the high-tech industry and of the capacity of that industry to flourish.

The question is, what is the fairest, most balanced way to effectively approach the question of how we will do that.

Senator EDWARDS from North Carolina has very effectively demonstrated one of the real flaws in the bill as presented by the Senator from Arizona. The economic losses will be denied in a way, particularly in a situation where there is fraud or misrepresentation, that no American deems to be fair.

Equally important, when you balance the fundamental components of this bill on the question of proportional damages and who gets them and when, there is a difference between us in what we assert is the appropriate qualification for businesses to merit the proportional damages.

The McCain bill automatically makes available, with a few small exceptions, those proportional damages to businesses without any fundamental mitigation requirement; that is the essence of this bill. On the other hand, the proposal I submit with Senator DASCHLE, Senator REID, Senator ROBB, Senator AKAKA, Senator MIKULSKI, and others, is a proposal that embraces 90 days for a cure period, just as the McCain bill does. It embraces a responsibility to mitigate, just as the McCain bill does. It preserves contract law, just as the McCain bill does. But it also requires a good citizenship standard, an effort by companies to determine the potential—not the reality—the potential, not to find to a certainty, but to declare the potential that they may have a Y2K problem, and then in good faith to make available to the people with whom they have dealt the information about that potential.

It is hard to believe the Senate would not be willing to embrace the notion that companies ought to embrace the full measure of the purpose of this bill, which is mitigation, by making that good effort in order to determine what their liability may be.

Our bill encourages remediation. It requires notice and opportunity to cure. It imposes additional duty on plaintiffs when the defendant does act responsibly. It requires the plaintiff to undertake certain mitigation efforts which is fairly unprecedented. It discourages frivolous lawsuits by encouraging alternative dispute resolution. It increases the pleading requirements. None of these, incidentally, are things the lawyers have asked for and none of them are things the lawyers like.

It asserts an increased materiality requirement so that the complaint has to identify with specificity the basis of the complaint which they make. We discourage frivolous class action lawsuits with a minimum injury requirement for any class action and a materiality requirement.

We protect business with contract preservation, with strict limitations on damages awarded for economic loss, and also, unlike the McCain bill, we embrace the notion that individual consumers should not be cut out from their capacity to redress their problems.

In the end, I believe the real issue is: Do we want to accomplish what we have set out to do, which means, will the President of the United States sign the bill? The President has made it clear the McCain bill will not be signed into law without the kinds of changes Senator EDWARDS and I and others have articulated.

So we can go through the Pyrrhic exercise or we can try to fully legislate. I think it is clear that we are offering an alternative that is fair, sensible, protects consumers, and at the same time protects businesses in this country.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATCH. Mr. President, I rise today to support what will be offered as the bipartisan amendment to S. 96, the Y2K Act. I also rise to oppose Senator John KERRY's alternative to the Y2K Act.

The Y2K Act has gone through significant and myriad changes. In the spirit of constructive compromise, Senators of both parties have come together to work out their differences to produce S. 1138, the bipartisan Dodd-McCain-Hatch-Feinstein-Wyden-Gorton-Lieberman-Bennett amendment. Why? Because these and other Senators realize the importance of resolving a potential Y2K litigation crisis. These and other Senators have placed the vitality of the nation over any exaggerated loyalty to one political party.

Y2K-related lawsuits pose the greatest danger to industry's efforts to fix the problem. All of us are aware that the computer industry is feverishly working to correct—or remediate, in industry language—Y2K so as to minimize any disruptions that occur early next year.

What we also know is that every dollar that industry has to spend to defend against especially frivolous lawsuits is a dollar that will not get spent on fixing the problem and delivering solutions to technology consumers. Also, how industry spends its precious time and money between now and the end of the year—either litigating or mitigating—will largely determine how severe Y2K-related damage, disruption, and hardship will be.

Many fear that if Congress does not act, the American high tech industry, a leader in the world and a significant source of our exports, will be severely damaged. This is particularly true for the economies of cutting-edge high tech states—such as my home state of Utah—whose private sector is a leader in the information revolution. Why retard the industry that has led the recent boom of the American economy? Why kill the goose that lays the golden egg?

Let me restate what I have said on numerous occasions. The potential financial magnitude of the Y2K litigation problem is enormous. To understand this enormity, we should consider the estimate of Capers Jones, Chairman of Software Productivity Research, a provider of software measurement, assessment and estimation products and services. Mr. Jones suggests

that ''for every dollar not spent on repairing the Year 2000 problem, the anticipated costs of litigation and potential damages will probably amount to in excess of ten dollars.'' The Gartner Group estimates that worldwide remediation costs will range between $300 billion to $600 billion. Assuming Mr. Jones is only partially accurate in his prediction—the litigation costs to society will prove staggering. Even if we accept The Giga Information Group's more conservative estimate that litigation will cost just two dollars to three dollars for every dollar spent fixing Y2K problems, overall litigation costs may total $1 trillion.

Even then, according to Y2K legal expert Jeff Jinnett, ''this cost would greatly exceed the combined estimated legal costs associated with Superfund environmental litigation . . . U.S. tort litigation. . .and asbestos litigation.'' Perhaps the best illustration of the sheer dimension of the litigation monster that Y2K may create is Mr Jinnett's suggestion that a $1 trillion estimate for Y2K-related litigation costs ''would exceed even the estimated total annual direct and indirect costs of all civil litigation in the United States,'' which he says is $300 billion per year.

These figures should give all of us pause. At this level of cost, Y2K-related litigation may well overwhelm the capacity of the already crowded court system to deal with it.

Looking at a rash of lawsuits—there already have been 66 Y2K lawsuits filed nationwide and the number is growing—we must ask ourselves, what kind of signals are we sending to computer companies currently engaged in or contemplating massive Y2K remediation? What I fear industry will conclude is that remediation is a losing proposition and that doing nothing is no worse an option for them than correcting the problem. This is exactly the wrong message we want to be sending to the computer industry at this critical time.

I believe Congress should give companies an incentive to fix Y2K problems right away, knowing that if they don't make a good-faith effort to do so, they will shortly face costly litigation. The natural economic incentive of industry is to satisfy their customers and, thus, prosper in the competitive environment of the free market.

This acts as a strong motivation for industry to fix a Y2K problem before any dispute becomes a legal one. This will be true, however, only as long as businesses are given an opportunity to do so and are not forced, at the outset, to divert precious resources from the urgent tasks of the repair shop to the often unnecessary distractions of the court room. A business and legal environment which encourages problem-solving while preserving the eventual opportunity to litigate may best insure that consumers and other innocent users of Y2K defective products are protected.

The bipartisan compromise amendment accomplishes these ends. It is significant to note that the Chair and Vice-Chair of the Senate's Special Committee on the Year 2000 Technology Problem, my good friends and respected colleagues ROBERT BENNETT and CHRISTOPHER DODD, endorse the bipartisan amendment. Both these Senators have developed great expertise in Y2K and related matters during their leadership of the special committee. They were instrumental in crafting the compromise amendment.

The Kerry proposal, on the other hand, is partisan. As I understand it, it was in part drafted with the White House. It has not been endorsed by one Republican. While I firmly believe that Senator KERRY and other Democrat Senators who crafted the amendment sincerely believe that they are doing good, their amendment clearly eviscerates the protections established by S. 96. It reduces the incentives created in the bill for reducing litigation and resolving Y2K problems outside the court room. Let me explain.

The Kerry Amendment significantly weakens the class action section of S. 96. Class actions are a significant source of abuse. I have seen this as Chairman of the Judiciary Committee. Both plantiffs and defendants' attorneys have all too often been successful in rigging the system. Far too often, sweetheart deals are entered into whereby the plaintiff's attorneys negotiate huge fees, the defendants buy litigation peace through a nation-wide class action settlement that acts as res judiciata and bars all, even meritorious, future litigation, and class members are given mere trifles, such as coupons for products that hardly can be considered just compensation.

Far too often, Federal jurisdiction is defeated by joining just one nondiverse class plaintiff—even if the overwhelming number of parties are from differing states. This wrecks the clear purpose of Federal Rule of Civil Procedure 23—to provide for a Federal forum for class actions where the litigation problem is national in scope. A federal forum ameliorates myriad state judicial decisions that are conflicting in scope and onerous to enforce. Now, I am a great proponent of federalism and the right of our states to act as what Justice Brandeis termed national laboratories of change. But it is axiomatic that a national problem needs an uniform solution. That is the justification for Congress' Commerce Clause power and its consequent promulgation of Rule 23. That is the justification for the Y2K Act itself, in which the Y2K defect is clearly a national problem in need of a Federal answer.

Because of the short 2 or 3 year timespan for litigation, all of these problems are magnified in the Y2K context. There already have been filed 31 Y2K class action lawsuits with all the attendant problems associated with class action abuse. Before all is said and done, I expect many more to be filed. S. 96 deals with the problems generated by class actions in two ways: first, a certification requirement to demonstrate a common material defect is mandated. This assures that class action joinder is available only if common questions of law and fact exist. Second, minimal diversity is allowed. Thus, a substantial number of parties must be from different states and joinder of one or two nondiverse parties cannot defeat Federal jurisdiction. Moreover, to assure that Federal courts are not saturated with class actions independently filed or removed from state court, the amount in controversy must be over one million dollars.

To its credit, the Kerry Amendment adopts the common material defects showing requirement. But it is silent as to the need for minimal diversity to assure that the Federal courts will have jurisdiction over what is after all a national problem. To be sure, I am aware that the Judicial Conference opposes this provision fearing a substantial increase in Federal class actions. But I am also aware of their tendency to overreact. They made no study of the issue. Their concerns were mere ipse dixits, statements made as true with no foundation as to their truth.

To the contrary, the nonpartisan Congressional Budget Office has made a study of both S. 96, the bill reported out of Commerce, and S. 461, the Hatch-Feinstein Y2K measure, the bill reported out of the Judiciary Committee. Both bills have nearly identical provisions.

Concerning the class action provisions of S. 461, CBO first recognized that because of the incentives found in the bill it expects ''that parties to lawsuits would be encouraged to reach a settlement. Thus, we anticipate that many lawsuits would not result in trial, which can be [time-consuming] and expensive.'' CBO went on and noted that ''some class action lawsuits could be shifted from state to federal court under S. 461 because the bill would ease restrictions for filing such actions in Federal court.'' What is important, however, is their ultimate conclusion: ''On balance, CBO estimates that the savings from eliminating trials for many lawsuits would more than offset any increased costs that might be incurred from trying additional class action lawsuits in federal court.'' (My emphasis). In other words, in the only study done of the class action issue, it is concluded that the Y2K Act's class action provision would not result in the flooding of the federal courts with unneeded and expensive litigation.

A provision of S. 96 that the Kerry Amendment actually strikes is the punitive damages limitation provision. Now both S. 96 and S. 461 contained caps on punitive damage awards. The caps applied to all prevailing parties and limited punitive damages to the greater of three times compensatory damages or $250,000, or the lesser of that amount if a small business was

the defendant. The reason for these caps are clear. Runaway punitive damages have hindered economic growth and productivity nationwide. Businesses are often forced to settle spurious suits when faced with millions in punitive damages. Thus, prices for goods and services are unnecessarily raised with consumers suffering the most. Because of the concentrated time period, this problem will be magnified for Y2K actions.

The bipartisan Dodd-McCain-Hatch-Feinstein amendment modifies the punitive damage provision. In the spirit of compromise, the caps were limited to small business and individuals with a net worth of less than $500,000. There were two reasons for this change. The first is that small businesses and most individuals would be ruined by immense punitive dmamages. The other reason is that punitive damages in this situation do not serve the intended deterrent effect. In fact, insolvency and bankruptcy creates a counterincentive to remediate Y2K glitches. Why would a small business voluntarily notify customers of potential Y2K defects if the business could face ruin for its good citizenship?

But Senator KERRY even opposes this watered down provision. The reason for Senator KERRY's opposition for even this moderate provsion is that even caps for small business would allegedly reduce the deterrent effect of those damages. Surely, however, the prospect of treble damages provides adequate incentives for companies that need monetary threats to make efforts at compliance. The current, unlimited punitive regime simply encourages suits by lawyers who hope to hit the lottery, while driving up the settlement value of insubstantial claims.

Let me turn to the proportionate liability section of S. 96. It is good to see that Senator KERRY has moved closer to our position. Prior drafts of his amendment completely weakened this provision. Senator KERRY's latest attempt in most respects is verbatim the same as the bipartisan amendment.

The system of modified proportionate liability in S. 96 makes sense as a matter of both equity and of litigation management. Based on the already existing proportionate liability provision of the Federal Private Securities Litigation Reform Act of 1995, it ensures that defendants will not be forced to pay for injuries that are not their fault. It discourages specious lawsuits because plaintiffs' lawyers will not be able to take advantage of the archaic joint and several liability doctrine whereby a deep-pocket defendant will inevitably have to pay the entire judgment so long as a jury can be persuaded to find it is even one percent responsible. And the proportionate lability section will avoid coercive settlements prevalent in a joint and several liability scheme.

The Kerry provision essentially adopts the proposal in S. 96, which recognizes that it is unfair to assume that defendants should be forced to pay for damages that are not their fault. But the Kerry draft also eliminates proportionate liability if the defendant fails to inform the plaintiff of a potential Y2K problem before December 31, 1999. This is true even if the defendant business demonstrates that it was innocent, or had no knowledge of the defect. Suppose a retailer, having no reason to believe the manufactured product sold was defective, could not and did not notify the purchaser of the Y2K defect. In that case the retailer would be subject to joint and several liability under Kerry. The result is that deep-pocketed defendants who are subject to strike suits will have to assume that they face limitless liability, and, therefore, will have no choice but to pay a coercive settlement, even if the defendant was innocent of any knowledge of the defect.

The Kerry Amendment duty to mitigate requirement has been so limited that it will not encourage remediation. The amendment provides that plaintiffs cannot recover damages for injuries that they could have reasonably avoided in light of information provided to the plaintiff by the defendant. It does not impose such a limit if the plaintiff obtained the relevant information from third parties or other sources. The provision in the Kerry Amendment is much more narrow than the general common law of the duty to mitigate. If the plaintiff in fact obtained information from any source that would have allowed it to avoid injury, it makes no sense to allow the plaintiff to ignore that information, to suffer the injury, and then to force someone else to pay its damages.

There is another significant problem with the Kerry Amendment. The amendment eliminates all intentional torts—except where the tort involves fraud or misrepresentation about the product—from the scope of S. 96's codification of the Economic Loss Rule, regardless of the relationship between the parties. This exemption would significantly narrow existing law in many states and undermine the purpose of the Rule in cases involving two contracting parties.

Breach of contract, intentional or otherwise, does not generally give rise to a tort claim; it is simply breach of contract. The Economic Loss Rule thus prevents tort remedies—such as lost profits and other economic losses—where the parties were in privity and could have negotiated consequential damages and other economic losses. The rapidly emerging trend, therefore, among the States is to apply the Economic Loss Rule to bar fraud claims where those claims merely restate claims for breach of contract. The Rule does not, however, bar fraud claims arising independent of a contract. Additionally, the Kerry Amendment would significantly override State law and allow recovery of economic loss in cases of intentional torts even where such recovery would be prohibited by State law. This seems to create a new cause of action for recovery of economic loss in cases of intentional torts and is unacceptable. The Kerry Amendment also would apply the Economic Loss Rule to only actual defects and not anticipated failures. Thus many lawsuits based on anticipated failures would not fall under the Economic Loss Rule.

Finally, the Kerry Amendment carve-out for noncommercial suits will permit a huge range of abusive actions. Carving out noncommercial suits—including class actions—will permit a huge range of abusive actions. Abusive class actions on behalf of consumers are one of the greatest dangers in the Y2K area because such suits are easily created and controlled by plaintiffs' lawyers. While the Kerry Amendment does apply the minimum injury certification requirement to individual class actions, it does not apply to the proportionate liability and other substantive provisions in such cases. Besides, why should not consumers get the benefit of the bill's terms, which will speed remediation and negate the need for costly lawsuits, as CBO opined.

It is clear that the Kerry Amendment has serious flaws. I sincerely believe that Senator KERRY and the sponsors of his amendment are well-meaning. Their goals are in harmony with ours. But they are mistaken if they believe that their proposal would solve the Y2K problem. That is why I ask all Senators to support S. 96, as modified by S. 1138, the Dodd-McCain-Hatch-Feinstein amendment.

Mr. LOTT. Mr. President, as the Senate considers S. 96, the Y2K Act, I rise to first praise the bipartisan work of Senator MCCAIN and Senator WYDEN. They have worked tirelessly to construct an effective, fair bill that will address the important issue of liability as it relates to the Year 2000—or Y2K. There are enough challenges for America's industry and governments to ensure that they are Y2K compliant. We all know how vexing computer problems can be.

This bill is constructive, positive legislation. It allows companies in the information technology industry to focus their limited resources on solving Y2K related problems in computer software by preventing frivolous litigation. Litigation which would divert those limited resources away from solving Y2K programming deficiencies.

With only 205 days left until the globe turns the page on the calendar to a new century and a new millennium, the Y2K problem is a crucial matter and must be fixed.

Lawsuits are already being filed regarding the Y2K problem, and Congress must act now to ensure that frivolous suits are prevented. Our legal system allows those who have indeed suffered because of the fault of another party to have their grievances adjudicated in court. This bill protects that process. This bill allows plaintiffs to bring suit

for Y2K related problems if these problems are not addressed. This bill, however, prevents and places limits on opportunistic and unwarranted suits.

Senator MCCAIN and Senator WYDEN have worked closely together to address this relevant matter, and I congratulate them for their efforts. Their approach has gained support from a substantial number of our colleagues—from both sides of the aisle.

I would also like to recognize the efforts of Senator HATCH and the Judiciary Committee. They too have brought additional attention and clarity to the issue of Y2K liability problems. Senator BENNETT and the Special Committee on the Year 2000 Technology Problem have also been invaluable in educating the Senate. Although his task force does not have legislative authority, he has explored all facets of the public policy dilemma. The Special Committee has continued to investigate this matter and provide education on preparations for the new century.

Yes, there were three separate efforts from three different vantage points to ensure that the Senate gets to a solution rapidly. The participating Senators have brought expertise and legitimate concerns from their various roles and responsibilities within the Senate. All of our colleagues will benefit from their collective efforts.

I am delighted that, without further delay, the full Senate can now begin consideration of S. 96—the result of the diligent efforts of many. I am proud to be a cosponsor and urge all Senators to support a solution that ensures America's continued prosperity.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I remind my colleagues of a letter that has already been made a part of the Record from the Year 2000 Coalition, which has more organizations and groups in it probably than I have ever seen—the entire high-tech community—addressed to Senator KERRY:

''We urge you to support S. 96 and to not introduce an amendment to it.''

''[T]he Coalition does not support the amendment . . . that is being circulated in your name.''

Have no doubt about where the high-tech community is on this amendment.

I ask unanimous consent for 2 minutes for the Senator from Connecticut.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DODD. I thank my colleague.

Let me just again state to my colleagues, this is a 3-year bill. We are not changing tort law for all time. We are not even changing tort law. This is narrow in scope. It affects just Y2K issues for a limited duration to try to resolve the Y2K issues.

Let me say to my friend from Massachusetts, again, I respect what his intentions may be, but the adoption of the Kerry amendment expands, rather than contracts, the area of law we are trying to deal with here.

My colleague from Oregon has stated it well. You cannot, because you do not like the contract, all of a sudden decide you want to get into torts. I appreciate a plaintiff's lawyer wanting to do that, but we ought to be trying to fix these problems, not litigate these problems. That is what the McCain bill is designed to do.

My fervent hope is my colleagues will understand the fundamental difference and support the underlying legislation and not allow this bill to be destroyed, in effect, by adopting a measure here that would create more litigation, more problems, make it far more difficult for Americans who are going to be afflicted by this problem with the Y2K issue. With all due respect to its authors, I urge the rejection of the amendment and the support of the underlying McCain bill.

The PRESIDING OFFICER (Mr. SMITH of Oregon). All time has expired. The question is on agreeing to the motion to table amendment No. 610. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAPO) and the Senator from Colorado (Mr. CAMPBELL) are necessarily absent.

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 159 Leg.]

YEAS—57

Abraham	Fitzgerald	Mack
Allard	Frist	McCain
Ashcroft	Gorton	McConnell
Baucus	Gramm	Moynihan
Bennett	Grams	Murkowski
Bond	Grassley	Nickles
Brownback	Gregg	Roberts
Bunning	Hagel	Santorum
Burns	Hatch	Sessions
Chafee	Helms	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Collins	Hutchison	Snowe
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
DeWine	Kyl	Thompson
Dodd	Lieberman	Thurmond
Domenici	Lincoln	Voinovich
Enzi	Lott	Warner
Feinstein	Lugar	Wyden

NAYS—41

Akaka	Feingold	Mikulski
Bayh	Graham	Murray
Biden	Harkin	Reed
Bingaman	Hollings	Reid
Boxer	Inouye	Robb
Breaux	Johnson	Rockefeller
Bryan	Kennedy	Roth
Byrd	Kerrey	Sarbanes
Cleland	Kerry	Schumer
Conrad	Kohl	Shelby
Daschle	Landrieu	Specter
Dorgan	Lautenberg	Torricelli
Durbin	Leahy	Wellstone
Edwards	Levin	

NOT VOTING—2

Campbell	Crapo

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent that Senator LEAHY now be recognized to offer an amendment with debate limited to 30 minutes equally divided, and following that debate the Senate proceed to vote in relation to the Leahy amendment with no amendments in order prior to the vote.

Before I finish this unanimous consent request, for the benefit of my colleagues, I do not intend to use the full 15 minutes on this side. I think my colleagues can anticipate a time for a pretty rapid vote by the time Senator LEAHY is finished.

Finally, I ask my colleagues who have amendments on the list of 12 amendments to agree to time agreements, so perhaps we could dispense with this bill tomorrow at an early moment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I ask my time not begin until the Senate is in order.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Vermont is recognized.

AMENDMENT NO. 611 TO AMENDMENT NO. 608

(Purpose: To exclude consumers from the Act's restrictions on seeking redress for the harm caused by Y2K computer failures)

Mr. LEAHY. Mr. President, I call up amendment No. 611.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont (Mr. LEAHY) proposes an amendment numbered 611 to amendment No. 608.

Mr. LEAHY. 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:

At the appropriate place, insert the following:

SEC. . EXCLUSION FOR CONSUMERS.

(a) CONSUMER ACTIONS.—This Act does not apply to any Y2K action brought by a consumer.

(b) DEFINITIONS.—In this section:

(1) CONSUMER.—The term ''consumer'' means an individual who acquires a consumer product for purposes other than resale.

(2) CONSUMER PRODUCT.—The term ''consumer product'' means any personal property or service which is normally used for personal, family, or household purposes.

Mr. LEAHY. Mr. President, this bill as presently drafted would preempt the consumer protection laws of each of the 50 states and restrict the legal rights of consumers who are harmed by Y2K computer failures.

Why is this bill creating new protections for large corporations while taking away existing protections for the ordinary citizen?

We all know that individual consumers do not have the same knowledge or bargaining power in the marketplace as businesses with more resources. Many consumers may not be aware of potential Y2K problems in the products that they buy for personal, family or household purposes.

Consumers just go to the local store downtown or in the neighborhood mall to buy a home computer or the latest software package. They expect their new purchase to work. But what if it does not work because of a Y2K problem?

Then the average consumer should be able to use his or her home state's consumer protection laws to get a refund, replacement part or other justice.

The liability limits in S. 96 would protect companies whose acts or omissions result in harm to consumers' products or services—even if those companies manufactured or sold products that they knew would fail when the date changes to the Year 2000.

Is that fair?

Let me give you a real life example of how an ordinary person might be harmed by this bill. In 1999, Joe Consumer buys a computer program and on the package is the claim: ''This software is guaranteed to serve you well for years to come.'' But in the fine print in the shrink wrap that comes with the software is a disclaimer of all warranties, either express or implied.

Joe Consumer's software package, that he brought in 1999, is not Y2K compliant. He calls and writes the software company to get it fixed but all he gets in response is a form letter telling him to buy the latest upgrade.

Under this bill, Joe Consumer would have to wait 90 days for his day in court and might not have a remedy at all.

Joe Consumer would normally be able to pursue justice based on a failure of the implied warranty of marketability of the software because it was not Y2K compliant. Or he would normally be able to pursue justice under his state consumer protection laws. And he normally would be able to pursue justice with other consumers harmed by this Y2K defective software on a fairer and more efficient class-action basis. But not under S. 96.

This bill says that the written contract prevails, even if it limits or excludes warranties. Enforceable written contracts under this bill would include the fine-print, boiler-plate language that is standard in the packaging of computer hardware or software.

A consumer does not have any power to negotiate this fine print, boiler-plate, shrink-wrap. This shrink wrap is all one sided in favor of the computer manufacturer. In fact, in some cases, computer manufacturers even try to take away the right of a consumer to go to court in the fine print of their shrink wrap. In addition, this bill would override the Uniform Commercial Code and all state laws that protect consumers by making certain warranty disclaimers unenforceable. The consumer protections in the U.C.C. and state law protect individual consumers from having unfair terms imposed on them by manufacturers of products with far greater economic power.

But this bill makes all state consumer protection laws null and void against the fine print terms of any computer manufacturer's shrink wrap. Maybe we should rename this bill, the ''Y2K Shrink Wrap Protection Act.''

Moreover, S. 96 would severely restrict the use of class actions by consumers even when common questions of fact and law predominate in their cases and the class action would be a fair and efficient method to resolving their dispute. The use of class actions in state courts permit consumers to band together to seek justice in ways that an individual could not afford to take on alone. These state laws were enacted to protect the average consumer.

But these basic consumer protections would be eliminated under this bill's Federal peremption provisions.

And no new Federal rights for consumers would replace these lost state consumer protections under this bill. That is not right.

My amendment uses the same consumer exclusion language in last year's Hatch-Leahy Year 2000 Information and Readiness Disclosure Act. My amendment contains the same definition of consumer and consumer product that was in that consensus measure, which passed the full Senate by a unanimous vote and was signed into law about seven months ago. Our bill become law because it was balanced, in sharp contrast to S. 96 as currently drafted.

I would hope the full Senate could agree to this amendment since it uses the same language that we agreed to last year on the Y2K information sharing law.

Last year, when we passed Y2K legislation to encourage remediation efforts, we clearly let stand existing consumer protections under state law. This same policy should apply to the pending legislation, which currently proposes to limit a consumer's legal rights even in cases involving fraud or other intentional misbehavior by product manufacturers or sellers.

In fact, the precedent for using last year's Year 2000 Information and Readiness Disclosure Act as a model for S. 96 have already been set. S. 96 includes an exclusion for governments acting in a regulatory, supervisory or enforcement capacity. The exact language in the bill was lifted from the Y2K information disclosure law of last year. I believe this government exception make sense, particularly for SEC enforcement actions, and improves the underlying bill.

Moreover, section 13(d) of S. 96 also explicitly provides that the protections for sharing information in our Y2K law shall apply to this bill.

If the protections for businesses from last year's Y2K information disclosure law are good enough for this bill, then the exclusion from last year's Y2K law for consumers should also be good enough for this bill. Last year's Y2K information disclosure law was a balanced measure in part because it protected consumers from its provisions. Adding the same consumer carve out by adopting my amendment would give balance to this one-sided bill.

Passing this amendment would improve the chances of S. 96 actually being signed into law by the President, instead of being vetoed as a bill that protects special interests at the expense of the average consumer. My amendment is supported by consumer rights associations including Consumers Union, Public Citizen, Consumers Federation of America, and the United States Public Interest Research Group. I ask unanimous consent that a letter from these consumer advocates in support of the Leahy amendment be printed in the RECORD at the end of my remarks.

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

(See Exhibit 1.)

Mr. LEAHY. Mr. President, allowing consumers access to their home state consumer protection laws is the right thing to do. I urge my colleagues to vote for this amendment.

EXHIBIT 1

CONSUMERS UNION, PUBLIC CITIZEN, CONSUMER FEDERATION OF AMERICA, U.S. PIRG,

June 8, 1999.

DEAR SENATOR: As the full Senate prepares to consider S. 96, The McCain-Wyden-Dodd legislation limiting the liability of companies responsible for Y2K computer processing failures, the undersigned consumer groups remain concerned about the negative effects this legislation will have on consumers with legitimate Y2K claims. While we would support legislation to provide incentives to companies to evaluate and address Y2K problems and product defects, we believe that S. 96 will have the opposite consequences.

Insulating companies from Y2K liability will only serve to protect those who have done the least to address their problems and will render consumers far more vulnerable as a result. We ask that you support the Leahy amendment, which would exempt consumer cases from this legislation. Most experts expect Y2K litigation to be brought primarily by businesses against other businesses. These litigants will have contracts with one another that have been drafted to protect their individual interests. Consumers will not have benefit of these protections in the marketplace.

In addition, there is federal precedent for a consumer carve-out in Y2K legislation. The language of the Leahy amendment is the same language that appears in the law passed last year, the Y2K Readiness and disclosure Act. Among the provisions of S. 96 that are most harmful to consumers:

Elimination of Joint and Several Liability. The sweeping change in this longstanding tort concept will likely leave consumers uncompensated for damages if one or more defendants cannot be held liable for the full amount of loss suffered. The two narrow exceptions to this provision will be of little benefit to most plaintiffs, and many could be left without full compensation, even for their economic losses.

Class Actions Removed to Federal Court. Any class action with aggregated damages of $1 million or more could be removed to federal court, where cases are likely to face a large backlog of cases and thus long delays and additional expense. S. 96 also requires notification by return mail to each potential plaintiff in a class action, a provision that may well make bringing these cases financially and practically impossible—leaving class members without a remedy.

Caps on Punitive Damages. S. 96 caps punitive damage at $250,000 or three times compensatory damages, whichever is less, for defendants with a net worth less than $500,000 or businesses with fewer than 50 employees, unless plaintiffs can prove the defendant specifically intended to injure them. Caps on punitive damages send the wrong signals to the most irresponsible companies, acting as a disincentive to fix problems before they occur.

Disclaimer of Implied Warranties. In most states, products are warranted to be fit for the purpose for which they are sold. Under S. 96, warranty disclaimers on the packaging or software—the fine print that consumers rarely read—may keep consumers from recovering for defective products and the losses they cause, unless they are proven to manifestly contradict state law, a difficult standard to meet.

For these reasons, we ask you to support Senator Leahy's consumer protection/consumer carve-out amendment.

EXAMPLES OF HOW SENATE Y2K LIABILITY BILL IS UNFAIR TO CONSUMERS

The examples below demonstrate the ways in which S. 96 would make it difficult, if not impossible, for consumers with legitimate claims to get full compensation from responsible parties. This legislation will have a direct effect on consumers and will likely result in many consumers being left without a remedy for Y2K problems.

THE CASE OF THE NON-COMPLIANT SOFTWARE

In 1998, Mrs. Betty Barnes purchases a new home computer, paying an extra $500 for special software that will allow her to pay her bills and manage her household finances using the system. One year later, Mrs. Barnes finds that the software is not Y2K compliant and will not work after the Year 2000. She calls the store where she bought the software to get a version of the software that will work. The store tells her a ''patch'' to correct the problem is available but will cost an additional $250. Mrs. Barnes then writes to the software manufacturer asking for a fix for the defective program. The manufacturer writes back within 30 days telling her that she will have to pay $250 for the Y2K compliant version of the program.

Under the bill, Mrs. Barnes must wait an additional 60 days before she can bring any legal action against the software manufacturer. The manufacturer has met its obligation by responding to the letter even though the company did not agree to fix the problem for a reasonable price. Mrs. Barnes has no right to a free fix or a reasonably priced upgrade under S. 96. She must wait 60 days even if the manufacturer has proposed an unfair solution to the problem. Mrs. Barnes has no bargaining power to force the manufacturer to offer a more fair solution.

S. 96 does have an exception to the 60-day waiting period: Mrs. Barnes can sue for injunctive relief. She speaks to a lawyer and finds out this will not help her in her case. Injunctive relief is difficult to obtain; it requires proof of (1) irreparable injury if the problem is not dealt with immediately, (2) a strong likelihood of winning on the merits and (3) no adequate remedy at law. Mrs. Barnes is unlikely to be able to prove irreparable injury. Even if she could, her likelihood of prevailing on the merits is diminished by the federal law that makes it harder for plaintiffs in Y2K cases to win. (She could show that she has no adequate remedy at law because she cannot sue at this stage.)

Mrs. Barnes is forced to wait for two months before she can file suit. During this time, she is unable to use the software for which she paid $500.00—she can't balance her checkbook, she can't pay her insurance or mortgage, she can't do her taxes.

After the 60-day period expires, Mrs. Barnes lawyer files suit against the software manufacturer. under S. 96, she has to plead her case with specificity, even though she knows little at this point about her case except that her software isn't Y2K compliant and she has been barred from conducting any discovery while the 60 day period ran out. The manufacturer moves to dismiss the case, arguing that S. 96 protects them from Mrs. Barnes' suit. The software package has a disclaimer that says, in fine print, ''there are no warranties, express or implied, that apply to the sale of this product.'' Under S. 96, the terms of a contract—including a warranty—prevail over any consumer protection statutes in state law unless the language in the contract is deemed to ''manifest and directly'' contradict state law. The software company argues that the state law that disfavors this kind of disclaimer does not ''manifestly and directly'' contradict state law. Since this is an issue of first impression, each side must present legal arguments on this issue, adding much cost and delay to the suit. If Mrs. Barnes loses, she will have no legal recourse, even if the manufacturer knowingly sold her defective software.

Luckily, Mrs. Barnes survives the motion to dismiss. She and her lawyer now have the chance to conduct discovery. They learn that there are a number of companies involved in manufacturing of her particular software, and they move to add them as defendants. The companies based in the United States claim little or no responsibility for the Y2K failure. They all point to a Japanese software maker as the source of the problem. Mrs. Barnes can't sue the Japanese software maker since it does not do business in the U.S. If the jury finds that the Japanese company is the defendant most at fault, S. 96's limitations on joint and several liability will mean Mrs. Barnes can never recover fully for her damages.

Without evidence of specific intent to injure nor knowing commission of fraud, as required under S. 96, Mrs. Barnes cannot hold all defendants jointly and severally liable. Mrs. Barnes learns that the U.S. manufacturer recklessly placed this software on the market without bothering to check that is was Y2K compliant. But ''reckless conduct'' isn't enough under S. 96 to allow the court to hold the U.S. manufacturer liable for the entire injury, even though the injury could not have occurred without its participation. Since Mrs. Barnes damages are not equal to 10% of her net worth as required under S. 96, she is not eligible to use that provision to bring the case for an ''uncollectible'' share. Mrs. Barnes can get only that percentage the jury says the U.S. manufacturer is responsible for causing.

If the Japanese company is judgment-proof, the U.S. manufacturer could be responsible for up to 50% more of its initial share. If the jury finds the U.S. manufacturer was 20% liable and the Japanese company was 80% liable, and Mrs. Barnes can't collect from the Japanese company, the U.S. manufacturer is responsible for 50% more than its original share, a total of 30%. Mrs. Barnes can never recover the other 70% damages she is owned.

THE CASE OF THE CONSUMER CLASS ACTION

S. 96 provisions on class actions will result in meritorious cases being dismissed, leaving consumers with no practical means for collecting damages.

Assume the same facts as above, but this time Mrs. Barnes learns that a number of other consumers have bought the same software and are having the same problems. Together they file a class action suit in Mrs. Barnes' home state against the manufacturer. They are able to meet the material defect requirement imposed on those filing class actions as well as the heightened pleading standards. The manufacturer, noting that there are plaintiffs from a number of different states, under the rules of S. 96 would be entitled to file a motion to remove the case to federal court. The federal court, required to resolve differences between and among state laws, decides there are not enough common issues of law among the various state laws, and the class action is returned to the state. The class is disbanded there. While individuals are free to bring suit on their own, each case is for such small monetary value, few consumers or lawyers are interested or willing to pursue the case individually. Mrs. Barnes can't find a lawyer to take her case and she is left without a remedy.

THE CASE OF THE CHEMICAL DISASTER

Mrs. Jacqueline Jensen owns a home several streets away from the Acme Chemical Company. Like 85 million other Americans, she lives and works within 5 miles of the one or more of the nation's 66,000 facilities that handle or store high hazard chemicals.

On January 1, 2000 Acme's safety system fails and hazardous chemicals are released into the air and onto the land in the neighborhoods, forcing Mrs. Jensen and others to evacuate their homes. People are allowed back to their homes after 2 days, but Mrs. Jensen's property is contaminated, including her well. Mrs. Jensen retains an attorney and files a tort claim to recover for the damage to her property.

Acme Chemical claims that a Y2K computer failure was partially at fault for the safety system malfunction. Mrs. Jensen did not know Y2K was a defense, so she and her lawyer did not look up the new statute or file a per-litigation notice before filing suit. Under S. 96, Acme treats the complaint as the notice, even though it does not contain all of the required information because Mrs. Jensen and her lawyer initially had no idea this was a Y2K case and there was a new law to follow in addition to the requirements of filing a civil suit under state law.

Under S. 96, even when consumers' homes and surrounding properly is contaminated, they cannot file suit right away, even though they aren't waiting for a computer malfunction to be fixed. The waiting period applies to all cases, even those where it is not relevant. Mrs. Jensen must wait 30 days for Acme to respond to her notice/complaint. In 30 days Acme responds by saying it cannot pay for the cleanup and lost value of Mrs. Jensen's home. Nonetheless, Mrs. Jensen still must wait an additional 60 days to refile her lawsuit. S. 96 only requires defendants to state what steps, if any, they will take within 60 days for the additional waiting period to commence. All discovery is stayed during this period, so Mrs. Jensen and her attorney have no way to gather additional information about the events surrounding the chemical spill.

In two months, Mrs. Jensen refiles her suits against Acme and Safety Systems, Inc., the company that installed its computers. Under S. 96, she must plead her case with particularity in the complaint. While she can state her damages as required, she has difficulty specifying the material defect that caused the accident and specific evidence of the defendants' state of mind since she has still not been able to do discovery in the case. The defendants move to dismiss the complaint for failure to meet the pleading requirements. After briefs back and forth debating what the new law requires, the judge does dismiss the case but without prejudice, allowing Mrs. Jensen an opportunity to file an amended complaint (now her third).

Somehow, Mrs. Jensen finds enough information to survive another motion to dismiss

and finally has her day in court. After hearing the case, the jury finds that both defendants acted recklessly and outrageously for not identifying and fixing the Y2K problems at the plant, and awards Mrs. Jensen $300,000 to compensate her for her property damages and the need to replace her water supply. The jury finds that Acme is 70 percent responsible and Safety Systems 30% liable. The jury also finds by clear and convincing evidence that Acme's conduct is so outrageous as to warrant punitive damages and assesses a one million-dollar punitive damage award. The jury also finds substantial evidence that Safety Systems knew the system it installed might not work and that it should have fixed the Y2K problem, which is enough for them to be assessed punitive damages under state law, but Mrs. Jensen could not make that showing by clear and convincing evidence as required by S. 96.

Under S. 96, a consumer who suffers harm limited in amount of punitive damages she can collect. The total amount of Mrs. Jensen's award from the jury is $1.3 million dollars—$1,210,000 against Acme ($210,000 compensatory and $1,000,000 punitive) and $90,000 against Safety Systems. Acme employes 40 people, so the punitive damages awarded against them is reduced by the judge according to the cap under S. 96 to $250,000. The adjusted award is now $550,000 against Acme and Safety Systems.

Acme cannot pay for all of the damage caused by the accicent to Mrs. Jensen and her neighbors and files for bankruptcy. Safety Systems pays Jensen $90,000, but this is not nearly enough to let her clean up her property and get a new water supply—especially after she pays her legal costs. She tries to collect from Acme, but without success. After 3 months, she applies to the court to require Safety Systems to pay the rest of the compensatory damage award. Under state law, they could be required to pay the full amount, but under S. 96, the maximum they would have to pay is 30% of the uncollectible share but no more than 50% over Safety Systems' own contribution. Under this formula, Mrs. Jensen is able to collect an additional $45,000 from Safety Systems, leaving her with a actual unrecoverable damages to her property—i.e. direct economic loss—of $165,000 exclusive of legal fees and costs.

Although the jury found that Safety Systems acted recklessly, they do not have to pay the full amount of the compensatory award—even if they could afford to do so.

Under her state's law, Mrs. Jensen would have received $1,300,000, that is, full compensation for her losses from the responsible parties. Because of S. 96, Mrs. Jensen will be left with only $135,000, not nearly enough to compensate for her loss and pay her legal fees and costs.

THE CASE OF THE DISCLOSED MEDICAL RECORDS

Mrs. Sally Sargent lives in a small town. Her physician is treating her for HIV. She has been seen at the local hospital during bouts of pneumonia, but more recently has been on drugs that have improved her overall health and enabled her to work. Her biggest fear is that her employer will learn of her HIV status, which will surely mean the loss of her job in a rather straight-laced company and that her children will be ostracized at school. She has been assured by the hospital that all of her records will be kept confidential.

The hospital records department ignored its potential Y2K problem, though they were warned by hospital administrators to check the record system for Y2K bugs. As a result, the hospital's computer records are mistakenly distributed to abroad group of hospital personnel. One of those hospital employees has a child who attends school with Mrs. Sargent's daughter. This mother becomes very agitated, calls the school with the information, and before long the rumor about Mrs. Sargent's medical condition gets around to the whole community. Mrs. Sargent's daughter is ostracized from her classmates, and she herself suffers great emotional distress. When her employer discovers she has HIV, she is fired from her job.

Under S. 96, her emotional distress and mental suffering claim is not exempted from the bill, as are personal injury cases involving physical injuries. Failing to exempt cases brought for emotional distress and mental suffering, if they happen to occur unaccompanied by physical injury, is grossly unfair to individuals who have suffered real harm. In this case, Mrs. Sargent would have to meet all of the procedural hurdles and substantive legal limitations if she tried to sue the hospital for negligent or intentional infliction of emotional distress and her lost wages and related damages.

Mr. McCAIN. Mr. President, this amendment, for all intents and purposes, will emasculate the bill. It will deny consumers, those least able to pay for attorneys, to hire attorneys to solve any Y2K problems, the average consumer the ability to resolve a problem quickly, within a maximum of 90 days, without litigation.

It also allows more of the Tom Johnson-type lawsuits: No requirement that there be an actual injury, no requirement that there be a real problem. This would negate the attempt by S. 96 to limit frivolous lawsuits.

I yield back the remainder of my time.

Mr. LEAHY. How much time remains?

The PRESIDING OFFICER. The Senator has 6 minutes 20 seconds.

Mr. LEAHY. I understand the distinguished Democratic leader desires to speak, so I will hold the floor for a moment.

Mr. McCAIN. Does the Senator want an up-or-down vote?

Mr. LEAHY. Please.

So colleagues will understand, in last year's Y2K bill which this Senate passed unanimously, which the President signed into law, we had basic consumer protections and business protections. In this bill, we bring forward business protections but we don't bring forward the consumer protections we passed last year.

Let's be consistent; let's make sure we give consumers at least as much protection as we give businesses. That is what I am asking for and all I am asking for in the Leahy amendment. I also say if it passes, it improves the chance of this actually being signed into law.

I yield to the distinguished Senator from South Dakota.

Mr. DASCHLE. I thank the distinguished Senator from Vermont. I applaud the Senator for his amendment.

12,000TH VOTE FOR SENATOR STEVENS

Mr. DASCHLE. Today, I call the attention of all my colleagues to a very important and historic achievement by one of the Senate's most remarkable Members. With this vote, TED STEVENS will cast his 12,000th vote in his career.

It is certainly fitting that Senator STEVENS represents Alaska in the United States Senate. He has lived in that great state and worked for its residents since before it was a state. In fact, as Solicitor of the Department of the Interior, TED was instrumental in setting the groundwork for Alaska's admission to the Union in 1959.

In 1964, TED was elected to the Alaska House of Representatives. Two years later, his colleagues elected him House Majority Leader, an honor that surprises none of us who have first hand knowledge of TED's legendary tenacity, legislative acumen and dedication to his constituents.

Senator STEVENS brought that determination and skill to the Senate in 1968. I'm sure that every Senator has his or her own anecdote to document TED's dedication and effectiveness as a legislator.

TED once declared that his constituents ''sent me here to stand up for the state of Alaska.'' No one who served with TED over the past thirty years can doubt his commitment to do just that.

In fact, some surely wonder at times if he isn't more of an ambassador than a Senator.

TED has endeavored to ensure that promises made to Alaska under the Statehood Act are kept. He helped pass the Native Claims Act in 1971 and played a pivotal role in bringing the oil pipeline to Alaska in 1973. He joined with Senator Warren Magnuson in coauthoring the 200 mile fishing limit that protects all coastal states from encroachment by foreign fishing fleets and helps sustain America's fisheries.

In the late 1970s, when President Carter made the creation of wilderness areas in Alaska a national priority, TED worked with his characteristic focus and tenacity to ensure that the Alaska Lands Act protected his state's interests as much as possible. After the *Exxon Valdez* accident in 1989, TED managed legislation that not only financed the cleanup of the despoiled coastline, but also required double-hulling on tankers.

Senator STEVENS has worked tirelessly and effectively for Alaska. But his accomplishments are certainly not limited to the 49th state. TED's career documents his far reaching influence on national policy and dedication to the institution of the Senate as well.

TED has been a leader in the defense area for his entire career, as chairman of the Defense Appropriations Subcommittee and now the full Appropriations Committee. And he has developed recognized expertise in science and technology issues through his long and distinguished service on the Commerce Committee as well.

TED has a deep affection for the Senate and has labored to preserve the character, integrity and prerogatives of the institution. He has chaired the Rules Committee and served in the leadership as Majority Whip.

TED STEVENS is recognized for his nonsense style, limitless energy and

ability to get things done—not to mention an impressive collection of neckties.

Everybody in the Senate knows that TED's word is good, and he has earned the high esteem of his colleagues through his hard work and devotion to his job.

Mr. President, it is indeed a pleasure to serve with TED STEVENS, and to count him as a friend. I congratulate TED on his achievement, and thank him for his numerous contributions to his state, his country and the United States Senate.

Mr. KENNEDY. Mr. President, I congratulate my colleague from Alaska, Senator TED STEVENS on reaching his 12,000th vote. He is a remarkable colleague and I admire the outstanding leadership that he has shown on so many issues. Senator STEVENS is a person of great integrity and energy and works tirelessly for his state of Alaska. I have worked closely with him on many occasions and it is with admiration that we celebrate his 12,000th vote.

His accomplishments as Chair of the Appropriations Committee are too numerous to list. Handling the nation's spending is a complex, difficult task, yet, Senator STEVENS handles this responsibility with finesse and great skill.

Senator STEVENS is active on a range of issues that are of great importance nationally and to his home state of Alaska. He is a great advocate for fishing families, a great protector of Native-Americans, and a leader on promoting quality health care and research. His leadership on national defense is also remarkable.

Senator STEVENS holds a special place in his heart for children and his advocacy on behalf of early education will help us achieve the nation's school readiness goals. He was one of the first in the Senate to recognize the importance of new brain research documenting the vital role of early stimulation during the first three years of life, and he is a leading advocate for early education. Working to ensure that every child reaches his or her full potential, Senator STEVENS has introduced legislation that will improve the quality and accessibility of early programs for millions of children under the age of 6. He is committed to making sure that children receive the educational boost they need to start school ready to read and ready to learn. With Senator STEVENS leadership, I know we will make school readiness a reality for every child in this country.

Senator STEVENS also recognizes the importance of the family and the central role that parents play in their children's lives. While others talk about putting families first, Senator STEVENS acts on that commitment by including funds on his appropriations bills for this purpose. Recently, he introduced an amendment to the Juvenile Justice bill that will provide essential funds to strengthen supports for parents.

Put simply, Senator STEVENS is a credit to Alaska, the Senate, and this country. He is a great Senator and a good friend. We are fortunate to be able to celebrate his 12,000th vote with him, and look forward to many more votes in the future from this great Senator from Alaska.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I commend Senator DASCHLE for his comments about Senator STEVENS. He is about to cast his 12,000th vote.

Senator DASCHLE observed the interesting array of TED STEVENS' tie. My favorite one is the Tasmanian devil. When he comes in with that tie on, you know an appropriations bill is fixing to be moved through the Senate. But he has been a great Member of the Senate. He is a great friend. He is a credit to his State of Alaska.

He has had an unbelievable career, including being a Flying Tiger, the 14th Air Force, in World War II. He is a graduate of UCLA and Harvard Law School. He has overcome that. He was a solicitor at the Interior Department under the Eisenhower administration, and he certainly was a powerful advocate for Alaska statehood. He served in the Alaska House of Representatives. He was appointed to the Senate in 1968, and he has been elected five times since.

My greatest experience with the distinguished Senator from Alaska was when he served as the whip of the majority in the Senate, and I was the whip for the minority in the House. Unlike what most people think, where there is this natural difficulty between the House and the Senate, he was never anything but helpful to me personally. He helped the two institutions work together. Because of his leadership, we addressed a number of important problems for the legislative activities and the security of the U.S. Capitol Building.

His wife Catherine and six children are here, a wonderful assemblage of people. Catherine does a great job at keeping Senator STEVENS on the straight and narrow. She is a wonderful lady. We thank her for the sacrifice she makes in allowing Senator STEVENS to be here, sometimes through late nights, to allow him to accumulate these 12,000 votes.

On behalf of the Senate, I extend our appreciation and thanks to Senator STEVENS, a great Senator from Alaska, for what he has done for his State and for our Nation.

(Applause, Senators rising.)

Mr. STEVENS. Thank you very much. I appreciate it.

Mr. President, I am humbled and honored by the statements of our two leaders in the Senate. It is true I have a deep reverence for this body. When I was in the Eisenhower administration, I sat up in the gallery many nights during the period when the Senate was considering Alaska's statehood. I gained the reverence that I have for the body now from those experiences.

It is truly an honor to serve in this body. Some people, I guess, have taken it a little bit for granted. I still pinch myself every once in a while to make sure I am allowed the opportunity to be present in this body, to be a U.S. Senator.

I value the friendships I have had on both sides of the aisle more deeply than I can say.

I am very proud to say for other reasons many members of my family are here in the gallery tonight. Our daughter, Lily, graduates from high school tomorrow. Tonight the National Guard has flown my grandson, John Covich, into Washington to give me an award from the USO and the National Guard. So this is a double celebration for me.

Just having the privilege to still be alive and be part of this body is more than anyone can know after the accident that I had years ago and the feeling I had about life then turned around. It turned around primarily because of the friendship and the helping hand I got from every Member of the Senate who was here then, and I continue to value the friendship of every one of you tonight. Thank you very much.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield the remainder of my time.

Mr. LEAHY. Mr. President, if there is any time remaining, I yield it back. I am pleased to give my friend a chance to cast the 12,000th vote on this amendment. He is one of the best friends I have ever had in the Senate.

Mr. MCCAIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to amendment No. 611. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAPO) and the Senator from New Hampshire (Mr. GREGG) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN) is necessarily absent.

The result was announced—yeas 32, nays 65, as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—32

Akaka	Graham	Levin
Boxer	Harkin	Mikulski
Breaux	Hollings	Murray
Byrd	Inouye	Reed
Cleland	Johnson	Reid
Conrad	Kennedy	Rockefeller
Daschle	Kerry	Sarbanes
Dorgan	Kohl	Schumer
Durbin	Landrieu	Torricelli
Edwards	Lautenberg	Wellstone
Feingold	Leahy	

NAYS—65

Abraham	Ashcroft	Bayh
Allard	Baucus	Bennett

Bingaman	Gramm	Murkowski
Bond	Grams	Nickles
Brownback	Grassley	Robb
Bryan	Hagel	Roberts
Bunning	Hatch	Roth
Burns	Helms	Santorum
Campbell	Hutchinson	Sessions
Chafee	Hutchison	Shelby
Cochran	Inhofe	Smith (NH)
Collins	Jeffords	Smith (OR)
Coverdell	Kerrey	Snowe
Craig	Kyl	Specter
DeWine	Lieberman	Stevens
Dodd	Lincoln	Thomas
Domenici	Lott	Thompson
Enzi	Lugar	Thurmond
Feinstein	Mack	Voinovich
Fitzgerald	McCain	Warner
Frist	McConnell	Wyden
Gorton	Moynihan	

NOT VOTING—3

Biden	Crapo	Gregg

The amendment (No. 611) was rejected.

Mr. LOTT. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

GUN SHOW LOOPHOLE

Mr. SCHUMER. Mr. President, this morning's headline says it all: ''House GOP Backs NRA's Gun Show Bill.''

Many of us in the Senate worry that the good work done in this Chamber will be undone in the House. It is hard to believe that the House leadership is deaf to the pleas of the families who want Washington to quit playing patty-cake with the gun lobby and pass a real bill that closes the gun show loophole.

The measure we passed in the Senate was modest—far too modest for many people's taste. But we said, let us limit it so it does not hurt the legitimate gun owner but at the same time will close loopholes that allow kids and criminals to get guns.

Now in the House, because the NRA is actually in the back room, pen in hand, drafting legislation, we fear that that legislation will be a sham. Anything less than an airtight Brady background check at gun shows is a sham. Redefining what a gun show is and making many gun shows exempt from the law, in effect, to not allow the FBI to make background checks in the time they need so that criminals cannot get guns, is all happening right now in the House.

The only thing I can say to my former colleagues in the House, still my friends, is this: You will not get away with it. When some in this Chamber tried to change the rules, to make it seem as if they were doing something, but winking at the NRA, they were thwarted. The same thing will happen in the House.

There has been a sea change in the views of the American people. Do the American people want to repeal the second amendment or confiscate hunting rifles? No way. But do they believe modest measures that will move us along and prevent kids and criminals from getting guns are in order, no matter what the NRA says? You bet.

I urge the House leadership to come clean, to step forward, to pass the same legislation we passed in the Senate on gun shows without any loopholes, and allow the families in Littleton and the American people to breathe one large sigh of relief that we finally have begun to make progress in preventing kids and criminals from getting guns.

I yield the floor and thank my colleagues.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, June 8, 1999, the Federal debt stood at $5,607,597,460,814.09 (Five trillion, six hundred seven billion, five hundred ninety-seven million, four hundred sixty thousand, eight hundred fourteen dollars and nine cents).

One year ago, June 8, 1998, the federal debt stood at $5,495,352,000,000 (Five trillion, four hundred ninety-five billion, three hundred fifty-two million).

Five years ago, June 8, 1994, the federal debt stood at $4,605,626,000,000 (Four trillion, six hundred five billion, six hundred twenty-six million).

Ten years ago, June 8, 1989, the federal debt stood at $2,787,738,000,000 (Two trillion, seven hundred eighty-seven billion, seven hundred thirty-eight million).

Fifteen years ago, June 8, 1984, the federal debt stood at $1,519,266,000,000 (One trillion, five hundred nineteen billion, two hundred sixty-six million) which reflects a debt increase of more than $4 trillion—$4,088,331,460,814.09 (Four trillion, eighty-eight billion, three hundred thirty-one million, eight hundred fourteen dollars and nine cents) during the past 15 years.

THE DEPARTMENT OF DEFENSE APPROPRIATIONS BILL FOR FISCAL YEAR 2000

Mr. KERREY. Mr. President, the Department of Defense appropriations bill passed this chamber with my support. It is no small feat that a bill encompassing the size and gravity such as our national security can be addressed and passed through the U.S. Senate within the span of two days, with few amendments and little rancorous debate. The lion's share of the credit for this accomplishment goes to the managers of the bill, the Chairman of the Appropriations Committee, Senator STEVENS, and the Ranking Member, Senator INOUYE. Through their efforts, they have again done the work which is the first priority of our government: the defense of American independence, lives, and security around the world.

When programs have been consistently successful, it is easy to forget that national security and national defense are not a given in the political equation. But, national security doesn't just ''happen.'' We achieve our national security and defense goals because of the men and women honorably serving in our nation's Armed Forces. That security and defense is also achieved because Congress passes laws which authorize Defense programs and appropriate the funds to pay for them. Our contribution to the debate on these bills and our vote on these bills is an essential contribution to our nation's defense. It is our role in government's most solemn responsibility.

Given the importance of this responsibility, then, I am encouraged that in this bill as well as in the Defense Authorization, the Senate has responded to the increased strain on our military caused by today's heightened operation tempo. Kosovo adds another requirement to a long list of regions in which U.S. deployment or U.S. commitment is stretching our military forces and supporting intelligence resources to their limit. I have often argued on this floor for allocating our defense and intelligence resources on the basis of threat priorities, and applying the greatest effort to the most dangerous threat. In the same vein, we should avoid overcommitment to places or situations which do not present a direct threat to American independence, lives, or livelihoods. For example, I think it is a mistake to tie up a significant percentage of our Army and Marine combat power in Yugoslav peacekeeping operations long term, and I hope our European allies will take our places there before very long. But wherever those forces are, they must be ready and fully manned, like the air elements of the Air Force, Navy, and Marines who performed so brilliantly over Yugoslavia these last seven weeks. The Defense Appropriations bill supports them.

I would now like to take a few minutes to highlight some of the vitally important work that is being accomplished within this appropriations bill. These are provisions which illustrate that we are on the right track in providing for our military and for providing security for people back home in Nebraska, across the United States, and indeed, throughout the world.

The backbone of the United States Armed Forces is the men and women who choose to serve their country in our military. From the lowest grade enlisted soldier to the Joint Chiefs of Staff, I salute those who serve out of love for their country. Earlier this year, I was proud to support S. 4, the Soldiers', Sailors', Airmen's, and Marines Bill of Rights Act of 1999, which began to address the problems of pay levels, recruitment, and retention facing our military today. S. 4 was a good beginning, most markedly by increasing base pay by 4.8 percent. The appropriations bill is consistent with that 4.8

percent pay increase outlined in S. 4, and I am pleased to have supported this provision which will directly and immediately better the lives of the personnel of our Armed Forces.

Another aspect of this appropriations bill which I would like to mention regards an important provision relating to nuclear weapons. During consideration of the Department of Defense Authorization bill for fiscal year 2000, I authored an amendment which would have lifted the restriction on strategic nuclear weapons levels, allowing the U.S. to lower the number of warheads below the START I level. It is my belief that my amendment would not only have increased U.S. security, but would have freed up billions of dollars for other high priority items. The Congressional Budget Office recently conducted a study in which it found we could save between $12.7 billion and $20.9 billion over the next ten years by reducing U.S. nuclear delivery systems within the overall limits of START II.

While I would like to thank the 43 of my colleagues who supported my amendment, it unfortunately did not pass. I do not want to return to that debate at this time. However, there is a related program which I have previously supported which also deals with national security and Russian nuclear weapons—the Former Soviet Union Threat Reduction program, otherwise known as Nunn-Lugar. The Nunn-Lugar program provides assistance to states of the former Soviet Union for safeguarding nuclear materials, dismantling missiles and other weapons, and other demilitarization measures. The DoD Appropriations bill funds Nunn-Lugar in the amount of $476 million. Additionally, this bill allocates $25 million of these funds to support the Russian nuclear submarine dismantlement and disposal activities started in FY 1998. This is an important program that in a very concrete and discernable way, increases our security, and I am happy to have supported it.

Along with programs of national concern, there are a number of provisions in this bill that directly allow Nebraska and Nebraskans to continue their vital work in safeguarding U.S. national security.

Offutt Air Force Base, located in Bellevue, Nebraska, is responsible for a number of missions which are particularly noteworthy. Offutt, with over 10,000 military and civilian personnel, is home to the United States Strategic Command, the joint command charged with deterring nuclear attacks on our country. There are many threats out there, but only one of them, Russian nuclear weapons, is capable of ending our national life. STRATCOM's mission may not be in the news that often, but it the most essential of all defense missions, and it is commanded from Nebraska.

Offutt Air Force Base also hosts the U.S. Air Force's premiere reconnaissance and command-and-control unit, the 55th Wing, the largest wing within the Air Force's Air Combat Command. The Fighting 55th's aircraft provide global situational awareness to military leaders and government officials. It is by now commonplace to say that we live in the Information Age. Information has become a precious commodity which often can mean the difference between success and defeat. The missions that Offutt specializes in focus on gathering this kind of critical information. In a variety of ways, Offutt's missions keep us more informed, more aware, and more safe. Here are some specifics on the various programs.

The 55th's workhorse aircraft is the RC–135, also known as Rivet Joint. The RC–135 mission conducts electronic reconnaissance, providing direct, near real-time information and electronic warfare support to theater commanders and combat forces monitoring. Rivet Joint has played an important role in a number of recent military missions, including Kosovo, Bosnia, and Iraq. Information gathered by the RC–135 is made available to theater commanders, the Department of Defense and National Command Authorities. Data is processed, analyzed and stored by Air Combat Command, the Air Intelligence Agency and the National Security Agency. I am pleased that the bill passed yesterday appropriates $220.4 million for the refurbishing and upgrading of these important aircraft. Reengining these aircraft is a particularly important improvement.

The WC–135 fulfills an air sampling mission in support of the Air Force Technical Applications Center at Patrick AFB, Florida, by verifying compliance with the Comprehensive Nuclear Test Ban Treaty. It gathers information on nuclear tests and conducts baseline air sampling. By collecting particles in the air during flight, the WC–135 is able to detect if and when nuclear tests are conducted or if a nuclear bomb is detonated, even from thousands of miles away. Considering the nuclear weapons testing last year of both India and Pakistan, it is clear that the WC–135 has not outlived its usefulness. The WC–135 is the only aircraft throughout the U.S. Air Force conducting this vital mission, and we in Nebraska are fortunate to have it based at home at Offutt Air Force Base.

The OC–135, or Open Skies, is tasked to complete photo reconnaissance flyovers. This mission supports the Defense Threat Reduction Agency by conducting observation flights in accord with the Open Skies Treaty. This treaty will allow the OC–135 to fly over Russian air space to monitor weapons reductions treaties. Although the Open Skies Treaty has not yet been ratified by all parties, the OC–135 has not been dormant. While the Open Skies Treaty awaits ratification, the OC–135 is heavily involved in additional photo reconnaissance projects, including missions such as weather observations of Hurricane Mitch. The Open Skies mission is fully funded through fiscal year 2004.

Additionally, E–4B aircraft also stationed at Offutt provide transport and command and control for the President, the Secretary of Defense, and Secretary of State. Much more than simply a transport aircraft, the E–4B allows senior officials complete access to critical information and communications in a secure fashion, keeping the President and others ''in the loop,'' even while in mid-flight.

Along with Offutt Air Force Base, Nebraska continues to make important contributions to our national security through components of the National Guard and the Reserves. Most recently, these components have played important roles in Kosovo alongside their active component counterparts.

The 155th Wing of the Nebraska Air National Guard has been very active during the Kosovo mission, flying KC–135s—fuel tanker planes—above and around Kosovo. These KC–135s perform the remarkable task of mid-air refueling for a variety of aircraft, including the B–52 Stratofortress and the E6. Indeed, over the last several months, the Nebraska unit led the KC–135 refueling effort, involving hundreds of aircraft, and also was the last volunteer unit engaged in the region before the reserve call-up was instituted. This has all been done, even though the 155th Wing is the smallest of all the Air Guard wings across the country. I applaud their efforts and their successes.

As well, the Nebraska Army National Guard is currently serving in a nine-month deployment in Bosnia as part of the NATO peace-keeping forces. The 24th Medical Company is working alongside Guard units from across the country to transport patients from the field to hospitals. At a time when a robust economy and opportunities in the private sector can pull people away from public service, I salute these men and women who continue to make sacrifices so that we may be safe.

The examples I have given here of the hard work being done by our Armed Forces are not the exception, but the rule. In a time of tight budgets and increased missions, I am proud to say that our Armed Forces are second to none around the globe. Even when we continue to ask more of our military men and women, they always rise to the challenge. We must never forget the risks they take for our sake and the freedoms they forego, and we must provide them the best support, conditions, equipment, and training possible in return. I am proud to have supported passage of the defense appropriations bill yesterday, and I hope and expect that we will continue the strong support of those who are willing to sacrifice all for the cause of your freedom and mine, the men and women of our Armed Forces.

DSCC AND INVASIONS OF PRIVACY

Mr. BURNS. Mr. President, I rise today to alert my colleagues to what may be a very disturbing precedent. My office recently received a copy of a letter dated May 18 and sent from the Democratic Senatorial Campaign Committee to the Department of Health and Human Services. I want to read the first paragraph:

I am writing to request documents pursuant to the Freedom of Information Act, 5 U.S.C. 552 et seq., involving all correspondence, inquiries and other information requested by or provided to the following United States Senators for the time periods noted.

There are some 10 Republican Senators that are listed here over the last 10 years. I ask unanimous consent that this letter be printed in the RECORD.

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

DEMOCRATIC SENATORIAL
CAMPAIGN COMMITTEE,
Washington, DC, May 18, 1999.

HHS Freedom of Information Officer,
Washington, DC.

Re: Freedom of Information Act Request.

I am writing to request documents pursuant to the Freedom of Information Act, 5 U.S.C. §552 *et seq.* (''FOIA''), involving all correspondence, inquiries and other information requested by or provided to the following United States Senators for the time periods noted: Spencer Abraham, 1995-present; John Ashcroft, 1995-present; Conrad Burns, 1989-present; Bill Frist, 1995-present; Slade Gorton, 1981–1986, 1989-present; Rod Grams, 1995-present; James Jeffords, 1989-present; John Kyl, 1995-present; Rick Santorum, 1991-present; Olympia Snowe, 1995-present.

I seek all direct correspondence between the Senators or members of their staff and your office, including letters, written material, reports, constituent requests and other relevant material. I am not seeking any secondary material such as phone logs, e-mails, notations of conversations and so on. Since this is a request covering a number of years, I am willing to discuss ways to make this request more manageable to your office. Please contact me at the number above or on my direct line at (202) 485–3109.

In the event any of the documents I have requested are not available for disclosure in their entirety, I request you release any material that may be reasonably separated and released, as provided by Code of Federal Regulations. Furthermore, for any documents, or portions thereof, that are determined to be exempt from disclosure, I request that you exercise your discretion to disclose the materials, absent a finding that sound grounds exist to invoke the exemption, as provided by the Code of Federal Regulations. I also request that you state the specific legal and factual grounds for withholding any documents or portions of documents. Finally, please identify each document that falls within scope of this request but is withheld from release.

If any requested documents are located in, or originated in, another installation or bureau, I request that you refer this request or any relevant portion of this request to the appropriate installation or bureau.

I am willing to pay all reasonable costs incurred in locating and duplicating these materials. Please contact me prior to processing to approve any fees or charges incurred in excess of $125.

To help assess my status for copying and mailing fees, please note that I am a representative of a political organization gathering information for research purposes only, and not for any commercial activity.

I look forward to your response within ten days after the receipt of this request and please do not hesitate to call me with any questions.

Sincerely,

ALEXIS L. SCHULER,
Research Director.

Mr. BURNS. Mr. President, in this letter, the DSCC is making a broad request under the Freedom of Information Act regarding any information sent from my office to HHS or received from the Department. But it just doesn't include me. I have already said that. It includes a lot of Senators—10 of them, in fact, all Republicans, all up for reelection this year.

The Freedom of Information Act request covers, ''all correspondence, inquiries and other information requested by or provided to'' my office over the past 10 years in the Senate, including ''all direct correspondence between the Senators or members of their staff and the HHS, including letters, written material, reports, constituent requests [very important] and other relevant materials.'' In other words, they want access to our casework.

I have written to President Clinton demanding that he put an immediate stop to this or any similar action. What we are witnessing here is an unprecedented attempt to corrupt the nonpolitical casework system of Senate offices for political gain. I find these efforts repugnant, and if there are any Americans alive who think politics can't sink any lower, they need to look no further than right here.

Through the letter to the HHS, the Democratic Senatorial Campaign Committee wants more than just to peer into private correspondence of political enemies; it wants to leer into the private lives of those who contact their Senator seeking help with Federal agencies. I have made tens of thousands of contacts on behalf of Montanans who asked me to help them with problems they are having with the Federal Government.

These are problems which, if publicly revealed, could possibly ruin their lives. Many of these people are at the end of their emotional rope. Some of them are at the end of their financial world.

It is beyond belief that the DSCC would consider ruining the lives of ordinary Americans to be all in a day's work in order to defeat this old Senator. This effort would put a permanent chill on the ability of Senators to help constituents in need. It saddens me to think that those who view a Senator's help as their last resort may now believe they have nowhere to turn.

Just today, my office received a letter from a man in Billings, MT, whose wife we helped to receive treatment for breast cancer. As a Federal employee, she was having a hard time receiving the treatment. And she was entitled to it. After she asked for our assistance, we were able to resolve the matter for her and she got the care she needed. When her cancer spread, the Federal bureaucracy told her she couldn't get the care she needed close to home.

Quoting his letter to me:

After becoming totally frustrated with the whole process, we just gave up. But this time we decided to fight the issue again. I turned to the Senator's office again to enlist his help. And again in what seemed to be a flash of light, the situation has been resolved.

Our office again stepped in. We cut the redtape. We helped her receive the additional radiation therapy while staying at her home in Billings.

These are the people who depend on our help—real people whose lives are literally on the line. But the man who sent me the letter specifically asked that his name not be used in order to protect his privacy and, yes, that of his wife.

Is it right that he should be subject to a Freedom of Information request, that some bureaucrat somewhere could decide on a whim to release this personal, sensitive information? It is hard to comprehend that the DSCC would use the time and the resources of the administration for political purposes in such a massive research effort, regardless of who ultimately pays.

This effort is as constitutionally breathtaking as it is politically suspect. All those who value their civil rights should be outraged at this attempt to invade the privacy of countless unwary citizens. If indeed Federal law permits it, it is an absolute shame. It is enough to make me wonder whether Americans should now expect politicians to use any means to achieve their ends—laws, morals, and ethics be damned.

Our President has said he deplores the politics of personal destruction. However, in this case we are not talking about the destruction of one political opponent, but the lives of innocent Americans. And I am sickened by it. I ask the President and all Americans to stand up against this kind of invasion of privacy, all in the name of gaining an electoral advantage.

My political opponents are welcome to engage me anytime, anywhere, on my record, which I am proud to stand on. But when you try to drag the lives of innocent Montanans into your ugly schemes, I will fight with every breath in my body. It is a sad day.

I yield the floor.

EXTENSION OF NORMAL-TRADE-RELATIONS WITH CHINA

Mr. FEINGOLD. Mr. President, I rise today to support a joint resolution disapproving the extension of normal-trade-relations status to China.

This is the fourth time that I have joined with other Senators to support such a resolution because I believe that trade policy is an effective tool that the United States can and should use

with respect to the policies of the Chinese Government. I am pleased to join Senator SMITH in supporting his resolution.

On June 3, President Clinton announced his intention to extend the normal-trade-relations trading status to China. As I understand it, without actually affecting the practical application of tariff treatment, legislation last year replaced the term ''most-favored-nation'' in seven specific statutes with the new phrase ''normal trade relations.'' Regardless of which phrase you use, I find this policy unacceptable. Although we have expected the President to make such a decision, I can only say that under the current circumstances I am once again disappointed in the President's decision. In fact, I have objected to the President's policy since 1994, when he first de-linked the issue of human rights from our trading policy. The argument made then was that trade privileges and human rights are not interrelated. At the same time, it was said, through ''constructive engagement'' on economic matters, and dialogue on other issues, including human rights, the United States could better influence the behavior of the Chinese Government.

Clearly events of the last few months have shown the fallacy of that assumption.

I have yet to see persuasive evidence that closer economic ties alone are going to transform China's authoritarian system into a democracy. Unless we continue to press the case for improvement in China's human rights record, using the leverage of the Chinese Government's desires to expand its economy and increase trade with us, I do not see how U.S. policy can help conditions in China get much better. De-linking trade and human rights has resulted only in the continued despair of millions of Chinese people, and there is no evidence that NTR or MFN or whatever you want to call it, has significantly influenced Beijing to improve its human rights policies. Basic freedoms—of expression, of religion, of association—are routinely denied. The rule of law, at least as we understand it, does not exist for dissenters in China.

Virtually every review of the behavior of China's Government demonstrates that not only has there been little improvement in the human rights situation in China, but in many cases, it has worsened—particularly in the weeks preceding the tenth anniversary of the Tiananmen Square massacre. In fact, China has resumed its crackdown on dissidents who might have attempted to commemorate the anniversary of the Tiananmen Square massacre. Human rights groups have documented the detention of more than 50 dissidents since May 13, with a number still in custody. These have included two detained for helping to organize a petition calling on the government to overturn its verdict on Tiananmen. The detainees include former student leaders at Tiananmen, a member of the fledgling Democracy Party, intellectuals, and journalists. Those not detained have reportedly been under constant surveillance amid calls by China's top prosecutor for a clampdown on ''all criminal activities that endanger state security,'' including such activities as signature gathering and peaceful protest.

More generally, five years after the President's decision to de-link MFN from human rights, the State Department's most recent Human Rights Report on China still describes an abysmal situation. According to the report. ''The Government continued to commit widespread and well-documented human rights abuses. * * * Abuses included instances of extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrest and detention, lengthy incommunicado detention, and denial of due process.'' This list does not even touch on restrictions on freedom of expression, association, and religion or the continuing abusive family planning practices.

In my view, it is impossible to come to any other conclusion except that ''constructive engagement'' has failed to make any change in Beijing's human rights behavior. I would say that the evidence justifies the exact opposite conclusion: human rights have deteriorated and the regime continues to act recklessly in other areas vital to U.S. national interest. We have so few levers that we can use against China. And if China is accepted by the international community as a superpower without regard to the current conditions there, it will believe it can continue to abuse human rights with impunity. The more we ignore the signals and allow trade to dictate our policy, the worse we can expect the human rights situation to become.

This year—1999—is likely to be the most important year since 1989 with respect to our relations with China. We face many thorny issues with China, including the accidental embassy bombing, faltering negotiations regarding accession to the World Trade Organizations and the recent release of the Cox report on Chinese espionage.

But even with all that is going on, the United States and others in the international community yet again failed to pass a resolution regarding China at the United Nations Commission on Human Rights in Geneva earlier this spring, largely because China lobbied hard to prevent it. Despite China's efforts to avert a resolution, the United States must also shoulder some of the blame for the failure to achieve passage—our early equivocation on whether we would sponsor a resolution and our late start in garnering support for it no doubt also contributed to the lack of accomplishment in Geneva. While we would certainly prefer multilateral condemnation of China's human rights practices, the failure to achieve that at the UN Commission on Human Rights proves that it is even more important for the United States to use the levers that we do have to pressure China's leaders. We can not betray the sacrifices made by those who lost their lives in Tiananmen Square by tacitly condoning through our silence the continuing abuses.

We know that putting pressure on the Chinese Government can have some impact. China released dissident Harry Wu from prison when his case threatened to disrupt the First Lady's trip to Beijing for the U.N. Conference on Women, and its similarly released both Wei Jingsheng and Wang Dan around the same time that China was pushing to have the 2000 Olympic Games in Beijing. After losing that bid, and once the spotlight was off, the Chinese government rearrested both Wei and Wang. These examples only affirm my belief that the United States should make it clear that human rights are of real—as opposed to rhetorical—concern to this country.

If moral outrage at blatant abuse of human rights is not reason enough for a tough stance with China—and I believe it is and that the American people do as well—then let us do so on grounds of real political and economic self-interest. We must not forget that we currently have a substantial trade deficit with China. Over the past few years, the U.S. trade deficit with China has surged. It has risen from $6.2 billion in 1989 to nearly $57 billion in 1998. Political considerations aside, a deficit of that size represents a formidable obstacle to ''normal'' trading relations with China at any point in the near future. Other strictly commercial U.S. concerns have included China's failure to provide adequate protection of U.S. intellectual property rights, the broad and pervasive use of trade and investment barriers to restrict imports, illegal textile transshipments to the United States, the use of prison labor for the manufacture of products exported to the United States, as well as questionable economic and political policies toward Hong Kong.

This does not present a picture of a nation with whom we should have normal trade relations. Or, if the Administration accepts these practices as ''normal'', perhaps we need to redefine what normal trade relations are. These are certainly not practices that I wish to accept as normal.

My main objective today is to push for the United States to once again make the link between human rights and trading relations with respect to our policy in China. As I have said before, I believe that trade—embodied by the peculiar exercise of NTR renewal—is one of the most powerful levers we have, and that it was a mistake for the President to de-link this exercise from human rights considerations.

So, for those who care about human rights, about freedom of religion, and about America's moral leadership in the world, I urge support for S.J. Res 27

disapproving the President's decision to renew normal-trade-relations status for China.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 1:09 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1379. An act to amend the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, to make a technical correction relating to international narcotics control assistance.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

At 5:10 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 150. An act to authorize the Secretary of Agriculture to convey National Forest System land for use for educational purposes, and for other purposes.

At 5:45 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1906. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes.

MEASURES REFERRED

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

H.R. 150. An act to authorize the Secretary of Agriculture to convey National Forest System land for use for educational purposes, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1906. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes; to the Committee on Appropriations.

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–3575. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Adequacy of State Permit Programs Under RCRA Subtitle D'' (FRL # 6354-7), received June 2, 1999; to the Committee on Environment and Public Works.

EC–3576. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Enhanced Inspection and Maintenance Program Network Effectiveness Demonstration'' (FRL # 6355-2), received June 2, 1999; to the Committee on Environment and Public Works.

EC–3577. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District, San Joaquin Valley Unified Air Pollution Control District, Siskiyou County Air Pollution Control District, and Bay Area Air Quality Management District'' (FRL # 6353-1), received June 2, 1999; to the Committee on Environment and Public Works.

EC–3578. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, El Dorado County Air Pollution Control District'' (FRL # 6356-1), received June 2, 1999; to the Committee on Environment and Public Works.

EC–3579. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Ohio'' (FRL # 6353-2), received June 2, 1999; to the Committee on Environment and Public Works.

EC–3580. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emissions Standards for Hazardous Air Pollutants Emissions: Group IV Polymers and Resins'' (FRL # 6355-5), received June 2, 1999; to the Committee on Environment and Public Works.

EC–3581. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Regulation of Fuel and Fuel Additives: Modification of Compliance Baseline'' (FRL # 6354-5), received June 2, 1999; to the Committee on Environment and Public Works.

EC–3582. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Service Contracting—Avoiding Improper Personal Services Relationships'' (FRL # 6353-9), received June 2, 1999; to the Committee on Environment and Public Works.

EC–3583. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled ''Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Enhanced Inspection and Maintenance Program'' (FRL # 6356–4) and ''Lead; Fees for Accreditation of Training Programs and Certification of Lead-based Paint Activities Contractors'' (FRL # 6058–6), received June 8, 1999; to the Committee on Environment and Public Works.

EC–3584. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Identification of Additional Ozone Areas Attaining the 1-Hour Standard and to Which the 1-Hour Standard is No Longer Applicable'' (FRL # 6344–4), received June 8, 1999; to the Committee on Environment and Public Works.

EC–3585. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Kresoxim-methyl; Pesticide Tolerances'' (FRL # 6085–4), received June 8, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3586. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled ''Certain Plant Regulators; Cytokinins, Auxins, Gibberellins, Ethylene, and Pelargonic Acid; Exemptions from the Requirements of a Tolerance'' (FRL # 6076–5) and ''Sethoxydim; Pesticide Tolerance'' (FRL # 6080–9), June 8, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3587. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Rescission of Guides for the Watch Industry'' (16 CFR Part 245), received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3588. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Grand Canal, Florida (CGD07–98–048)'' (RIN2115–AE47) (1999–0019), received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3589. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Marblehead, MA to Halifax, Nova Scotia Ocean Race (CGD01–99–062)'' (RIN2115–AA97) (1999–0026), received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3590. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Hospitalized Veterans Cruise, Boston Harbor, MA (CGD01–99–055)'' (RIN2115–AA97)

(1999–0027), received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3591. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations; SLR; Independence Day Celebration, Cumberland River Mile 190.0–191.0, Nashville, TN (CGD08–99–036)'' (RIN2115–AE46) (1999–0018), received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3592. A communication from the Fisheries Biologist, Office of Protected Resources, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule and Request for Comments Sea Turtle Conservation; Shrimp Trawling Requirements'' (RIN0648–AH97), received June 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3593. A communication from the Fisheries Biologist, Office of Protected Resources, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule and Request for Comments Sea Turtle Conservation; Shrimp Trawling Requirements'' (RIN0648–AH97), received June 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3594. A communication from the Fisheries Biologist, Office of Protected Resources, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Notification of an Exemption and Request for Comments Sea Turtle Conservation; Shrimp Trawling Requirements'' (RIN0648-AH97), received June 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3595. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of VOR Federal Airways; Kahului, HI; Docket No. 97-AWP-35 {6-3/6-3}'' (RIN2120-AA66) (1999-0186), received June 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3596. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC-9 and C-9 [Military) Series Airplanes; Docket No. 98-NM-110 {6-3/6-3}'' (RIN2120-AA64) (1999-0233), received June 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3597. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Cesna Aircraft Company Model 402C Airplanes; Request for Comments, Docket No. 99-CE-21 {6-3/6-3}'' (RIN2120-AA64) (1999-0234), received June 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3598. A communication from the Program Analyst, Office of the Chief Counsel, 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. 97-NM-51 {6-3/6-3}'' (RIN2120-AA64) (1999-0235), received June 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3599. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: General Electric Aircraft Engines CF34 Series Turbofan Engines; Docket No. 98-ANE-19 {5-28/6-3}'' (RIN2120-AA64) (1999-0237), received June 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3600. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747 Series Airplanes; Docket No. 98-NM-223 {6-3/6-3}'' (RIN2120-AA64) (1999-0236), received June 4, 1999; to the Committee on Commerce, Science, and Transportation.

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–172. A petition from citizens of the State of Tennessee relative to the President of the United States; ordered to lie on the table.

POM–173. A resolution adopted by the House of the Legislature of the State of Hawaii relative to the Food Quality Protection Act; to the Committee on Agriculture, Nutrition, and Forestry.

RESOLUTION NO. 56

Whereas, the safe and responsible use of pesticides for agricultural, food safety, structural, public health, environmental, and other purposes has significantly advanced the overall welfare of Hawaii's citizens and the environment; and

Whereas, the 1996 Food Quality Protection Act (FQPA) establishes new safety standards that pesticides must meet to be newly registered or remain on the market; and

Whereas, FQPA requires the U.S. Environmental Protection Agency (EPA) to ensure that all pesticide tolerances meet these new standards by reassessing one-third of the 9,700 current pesticide tolerances by August 1999, and all current tolerances in ten years; and

Whereas, risk determinations based on sound science and reliable real-world data are essential for accurate decisions, and the best way for EPA to obtain this data is to require its development and submission by the registrants through the data call-in process; and

Whereas, risk determination made in the absence of reliable, science-based information is expected to result in the needless loss of pesticides and certain uses of other pesticides; and

Whereas, the needless loss of pesticides and certain pesticide uses will result in fewer pest control options for Hawaii and would be harmful to the economy of Hawaii by jeopardizing agriculture, one of the few industries that has shown great strength during the recent years of the State's flat economy, and fewer pest control options for urban and suburban uses that will result in significant loss of personal property and increased human health concerns; and

Whereas, the needless loss of pesticides will jeopardize the state and county government's ability to protect public health and safety on public property and to protect our natural environmental resources, for example, from aggressive alien species; and

Whereas, the flawed implementation of FQPA is likely to result in significant increases in food costs to consumers, thereby putting the nutritional needs of children, the poor, and the elderly at unnecessary risk; and

Whereas, the Clinton Administration has directed EPA and the U.S. Department of Agriculture (USDA) to jointly work toward implementing FQPA in a manner that assures that children will be adequately protected and that risk determinations related to pesticide tolerances and registrations will be based on accurate, science-based information; and

Whereas, the cost of developing data to quantify real-world risk is prohibitive and minor use data may not be financed by pesticide registrants and the State, and pesticide users may fund studies to support minor uses: Now, therefore, be it

Resolved by the House of Representatives of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, That the U.S. Congress is hereby respectfully requested to direct the Administrator of the EPA to:

(1) initiate rulemaking to ensure that the policies and standards EPA intends to apply in evaluating pesticide tolerances and making realistic risk determinations are based on accurate information, real-world data available through the data call-in process, and sound science, and are subject to adequate public notice and comment before EPA issues final pesticide tolerance determinations;

(2) Provide interested persons the opportunity to produce data needed to evaluate pesticide tolerances so that EPA can avoid making faulty final pesticide tolerance determinations based upon unrealistic default assumptions;

(3) Implement FQPA in a manner that will not adversely disrupt agricultural production nor adversely effect the availability or diversity of the food supply, nor jeopardize the public health or environmental quality through the needless loss of pesticide tolerances for non-agricultural activities;

(4) Delay the August 1999, deadline until 2001 or until EPA, USDA, industry leaders, and manufacturers can provide science-based data as to use, application, and residue of the pesticides under review; and

(5) Implement the registration of new crop protection products for minor and major crops; and be it further

Resolved, That pesticide registrants and EPA are requested to support minor use registrations by reserving a meaningful portion of the risks projected from the use of pesticides or a class of pesticides for minor uses; and be it further

Resolved, That certified copies of the Resolution be transmitted to the Speaker of the U.S. House of Representatives, the President of the U.S. Senate, members of Hawaii's Congressional Delegation, the Administrator of EPA, the Secretary of the U.S. Department of Agriculture, the Governor of the State of Hawaii, and the President of the American Crop Protection Association.

POM–174. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to post-harvest treatment of oysters and other shellfish; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 106

Whereas, American consumers have always enjoyed and depended on the availability of choice in their consumption of various products, and consumption of oysters and other shellfish have always been a special treat for American consumers throughout the country; and

Whereas, emerging technologies have made it possible for consumers of oysters and other shellfish to choose between the traditional raw shellfish product and shellfish

products which have been treated or pasteurized; and

Whereas, because a very small segment of American consumers have health considerations which must be weighed while others have concerns about the change in the condition, taste, texture, and price of treated shellfish, the ability to make a choice between these consideration should be maintained; and

Whereas, America's shellfish industry is heavily populated with small self-employed harvesters and producers for which the added expense of required post-harvest treatment of their product might make the difference between continued operation and a harvester having to find employment in another industry; and

Whereas, America's oyster and shellfish industry has worked diligently to educate consumers with certain health conditions about the risks associated with the consumption of certain types of shellfish, and these education efforts have been highly successful in the reduction of health impacts from the consumption of shellfish: Therefore be it

Resolved, That the Louisiana Legislature does hereby memorialize the United States Congress to oppose U.S. Food and Drug Administration rules requiring post-harvested treatment of oysters and other shellfish; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–175. A resolution adopted by the Legislature of Guam relative to job-training and unemployment; to the Committee on Energy and Natural Resources.

RESOLUTION NO. 101 (LS)

Be it resolved by I Liheslaturan Guåhan:

Whereas, Guam is in the midst of a severe economic recession at the same time that the mainland United States is enjoying unprecedented prosperity, with unemployment officially pegged at fourteen percent (14%), but likely higher; and

Whereas, as a result of the economic crisis in Asia, Guam has seen alarmingly steep declines in tourism arrivals, tourist spending and off-Island investment; and

Whereas, major airlines have reduced the number of flights to and from Guam, resulting in major layoffs in those airlines; and

Whereas, other major businesses on Guam, in all sectors, have also downshzed a considerable number of employees; and

Whereas, numbers of temporary government of Guam employees are likely to lose their positions over the balance of the year; and

Whereas, the downsizing of the military presence on Guam has resulted in the loss of thousands of Federal civil service positions on Guam; and

Whereas, in contrast to the National trend, welfare and food stamp recipients on Guam are increasing; and

Whereas, the continued decline in government of Guam revenues due to the economic recession extremely limits the ability of the government of Guam to help these thousands of people in need; and

Whereas, Guam requires more job-training and job-partnership programs in order to train our displaced workforce in areas where career development in the private sector is likely and to upgrade work skills for displaced employees, for the purpose of developing long-term private sector careers for our underemployed people; and

Whereas, the illegal immigration of more than two thousand (2,000) individuals from China further compounds the problem by straining local resources and further limiting the amount of available jobs as a certain number of illegal aliens may be occupying jobs, especially in the construction industry; and

Whereas, the Compacts of Free Association, which allow for open migration from the Freely Associated States, also have impact in this area during such tough economic times: Now, therefore, be it

Resolved, That *I Mina'Bente Sinko Na Liheslaturan Guåhan* (Twenty-Fifth Guam Legislature) does hereby, on behalf of the people of Guam, respectfully request the Congress of the United States of America to authorize *I Liheslaturan Guåhan* (Guam Legislature) to appropriate some or all of the Ten Million Dollars ($10,000,000), currently earmarked to Guam for infrastructure costs due to the impact of the Compacts of Free Association, for use in job training and job development, entrepreneurial and business development programs as shall be enacted by the laws of Guam; and be it further

Resolved, That *I Mina'Bente Sinko Na Liheslaturan Guåhan* does hereby, on behalf of the people of Guam, respectfully request the Guam Delegate to the United States House of Representatives to sponsor such amendment to the Department of the Interior Fiscal Year 2000 budget, and fully support this Resolution in the U.S. Congress; and be it further

Resolved, That the Speaker certify, and the Legislative Secretary attests to, the adoption hereof and that copies of the same be thereafter transmitted to the Honorable William Jefferson Clinton, President of the United States; to the Honorable Albert Gore, Jr., President of the United States Senate; to the Honorable J. Dennis Hastert, Speaker of the United States House of Representatives; to the Honorable Bruce Babbit, Secretary of the United States Department of the Interior; to the Honorable Robert A. Underwood, Guam Congressional Delegate to the U.S. House of Representatives; and to the Honorable Carl T.C. Gutierrez, *I Maga'lahen Guåhan* (Governor of Guam).

POM–176. A joint resolution adopted by the Legislature of the State of Colorado relative to the Postal Rate Commission; to the Committee on Governmental Affairs.

SENATE JOINT RESOLUTION 99–027

Whereas, The United States Postal Service, an agency of the federal government, holds a monopoly on first-class mail and certain bulk mail services and generates annual multi-million dollar surpluses from its services; and

Whereas, The United States Postal Service has in recent years expanded its activities beyond its core mission of universal mail service to include many competitive and nonpostal related business products and services, such as consumer goods, telephone calling cards, and cellular towers, in direct competition with Colorado private sector enterprises; and

Whereas, The United States Postal Service has used surplus revenues from universal mail service to expand into these competitive and nonpostal activities with no evidence that these activities benefit the citizens of Colorado by improving regular mail service; and

Whereas, The United States Postal Service enjoys monopoly advantages in the marketplace over private sector enterprises, with its ability to maintain lower prices for competitive products due to the multi-million dollar surpluses generated from first-class postage; and

Whereas, The United States Postal Service enjoys many marketplace advantages not available to private sector enterprises, including exemptions from state and local taxes, parking fees, local zoning ordinances, vehicle use taxes, vehicle licensing fees, and other state and local government regulations, that deprive Colorado state and local governments of needed revenue and fees to offset the effect of the United States Postal Service's operations on highways, law enforcement, and air quality; and

Whereas, The Postal Rate Commission does not have binding authority over the actions or activities of the United States Postal Service related to setting postal rates, entering new business sectors, or using surplus revenues from first-class mail to compete with the private sector: Now, therefore, be it

Resolved by the Senate of the Sixty-second General Assembly of the State of Colorado, the House of Representatives concurring herein, That we, the members of the Sixty-second General Assembly, hereby urge the United States Congress, particularly the members for Colorado's Congressional delegation, to introduce and pass legislation in the 106th Congress to strengthen the oversight power and the authority of the Postal Rate Commission to include:

(1) Subpoena power to examine all records and financial data of the United States Postal Service in order to make informed decisions on postal rate increases, pricing actions, and product offerings;

(2) Jurisdiction and final approval authority on all domestic and international postal rate adjustments; and

(3) Authority over all competitive and nonpostal business endeavors, including all products and services outside the scope of universal mail service; and be it further

Resolved, That copies of this Joint Resolution be sent to each member of the United States Congress.

POM–177. A joint resolution adopted by the Legislature of the State of Colorado relative to post-census local review; to the Committee on Governmental Affairs.

SENATE JOINT RESOLUTION 99–032

Whereas, The decennial census provides the foundation of our electoral democracy; and

Whereas, The decennial census represents an immense mobilization of resources; and

Whereas, The success of the 2000 census depends upon the cost involvement of local governments before, during, and after the census; and

Whereas, Local governments must have trust in all aspects of the 2000 census, including the final numbers; and

Whereas, The precensus program known as the ''Local Update of Census Addresses,'' or ''LUCA,'' is a good program but inadequate without a final review; and

Whereas, Over 21,000 local governments are currently not participating in the LUCA program; and

Whereas, The Census Bureau involved local governments in a program known as ''Post-Census Local Review'' during the 1990 census; and

Whereas, The Census Bureau has discontinued this valuable program for the 2000 census, to the displeasure of most cities in the United States; and

Whereas, In the 1990 census, 80,000 households that would otherwise have been missed were added to the final count, despite a 15-day time limit, through Post-Census Local Review; and

Whereas, Every household missed contributes to the undercount; and

Whereas, Congress must make every legal effort to have the most accurate census possible; and

Whereas, Congress is considering legislation, known as the ''Local Quality Control

Act,'' H.R. 472, to reinstate the Post-Census Local Review program and give the option to 39,000-plus local governments to check for Census Bureau mistakes before the numbers become final; and

Whereas, The National League of Cities, which represents 17,000 cities, enthusiastically supports Post-Census Local Review and H.R. 472; and

Whereas, The National Association of Towns and Townships, which represents 11,000 mostly rural towns and townships, supports Post-Census Local Review and H.R. 472; and

Whereas, The National Association of Developmental Organizations, whose members represent approximately 77 million Americans, or one-third of the U.S. population, supports Post-Census Local Review and H.R. 472; and

Whereas, The Secretary of Commerce's Census 2000 Advisory Committee recommended that he reinstate Post-Census Local Review for the 2000 census; and

Whereas, Without Post-Census Local Review, local governments will not have a final check before the Census Bureau's count of their cities or towns is reported to the President of the United States: Now, therefore, be it

Resolved by the Senate of the Sixty-second General Assembly of the State of Colorado, the House of Representatives concurring herein, That the Sixty-Second General Assembly of the State of Colorado hereby declares its support for the immediate passage of Post-Census Local Review legislation, H.R. 472, as an important local government tool to instill trust in the census process and ensure that no households are missed by the Census Bureau in the 2000 census; and be it further

Resolved, That copies of this Resolution be transmitted to the Speaker of the U.S. House of Representatives, the Majority Leader of the U.S. Senate, the President and Vice-President of the United States, the U.S. Secretary of Commerce, and to each member of the congressional delegation from the State of Colorado.

POM–178. A joint resolution adopted by the Legislature of the State of Colorado relative to the Year 2000 Census; to the Committee on Governmental Affairs.

SENATE JOINT RESOLUTION 99–012

Whereas, Article I, section 2, clause 3 of the United States Constitution requires an ''actual enumeration'' of the population every ten years, and Congress oversees all aspects of each decennial enumeration; and

Whereas, The purpose of the decennial census, as set forth in the U.S. Constitution, is to apportion the seats in the U.S. House of Representatives among the several states; and

Whereas, An accurate and legal decennial census is necessary to perform that function properly; and

Whereas, An accurate and legal decennial census is necessary to enable states to comply with federal constitutional mandates governing congressional districts and with federal and state constitutional mandates governing state legislative districts; and

Whereas, In order to ensure an accurate count and to minimize the potential for political manipulation, the actual enumeration mandated by the U.S. Constitution requires a traditional headcount and prohibits statistical estimates of the population; and

Whereas, Title 13, United States Code, section 195 expressly prohibits the use of statistical sampling to enumerate the population for the purpose of reapportioning the U.S. House of Representatives; and

Whereas, After the constitutional requirement to apportion seats in the U.S. House of Representatives among the states has been satisfied, the states must perform the critical task of redrawing the boundary lines for congressional and state legislative districts, which also requires the use of census data; and

Whereas, The United States Supreme Court, in *Department of Commerce et al.* v. *United States House of Representatives et al.*, together with *Clinton, President of the United States, et al.* v. *Glavin et al.*, ruled on January 25, 1999, that the federal Census Act prohibits the Census Bureau's proposed uses of statistical sampling in calculating population for purposes of apportioning seats in the U.S. House of Representatives; and

Whereas, In reaching its findings, the U.S. Supreme Court found that the use of statistical sampling to adjust census numbers would result in voters suffering vote dilution in state and local elections, thus violating the constitutional guarantee of ''one person, one vote''; and

Whereas, The use of statistically adjusted census data would expose the State of Colorado to protracted litigation over congressional and state legislative redistricting plans at great cost to the taxpayers; and

Whereas, Every reasonable and practical effort should be made to obtain the fullest and most accurate population count possible, including appropriate funding for state and local census outreach and education programs, as well as post-census local review: Now, therefore, be it

Resolved by the Senate of the Sixty-second General Assembly of the State of Colorado, the House of Representatives concurring herein:

(1) That the Colorado General Assembly calls on the United States Bureau of the Census to conduct the 2000 decennial census consistent with the U.S. Supreme Court ruling in the *Department of Commerce* and *Glavin* cases, which requires a traditional headcount of the population and bars the use of statistical sampling to create or adjust the count.

(2) That the Colorado General Assembly opposes the use of P.L. 94–171 data for congressional and state legislative redistricting that have been determined in any way through statistical inferences made using random sampling techniques or other statistical methodologies to add or subtract persons from the census counts.

(3) That the Colorado General Assembly demands that it receive P.L. 94–171 data for congressional and state legislative redistricting identical to the census tabulation data used to apportion seats in the U.S. House of Representatives consistent with the *Departmemt of Commerce* and *Glavin* cases, which require a traditional headcount of the population and bar the use of statistical sampling to create or adjust the count.

(4) That the Colorado General Assembly urges Congress, as the branch of the federal government assigned the responsibility for overseeing the decennial enumeration, to take whatever steps are necessary to ensure that the 2000 decennial census is conducted fairly and legally; and be it further

Resolved, That a copy of this Resolution be transmitted to the Speaker of the U.S. House of Representatives, the Majority Leader of the U.S. Senate, the President and Vice-President of the United States, and the Director of the Bureau of the Census in the U.S. Department of Commerce.

POM–179. A joint resolution adopted by the Legislature of the State of Colorado relative to the redesign study relating to the Cherry Creek Dam; to the Committee on Appropriations.

SENATE JOINT RESOLUTION 99–023

Whereas, The terms ''probable maximum flood'' and ''probable maximum precipitation'' as used by the United States Army Corps of Engineers are misleading terminology because they are both improbable events with respect to the Cherry Creek Basin; and

Whereas, The United States Army Corps of Engineers has assumed the Cherry Creek Dam will fail following an extraordinarily improbable chain of events; and

Whereas, The probable maximum precipitation is a theoretical maximum only and has somewhere between a one in one million to a one in one billion chance of occurring in any single year; and

Whereas, The site specific probable maximum precipitation study completed for the United States Army Corps of Engineers by the National Weather Service has erroneously applied meteorological procedures and fails to include documented historical paleo flood evidence; and

Whereas, This error is further compounded by the erroneous assumption that the topographic effects of the Palmer Divide will increase the rainfall in the Cherry Creek Basin; and

Whereas, The probable maximum flood used by the United States Army Corps of Engineers is more than twice the flood estimates prepared by other dam safety officials; and

Whereas, Probable maximum precipitation estimates in the western United States are typically about 3 times the 100-year rainfall event; and

Whereas, The United States Army Corps of Engineers has used 7 times the 100-year rainfall event; and

Whereas, The United States Army Corps of Engineers and the National Weather Service have refused an independent peer review, even though the Federal Energy Regulatory Commission regularly requires such peer reviews as part of its licensing procedures for hydro power facilities at dams, and the Colorado State Engineer has a similar policy for reviews of probable maximum precipitation studies and is currently in phase II of a study funded by Colorado Senate Bills 94–029 and 97–008 to develop an alternative model to predict extreme rainfall amounts for basins above 5,000 feet mean sea level; and

Whereas, Such an independent peer review panel should consist of local experts in the fields of extreme precipitation and flood hydrology that have knowledge of Colorado's unique climatological conditions; and

Whereas, The March 5, 1999, ''peer'' review response submitted by the United States Army Corps of Engineers is simply another in-house review prepared by the National Weather Service, is not an independent analysis, and does not address the full range of issues that are typically addressed in a proper independent peer review; and

Whereas, The proposed construction of upstream dry dams will displace many Coloradans from their homes and businesses and destroy hundreds of acres of active agricultural land and open space; and

Whereas, Any government agency proposal to spend from $50 to $250 million of taxpayer money must be based on data and assumptions that are as accurate as possible; and

Whereas, Because all alternatives being considered by the United States Army Corps of Engineers will have substantial negative impact on homes and families near the dam and upstream of the dam and adversely affect property values, the cost of any real estate that would properly be condemned should be included in determining the cost of any alternatives considered: Now, therefore, be it

Resolved by the Senate of the Sixty-second General Assembly of the State of Colorado, the House of Representatives concurring herein:

That no further funding of the United States Army Corps of Engineers should be

provided for the Cherry Creek Basin Study until the United States Army Corps of Engineers completes on independent peer review of the National Weather Service data in order to determine the appropriate design flood for the Cherry Creek Basin; and be it further

Resolved, That copies of this joint resolution be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, each member of Colorado's Congressional delegation, the Governor of the State of Colorado, the Commander of the United States Army Corps of Engineers, and the Colorado Water Conservation Board.

POM–180. A joint resolution adopted by the Legislature of the State of Colorado relative to national missile defense; to the Committee on Armed Services.

SENATE JOINT RESOLUTION 99–029

Whereas, Colorado is the thirty-eighth state to enter the federal union of the United States of America and is entitled to all the rights, privileges, the obligations that the union affords and requires, including the obligation of the federal government to provide for the common defense; and

Whereas, The federal government has not provided for the common defense of the United States, including Colorado, against attack by long-range ballistic missiles; and

Whereas, The United States currently has no defense against long-range ballistic missiles despite possessing sophisticated military installations, such as the NORAD command center in Cheyenne Mountain; and

Whereas, The people of Colorado recognize the evolution and proliferation of missile delivery systems and weapons of mass destruction, including nuclear, chemical, and biological weapons, in foreign states such as North Korea, Iran, Iraq, Libya, China, and Russia who are sharing ballistic missile and nuclear weapons technology among themselves; and

Whereas, There is a growing threat to the United States and its territories, deployed forces, and allies by aggressors in foreign states and rogue nations that are seeking chemical, biological, and nuclear weapons capability and a means to deliver such capability using long-range ballistic missiles; and

Whereas, On August 31, 1998, without any advance detection by the U.S. intelligence community and to the surprise of the Chairman of the Joint Chiefs of Staff, communist North Korea tested its Taepo Dong 1 Long-Range Ballistic Missile; and

Whereas, With its estimated range of 3,000 to 6,000 miles, this type of three-stage ballistic missile is capable of reaching the United States, and, if used as a fractional orbital bombardment system, the missile has an unlimited range; and

Whereas, In 1996, communist China threatened the United States with ballistic missile attack if it intervened in the dispute between China and Taiwan and, in 1995 and 1996, communist China launched ballistic missiles near Taiwan to threaten that country; and

Whereas, China has conducted at least forty-five nuclear tests, and in 1998, the Central Intelligence Agency reported that thirteen of China's eighteen long-range missiles were targeted at U.S. cities; and

Whereas, In addition to the long-range ballistic missiles it currently possesses, China is also building new long-range ballistic missiles; and

Whereas, In 1993, in response to its economic difficulties and decline in conventional military capability, Russia's leaders issued a national security policy placing greater reliance on nuclear deterrence; and

Whereas, Russia still has over 20,000 nuclear weapons, and the risk of an accident or loss of control over Russian ballistic missile forces could occur with little or no warning to the U.S.; and

Whereas, Russia poses a risk to the United States as a major exporter of ballistic missile technology, enabling countries hostile to the United States to threaten or attack the United States with ballistic missiles; and

Whereas, The congressional chartered Commission to Assess the Ballistic Missile Threat to the United States led by former Secretary of Defense Donald Rumsfeld unanimously recommended that the U.S. analyses, practices, and policies that depend on expectations of extended warning of deployment of ballistic missiles be reviewed and, as appropriate, be revised to reflect the reality of an environment in which there may be little or no warning of development and launch of said missiles; and

Whereas, In March 1999 the United States Congress passed legislation declaring it the policy of the United States to deploy a national missile defense, in recognition of the threats we face: Now, therefore, be it

Resolved by the Senate of the Sixty-second General Assembly of the State of Colorado, the House of Representatives concurring herein, That the President, Congress, and the government of the United States are hereby strongly urged:

(1) To take all actions necessary to provide for the common defense and protect on an equal basis all people, resources, and states of the United States from the threat of missile attack, regardless of the physical location of each state of the union;

(2) To include all fifty states in every National Intelligence Estimate of missile threat of the United States;

(3) To take all necessary measures to ensure that all fifty states are protected from weapons delivered by long-range ballistics missiles or by means of terrorists;

(4) To make the safety and common defense of all fifty states a priority over any international treaty or obligation;

(5)(a) To deploy a common defense against long-range ballistic missiles capable of providing multiple opportunities to intercept a ballistic missile or intercepting a ballistic missile in its boost phase (its most vulnerable position);

(b) To deploy a defense fully exploiting the advantages of using defenses in space; and

(c) To deploy such a defense using accelerated funding and streamlined acquisition procedures to minimize the time for deployment; and

(6) To hold appropriate Congressional committee hearings that include the testimony of defense experts and administration officials to enable the citizens of the United States to understand the nature and extent of their vulnerability to ballistic missile attack and their level of security against such an attack; and be if further

Resolved, That copies of this Resolution be sent to the President of the United States; the Vice-president of the United States; the Speaker of the United States House of Representatives; the chairmen of the Appropriations committees of the United States House of Representatives and the United States Senate; the chairmen of the Armed Services committees of the United States House of Representatives and the United States Senate; and each member of the Colorado Congressional delegation.

POM–181. A joint resolution adopted by the Legislature of the State of Maine relative to reauthorization of the Northeast Interstate Dairy Compact; to the Committee on the Judiciary.

JOINT RESOLUTION

Whereas, Maine the nearly 500 dairy farms producing milk valued annually at over $100,000,000; and

Whereas, maintaining a sufficient supply of Maine-produced milk and milk products is the best interest of Maine consumers and businesses; and

Whereas, Maine is a member of the Northeast Interstate Dairy compact; and

Whereas, the Northeast Interstate Dairy Compact will terminate at the end of October 1999 unless action is taken by the Congress to reauthorize it; and

Whereas, the Northeast Interstate Dairy Compact's mission is to ensure the continued viability of dairy farming in the Northeast and to ensure consumers of an adequate, local supply of pure and wholesome milk; and

Whereas, the Northeast Interstate Dairy Compact has established a minimum price to be paid to dairy farmers for their milk, which has helped to stabilize their incomes; and

Whereas, in certain months the compact's minimum price has resulted in dairy farmers receiving nearly 10% more for their milk than the farmers would have otherwise received; and

Whereas, actions taken by the compact have directly benefited Maine dairy farmers and consumers: Now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the United States Congress reauthorize the Northeast Interstate Dairy Compact; and be it further

Resolved, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the president of the Senate and the Speaker of the House of Representatives of the Congress of the United States, each member of the United States Congress who sits as chair on the United States House of Representatives Committee on Agriculture or the United States Senate Committee on Agriculture, Nutrition and Forestry, the United States Secretary of Agriculture and each Member of the Maine Congressional Delegation.

POM–182. A resolution adopted by the Commission of Knox County, Tennessee relative to the Tennessee Valley Authority; to the Committee on Environment and Public Works.

POM–183. A concurrent resolution adopted by the General Assembly of the State of Missouri relative to tobacco settlement funds; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 14

Whereas, in late November, 1998, Missouri accepted the 206 billion dollar settlement agreement negotiated between 46 states and the tobacco industry;

Whereas, the states' attorneys general crafted the settlement agreement to protect states' interests, consistent with the lawsuits filed on behalf of the states;

Whereas, the settlement agreement reflects difficult policy decisions and years of effort among the states which bore the risk and expense of litigating their claims against a strong tobacco industry;

Whereas, the federal government neither participated in nor assisted with the litigation and negotiation of the states' claims, yet now seeks to seize a substantial portion of the resulting payments due to the states;

Whereas, the federal government bases its claim on federal right to recoupment for medicaid expenses, a claim which was not promoted by the federal government in any litigation prior to the settlement of the states' claims;

Whereas, by the terms of the settlement, Missouri would receive approximately 6.7 billion dollars by 2025, yet faces an estimated potential loss of 3.9 billion dollars of this amount to the federal government;

Whereas, Missouri rightfully should determine the best use of the settlement proceeds achieved through state effort, using state resources and motivated by state concerns: Now, therefore, be it

Resolved by the members of the Missouri Senate and the Ninetieth General Assembly, the House of Representatives concurring therein, That the President of the United States and the members of Missouri's Congressional delegation recognize the effort and resources expended by Missouri to promote and protect its interests throughout the litigation and negotiation of claims against the tobacco industry; and be it further

Resolved, That the General Assembly of the State of Missouri requests that the President of the United States and the members of Missouri's Congressional delegation protect the proceeds negotiated by Missouri in settlement of its claims by refusing to divert, seize or recoup any portion of the settlement proceeds for federal purposes; and be it further

Resolved, That the Secretary of the Senate be instructed to provide properly inscribed copies of this resolution to William Jefferson Clinton, President of the United States, to each member of Missouri's Congressional delegation, the Secretary of the United States Senate and the Clerk of the United States House of Representatives.

POM–184. A concurrent resolution adopted by the General Assembly of the State of Missouri relative to tobacco settlement funds; to the Committee on Finance.

RESOLUTION

Whereas, on November 23, 1998, a historic accord was reached between 46 states, U.S. territories, commonwealths and the District of Columbia and tobacco industry representatives that called for the distribution of tobacco settlement funds to states over the next twenty-five years; and

Whereas, these funds result from the effort put forth by state attorneys general in which states solely assumed enormous risks and displayed determination to initiate a settlement that will lead to reduced youth smoking and reduced access to tobacco products; and

Whereas, in the fall of 1997, states were notified by the U.S. Department of Health and Human Services of its intention to ''recoup'' the federal match from funds states received through suits brought against tobacco manufacturers; and if such recoupment takes place, the states will lose one-half or more of the tobacco settlement funds; and

Whereas, the federal government played no role in the suits brought against tobacco manufacturers or the subsequent settlement agreement and the November 23rd accord makes no mention of Medicaid or federal recoupment; and

Whereas, the U.S. Department of Health and Human Services has suspended recoupment activities; and

Whereas, we the members of the Ninetieth General Assembly believe that the suspension on the federal government's recoupment of tobacco settlement funds should be converted into an outright prohibition against the federal government recouping any of the tobacco settlement money; and

Whereas, we the members of the Ninetieth General Assembly believe that if the federal government recoups any funds received through suits brought against tobacco manufacturers, such recoupment should be immediately returned to the state; and

Whereas, to prevent the seizure of state tobacco settlement funds when they become available to the states in 2000, an amendment to the Medical statute must be enacted to exempt tobacco settlement funds from recoupment: Now, therefore, be it

Resolved, That the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby go on record in support of state retention of all state tobacco settlement funds; and be it further

Resolved, That the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby urge the federal government, in the event recoupment occurs, to return upon receipt any tobacco settlement funds recouped from the state; and be it further

Resolved, That the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby urge Congress to enact an amendment to the Medicaid statute that would exempt tobacco settlement funds from recoupment; and be it further

Resolved, That the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the entire Missouri Congressional delegation, the Secretary of the United States Senate and the Clerk of the United States House of Representatives.

POM–185. A petition from the Georgia State Properties Commission relative to the Georgia-South Carolina boundary; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment:

S. 880. A bill to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program (Rept. No. 106–70).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 698. A bill to review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the state of Alaska, and for other purposes (Rept. No. 106–71).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 748. A bill to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes (Rept. No. 106–72).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. CLELAND, for Mr. WARNER, for the Committee on Armed Services:

The following named officer for appointment as the Chief of Staff, United States Army, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 3033:

To be general

Gen. Eric K. Shinseki, 0000.

By Mr. ROBERTS, for Mr. WARNER, for the Committee on Armed Services:

The following named officer for appointment as Commandant of the Marine Corps, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5043:

To be general

Lt. Gen. James L. Jones, Jr., 0000.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Ms. COLLINS (for herself, Mr. CLELAND, and Mr. GREGG):

S. 1189. A bill to allow Federal securities enforcement actions to be predicated on State securities enforcement actions, to prevent migration of rogue securities brokers between and among financial services industries, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REED:

S. 1190. A bill to apply the Consumer Product Safety Act to firearms and ammunition; to the Committee on Commerce, Science, and Transportation.

By Mr. DORGAN (for himself, Mr. WELLSTONE, Ms. SNOWE, and Mr. JOHNSON):

S. 1191. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for facilitating the importation into the United States of certain drugs that have been approved by the Food and Drug Administration, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Mr. REID, Mrs. BOXER, and Mr. BRYAN):

S. 1192. A bill to designate national forest land managed by the Forest Service in the Lake Tahoe Basin as the ''Lake Tahoe National Scenic Forest and Recreation Area'', and to promote environmental restoration around the Lake Tahoe Basin; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG:

S. 1193. A bill to improve the safety of animals transported on aircraft, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HUTCHINSON (for himself, Mr. LOTT, Mr. NICKLES, Mr. COVERDELL, Mr. HELMS, Mr. ASHCROFT, Mr. GRAMM, Mr. KYL, Mr. HAGEL, Mr. INHOFE, Mr. FRIST, Mr. BOND, Mr. THURMOND, Mrs. HUTCHISON, Mr. MCCONNELL, Mr. ENZI, Mr. WARNER, Mr. DEWINE, Mr. SESSIONS, Mr. COCHRAN, Mr. BUNNING, Mr. ROBERTS, Mr. GORTON, Mr. SHELBY, Mr. THOMAS, and Mr. MACK):

S. 1194. A bill to prohibit discrimination in contracting on federally funded projects on the basis of certain labor policies of potential contractors; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 1195. A bill to give customers notice and choice about how their financial institutions share or sell their personally identifiable sensitive financial information, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COVERDELL:

S. 1196. A bill to improve the quality, timeliness, and credibility of forensic science

services for criminal justice purposes; to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. SMITH of New Hampshire, Mr. LEVIN, and Mr. SCHUMER):

S. 1197. A bill to prohibit the importation of products made with dog or cat fur, to prohibit the sale, manufacture, offer for sale, transportation, and distribution of products made with dog or cat fur in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SHELBY (for himself, Mr. BOND, and Mr. LOTT):

S. 1198. A bill to amend chapter 8 of title 5, United States Code, to provide for a report by the General Accounting Office to Congress on agency regulatory actions, and for other purposes; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SMITH of New Hampshire (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, and Mr. HELMS):

S. Res. 113. A resolution to amend the Standing Rules of the Senate to require that the Pledge of Allegiance to the Flag of the United States be recited at the commencement of the daily session of the Senate; to the Committee on Rules and Administration.

By Mr. HATCH (for himself, Mrs. BOXER, Mr. BOND, Mr. SCHUMER, Mr. DEWINE, Mr. BIDEN, Mr. WARNER, Mr. DASCHLE, Mr. CRAPO, Mr. HOLLINGS, Mr. BENNETT, Mr. KERRY, Mr. SMITH of Oregon, Mr. LAUTENBERG, Mr. FITZGERALD, Mrs. MURRAY, Ms. SNOWE, Mr. ROBB, Mr. MACK, Mr. TORRICELLI, Mr. ABRAHAM, Mr. WELLSTONE, Mr. BURNS, Mr. CLELAND, Mrs. HUTCHISON, Mr. DODD, Mr. SPECTER, Mr. DURBIN, Mr. CAMPBELL, Mr. EDWARDS, Mr. FRIST, Mr. INOUYE, Mr. GORTON, Mrs. FEINSTEIN, Mr. LOTT, Mr. REID, Mr. ASHCROFT, Mr. GRAHAM, Mr. COCHRAN, Mr. JOHNSON, Mr. JEFFORDS, Mr. KERREY, Mr. CHAFEE, Ms. MIKULSKI, Mr. GRASSLEY, Mr. BAYH, Mr. CRAIG, Mr. REED, Mr. NICKLES, and Mr. KOHL):

S. Res. 114. A resolution designating June 22, 1999, as ''National Pediatric AIDS Awareness Day''; to the Committee on the Judiciary.

By Mr. ABRAHAM:

S. Con. Res. 38. A concurrent resolution expressing the sense of Congress that the Bureau of the Census should include in the 2000 decennial census all citizens of the United States residing abroad; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself, Mr. CLELAND, and Mr. GREGG):

S. 1189. A bill to allow Federal securities enforcement actions to be predicated on State securities enforcement actions, to prevent migration of rogue securities brokers between and among financial services industries, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MICROCAP FRAUD PREVENTION ACT OF 1999

Ms. COLLINS. Mr. President, today I am introducing the Microcap Fraud Prevention Act of 1999 which will equip Federal law enforcement authorities with new tools to prosecute the fight against microcap securities fraud that costs unwary investors an estimated $6 billion annually.

While cold-calling families at dinnertime and high-pressure sales remain a favorite tactic of microcap con artists, the Internet is providing a new and inviting frontier for the commission of microcap frauds. I find it particularly disturbing that despite the best efforts of regulatory authorities, microcap scam artists often commit repeat offenses. Similarly, under current law, persons barred from other segments of the financial industry, such as banking or insurance, can easily bring their deceptive practices into our securities markets.

I am very pleased to have the cosponsorship of two of my distinguished colleagues in introducing this important legislation. Senator CLELAND and Senator GREGG are united with me in a commitment to ensure that security regulators have the necessary authority to crack down on securities fraud. Senator CLELAND has a longstanding interest in protecting investors from securities scams. Senator GREGG also has been a leader in this arena in his position as the chairman of the subcommittee with jurisdiction over the SEC's budgets.

In drafting this legislation, I was also pleased to have the invaluable assistance of the Securities and Exchange Commission and the North American Securities Administrators Association which represents State securities regulators. In fact, Richard H. Walker, the SEC's Director of Enforcement, and Peter C. Hildreth, the President of NASAA, have submitted letters endorsing my legislation. I ask unanimous consent that these letters be printed in the RECORD following my statement.

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

(See exhibit 1.)

Ms. COLLINS. Mr. President, the Collins-Cleland-Gregg legislation is the product of hearings of the Permanent Subcommittee on Investigations which I chair. We first started looking at this issue in 1997 and held our first hearing in September of that year. Those hearings revealed that microcap securities fraud is pervasive, so much so that regulators estimated that it cost investors $6 billion in losses annually, according to an article in the Wall Street Journal.

The damage from these microcap scams, however, is not confined to investor losses. They also damage the reputation of legitimate small companies and limit their ability to raise capital through the securities markets. Ironically, the strong performance of the securities markets over the past several years has provided an ideal breeding ground for these microcap scams as more and more Americans invest in stocks. In fact, according to the SEC, in 1980, only 1 in 18 individual Americans participated in the securities markets. Today, 1 in 3 Americans participate in the securities markets. There has been a tremendous growth in more and more American households investing in equities.

In a typical microcap fraud, an unscrupulous broker, often acting through an intermediary, purchases large blocks of shares in a small company with dubious business and financial prospects. The company stock may be nearly worthless, but the brokers repeatedly cold call customers, promise glowing returns and drive up the stock through high-pressure sales tactics. Inevitably, after the manipulators sell their shares at a profit, the artificially inflated price plummets, leaving thousands of unsophisticated investors with worthless stock and heavy losses. The manipulators then count their ill-gotten gains and move on to their next target.

The subcommittee's investigation demonstrated that the rapid growth of the Internet has also provided a new frontier for the commission of microcap securities frauds. At hearings held by the subcommittee last March, expert witnesses testified that while the Internet provides many, many benefits to online investors, such as lower trading costs and a wealth of investment information, the medium is inviting to con men as well.

Specifically, the Internet makes it easier and cheaper for microcap scam artists to contact potential victims and to perpetrate pump-and-dump schemes or related securities frauds. Rather than having to cold call potential victims one at a time, con men with home computers and Internet access can reach millions of potential investors with the click of a mouse. At a very low cost, these cybercrooks can deceive many more victims using professionally designed web sites, online financial newsletters or bulk e-mail. SEC officials testified that the agency now receives hundreds of e-mail complaints per day, an estimated 70 percent of which involve potential Internet securities frauds.

For example, a constituent of mine from Ellsworth, ME, who appeared at the subcommittee's hearings, testified that he lost more than $20,000 in a sophisticated Internet securities scam. My constituent has an engineering degree, and he has been investing for nearly 10 years. This demonstrates the potential risk that Internet fraud poses to even experienced investors. Although the SEC has brought charges against the alleged perpetrators of this scam, it is, unfortunately, very unlikely that my constituent will ever be able to recover his losses.

Whether they use cold calls, the Internet, or both, microcap scam artists rarely strike only once. The subcommittee's investigations have found that when regulators close down one microcap scam, often after very lengthy proceedings, it is very common

for the perpetrators to pop up in connection with yet another securities fraud.

Moreover, individuals who have committed consumer frauds in other financial services industries, such as insurance or banking, frequently move on to work in the securities industry. Our regulatory system must be able to prevent these individuals who have violated the law from migrating freely from one financial sector to another.

I commend the actions of the Securities and Exchange Commission and the State securities regulators in aggressively fighting microcap securities fraud, but they are simply overwhelmed with the magnitude of the problem.

The SEC has established a special unit to monitor the Internet for potential microcap or similar stock securities scams and has initiated 83 enforcement actions against approximately 250 individuals and companies who have allegedly committed Internet securities frauds.

Similarly, in July of 1998, the State securities regulators, represented by NASAA, announced that the State securities regulators had filed 100 enforcement actions in a ''sweep'' against illegal boiler room operations. Approximately 64 of these enforcement actions involved brokers peddling microcap stocks. Despite these commendable efforts, however, the SEC and State regulators face significant challenges just to keep up with the explosive growth of microcap securities fraud, particularly on the Internet.

The legislation that I am introducing today is designed to bolster the SEC's ability to protect investors from ever-increasing microcap frauds while ensuring that legitimate small companies can continue to raise capital through securities offerings. To accomplish these objectives, the bill will streamline the microcap fraud investigative process and provide the SEC with the tools it needs to suspend or ban rogue brokers, particularly those who have a history of committing fraudulent offenses.

Specifically, our legislation will do the following:

First, it will allow the SEC to bring enforcement actions against securities fraud violators on the basis of enforcement actions brought by State securities regulators. Currently, State regulators can rely on SEC-initiated enforcement actions, but the SEC does not have reciprocal authority. Consequently, the SEC must often conduct duplicative investigations before the agency can bring enforcement actions against microcap securities frauds first identified at the State level but which operate on a nationwide basis. With the new authority proposed by our legislation, the SEC and the State regulators will be able to maximize the impact of their limited enforcement resources.

Second, our legislation would permit the SEC to keep out of the securities business unscrupulous individuals from other sectors of the financial services industry. As I stated previously, persons with histories of violations too often roam freely throughout the financial services industry and commit new frauds. The bill would allow the SEC to prevent individuals who have ripped off consumers in insurance or banking scams from similarly defrauding America's small investors.

Third, our legislation will broaden the current penny stock bar to include fraudulent violations in the microcap markets. Under current law, the SEC can suspend or bar individuals who commit serious penny stock frauds involving stocks that cost less than $5. You may be surprised to learn, however, that the law permits such violators to participate in micro-cap securities offerings, because even though the total capitalization of these companies is small, each of their shares costs more than $5. Our bill will close this loophole by allowing the SEC to suspend or bar individuals who have committed serious penny stock fraud from participating in both the penny stock and micro-cap securities markets either as registered brokers or in related positions, such as promoters.

Fourth, our proposal will expand the statutory officer and director bar to include all publicly traded companies. Current law applies only to companies that report to the SEC, leaving the door open for violators to serve as officers or directors of all other companies. Our proposal would extend the bar to include all publicly traded businesses, including ''Pink Sheet'' or Over The Counter (''OTC'') Bulletin Board companies, which are often the vehicles for micro-cap fraud schemes.

Finally, our bill will strengthen the SEC's ability to take enforcement actions against repeat violators. Currently, the SEC must request that the Justice Department initiate criminal contempt proceedings against individuals who violate SEC orders or court injunctions, which can be a very burdensome and timely process. Our legislation would allow the SEC to seek immediate civil penalties for repeat violators without the need to file criminal contempt proceedings.

Our Nation is blessed with the strongest and safest security markets in the world. This is a tribute to both the industry and its regulators. Unfortunately, as our markets bring benefits to more and more Americans, they also attract those who would exploit unsuspecting investors through manipulative practices.

By virtue of their small size and relative obscurity, microcap securities are the most susceptible to manipulation. By giving the SEC the tools it needs to combat this fraud, this legislation will benefit not only individual investors, but also the vast majority of legitimate small businesses who contribute so much to our Nation's growth and prosperity.

I urge my colleagues to join in supporting the Microcap Fraud Prevention Act of 1999.

I ask unanimous consent that a section-by-section analysis of the legislation be printed in the RECORD.

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

(See Exhibit 2.)

Ms. COLLINS. Thank you, Mr. President.

EXHIBIT NO. 1

SECURITIES AND EXCHANGE COMMISSION,
Washington, DC, May 24, 1999.

Hon. SUSAN M. COLLINS,
Chairman, Permanent Subcommittee on Investigations, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN COLLINS: I commend both you and your Subcommittee for addressing the important issue of fraud in the market for microcap securities. As I said in my March 23, 1999 testimony before your Subcommittee, fighting fraud in this market has been one of the Commission's more significant challenges this decade. The hearings you held help to focus the issues and educate investors, and the principles in the bill you plan to introduce will help leverage the Commission's resources to combat microcap fraud.

As you know, Chairman Levitt testified on microcap fraud before your Subcommittee in September 1997. He noted then that with our resources remaining relatively constant, we must ''rely increasingly on innovative and efficient ways of minimizing fraud and of maximizing the deterrence achievable with the Commission's limited resources.'' In my own view, the concepts underlying ''The Microcap Fraud Prevention Act of 1999'' would be of great assistance to us in this regard. Most importantly, the bill would give us valuable new tools to close off participation in the microcap market by those who would prey on innocent investors.

In recent years, the Commission has made significant inroads in the fight against microcap fraud. I appreciate your efforts to address this serious problem through hearings and legislation that support our enforcement efforts. I believe your bill would significantly advance the cause and help make our markets safer for investors. My staff and I look forward to continuing to work with you and your Subcommittee on this legislation.

Very truly yours,

RICHARD H. WALKER,
Director,
Division of Enforcement.

NORTH AMERICAN SECURITIES,
ADMINISTRATORS ASSOCIATION, INC.,
Washington, DC, May 17, 1999.

Hon. SUSAN M. COLLINS,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN COLLINS: On behalf of the membership of North American Securities Administrators Association, Inc. (''NASAA'')[1], I commend you for recognizing and confronting the problem of fraud in the microcap securities market. At your invitation NASAA testified before you and the members of the Permanent Subcommittee on Investigations, and took part in your fact-finding mission. We appreciate your efforts to protect the investing public from frauds and for introducing legislation to enhance enforcement efforts in this area.

As you know, several years ago, state securities administrators recognized the problem of fraud in the microcap market. Since then the states have led enforcement efforts and filed numerous actions against microcap firms. There are systematic problems in this area, but they can be addressed effectively if state and federal regulators and policymakers work together on meaningful solutions.

NASAA wholeheartedly supports the intent of The Microcap Fraud Prevention Act of 1999. It would be an important step in combating abuses in the microcap market and maintaining continued public confidence in our markets.

I pledge the support of NASAA's membership to continue to work with you to secure passage of this important legislation.

Sincerely,

PETER C. HILDRETH,
New Hampshire Securities Director,
NASAA President.

EXHIBIT NO. 2

S. 1189, MICROCAP FRAUD PREVENTION ACT OF 1999—SECTION-BY-SECTION SUMMARY

SEC. 1. SHORT TITLE: ''MICROCAP FRAUD PREVENTION ACT OF 1999''

Explanation: The purpose of the bill is to protect investors against fraud in the microcap securities market, and for other purposes.

SEC. 2. AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934

This section amends the Securities Exchange Act of 1934 to grant the SEC authority to take actions against registered persons who have violated the law. It allows SEC enforcement actions to be predicated on state enforcement actions and take steps to prevent the entry into the securities industry of individuals who have committed fraud in other sectors of the financial services industry.

Explanation: Currently, state securities laws do not allow state regulators to obtain civil relief having nation-wide effect. Rather, state regulators only have jurisdiction to prohibit defendants from doing business in their state. Wrongdoers are thus free to perpetrate fraud in any other state where they have not been separately barred. This section amends Exchange Act section 15(b)(4)(G) to allow the SEC to bring a follow-up administrative proceeding to suspend or bar regulated persons who either (1) have been barred by a state securities administrator from operating within that state or (2) is subject to a final order for fraudulent, manipulative, or deceitful conduct.

The SEC would not have the authority to follow-up on ex parte temporary restraining orders. Such orders are imposed immediately by state regulators and do not provide alleged violators with a chance to present a defense until after the order has already been entered. The SEC would have the ability to act on these state actions if, after adjudication, the defendant were ultimately found to have committed a violation or reached a settlement agreement.

Currently, the Securities Exchange Act does not permit the SEC to take administrative actions to bar or suspend from the securities industry individuals who have committed serious violations—i.e. fraud—in other financial industries, such as the insurance or banking sectors. This section amends Exchange Act 15(b)(4)(G) to authorize the SEC (1) to take administrative action seeking bars or suspensions against a broker-dealer or associated person based on orders issued by federal regulators of other financial services industries and (2) to allow the SEC to take follow-up actions when a foreign financial regulatory authority has previously found violations in other financial sectors. To ensure parity and close off any remaining loopholes, corresponding changes have also been made to Exchange Act sections 15B(c), 15C(c), and 17A(c) to extend this provision to those who seek to associate with municipal securities dealers, government securities dealers, and transfer agents.

SEC. 3. AMENDMENTS TO THE INVESTMENT ADVISERS ACT OF 1940

This section amends Investment Advisers Act section 203 to allow the SEC to bring a follow-up administrative proceeding to suspend or bar investment advisors who are subject to certain federal, state, or foreign orders. This sections also amends section 203(f) of the act to permit the SEC to bar a person associated with an investment adviser on the basis of a felony conviction.

Explanation: This section makes the same changes to the Investment Adviser Act that Section 2 of the bill makes to the Exchange Act. Both allow SEC enforcement actions to be predicated on certain federal, state, or foreign enforcement actions against individuals found to have committed fraudulent or similar acts in the financial services sector.

SEC. 4. AMENDMENTS TO THE INVESTMENT COMPANY ACT OF 1940

This section amends Investment Company Act section 9(b)(4) to allow the SEC to bring a follow-up administrative proceeding to suspend or bar individuals covered by the Investment Company Act who are subject to certain federal, state, or foreign orders.

Explanation: This section makes the same changes to the Investment Company Act that Section 2 of the bill makes to the Exchange Act. Both allow SEC enforcement actions to be predicated on certain federal, state, or foreign enforcement actions against individuals found to have committed fraudulent or similar acts in the financial services sector.

SEC. 5. CONFORMING AMENDMENTS

This section amends various provisions of the Securities Exchange Act of 1934 to authorize the SEC to take administrative actions against individuals—based on the findings of certain federal, state, or foreign enforcement actions—who seek to associate with municipal securities dealers, government securities brokers and dealers, and clearing agencies. The section also amends the Securities Exchange Act of 1934, so that actions by state securities commissions and other regulators can trigger a statutory disqualification. This section will focus statutory disqualifications on serious violations of state law, particularly fraud and similar offenses.

Explanation: This section seeks to prevent individuals who have committed fraud in other financial services sectors from entering the securities industry. The section also expands the definition of violations that trigger automatic statutory bars from the securities industry.

SEC. 6. BROADENING OF PENNY STOCK BAR

This section amends Exchange Act section 15(b)(6) to expand the penny stock bar to cover a broader category of offerings.

Expanation: This section would extend the penny stock bar to all offerings other than those involving securities traded on the NYSE, AMEX, NASDAQ, NMS, or investment company securities. While there is no formal definition of ''micro-cap'' security, this statutory amendment would cover what are generally referred to as ''micro-cap'' securities.

SEC. 7. COURT AUTHORITY TO PROHIBIT OFFERINGS OF NON-COVERED SECURITIES

This section amends Exchange Act section 21(d)(5) to provide federal court judges the authority to impose the remedy outlined in Section 9 of the bill.

Explanation: This section would allow the SEC to obtain all necessary relief more efficiently and expeditiously by requesting, in appropriate cases, a district court to issue a penny stock bar order. This authority would be provided as an alternative to the SEC's current ability to seek such orders only through administrative proceedings.

SEC. 8. BROADENING OF OFFICER AND DIRECTOR BAR

This section amends Exchange Act section 21(d)(2) in order to broaden the scope of the officer and director bar.

Explanation: Current law allows persons barred from serving as an officer or director of companies that report to the SEC to serve as officers or directors of other companies. This section removes the limitation to SEC reporting companies, and instead covers all publicly traded companies—those registered pursuant to Exchange Act section 12, those required to file reports pursuant to Exchange Act section 15(d), and those whose securities are ''quoted in any quotation medium.''

SEC. 9. VIOLATIONS OF COURT ORDERED BARS

This section adds section 21(i) to the Exchange Act to give the SEC a more direct remedy against recidivist violators of prior bar orders.

Explanation: This section makes it a stand-alone violation of the securities laws for a person to engage in conduct that violated a prior order barring him from acting as an officer, director or promoter. It allows the SEC to take direct enforcement action (seeking per-day money penalties, among other remedies) against a recidivist without the need for criminal authorities to bring a contempt proceeding.

By Mr. DORGAN (for himself, Mr. WELLSTONE, Ms. SNOWE, and Mr. JOHNSON):

S. 1191. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for facilitating the importation into the United States of certain drugs that have been approved by the Food and Drug Administration, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

INTERNATIONAL PRESCRIPTION DRUG PARITY ACT

Mr. DORGAN. Mr. President, I rise to introduce a piece of legislation on behalf of myself, Mr. WELLSTONE, Ms. SNOWE, and Mr. JOHNSON. These three Senators, and I hope others as well, have joined me in introducing this bill, the International Prescription Drug Parity Act, today.

This piece of legislation deals with the question of prescription drugs. By consent of the Chair, I would like to show on the floor of the Senate today examples of the issue that is addressed by this piece of legislation.

With your consent, I will show two bottles of the drug Claritin, a medication most people are familiar with. Claritin is a popular anti-allergy drug. These two bottles contain the same pills, produced by the same company, in the same strength, in the same quantity. One difference: a big difference in price. This bottle is purchased in the United States—in North Dakota, to be exact. This bottle of 10

milligram, 100 tablets cost North Dakotans $218, wholesale price. This bottle—same drug, same company, same strength, same quantity—was purchased in Canada. They didn't pay $218 in Canada; they paid $61. Why the difference for the same drug, same dosage, same quantity, same company? In Canada, it costs $61; U.S. consumers pay $218.

Here is another example—and I have a lot of examples. But with the consent of the Chair, I will only use two today.

This is Cipro, a prescription drug to treat infections. Both bottles are made by the same company. We have the same number of pills, 500 milligram, 100 tablets—same drug, same company, same pill. In North Dakota, the wholesale price for this bottle is $399; in Canada, it is $171. The North Dakotan pays—or the U.S. consumer pays because this is true all over our country—$399, or 233 percent more than for the same drug in Canada. The question is, Why? The question is, With a global economy, why would a pharmacist simply not drive up to Canada and buy the same drugs and offer them for a lower price to their customers? The answer to that is, there is a law that restricts the importation of drugs into this country, except by the manufacturers of the drug themselves. That is kind of a sweetheart law, it seems to me. We want to change that.

If the manufacturer that produces these pills has been inspected by the Food and Drug Administration and the same drugs are marketed everywhere, why on Earth, in a global economy, cannot our consumers access a lesser price? Incidentally, this pricing inequity does not just exist with Canada; it is the same with Mexico, Germany, France, Italy, England, Germany—you name it. It is true around the world. We pay a much higher price for most prescription drugs than consumers anywhere else in the world. The United States is the consumer that pays a much higher price for the same pill, in the same bottle, produced by the same manufacturer.

With our bill we say, let's decide that what is good for the goose is good for the gander. If the pharmaceutical companies can access the raw materials which they use to produce their medicine from all around the world and produce a pill and put it in a bottle, it seems to me that the customer here in the United States ought to also benefit from free trade, as long as the drug is FDA approved and comes from a plant that is inspected by the FDA.

The drug industry will say that safety is an issue. It is no issue with respect to my bill. Safety is not an issue here at all. I am saying—and my colleagues are as well—if medicine approved by the FDA and produced in a plant inspected by the FDA is to be marketed around the world, but the American is to pay the highest price—in some cases by multiples of four and five —let us use the global economy to let U.S. pharmacists and prescription drug distributors access that medicine wherever it exists at a lower price, and pass along those savings to American consumers.

Back in 1991, the General Accounting Office studied 121 drugs and found that, on average, prescription drugs in the United States are priced 34 percent higher than the exact same products in Canada. I just did a comparison of the retail prices on both sides of the border of 12 of the most prescribed drugs, and discovered that, on average, U.S. prices exceeded the Canadian prices by 205 percent.

I mentioned before that Claritin costs the American consumer 358 percent more. We American consumers pay 358 percent more than the consumer does north of the border. And incidentally, the Canadian prices have been adjusted to U.S. dollars. Does this make sense? Of course not. Studies show that the same drug that costs $1 in our country costs 71 cents in Germany, 65 cents in the United Kingdom, 57 cents in France, and 51 cents in Italy. All we are saying is that if this global economy is good for companies that produce the drugs, it ought to be good for the consumer.

In 1997, the top 10 pharmaceutical companies had an average profit margin of 28 percent. The Wall Street Journal reported that profit margins in the drug industry are the ''envy of the corporate world.'' The manufacturers produce wonderful medicines, and I am all for it. But I want them at an affordable price for the American consumer. I am flat sick and tired of the American consumer being the consumer of last resort who pays a much higher price than anybody else in the world for the same drug, in the same bottle, produced by the same company. It doesn't make sense.

Mr. President, how much time have I consumed?

The PRESIDING OFFICER. The Senator has consumed 7 minutes.

Mr. DORGAN. Let me go for another minute, and then I will yield to my colleague from Minnesota, who will have 7 minutes remaining on the 15 minutes.

As I have indicated, Senator JOHNSON from South Dakota and Senator SNOWE from Maine are also cosponsors. We expect other cosponsors to join us. Frankly, the reason we have introduced this legislation is that there is an unfair pricing practice that exists with respect to prescription drugs in this country. It is fundamentally unfair for a pharmaceutical manufacturer to say that we will produce a drug, and, by the way, when we decide to sell it we will sell it all around the world, but we will choose to sell it to the American consumer at a much higher price than any other customer in the world.

That is unfair to the American consumer.

What prevents the local corner pharmacist from going elsewhere to buy these prescription drugs in France or in Canada or elsewhere? A law that says you can't import a drug into this country unless it is imported by the manufacturer. What a ridiculous piece of legislation that was passed over a decade ago.

If this global economy works, let's make it work for the consumers and not just for the big companies.

Our legislation only pertains to this circumstance: If the drug has been approved by the FDA and the facility where that drug is bought are inspected by the FDA, then those drugs have a right to come into this country not just by the manufacturer but by local pharmacists and distributors who want to access that drug at a less expensive price in other parts of the world and pass along the savings to American consumers. That makes good sense to me.

I have a lot more to say, but I will say it at a later time. I yield my remaining time to my colleague, Senator WELLSTONE from Minnesota, who is joined by Senator JOHNSON of South Dakota and Senator SNOWE of Maine as cosponsors of this legislation.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me first of all say to my colleague from North Dakota that I am really pleased to join him in this effort, along with Senator SNOWE and Senator JOHNSON.

The International Prescription Drug Parity Act makes prescription drugs more affordable for millions of Americans by applying the principles of free trade and competition.

I want to give special thanks to a wonderful grassroots citizen organization from Minnesota called the Minnesota Senior Federation. If we had organizations such as this all around the country, we would have such effective citizen politics, and I guarantee we would be passing legislation that would make an enormous positive difference in the lives of the people in our country.

This legislation provides relief from price gouging of American consumers by our own pharmaceutical industry. Those who really pay the price are those who are chronically ill. Many of those who are clinically ill are the elderly. It is not uncommon anywhere in our country to run across an elderly couple or single individual who is paying up to 30, 40, or 50 percent of their monthly budget just for prescription drug costs.

In my State of Minnesota, only 35 percent of senior citizens have any prescription drug cost coverage at all.

This legislation is very simple. I say to Senator DORGAN that what I liked the best about this legislation, and the reason I think it will command widespread support, is its eloquent simplicity.

We are just saying that if you have drugs which are FDA approved and manufactured in our country, and now they are in Canada, for example, and cost half of what they cost senior citizens to pay for that drug in our own country, it shouldn't just be the pharmaceutical companies that can bring

those drugs back in. You ought to enable pharmacists or distributors to go to Canada and purchase these drugs which have been FDA approved, and then bring them back to our country and sell these drugs at a discount rate for our citizens in our country.

This is the best of competition. This is the best of what we mean by free trade.

I want to be clear. This legislation will amend the Food, Drug and Cosmetic Act. The FDA Commissioner was in Minnesota 2 weeks ago and senior citizens were pressing her on this question. She was cautious. But what she was saying was that we would need some legislation; we would need some change to be able to do what Senator DORGAN is talking about. We would amend this piece of legislation to allow American pharmacists and distributors to import prescription drugs into the United States as long as these drugs meet strict FDA standards. That is it. The FDA isn't directly involved, but the FDA is critically involved in the sense that these drugs have to meet all the FDA standards.

This piece of legislation is simple. It is straightforward. It is very proconsumer, very pro-senior citizen, very procompetition, very pro-free trade. As I think about the gatherings that I go to in my State—I bet this applies to New Jersey, I see Senator TORRICELLI here, and Senator REED of Rhode Island—anywhere in the country. You can't go to a community meeting, and you can't go in into a cafe and meet with people without having people talk about the price of prescription drugs. It is just prohibitively expensive. This piece of legislation will make an enormous difference.

It could be that there is some opposition to this piece of legislation. I can see some vested economic interests who may figure out reasons to be opposed to it, but I will say that this piece of legislation would go a long way in dealing with the problem of price gouging right now and making sure that these prescription drugs that can be so important to the health of senior citizens, the people in the disabilities community and other citizens as well that they will be able to purchase these drugs, and they will be able to afford these drugs, which can make an enormous difference in improving the quality of their health.

I introduce this legislation, along with Senator DORGAN, and we are joined by Senator JOHNSON and Senator SNOWE. I believe we will have strong bipartisan support for this bill.

Mr. President, how much time do we have left?

The PRESIDING OFFICER. The Senators have a total of 9 minutes 54 seconds.

Mr. DORGAN. Mr. President, if I might just make a comment to the Senator from Minnesota, all of us have the experience of going around our States and talking to especially senior citizens, who take a substantial amount of prescription drugs—many of them wonderful, lifesaving drugs but at a substantial cost. Many of them have no health insurance coverage for these costs.

Let me say at the outset, lest anyone think I don't appreciate what goes on, that the research done at the Federal level and the research done by the pharmaceutical companies have produced lifesaving, remarkable medicines. I commend all of those folks for that, including these companies. I am only debating the price issue here.

I ran into a woman one day. She was in her eighties. She had heart disease, diabetes, and was living on somewhere around $400 a month of total income. She said to me: Mr. Senator, I can't afford to take the drugs the doctor says I must take for my heart difficulties and for my diabetes. What I do is buy the drugs, and then I cut the pills in half and take half of the dose so it lasts twice as long. It is the only way. Even then I can hardly afford to pay for food.

That is what the problem is here. The problem is that these pharmaceutical drugs are overpriced relative to what every other consumer in the rest of the world is paying for them. I am talking of other consumers in France, in Germany, Italy, England, Canada, and Mexico—you name it. That doesn't make any sense to me. Why should our senior citizens—all consumers for that matter—be paying 300-percent more for the same drug in virtually the same bottle produced by the same company inspected by the FDA than a consumer 20 miles north in Canada is paying?

I just came from a meeting near the border of North Dakota and Canada. I was talking to people, again, about that disparity. The Senator from Minnesota has exactly the same situation.

The pharmacists at the corner drugstore are saying: Why can't I go up there and buy some of these medications? I know that it is the same pill which comes from the same plant.

The reason is the law prevents him from bringing it back, and we want to change that.

Mr. WELLSTONE. Mr. President, I say to my colleagues, when we talk about citizens becoming frustrated and sometimes angry, either two things are going on.

First of all, you can find people to talk to everywhere, especially senior citizens who are paying 30, 40, or 50 percent of their monthly budget just for these costs. They cut the pill in half and take only half of what they need, or they cut down on food. It is drugs versus food, or versus something else. They should not be faced with those choices.

But what adds insult to injury is to then know that the same drug manufactured quite often in the same place with the same FDA approval purchased in Canada costs half the price.

We are simply saying let our pharmacists and let our distributors in our country be able to purchase those prescription drugs in Canada and bring them back and sell them at a discount to our consumers. That is what this legislation says.

If you want to talk about a piece of legislation that speaks to the interests and circumstances of people's lives, I think this legislation will make an enormous difference.

I am prepared to fight very hard to make sure that we pass this legislation.

By Mrs. FEINSTEIN (for herself, Mr. REID, Mrs. BOXER, and Mr. BRYAN):

S. 1192. A bill to designate national forest land managed by the Forest Service in the Lake Tahoe Basin as the ''Lake Tahoe National Scenic Forest and Recreation Area,'' and to promote environmental restoration around the Lake Tahoe Basin; to the Committee on Energy and Natural Resources.

THE LAKE TAHOE RESTORATION ACT

Mrs. FEINSTEIN. Mr. President, I want to begin by thanking Senator HARRY REID who has worked so hard with me on the Lake Tahoe Restoration Act. I would also like to thank my friends and colleagues Senator BARBARA BOXER and Senator DICK BRYAN for cosponsoring this important legislation.

This legislation really comes directly out of the Tahoe Summit. I am one that spent her childhood at lake Tahoe, but I had not been back for a number of years. When I went there for the Tahoe Summit in 1997 with the President, I saw things I had never seen before at Lake Tahoe.

I saw the penetration of MTBE in the water. I saw the gasoline spread over the water surface. I saw that in fact 30 percent of the South Lake Tahoe water supply has been eliminated by MTBE. I saw 25 percent of the magnificent forest that surrounds the lake dead or dying. I saw land erosion problems on a major level that were bringing all kinds of sediment into the lake and which had effectively cut its clarity by thirty feet since the last time I had visited. And then I learned that the experts believe that in ten years the clouding of the amazing crystal water clarity would be impossible to reverse and in thirty years it would be lost forever.

For me, that was a call to action, and today I am proud to introduce the Lake Tahoe Restoration Act. This legislation will designate federal lands in the Lake Tahoe Basin as a National Scenic Forest and Recreation area and will authorize $300 million of Federal monies on a matching basis over ten years for environmental restoration projects to preserve the region's water quality and forest health.

Lake Tahoe is the crown jewel of the Sierra Nevada and its clear, blue water is simply remarkable. Some people may not know that Lake Tahoe contributes $1.6 billion dollars every year

to the economy from tourism alone. However, one in every seven trees in the forest surrounding Emerald Bay is either dead or dying. Insect infestations and drought have killed over 25 percent of the trees in the forests surrounding Lake Tahoe, creating a severe risk of wildfire.

The Tahoe Regional Planning Agency estimates that restoring the lake and its surrounding forests will cost $900 million dollars over the next ten years. This is not a cursory evaluation but a careful evaluation made by this agency over several years.

Local governments and businesses in Lake Tahoe have agreed to raise $300 million locally in the next ten years for this effort. The Tahoe Transportation and Water Quality Coalition, a coalition of 18 businesses and environmental groups, including Placer County, El Dorado County, the City of South Lake Tahoe, Douglass County in Nevada and Washoe County in Nevada have all agreed. This is an extraordinary commitment for a region with only 50,000 year round residents.

The Governors of California and Nevada have pledged to provide another $300 million, but only if the Federal government will step up and provide $300 million of its own because we must remember that 77 percent of the forest is owned by the Federal Government.

President Clinton took an important first step in 1997 when he held an environmental summit at Lake Tahoe and promised $50 million over two years for restoration activities around the lake. These commitments included: $4.5 million to reduce fire risk at the lake; $3.5 million for public transportation; $4 million for acquisition of environmentally sensitive land; $1.3 million dollars to decommission old, unused logging roads that are a major source of sediment into Lake Tahoe; $7.5 million to replace an aging waste water pipeline that threatens to leak sewage into the lake; and $3 million for scientific research.

Unfortunately, the President's commitments lasted for only two years, so important areas like land acquisition and road decommissioning were not funded at the levels the President tried to accomplish. So what is needed is a more sustained, long-term effort, and one that will meet the federal government's $300 million dollar responsibility to save the environment at Lake Tahoe.

The Lake Tahoe Restoration Act will build upon the President's commitment to Lake Tahoe and authorize full funding for a new environmental restoration program at the lake.

The bill designates U.S. Forest Service lands in the Lake Tahoe basin as the Lake Tahoe National Scenic Forest and Recreation Area. This designation, which is unique to Lake Tahoe, is strongly supported by local business, environmental, and community leaders. The designation will recognize Lake Tahoe as a priceless scenic and recreational resource.

The legislation explicitly says that nothing in the bill gives the U.S. Forest Service regulatory authority over private or non-federal land. The bill also requires the Forest Service to develop an annual priority list of environmental restoration projects and authorizes $200 million over ten years to the forest service to implement these projects on federal lands. The list must include projects that will improve water quality, forest health, soil conservation, air quality, and fish and wildlife habitat around the lake.

In developing the environmental restoration priority list, the Forest Service must rely on the best available science, and consider projects that local governments, businesses, and environmental groups have targeted as top priorities. The Forest Service also must consult with local community leaders.

The bill requires the Forest Service to give special attention on its priority list to four key activities: acquisition of environmentally sensitive land from willing sellers, erosion and sediment control, fire risk reduction, and traffic and parking management, including promotion of public transportation.

The Lake Tahoe Restoration Act also requires that $100 million of the $300 million over ten years be in payments to local governments for erosion control activities on non-federal lands. These payments will help local governments conduct soil conservation and erosion mitigation projects, restore wetlands and stream environmental zones, and plant native vegetation to filter out sediment and debris.

I have been working on the Lake Tahoe Restoration Act for over a year, in conjunction with Senator REID and over a dozen community groups at Lake Tahoe. The Lake Tahoe Transportation and Water Quality Coalition, a local consensus group of 18 businesses and environmental groups, has worked extremely hard on this bill, and I am grateful for their input and support.

Thanks in large part to their work, the bill has strong, bi-partisan support from nearly every major group in the Tahoe Basin. The bill is supported by the League to Save Lake Tahoe, the South Lake Tahoe Chamber of Commerce, and the Lake Tahoe Gaming Alliance, to name just a few. Major environmental groups also support the bill, including the Sierra Club, Wilderness Society, and California League of Conservation Voters.

The bottom line is that time is running out for Lake Tahoe. We have ten years to do something major or the water quality deterioration is irreversible.

We have a limited period of time, or the 25 percent of the dead and dying trees and the combustible masses that it produced are sure to catch fire, and a major forest fire will result.

Mr. President, this crown jewel deserves the attention, and the fact that the federal government owns 77 percent of that troubled area makes the responsibility all so clear.

I am hopeful that the United States Senate will move quickly to consider the Lake Tahoe Restoration Act. I urge my colleagues in the Senate to join me in preserving this national treasure for generations to come.

By Mr. LAUTENBERG:

S. 1193. A bill to improve the safety of animals transported on aircraft, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE SAFE AIR TRAVEL FOR ANIMALS ACT

Mr. LAUTENBERG. Mr. President, I have a piece of legislation which I rise to introduce. This legislation is designed to protect a segment of our population that can't protect itself. I am talking about pets—dogs, cats, and others that travel by air. I want to put this into perspective. Over 70 million households in America have pets—70 million. So it affects a significant portion of our population. Pets become family members and they become a source of significant affection and attachment. In some cases, they are the vision for those who are sightless. They establish precious relationships.

Over the last 5 years, there have been over 2,500 documented instances of dogs and cats experiencing severe injury in air travel, and 108 cats and dogs have died just as a result of exposure to excessive temperatures.

Pets aren't baggage. They are part of a family, in many instances, and they ought to be treated that way when they accompany their masters when they fly. Over 500,000 pets a year are transported by air across this country. News reports have detailed stories of pets being left out on hot days, sitting on tarmacs while flights were delayed, or stuffed into cargo holds with little or no airflow, causing them to injure themselves in the desperation to escape this entrapment and very difficult environment.

Some pets have actually had heavy baggage placed directly on top of their carriers. It is unacceptable. We can and must prevent these inhumane practices.

So today I am introducing The Safe Air Travel for Animals Act. This bill responds to the tragic stories we have heard involving the death or injury of many beloved pets while traveling by airplane.

The legislation has three goals. First, it ensures that airlines are held accountable for mistreatment of our pets, to ensure that animals are not treated like a set of golf clubs or other baggage. This legislation will put airlines on a tight leash.

Second, the bill provides consumers with the right to know if an airline has a record of mistreatment or accidents with pets.

Third, the bill addresses the problems of the aircraft themselves, making sure that the cargo hold is as safe as it possibly can be for animal travel.

Airlines need to be held accountable for the harm they permit to happen to

our pets. Right now, airlines are only liable to owners for up to $1,250 for losing, injuring, or killing a pet.

That is no different from what they would be liable for if they lost your suitcase. Under my bill, that limit for liability will be double.

Now, anyone who owns a pet knows how expensive veterinary bills can be. If an animal is injured or dies as a result of flying, my bill would require the airlines to pay for the costs of veterinary care.

Mr. President, my bill also provides consumers with the right to know about the conditions they face when they transport their animals by plane. My bill requires airlines to immediately report any incidents involving loss, injury or death of animals.

Most importantly, the bill puts this information into the hands of the flying public. Pet owners should know which airlines are doing a good job, and which need to do better. Just as consumers favor airlines with solid, on-time records, they will also favor the airlines that have a good safety record with our pets. And, an airline that does a good job will want this information in the hands of consumers.

Finally, the bill addresses the problem of the aircraft themselves. The airline industry is undergoing a retrofitting process, as required by the FAA, of all ''class D'' cargo holds, to prevent fires.

These are special holds that have the facility to turn off the oxygen in the event of smoke or fire. But that also means that that is an execution for the pets that are in those holds.

I believe that the industry should use this opportunity to see what improvements can be made to allow for better oxygen flow and temperature control to protect our pets.

Mr. President, we must do more to prevent unnecessary deaths caused by lack of oxygen flow or exposure to heat.

With this bill, travelers will feel more secure about using air travel to transport their pets.

I hope that my colleagues will join me in support of this legislation.

By Mr. COVERDELL:

S. 1196. A bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes; to the Committee on the Judiciary.

THE NATIONAL FORENSIC SCIENCE IMPROVEMENT ACT

Mr. COVERDELL. Mr. President, today I introduce the National Forensic Science Improvement Act, a bill designed to address the growing backlog in our nation's crime labs. Across the country, state and local crime labs, Medical Examiners' and Coroners' offices face alarming shortages in forensic science resources. While other areas of our criminal justice system such as the courts and prison systems have benefitted from federal assistance, the highly technical and expensive forensic sciences have received little attention. Mr. President, my bill will help correct this problem.

There are 600 qualified state and local crime laboratories in the United States which deliver 90% of the total forensic science services in this country. In a 1996 national survey of 299 crime labs it was found that 8 out of 10 labs have experienced a growth in the caseload which exceeds the growth in budget and/or staff. Mr. President, I need go no further to demonstrate that this is a national problem. Without the swift processing of evidence our criminal justice system cannot operate as it is intended. I believe it is time to take a step to address specifically the problems our crime labs face.

The National Forensic Science Improvement Act has been endorsed by organizations such as the National Governors Association, the National Association of Attorneys General, the Association of State Criminal Investigative Agencies and the International Association of Chiefs of Police who see it as a flexible approach to a problem that indeed has far-ranging consequences. Mr. President, it is my belief that Congress must work to ensure justice in this country is neither delayed nor denied. Right now across the country backlogs in crime labs are denying the swift administration of justice and with this bill we have a ready solution.

In crafting this bill I have worked closely with the Georgia Bureau of Investigation which is suffering heavily under a growing caseload. At its headquarters in Decatur, GA the GBI has a number of cataloging systems that are not yet computerized. Further, they lack the funding to create computer networks that would connect not only their forensic equipment with internal computers, but would also allow them to share information with crime labs across the country. While the Governor has taken steps to provide the GBI with more funding for forensic sciences, it remains clear that federal assistance is needed.

Last year the Senate passed the Crime Identification Technology Act. This important measure, which I supported, was a good step towards improving the technology employed by law enforcement across the country. I believe my bill is the next logical step in this body's effort to improve the manner in which justice is administered in this country.

By Mr. ROTH (for himself, Mr. SMITH of New Hampshire, Mr. LEVIN, and Mr. SCHUMER):

S. 1197. A bill to prohibit the importation of products made with dog or cat fur, to prohibit the sale, manufacture, offer for sale, transportation, and distribution of products made with dog or cat fur in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

DOG AND CAT PROTECTION ACT OF 1999

Mr. ROTH. Mr. President, I rise today to introduce legislation that runs to the heart of who we are and what we hold dear and meaningful in our lives.

There is a special relationship between men, women, children, and their family pets—particularly their dogs and cats.

I have been profoundly affected in my life because of the animals that transcended emotional boundaries to become true and meaningful friends—even a part of the family. I can name every dog I've owned since I was a boy.

I can tell you their qualities, their peculiarities, their preferences and dislikes. Even now, my wife Jane and I—our children and grandchildren—are surrounded by the most loyal St. Bernards in the world. They—as all the pets we've had—speak volumes about strong and lasting friendship.

You can understand, given this background, that I am outraged to learn that there are clothing articles imported into America that are made from the fur of these precious animals.

I'm outraged to learn that dog and cat fur is being used in a wide variety of products, including fur coats and jackets.

I'm outraged to learn from the Humane Society of the United States that more than two million dogs and cats are killed annually as part of the fur trade, and that many retailers in the U.S. who sell these items are doing so unaware of their content.

To respond to this growing problem, I'm introducing legislation today, the Dog and Cat Protection Act of 1999, to prohibit the domestic sale, manufacture, transportation, and distribution of products made with cat or dog fur.

My legislation requires all fur products to be labelled, closing a loophole in the current law, and it will ban deceptive or misleading labelling of these products so consumers and retailers can buy with confidence, knowing that they are not supporting this tragic process.

With this legislation, our message will be clear: No matter where in the world this merchandise is made, there will be no legitimate market for it here—not in the United States.

This is important legislation. It will provide uniformity of regulations and prevent conflicts between states. It will give the Justice Department the ability to enforce the law and prosecute those who may try to get around it.

And the U.S. Customs Service would be able to function as the first line of defense. I appreciate the work being done by the Humane Society of the United States and many other important organizations to heighten our awareness of these kinds of issues.

And I look forward to working with my colleagues to see this legislation enacted into law. Thank you, Mr. President.

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

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

S. 1197

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 ''Dog and Cat Protection Act of 1999''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) An estimated 2,000,000 dogs and cats are slaughtered and sold annually as part of the international fur trade. Internationally, dog and cat fur is used in a wide variety of products, including fur coats and jackets, fur-trimmed garments, hats, gloves, decorative accessories, stuffed animals, and other toys.

(2) As demonstrated by forensic tests, dog and cat fur products are being imported into the United States, in some cases with deceptive labeling to conceal the use of dog or cat fur.

(3) Dog and cat fur, when dyed, is not easily distinguishable to persons who are not experts from other furs such as fox, rabbit, coyote, wolf, and mink. Dog and cat fur is generally less expensive than other types of fur and may be used as a substitute for more expensive types of furs.

(4) Foreign fur producers use dogs and cats bred for their fur, and also use strays and stolen pets.

(5) The methods of housing, transporting, and slaughtering dogs and cats for fur production are generally unregulated and inhumane.

(b) PURPOSES.—The purposes of this Act are—

(1) to prohibit the sale, manufacture, offer for sale, transportation, and distribution in the United States of dog and cat fur products;

(2) to require accurate labeling of fur species so that consumers in the United States can make informed choices; and

(3) to prohibit the trade in, both imports and exports of, dog and cat fur products, to ensure that the United States market does not encourage the slaughter of dogs or cats for their fur, and to ensure that the purposes of this Act are not undermined.

SEC. 3. DEFINITIONS.

In this Act:

(1) DOG FUR.—The term ''dog fur'' means the pelt or skin of any animal of the species *canis familiaris*.

(2) CAT FUR.—The term ''cat fur'' means the pelt or skin of any animal of the species *felis catus*.

(3) UNITED STATES.—The term ''United States'' means the customs territory of the United States, as defined in general note 2 of the Harmonized Tariff Schedule of the United States.

(4) COMMERCE.—The term ''commerce'' means transportation for sale, trade, or use between any State, territory, or possession of the United States, or the District of Columbia, and any place outside thereof.

(5) DOG OR CAT FUR PRODUCT.—The term ''dog or cat fur product'' means any item of merchandise which consists, or is composed in whole or in part, of any dog fur, cat fur, or both.

(6) PERSON.—The term ''person'' includes any individual, partnership, corporation, association, organization, business trust, government entity, or other entity.

(7) INTERESTED PARTY.—The term ''interested party'' means any person having a contractual, financial, humane, or other interest.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(9) DULY AUTHORIZED OFFICER.—The term ''duly authorized officer'' means any United States Customs officer, any agent of the Federal Bureau of Investigation, or any agent or other person authorized by law or designated by the Secretary to enforce the provisions of this Act.

SEC. 4. PROHIBITIONS.

(a) PROHIBITION ON MANUFACTURE, SALE, AND OTHER ACTIVITIES.—No person in the United States or subject to the jurisdiction of the United States may introduce into commerce, manufacture for introduction into commerce, sell, trade, or advertise in commerce, offer to sell, or transport or distribute in commerce, any dog or cat fur product.

(b) IMPORTS AND EXPORTS.—No dog or cat fur product may be imported into, or exported from, the United States.

SEC. 5. LABELING.

Section 2(d) of the Fur Products Labeling Act (15 U.S.C. 69(d)) is amended by striking ''; except that such term shall not include such articles as the Commission shall exempt by reason of the relatively small quantity or value of the fur or used fur contained therein''.

SEC. 6. ENFORCEMENT.

(a) IN GENERAL.—The Secretary, either independently or in cooperation with the States, political subdivisions thereof, and interested parties, is authorized to carry out operations and measures to eradicate and prevent the activities prohibited by section 4.

(b) INSPECTIONS.—A duly authorized officer may, upon his own initiative or upon the request of any interested party, detain for inspection and inspect any product, package, crate, or other container, including its contents, and all accompanying documents to determine compliance with this Act.

(c) SEIZURES AND ARRESTS.—If a duly authorized officer has reasonable cause to believe that there has been a violation of this Act or any regulation issued under this Act, such officer may search and seize, with or without a warrant, the item suspected of being the subject of the violation, and may arrest the owner of the item. An item so seized shall be held by any person authorized by the Secretary pending disposition of civil or criminal proceedings.

(d) BURDEN OF PROOF.—The burden of proof shall lie with the owner to establish that the item seized is not a dog or cat fur product subject to forfeiture and civil penalty under section 7.

(e) ACTION BY U.S. ATTORNEY.—Upon presentation by a duly authorized officer or any interested party of credible evidence that a violation of this Act or any regulation issued under this Act has occurred, the United States Attorney with jurisdiction over the suspected violation shall investigate the matter and shall take appropriate action under this Act.

(f) CITIZEN SUITS.—Any person may commence a civil suit to compel the Secretary to implement and enforce this Act, or to enjoin any person from taking action in violation of any provision of this Act or any regulation issued under this Act.

(g) REWARD.—The Secretary may pay a reward to any person who furnishes information which leads to an arrest, criminal conviction, civil penalty assessment, or forfeiture of property for any violation of this Act or any regulation issued under this Act.

(h) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall issue final regulations, after notice and opportunity for public comment, to implement this Act within 180 days after the date of enactment of this Act.

(2) FEES.—The Secretary may charge reasonable fees for expenses to the Government connected with permits or certificates authorized by this Act, including expenses for—

(A) processing applications;

(B) reasonable inspections; and

(C) the transfer, handling, or storage of evidentiary items seized and forfeited under this Act.

All fees collected pursuant to this paragraph shall be deposited in the Treasury in an account specifically designated for enforcement of this Act and available only for that purpose.

SEC. 7. PENALTIES.

(a) CIVIL PENALTY.—Any person who violates any provision of this Act or any regulation issued under this Act may be assessed a civil penalty of not more than $25,000 for each violation.

(b) CRIMINAL PENALTY.—Any person who knowingly violates any provision of this Act or any regulation issued under this Act shall, upon conviction for each violation, be imprisoned for not more than 1 year, fined in accordance with title 18, United States Code, or both.

(c) FORFEITURE.—Any dog or cat fur product that is the subject of a violation of this Act or any regulation issued under this Act shall be subject to seizure and forfeiture to the same extent as any merchandise imported in violation of the customs laws.

(d) INJUNCTION.—Any person who violates any provision of this Act or any regulation issued under this Act may be enjoined from further sales of any fur products.

(e) APPLICABILITY.—The penalties in this section apply to violations occurring on or after the date of enactment of this Act.

By Mr. SHELBY (for himself, Mr. BOND, and Mr. LOTT):

S. 1198. A bill to amend chapter 8 of title 5, United States Code, to provide for a report by the General Accounting Office to Congress on agency regulatory actions, and for other purposes; to the Committee on Governmental Affairs.

CONGRESSIONAL ACCOUNTABILITY FOR REGULATORY INFORMATION ACT OF 1999

Mr. SHELBY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1198

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 ''Congressional Accountability for Regulatory Information Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) many Federal regulations have improved the quality of life of the American public, however, uncontrolled increases in regulatory costs and lost opportunities for better regulation cannot be continued;

(2) the legislative branch has a responsibility to ensure that laws passed by Congress are properly implemented by the executive branch; and

(3) in order for the legislative branch to fulfill its responsibilities to ensure that laws passed by Congress are implemented in an efficient, effective, and fair manner, the Congress requires accurate and reliable information on which to base decisions.

SEC. 3. REPORTS ON REGULATORY ACTIONS BY THE GENERAL ACCOUNTING OFFICE.

(a) IN GENERAL.—Section 801(a)(2) of title 5, United States Code, is amended by striking

subparagraph (B) and inserting the following:

''(B)(i) After an agency publishes a regulatory action, a committee of either House of Congress with legislative or oversight jurisdiction relating to the action may request the Comptroller General to review the action under clause (ii).

''(ii) Of requests made under clause (i), the Comptroller General shall provide a report on each regulatory action selected under clause (iv) to the committee which requested the report (and the committee of jurisdiction in the other House of Congress) not later than 180 calendar days after the committee request is received. The report shall include an independent analysis of the regulatory action by the Comptroller General using any relevant data or analyses available to or generated by the General Accounting Office.

''(iii) The independent analysis of the regulatory action by the Comptroller General under clause (ii) shall include—

''(I) an analysis by the Comptroller General of the potential benefits of the regulatory action, including any beneficial effects that cannot be quantified in monetary terms and the identification of those likely to receive the benefits;

''(II) an analysis by the Comptroller General of the potential costs of the regulatory action, including any adverse effects that cannot be quantified in monetary terms and the identification of those likely to bear the costs;

''(III) an analysis by the Comptroller General of any alternative regulatory approaches, which have been identified, that could achieve the same goal in a more cost-effective manner or that could provide greater net benefits, and, if applicable, a brief explanation of any statutory reasons why such alternatives could not be adopted;

''(IV) an analysis of the extent to which the regulatory action would affect State or local governments; and

''(V) a summary of how the results of the Comptroller General's analysis differ, if at all, from the results of the analyses of the agency in promulgating the regulatory action.

''(iv) In consultation with the Majority and Minority Leaders of the Senate and the Speaker and Minority Leader of the House of Representatives, the Comptroller General shall develop procedures for determining the priority and number of those requests for review under clause (i) that will be reported under clause (ii).

''(C) Federal agencies shall cooperate with the Comptroller General by promptly providing the Comptroller General with such records and information as the Comptroller General determines necessary to carry out this section.''.

(b) DEFINITIONS.—Section 804 of title 5, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (5), respectively;

(2) by inserting after paragraph (1) the following:

''(2) The term 'independent analysis' means a substantive review of the agency's underlying assessments and assumptions used in developing the regulatory action and any additional analysis the Comptroller General determines to be necessary.''; and

(3) by inserting after paragraph (3) (as redesignated by paragraph (1) of this subsection) the following:

''(4) The term 'regulatory action' means—

''(A) notice of proposed rule making;

''(B) final rule making, including interim final rule making; or

''(C) a rule.''.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the General Accounting Office to carry out chapter 8 of title 5, United States Code, $5,200,000 for each of fiscal years 2000 through 2003.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

ADDITIONAL COSPONSORS

S. 335

At the request of Ms. COLLINS, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 335, a bill to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes.

S. 343

At the request of Mr. BOND, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 343, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 424

At the request of Mr. COVERDELL, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 424, a bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 446

At the request of Mrs. BOXER, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 446, a bill to provide for the permanent protection of the resources of the United States in the year 2000 and beyond.

S. 512

At the request of Mr. GORTON, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 514

At the request of Mr. COCHRAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 566

At the request of Mr. LUGAR, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 566, a bill to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, and for other purposes.

S. 676

At the request of Mr. CAMPBELL, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 676, a bill to locate and secure the return of Zachary Baumel, a citizen of the United States, and other Israeli soldiers missing in action.

S. 680

At the request of Mr. HATCH, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 680, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes.

S. 737

At the request of Mr. CHAFEE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 737, a bill to amend title XIX of the Social Security Act to provide States with options for providing family planning services and supplies to women eligible for medical assistance under the medicaid program.

S. 820

At the request of Mr. MACK, his name was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 914

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 914, a bill to amend the Federal Water Pollution Control Act to require that discharges from combined storm and sanitary sewers conform to the Combined Sewer Overflow Control Policy of the Environmental Protection Agency, and for other purposes.

S. 918

At the request of Mr. KERRY, the names of the Senator from Utah (Mr. HATCH) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 918, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small business, and for other purposes.

S. 1034

At the request of Mr. AKAKA, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1034, a bill to amend title XVIII of the Social Security Act to increase the amount of payment under the medicare program for pap smear laboratory tests.

S. 1070

At the request of Mr. BOND, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

S. 1074

At the request of Mr. TORRICELLI, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from

Nevada (Mr. BRYAN) were added as cosponsors of S. 1074, a bill to amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS.

S. 1130

At the request of Mr. MCCAIN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1130, a bill to amend title 49, United States Code, with respect to liability of motor vehicle rental or leasing companies for the negligent operation of rented or leased motor vehicles.

SENATE JOINT RESOLUTION 27

At the request of Mr. SMITH, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of Senate Joint Resolution 27, A joint resolution disapproving the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of the People's Republic of China.

SENATE JOINT RESOLUTION 28

At the request of Mr. SMITH, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of Senate Joint Resolution 28, a joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam.

SENATE CONCURRENT RESOLUTION 9

At the request of Ms. SNOWE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE CONCURRENT RESOLUTION 22

At the request of Mr. DODD, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of Senate Concurrent Resolution 22, a concurrent resolution expressing the sense of the Congress with respect to promoting coverage of individuals under long-term care insurance.

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the names of the Senator from Virginia (Mr. ROBB), the Senator from Nebraska (Mr. HAGEL), the Senator from Alaska (Mr. STEVENS), and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of Senate Resolution 59, a resolution designating both July 2, 1999, and July 2, 2000, as ''National Literacy Day.''

SENATE RESOLUTION 81

At the request of Mr. CRAPO, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of Senate Resolution 81, a resolution designating the year of 1999 as ''The Year of Safe Drinking Water'' and commemorating the 25th anniversary of the enactment of the Safe Drinking Water Act.

SENATE RESOLUTION 92

At the request of Mrs. BOXER, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of Senate Resolution 92, a resolution expressing the sense of the Senate that funding for prostate cancer research should be increased substantially.

SENATE RESOLUTION 96

At the request of Mrs. MURRAY, her name was added as a cosponsor of Senate Resolution 96, a resolution expressing the sense of the Senate regarding a peaceful process of self-determination in East Timor, and for other purposes.

SENATE RESOLUTION 113—TO AMEND THE STANDING RULES OF THE SENATE TO REQUIRE THAT THE PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES BE RECITED AT THE COMMENCEMENT OF THE DAILY SESSION OF THE SENATE

Mr. SMITH of New Hampshire (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, and Mr. HELMS) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 113

Whereas the Flag of the United States of America is our Nation's most revered and preeminent symbol;

Whereas the Flag of the United States of America is recognized and respected throughout the world as a symbol of democracy, freedom, and human rights;

Whereas, in the words of the Chief Justice of the United States, the Flag of the United States of America ''in times of national crisis, inspires and motivates the average citizen to make personal sacrifices in order to achieve societal goals of overriding importance . . . and serves as a reminder of the paramount importance of pursuing the ideals that characterize our society'';

Whereas the House of Representatives of the United States has opened each of its daily sessions with the Pledge of Allegiance to the Flag of the United States of America since 1988; and

Whereas opening each of the daily sessions of the Senate of the United States with the Pledge of Allegiance to the Flag of the United States would demonstrate reverence for the Flag and serve as a daily reminder to all Senators of the ideals that it represents: Now, therefore, be it

Resolved, That paragraph 1(a) of rule IV of the Standing Rules of the Senate is amended by inserting after ''prayer by the Chaplain'' the following: ''and after the Presiding Officer leads the Senate in reciting the Pledge of Allegiance to the Flag of the United States''.

Mr. SMITH of New Hampshire. Mr. President, the resolution that I am submitting today provides that immediately following the prayer such as we just heard this morning by Chaplain Ogilvie, at the beginning of each daily session of the Senate, the Presiding Officer of the Senate would lead the Senate in the Pledge of Allegiance to the flag of the United States.

I am pleased and honored that the chairman of the Rules Committee, Senator MCCONNELL, as well as Senator FEINSTEIN, Senator HELMS, an Senator LOTT, have joined me as original cosponsors of this resolution.

The flag of the United States is our most revered and preeminent symbol, and the flag is recognized and respected throughout the world as a symbol of democracy, freedom, and human rights. As you know, the House of Representatives has such a flag salute in the morning at the beginning of each day. I think it is appropriate that the Senate follow suit. It is probably long overdue.

The Chief Justice of the United States, William Rehnquist, has written that the flag of the United States of America ''in times of national crisis, inspires and motivates the average citizen to make personal sacrifices in order to achieve societal goals of overriding importance . . . and serves as a reminder of the paramount importance of pursuing the ideals that characterize our society.''

Many Americans, including my father, have given their lives to protect freedom and democracy as symbolized by this flag. Our family was presented with a flag at the burial, as so many other families of veterans have also experienced. It means a great deal, and I think it is appropriate that we salute the flag every morning to start our business.

Since 1988, as I said, the House of Representatives has demonstrated its reverence and respect for the flag, and all of the ideals for which it stands, by opening its morning session with the Pledge of Allegiance.

I wish to give credit to a constituent of mine. I would like to take credit for the idea—perhaps I should have thought of it—but it came from Rebecca Stewart of Enfield, NH, who recently contacted my office and suggested that the Senate should do what the House does—open each session with the Pledge of Allegiance. I thought that was a great idea and contacted several members of the Senate Rules Committee to get a sense of the level of support on that committee for the idea, and I was pleased and delighted by the response from Rules.

The result then is the resolution I am submitting today. I might also in conclusion point out that Monday, June 14, is Flag Day. It would be a great tribute if we could get this resolution to the floor and pass it sometime on or before Monday, June 14. We do have time this week to do that. It is my hope we can move this legislation out of Rules quickly and bring it to the floor. I understand Senator MCCONNELL will be in the Chamber to speak on this matter very shortly.

Mr. President, I trust that the Senate will see fit to promptly adopt this resolution. I hope that it will receive the unanimous support of my colleagues in the Senate.

Mr. MCCONNELL. Mr. President, the senior Senator from New Hampshire, Mr. BOB SMITH, introduced a rules

change which I, as chairman of the Rules Committee, am happy to cosponsor. I commend our colleague, Senator BOB SMITH, for an excellent and outstanding idea.

Since 1892, Americans have expressed their reverence for the flag of this Nation and all it represents by reciting the Pledge of Allegiance. The Pledge was first recited at the 1892 World's Fair to commemorate the 400th anniversary of the discovery of America. Since that time, hundreds and thousands of civic organizations and schoolchildren have taken time before turning to their work to recite these moving words:

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.

Mr. President, I can remember as a schoolchild in Athens, Alabama, standing at my desk, placing my hand over my heart, fixing my eyes upon the flag, and reciting these eloquent words. I suspect many of our colleagues here in the Senate had the same experience in school as they were growing up.

Even at that early age, pledging allegiance to the flag encouraged me to think about the history and ideals of this Nation. It was an important ritual for schoolchildren then. It should be an important ritual for the Senate now.

Presently, we begin each day's business here in the Senate with a prayer. This solemn act reminds us of certain principles and values that we as a people hold dear. Similarly, daily recitation of the pledge would serve as an inspirational start to each legislative day.

The pledge is a time for reflecting on the inspiring history and ideals of liberty and freedom that the Stars and Stripes represents. Setting aside this time each day will serve to remind Americans of the venerated place the flag holds in our country and our culture.

Mr. President, among my most prized possessions is the American flag which honored, as he was laid to rest, my father's service to our Nation. That flag rests proudly on the marble mantel in my Senate office.

A clinical assessment of that flag would conclude that it is some mixture of cotton fabric, dyed red, white, and blue. But for me, it harkens back to the selfless patriotism of a father who fought for his Nation during World War II, a father who instilled in his son an awe and abiding respect for this great Nation we are all so fortunate to call home.

Old Glory has been a beacon of hope for over 200 years, a touchstone for patriotic Americans, and a source of comfort and pride for individuals at home and abroad. In the words of Senator Charles Sumner, ''In a foreign land, the flag is companionship, and country itself, with all its endearments.''

The flag is, without question, a powerful symbol the world over. For nearly every American, it is the most powerful patriotic inspiration.

It is my distinct honor today to cosponsor this resolution as chairman of the Senate Rules Committee. I also want to commend my good friend from New Hampshire, Senator BOB SMITH, for an excellent idea and for his leadership on this issue. The Senate should promptly pass this resolution to begin every day in the Senate Chamber with the pledge of allegiance to our flag and to the Republic for which it stands, the Republic to which we have dedicated ourselves as Senators.

SENATE CONCURRENT RESOLUTION 38—EXPRESSING THE SENSE OF CONGRESS THAT THE BUREAU OF THE CENSUS SHOULD INCLUDE IN THE 2000 DECENNIAL CENSUS ALL CITIZENS OF THE UNITED STATES RESIDING ABROAD

Mr. ABRAHAM submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 38

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS THAT THE BUREAU OF THE CENSUS SHOULD INCLUDE IN THE 2000 DECENNIAL CENSUS ALL CITIZENS OF THE UNITED STATES RESIDING ABROAD.

(a) FINDINGS.—Congress finds the following:

(1) The Bureau of the Census has announced its intention to exclude more than 3,000,000 citizens of the United States living and working overseas from the 2000 decennial census because such citizens are not affiliated with the Federal Government.

(2) The Bureau of the Census has stated its desire to make the 2000 decennial census ''the most accurate ever''.

(3) Exports by the United States of goods, services, and expertise play a vital role in strengthening the economy of the United States—

(A) by creating jobs based in the United States; and

(B) by extending the influence of the United States around the globe.

(4) Citizens of the United States living and working overseas strengthen the economy of the United States—

(A) by purchasing and selling United States exports; and

(B) by creating business opportunities for United States companies and workers.

(5) Citizens of the United States living and working overseas play a key role in advancing the interests of the United States around the world as highly visible economic, political, and cultural ambassadors.

(6) In 1990, as a result of widespread bipartisan support in Congress, the Bureau of the Census enumerated all United States Government officials and other citizens of the United States affiliated with the Federal Government living and working overseas for the apportionment of representatives among the several States and for other purposes.

(7) In the 2000 decennial census, the Bureau of the Census again intends to so enumerate all such officials and other citizens of the United States.

(8) The Overseas Citizens Voting Rights Act of 1975 gave citizens of the United States residing abroad the right to vote by absentee ballot in any Federal election in the State in which the citizen was last domiciled over 2 decades ago.

(9) Citizens of the United States who live and work overseas, but who are not affiliated with the Federal Government, vote in elections and pay taxes.

(10) Organizations that represent individuals and companies overseas, including both Republicans Abroad and Democrats Abroad, support the inclusion of all citizens of the United States residing abroad in the 2000 decennial census.

(11) The Internet facilitates easy maintenance of close contact with all citizens of the United States throughout the world.

(12) All citizens of the United States living and working overseas should be included in the 2000 decennial census.

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

(1) the Bureau of the Census should enumerate all citizens of the United States residing overseas in the 2000 decennial census; and

(2) legislation authorizing and appropriating the funds necessary to carry out such an enumeration should be enacted.

SENATE RESOLUTION NO. 114—DESIGNATING JUNE 22, 1999, AS ''NATIONAL PEDIATRIC AIDS AWARENESS DAY''

Mr. HATCH (for himself, Mrs. BOXER, Mr. BOND, Mr. SCHUMER, Mr. DEWINE, Mr. BIDEN, Mr. WARNER, Mr. DASCHLE, Mr. CRAPO, Mr. HOLLINGS, Mr. BENNETT, Mr. KERRY, Mr. SMITH of Oregon, Mr. LAUTENBERG, Mr. FITZGERALD, Mrs. MURRAY, Ms. SNOWE, Mr. ROBB, Mr. MACK, Mr. TORRICELLI, Mr. ABRAHAM, Mr. WELLSTONE, Mr. BURNS, Mr. CLELAND, Mrs. HUTCHISON, Mr. DODD, Mr. SPECTER, Mr. DURBIN, Mr. CAMPBELL, Mr. EDWARDS, Mr. FRIST, Mr. INOUYE, Mr. GORTON, Mrs. FEINSTEIN, Mr. LOTT, Mr. REID, Mr. ASHCROFT, Mr. GRAHAM, Mr. COCHRAN, Mr. JOHNSON, Mr. JEFFORDS, Mr. KERREY, Mr. CHAFEE, Ms. MIKULSKI, Mr. GRASSLEY, Mr. BAYH, Mr. CRAIG, Mr. REED, Mr. NICKLES, and Mr. KOHL) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 114

Whereas acquired immune deficiency syndrome (referred to in this resolution as ''AIDS'') is the 7th leading cause of death for children in the United States;

Whereas approximately 15,000 children in the United States are currently infected with human immunodeficiency virus (referred to in this resolution as ''HIV''), the virus that causes AIDS;

Whereas the number of children who have died from AIDS worldwide since the AIDS epidemic began has reached 2,700,000;

Whereas it is estimated that an additional 40,000,000 children will die from AIDS by the year 2020;

Whereas perinatal transmission of HIV from mother to child accounts for 91 percent of pediatric HIV cases;

Whereas studies have demonstrated that the maternal transmission of HIV to an infant decreased from 30 percent to less than 8 percent after therapeutic intervention was employed;

Whereas effective drug treatments have decreased the percentage of deaths from AIDS in the United States by 47 percent in both 1998 and 1999;

Whereas the number of children of color infected with HIV is disproportionate to the national statistics with respect to all children;

Whereas The Elizabeth Glaser Pediatric AIDS Foundation has been devoted over the past decade to the education, research, prevention, and elimination of acquired immune deficiency syndrome (AIDS); and

Whereas the people of the United States should resolve to do everything possible to control and eliminate this epidemic that threatens our future generations: Now, therefore, be it

Resolved, That the Senate—

(1) in recognition of all of the individuals who have devoted their time and energy toward combatting the spread and costly effects of acquired immune deficiency syndrome (AIDS) epidemic, designates June 22, 1999, as ''National Pediatric AIDS Awareness Day''; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. HATCH. Mr. President, I rise to submit a Senate Resolution recognizing June 22, 1999, as ''National Pediatrics AIDS Awareness Day.'' I am sponsoring this resolution today with my colleague Senator BOXER from California and 52 of our other colleagues of the Senate.

Senator BOXER and I are cochairs for the 10th anniversary of the Elizabeth Glaser Pediatric AIDS Foundation, which promises to be a wonderful event. But, more importantly, through the generosity of many individuals and organizations, substantial funds will be raised to further the research necessary to defeat this disease which threatens so many lives—including children.

Infection of children with the human immunodeficiency virus (HIV) is very different than infection in adults. Infected children get sick faster; their immune systems may deteriorate more quickly; treatment protocols are very different; and they often involve more complications. Almost all children with HIV infection have acquired the virus from their mothers. In the late 1980s and early 1990s, before preventive treatments were available, an estimated 1,000–2,000 babies were born with HIV infection each year in the United States.

Today, because of scientific and medical breakthroughs in pharmaceutical therapies, the mother-to-infant transmission rate has dropped from 43% in 1992 to 8% in 1997. The investment in prevention alone has resulted in avoiding an estimated 656 HIV infections and saves $105.6 million in medical care costs. Thus we are indeed seeing results from the time, energy, and resources being expended to fight this dreaded disease. My hat is off to those front line researchers and clinicians who have devoted themselves to this task.

While significant advances have been made in decreasing pediatric HIV infection, we must continue to work tirelessly to develop an HIV vaccine that will enable the safe and effective immunization of children and adults. We must better understand why HIV/AIDS disproportionately affects children of color and find cures to eradicate this epidemic. For our children living with HIV, we must provide them with the best possible therapeutic and social support to ensure their long, high quality life. I urge all senators to join me on June 22 at the National Building Museum to celebrate the successes which have been achieved in fighting HIV and AIDS among our youth and to renew our pledge to fight this disease until it disappears from the face of this earth.

Mrs. BOXER. Mr. President, I am very honored to rise today with my good friend, Senator HATCH, to submit a resolution designating June 22 as National Pediatric AIDS Awareness Day.

I am proud that we have the cosponsorship of 52 of our colleagues, which demonstrates a broad interest in the issue of children and AIDS.

Incredibly, AIDS is the seventh leading cause of death for children in the United States. We have lost 2.7 million precious children to this epidemic—a staggering and sobering statistic.

Our resolution recognizes and commemorates the children, families, and countless others in the health and education communities who have dedicated their substantial time and efforts to prevention and eradication of AIDS.

It also recognizes the 10th anniversary of the Elizabeth Glaser Pediatric AIDS Foundation, an outstanding charitable organization which has devoted years of effort to the education, research, and prevention of HIV transmission and disease.

I hope the Senate will act quickly on this resolution to recognize the devastating effects of this terrible disease on millions of American children and their families, and to honor the contributions of thousands of others who are working to end the epidemic.

AMENDMENTS SUBMITTED

Y2K ACT

MCCAIN (AND OTHERS) AMENDMENT NO. 608

Mr. MCCAIN (for himself, Mr. DODD, Mr. WYDEN, Mr. HATCH, Mrs. FEINSTEIN, Mr. GORTON, Mr. BENNETT, Mr. LOTT, Mr. ABRAHAM, Mr. FRIST, Mr. BURNS, Mr. SANTORUM, Mr. SMITH of Oregon, and Mr. LIEBERMAN) proposed an amendment to the bill (S. 96) to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of that year's date; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF SECTIONS.

(a) SHORT TITLE.—This Act may be cited as the ''Y2K Act''.

(b) TABLE OF SECTIONS.—The table of sections for this Act is as follows:

Sec. 1. Short title; table of sections.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Application of Act.
Sec. 5. Punitive damages limitations.
Sec. 6. Proportionate liability.
Sec. 7. Pre-litigation notice.
Sec. 8. Pleading requirements.
Sec. 9. Duty to mitigate.
Sec. 10. Application of existing impossibility or commercial impracticability doctrines.
Sec. 11. Damages limitation by contract.
Sec. 12. Damages in tort claims.
Sec. 13. State of mind: bystander liability; control.
Sec. 14. Appointment of special masters or magistrate judges for Y2K actions.
Sec. 15. Y2K actions as class actions.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that:

(1)(A) Many information technology systems, devices, and programs are not capable of recognizing certain dates in 1999 and after December 31, 1999, and will read dates in the year 2000 and thereafter as if those dates represent the year 1900 or thereafter or will fail to process dates after December 31, 1999.

(B) If not corrected, the problem described in subparagraph (A) and resulting failures could incapacitate systems that are essential to the functioning of markets, commerce, consumer products, utilities, Government, and safety and defense systems, in the United States and throughout the world.

(2) It is in the national interest that producers and users of technology products concentrate their attention and resources in the time remaining before January 1, 2000, on assessing, fixing, testing, and developing contingency plans to address any and all outstanding year 2000 computer date-change problems, so as to minimize possible disruptions associated with computer failures.

(3)(A) Because year 2000 computer date-change problems may affect virtually all businesses and other users of technology products to some degree, there is a substantial likelihood that actual or potential year 2000 failures will prompt a significant volume of litigation, much of it insubstantial.

(B) The litigation described in subparagraph (A) would have a range of undesirable effects, including the following:

(i) It would threaten to waste technical and financial resources that are better devoted to curing year 2000 computer date-change problems and ensuring that systems remain or become operational.

(ii) It could threaten the network of valued and trusted business and customer relationships that are important to the effective functioning of the national economy.

(iii) It would strain the Nation's legal system, causing particular problems for the small businesses and individuals who already find that system inaccessible because of its complexity and expense.

(iv) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes could exacerbate the difficulties associated with the date change and work against the successful resolution of those difficulties.

(4) It is appropriate for the Congress to enact legislation to assure that Y2K problems do not unnecessarily disrupt interstate commerce or create unnecessary caseloads in Federal courts and to provide initiatives to help businesses prepare and be in a position to withstand the potentially devastating economic impact of Y2K.

(5) Resorting to the legal system for resolution of Y2K problems is not feasible for

many businesses and individuals who already find the legal system inaccessible, particularly small businesses and individuals who already find the legal system inaccessible, because of its complexity and expense.

(6) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes can only exacerbate the difficulties associated with the Y2K date change, and work against the successful resolution of those difficulties.

(7) Concern about the potential for liability—in particular, concern about the substantial litigation expense associated with defending against even the most insubstantial lawsuits—is prompting many persons and businesses with technical expertise to avoid projects aimed at curing year 2000 computer date-change problems.

(8) A proliferation of frivolous Y2K lawsuits by opportunistic parties may further limit access to courts by straining the resources of the legal system and depriving deserving parties of their legitimate rights to relief.

(9) Congress encourages businesses to approach their Y2K disputes responsibly, and to avoid unnecessary, time-consuming and costly litigation about Y2K failures, particularly those that are not material. Congress supports good faith negotiations between parties when there is a dispute over a Y2K problem, and, if necessary, urges the parties to enter into voluntary, non-binding mediation rather than litigation.

(b) PURPOSES.—Based upon the power of the Congress under Article I, Section 8, Clause 3 of the Constitution of the United States, the purposes of this Act are—

(1) to establish uniform legal standards that give all businesses and users of technology products reasonable incentives to solve Y2K computer date-change problems before they develop;

(2) to encourage continued Y2K remediation and testing efforts by providers, suppliers, customers, and other contracting partners;

(3) to encourage private and public parties alike to resolve Y2K disputes by alternative dispute mechanisms in order to avoid costly and time-consuming litigation, to initiate those mechanisms as early as possible, and to encourage the prompt identification and correction of Y2K problems; and

(4) to lessen the burdens on interstate commerce by discouraging insubstantial lawsuits while preserving the ability of individuals and businesses that have suffered real injury to obtain complete relief.

SEC. 3. DEFINITIONS.

In this Act:

(1) Y2K ACTION.—The term ''Y2K action''—

(A) means a civil action commenced in any Federal or State court, or an agency board of contract appeal proceeding, in which the plaintiff's alleged harm or injury resulted from a Y2K failure;

(B) includes a civil action commenced in any Federal or State court by a governmental entity when acting in a commercial or contracting capacity; but

(C) does not include an action brought by a governmental entity acting in a regulatory, supervisory, or enforcement capacity.

(2) Y2K FAILURE.—The term ''Y2K failure'' means failure by any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data, including failures—

(A) to deal with or account for transitions or comparisons from, into, and between the years 1999 and 2000 accurately;

(B) to recognize or accurately to process any specific date in 1999, 2000, or 2001; or

(C) accurately to account for the year 2000's status as a leap year, including recognition and processing of the correct date on February 29, 2000.

(3) GOVERNMENT ENTITY.—The term ''government entity'' means an agency, instrumentality, or other entity of Federal, State, or local government (including multijurisdictional agencies, instrumentalities, and entities).

(4) MATERIAL DEFECT.—The term ''material defect'' means a defect in any item, whether tangible or intangible, or in the provision of a service, that substantially prevents the item or service from operating or functioning as designed or according to its specifications. The term ''material defect'' does not include a defect that—

(A) has an insignificant or de minimis effect on the operation or functioning of an item or computer program;

(B) affects only a component of an item or program that, as a whole, substantially operates or functions as designed; or

(C) has an insignificant or de minimis effect on the efficacy of the service provided.

(5) PERSONAL INJURY.—The term ''personal injury'' means physical injury to a natural person, including—

(A) death as a result of a physical injury; and

(B) mental suffering, emotional distress, or similar injuries suffered by that person in connection with a physical injury.

(6) STATE.—The term ''State'' means any State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, and any political subdivision thereof.

(7) CONTRACT.—The term ''contract'' means a contract, tariff, license, or warranty.

(8) ALTERNATIVE DISPUTE RESOLUTION.—The term ''alternative dispute resolution'' means any process or proceeding, other than adjudication by a court or in an administrative proceeding, to assist in the resolution of issues in controversy, through processes such as early neutral evaluation, mediation, minitrial, and arbitration.

SEC. 4. APPLICATION OF ACT.

(a) GENERAL RULE.—This Act applies to any Y2K action brought in a State or Federal court after January 1, 1999, for a Y2K failure occurring before January 1, 2003, including any appeal, remand, stay, or other judicial, administrative, or alternative dispute resolution proceeding in such an action.

(b) NO NEW CAUSE OF ACTION CREATED.—Nothing in this Act creates a new cause of action, and, except as otherwise explicitly provided in this Act, nothing in this Act expands any liability otherwise imposed or limits any defense otherwise available under Federal or State law.

(c) CLAIMS FOR PERSONAL INJURY OR WRONGFUL DEATH EXCLUDED.—This Act does not apply to a claim for personal injury or for wrongful death.

(d) CONTRACT PRESERVATION.—

(1) IN GENERAL.—Subject to paragraph (2), in any Y2K action any written contractual term, including a limitation or an exclusion of liability, or a disclaimer of warranty, shall be strictly enforced unless the enforcement of that term would manifestly and directly contravene applicable State law embodied in any statute in effect on January 1, 1999, specifically addressing that term.

(2) INTERPRETATION OF CONTRACT.—In any Y2K action in which a contract to which paragraph (1) applies is silent as to a particular issue, the interpretation of the contract as to that issue shall be determined by applicable law in effect at the time the contract was executed.

(e) PREEMPTION OF STATE LAW.—This Act supersedes State law to the extent that it establishes a rule of law applicable to a Y2K action that is inconsistent with State law, but nothing in this Act implicates, alters, or diminishes the ability of a State to defend itself against any claim on the basis of sovereign immunity.

(f) APPLICATION WITH YEAR 2000 INFORMATION AND READINESS DISCLOSURE ACT.—Nothing in this Act supersedes any provision of the Year 2000 Information and Readiness Disclosure Act.

SEC. 5. PUNITIVE DAMAGES LIMITATIONS.

(a) IN GENERAL.—In any Y2K action in which punitive damages are permitted by applicable law, the defendant shall not be liable for punitive damages unless the plaintiff proves by clear and convincing evidence that the applicable standard for awarding damages has been met.

(b) CAPS ON PUNITIVE DAMAGES.—

(1) IN GENERAL.—Subject to the evidentiary standard established by subsection (a), punitive damages permitted under applicable law against a defendant described in paragraph (2) in a Y2K action may not exceed the lesser of—

(A) 3 times the amount awarded for compensatory damages; or

(B) $250,000.

(2) DEFENDANT DESCRIBED.—A defendant described in this paragraph is a defendant—

(A) who—

(i) is sued in his or her capacity as an individual; and

(ii) whose net worth does not exceed $500,000; or

(B) that is an unincorporated business, a partnership, corporation, association, or organization with fewer than 50 full-time employees.

(3) NO CAP IF INJURY SPECIFICALLY INTENDED.—Paragraph (1) does not apply if the plaintiff establishes by clear and convincing evidence that the defendant acted with specific intent to injure the plaintiff.

(c) GOVERNMENT ENTITIES.—Punitive damages in a Y2K action may not be awarded against a government entity.

SEC. 6. PROPORTIONATE LIABILITY.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), a person against whom a final judgment is entered in a Y2K action shall be liable solely for the portion of the judgment that corresponds to the relative and proportional responsibility of that person. In determining the percentage of responsibility of any defendant, the trier of fact shall determine that percentage as a percentage of the total fault of all persons, including the plaintiff, who caused or contributed to the total loss incurred by the plaintiff.

(b) PROPORTIONATE LIABILITY.—

(1) DETERMINATION OF RESPONSIBILITY.—In any Y2K action, the court shall instruct the jury to answer special interrogatories, or, if there is no jury, the court shall make findings with respect to each defendant, including defendants who have entered into settlements with the plaintiff or plaintiffs, concerning—

(A) the percentage of responsibility, if any, of each defendant, measured as a percentage of the total fault of all persons who caused or contributed to the loss incurred by the plaintiff; and

(B) if alleged by the plaintiff, whether the defendant (other than a defendant who has entered into a settlement agreement with the plaintiff)—

(i) acted with specific intent to injure the plaintiff; or

(ii) knowingly committed fraud.

(2) CONTENTS OF SPECIAL INTERROGATORIES OR FINDINGS.—The responses to interrogatories or findings under paragraph (1) shall specify the total amount of damages that the plaintiff is entitled to recover and the percentage of responsibility of each defendant found to have caused or contributed to the loss incurred by the plaintiff.

(3) FACTORS FOR CONSIDERATION.—In determining the percentage of responsibility under this subsection, the trier of fact shall consider—

(A) the nature of the conduct of each person found to have caused or contributed to the loss incurred by the plaintiff; and

(B) the nature and extent of the causal relationship between the conduct of each such person and the damages incurred by the plaintiff.

(c) JOINT LIABILITY FOR SPECIFIC INTENT OR FRAUD.—

(1) IN GENERAL.—Notwithstanding subsection (a), the liability of a defendant in a Y2K action is joint and several if the trier of fact specifically determines that the defendant—

(A) acted with specific intent to injure the plaintiff; or

(B) knowingly committed fraud.

(2) FRAUD; RECKLESSNESS.—

(A) KNOWING COMMISSION OF FRAUD DESCRIBED.—For purposes of subsection (b)(1)(B)(ii) and paragraph (1)(B) of this subsection, a defendant knowingly committed fraud if the defendant—

(i) made an untrue statement of a material fact, with actual knowledge that the statement was false;

(ii) omitted a fact necessary to make the statement not be misleading, with actual knowledge that, as a result of the omission, the statement was false; and

(iii) knew that the plaintiff was reasonably likely to rely on the false statement.

(B) RECKLESSNESS.—For purposes of subsection (b)(1)(B) and paragraph (1) of this subsection, reckless conduct by the defendant does not constitute either a specific intent to injure, or the knowing commission of fraud, by the defendant.

(3) RIGHT TO CONTRIBUTION NOT AFFECTED.—Nothing in this section affects the right, under any other law, of a defendant to contribution with respect to another defendant found under subsection (b)(1)(B), or determined under paragraph (1)(B) of this subsection, to have acted with specific intent to injure the plaintiff or to have knowingly committed fraud.

(d) SPECIAL RULES.—

(1) UNCOLLECTIBLE SHARE.—

(A) IN GENERAL.—Norwithstanding subsection (a), if, upon motion made not later than 6 months after a final judgment is entered in any Y2K action, the court determines that all or part of the share of the judgment against a defendant for compensatory damages is not collectible against that defendant, then each other defendant in the action is liable for the uncollectible share as follows:

(i) PERCENTAGE OF NET WORTH.—The other defendants are jointly and severally liable for the uncollectible share if the plaintiff establishes that—

(I) the plaintiff is an individual whose recoverable damages under the final judgment are equal to more than 10 percent of the net worth of the plaintiff; and

(II) the net worth of the plaintiff is less than $200,000.

(ii) OTHER PLAINTIFFS.—For a plaintiff not described in clause (i), each of the other defendants is liable for the uncollectible share in proportion to the percentage of responsibility of that defendant, except that the total liability of a defendant under this clause may not exceed 50 percent of the proportionate share of that defendant, as determined under subsection (b)(2).

(B) OVERALL LIMIT.—The total payments required under subparagraph (A) from all defendants may not exceed the amount of the uncollectible share.

(C) SUBJECT TO CONTRIBUTION.—A defendant against whom judgment is not collectible is subject to contribution and to any continuing liability to the plaintiff on the judgment.

(2) SPECIAL RIGHT OF CONTRIBUTION.—To the extent that a defendant is required to make an additional payment under paragraph (1), that defendant may recover contribution—

(A) from the defendant originally liable to make the payment;

(B) from any other defendant that is jointly and severally liable;

(C) from any other defendant held proportionately liable who is liable to make the same payment and has paid less than that other defendant's proportionate share of that payment; or

(D) from any other person responsible for the conduct giving rise to the payment that would have been liable to make the same payment.

(3) NONDISCLOSURE TO JURY.—The standard for allocation of damages under subsection (a) and subsection (b)(1), and the procedure for reallocation of uncollectible shares under paragraph (1) of this subsection, shall not be disclosed to members of the jury.

(e) SETTLEMENT DISCHARGE.—

(1) IN GENERAL.—A defendant who settles a Y2K action at any time before final verdict or judgment shall be discharged from all claims for contribution brought by other persons. Upon entry of the settlement by the court, the court shall enter a bar order constituting the final discharge arising out of the action. The order shall bar all future claims for contribution arising out to the action—

(A) by any person against the settling defendant; and

(B) by the settling defendant against any person other than a person whose liability has been extinguished by the settlement of the settling defendant.

(2) REDUCTION.—If a defendant enters into a settlement with the plaintiff before the final verdict or judgment, the verdict or judgment shall be reduced by the greater of—

(A) an amount that corresponds to the percentage of responsibility of that defendant; or

(B) the amount paid to the plaintiff by that defendant.

(f) GENERAL RIGHT OF CONTRIBUTION.—

(1) IN GENERAL.—A defendant who is jointly and severally liable for damages in any Y2K action may recover contribution from any other person who, if joined in the original action, would have been liable for the same damages. A claim for contribution shall be determined based on the percentage of responsibility of the claimant and of each person against whom a claim for contribution is made.

(2) STATUTE OF LIMITATIONS FOR CONTRIBUTIONS.—An action for contribution in connection with a Y2K action shall be brought not later than 6 months after the entry of a final, nonappealable judgment in the Y2K action, except than an action for contribution brought by a defendant who was required to make an additional payment under subsection (d)(1) may be brought not later than 6 months after the date on which such payment was made.

(g) MORE PROTECTIVE STATE LAW NOT PREEMPTED.— Nothing in this section pre-empts or supersedes any provision of State statutory law that—

(1) limits the liability of a defendant in a Y2K action to a lesser amount than the amount determined under this section; or

(2) otherwise affords a greater degree of protection from joint or several liability than is afforded by this section.

SEC. 7. PRE-LITIGATION NOTICE.

(a) IN GENERAL.—Before commencing a Y2K action, except an action that seeks only injunctive relief, a prospective plaintiff with a Y2K claim shall send a written notice by certified mail (with either return receipt requested or other means of verification that the notice was sent) to each prospective defendant in that action. The notice shall provide specific and detailed information about—

(1) the manifestations of any material defect alleged to have caused harm or loss;

(2) the harm or loss allegedly suffered by the prospective plaintiff;

(3) how the prospective plaintiff would like the prospective defendant to remedy the problem;

(4) the basis upon which the prospective plaintiff seeks that remedy; and

(5) the name, title, address, and telephone number of any individual who has authority to negotiate a resolution of the dispute on behalf of the prospective plaintiff.

(b) PERSON TO WHOM NOTICE TO BE SENT.—The notice required by subsection (a) shall be sent—

(1) to the registered agent of the prospective defendant for service of legal process;

(2) if the prospective defendant does not have a registered agent, then to the chief executive officer of a corporation, the managing partner of a partnership, the proprietor of a sole proprietorship, or to a similarly-situated person for any other enterprise; or

(3) if the prospective defendant has designated a person to receive pre-litigation notices on a Year 2000 Internet Website (as defined in section 3(7) of the Year 2000 Information and Readiness Disclosure Act), to the designated person, if the prospective plaintiff has reasonable access to the Internet.

(c) RESPONSE TO NOTICE.—

(1) IN GENERAL.—Within 30 days after receipt of the notice specified in subsection (a), each prospective defendant shall send by certified mail with return receipt requested to each prospective plaintiff a written statement acknowledging receipt of the notice, and describing the actions it has taken or will take to address the problem identified by the prospective plaintiff.

(2) WILLINGNESS TO ENGAGE IN ADR.—The written statement shall state whether the prospective defendant is willing to engage in alternative dispute resolution.

(3) INADMISSABILITY.—A written statement required by this paragraph is not admissible in evidence, under Rule 408 of the Federal Rules of Evidence or any analogous rule of evidence in any State, in any proceeding to prove liability for, or the invalidity of, a claim or its amount, or otherwise as evidence of conduct or statements made in compromise negotiations.

(4) PRESUMPTIVE TIME OF RECEIPT.—For purposes of paragraph (1), a notice under subsection (a) is presumed to be received 7 days after it was sent.

(d) FAILURE TO RESPOND.—If a prospective defendant—

(1) fails to respond to a notice provided pursuant to subsection (a) within the 30 days specified in subsection (c)(1); or

(2) does not describe the action, if any, the prospective defendant has taken, or will take, to address the problem identified by the prospective plaintiff, the prospective plaintiff may immediately commence a legal action against that prospective defendant.

(e) REMEDIATION PERIOD.—

(1) IN GENERAL.—If the prospective defendant responds and proposes remedial action it

will take, or offers to engage in alternative dispute resolution, then the prospective plaintiff shall allow the prospective defendant an additional 60 days from the end of the 30-day notice period to complete the proposed remedial action before commencing a legal action against that prospective defendant.

(2) EXTENSION BY AGREEMENT.—The prospective plaintiff and prospective defendant may change the length of the 60-day remediation period by written agreement.

(3) MULTIPLE EXTENSIONS NOT ALLOWED.—Except as provided in paragraph (2), a defendant in a Y2K action is entitled to no more than one 30-day period and one 60-day remediation period under paragraph (1).

(4) STATUTES OF LIMITATION, ETC., TOLLED.—Any applicable statute of limitations or doctrine of laches in a Y2K action to which paragraph (1) applies shall be tolled during the notice and remediation period under that paragraph.

(f) FAILURE TO PROVIDE NOTICE.—If a defendant determines that a plaintiff has filed a Y2K action without providing the notice specified in subsection (a) or without awaiting the expiration of the appropriate waiting period specified in subsection (c), the defendant may treat the plaintiff's complaint as such a notice by so informing the court and the plaintiff in its initial response to the plaintiff. If any defendant elects to treat the complaint as such a notice—

(1) the court shall stay all discovery and all other proceedings in the action for the appropriate period after filing of the complaint; and

(2) the time for filing answers and all other pleadings shall be tolled during the appropriate period.

(g) EFFECT OF CONTRACTUAL OR STATUTORY WAITING PERIODS.—In cases in which a contract, or a statute enacted before January 1, 1999, requires notice of non-performance and provides for a period of delay prior to the initiation of suit for breach or repudiation of contract, the period of delay provided by contract or the statute is controlling over the waiting period specified in subsections (c) and (d).

(h) STATE LAW CONTROLS ALTERNATIVE METHODS.—Nothing in this section supersedes or otherwise pre-empts any State law or rule of civil procedure with respect to the use of alternative dispute resolution for Y2K actions.

(i) PROVISIONAL REMEDIES UNAFFECTED.—Nothing in this section interferes with the right of a litigant to provisional remedies otherwise available under Rule 65 of the Federal Rules of Civil Procedure or any State rule of civil procedure providing extraordinary or provisional remedies in any civil action in which the underlying complaint seeks both injunctive and monetary relief.

(j) SPECIAL RULE FOR CLASS ACTIONS.—For the purpose of applying this section to a Y2K action that is maintained as a class action in Federal or State court, the requirements of the preceding subsections of this section apply only to named plaintiffs in the class action.

SEC. 8. PLEADING REQUIREMENTS.

(a) APPLICATION WITH RULES OF CIVIL PROCEDURE.—This section applies exclusively to Y2K actions and, except to the extent that this section requires additional information to be contained in or attached to pleadings, nothing in this section is intended to amend or otherwise supersede applicable rules of Federal or State civil procedures.

(b) NATURE AND AMOUNT OF DAMAGES.—In all Y2K actions in which damages are requested, there shall be filed with the complaint a statement of specific information as to the nature and amount of each element of damages and the factual basis for the damages calculation.

(c) MATERIAL DEFECTS.—In any Y2K action in which the plaintiff alleges that there is a material defect in a product or service, there shall be filed with the compliant a statement of specific information regarding the manifestations of the material defects and the facts supporting a conclusion that the defects are material.

(d) REQUIRED STATE OF MIND.—In any Y2K action in which a claim is asserted on which the plaintiff may prevail only on proof that the defendant acted with a particular state of mind, there shall be filed with the complaint, with respect to each element of that claim, a statement of the facts giving rise to a strong inference that the defendant acted with the required state of mind.

SEC. 9. DUTY TO MITIGATE.

Damages awarded in any Y2K action shall exclude compensation for damages the plaintiff could reasonably have avoided in light of any disclosure or other information of which the plaintiff was, or reasonably should have been, aware, including information made available by the defendant to purchasers or users of the defendant's product or services concerning means of remedying or avoiding the Y2K failure.

SEC. 10. APPLICATION OF EXISTING IMPOSSIBILITY OR COMMERCIAL IMPRACTICABILITY DOCTRINES.

In any Y2K action for breach or repudiation of contract, the applicability of the doctrines of impossibility and commercial impracticability shall be determined by the law in existence on January 1, 1999. Nothing in this Act shall be construed as limiting or impairing a party's right to assert defenses based upon such doctrines.

SEC. 11. DAMAGES LIMITATION BY CONTRACT.

In any Y2K action for breach or repudiation of contract, no party may claim, nor be awarded, any category of damages unless such damages are allowed—

(1) by the express terms of the contracts; or

(2) if the contract is silent on such damages, by operation of State law at the time the contract was effective or by operation of Federal law.

SEC. 12. DAMAGES IN TORT CLAIMS.

(a) IN GENERAL.—A party to a Y2K action making a tort claim may not recover damages for economic loss unless—

(1) the recovery of such losses is provided for in a contract to which the party seeking to recover such losses is a party; or

(2) such losses result directly from damage to tangible personal or real property caused by the Y2K failure (other than damage to property that is the subject of the contract between the parties to the Y2K action or, in the event there is no contract between the parties, other than damage caused only to the property that experienced the Y2K failure),

and such damages are permitted under applicable Federal or State law.

(b) ECONOMIC LOSS.—For purposes of this section only, and except as otherwise specifically provided in a valid and enforceable written contract between the plaintiff and the defendant in a Y2K action, the term ''economic loss''—

(1) means amounts awarded to compensate an injured party for any loss other than losses described in subsection (a)(2); and

(2) includes amounts awarded for damages such as—

(A) lost profits or sales;

(B) business interruption;

(C) losses indirectly suffered as a result of the defendant's wrongful act or omission;

(D) losses that arise because of the claims of third parties;

(E) losses that must be plead as special damages; and

(F) consequential damages (as defined in the Uniform Commercial Code or analogous State commercial law).

(c) CERTAIN ACTIONS EXCLUDED.—This section does not affect, abrogate, amend, or alter any patent, copyright, trade-secret, trademark, or service-mark action, or any claim for defamation or invasion of privacy under Federal or State law.

(d) CERTAIN OTHER ACTIONS.—A person liable for damages, whether by settlement or judgment, in a civil action to which this Act does not apply because of section 4(c) whose liability, in whole or in part, is the result of a Y2K failure may, notwithstanding any other provision of this Act, pursue any remedy otherwise available under Federal and State law against the person responsible for that Y2K failure to the extent of recovering the amount of those damages.

SEC. 13. STATE OF MIND; BYSTANDER LIABILITY; CONTROL.

(a) DEFENDANT'S STATE OF MIND.—In a Y2K action other than a claim for breach or repudiation of contract, and in which the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim, the defendant is not liable unless the plaintiff establishes that element of the claim by the standard of evidence under applicable State law in effect before January 1, 1999.

(b) LIMITATION ON BYSTANDER LIABILITY FOR Y2K FAILURES.—

(1) IN GENERAL.—With respect to any Y2K action for money damages in which—

(A) the defendant is not the manufacturer, seller, or distributor of a product, or the provider of a service, that suffers or causes the Y2K failure at issue;

(B) the plaintiff is not in substantial privity with the defendant; and

(C) the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim under applicable law,

the defendant shall not be liable unless the plaintiff, in addition to establishing all other requisite elements of the claim, proves, by the standard of evidence under applicable State law in effect before January 1, 1999, that the defendant actually knew, or recklessly disregarded a known and substantial risk, that such failure would occur.

(2) SUBSTANTIAL PRIVITY.—For purposes of paragraph (1)(B), a plaintiff and a defendant are in substantial privity when, in a Y2K action arising out of the performance of professional services, the plaintiff and the defendant either have contractual relations with one another or the plaintiff is a person who, prior to the defendant's performance of such services, was specifically identified to and acknowledged by the defendant as a person for whose special benefit the services were being performed.

(3) CERTAIN CLAIMS EXCLUDED.—For purposes of paragraph (1)(C), claims in which the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim under applicable law do not include claims for negligence but do not include claims such as fraud, constructive fraud, breach of fiduciary duty, negligent misrepresentation, and interference with contract or economic advantage.

(c) CONTROL NOT DETERMINATIVE OF LIABILITY.—The fact that a Y2K failure occurred in an entity, facility, system, product, or component that was sold, leased, rented, or otherwise within the control of the party against whom a claim is asserted in a Y2K action shall not constitute the sole basis for recovery of damages in that action. A claim in a Y2K action for breach or repudiation of

contract for such a failure is governed by the terms of the contract.

(d) PROTECTIONS OF THE YEAR 2000 INFORMATION AND READINESS DISCLOSURE ACT APPLY.—The protections for the exchanges of information provided by section 4 of the Year 2000 Information and Readiness Disclosure Act (Public Law 105–271) shall apply to this Act.

SEC. 14. APPOINTMENT OF SPECIAL MASTERS OR MAGISTRATE JUDGES FOR Y2K ACTIONS.

Any District Court of the United States in which a Y2K action is pending may appoint a special master or a magistrate judge to hear the matter and to make findings of fact and conclusions of law in accordance with Rule 53 of the Federal Rules of Civil Procedure.

SEC. 15. Y2K ACTIONS AS CLASS ACTIONS.

(a) MATERIAL DEFECT REQUIREMENT.—A Y2K action involving a claim that a product or service is defective may be maintained as a class action in Federal or State court as to that claim only if—

(1) it satisfies all other prerequisites established by applicable Federal or State law, including applicable rules of civil procedure; and

(2) the court finds that the defect in a product or service as alleged would be a material defect for the majority of the members of the class.

(b) NOTIFICATION.—In any Y2K action that is maintained as a class action, the court, in addition to any other notice required by applicable Federal or State law, shall direct notice of the action to each member of the class, which shall include—

(1) a concise and clear description of the nature of the action;

(2) the jurisdiction where the case is pending; and

(3) the fee arrangements with class counsel, including the hourly fee being charged, or, if it is a contingency fee, the percentage of the final award which will be paid, including an estimate of the total amount that would be paid if the requested damages were to be granted.

(c) FORUM FOR Y2K CLASS ACTIONS.—

(1) JURISDICTION.—Except as provided in paragraph (2), a Y2K action may be brought as a class action in a United States District Court or removed to a United States District Court if the amount in controversy is greater than the sum or value of $1,000,000 (exclusive of interest and costs), computed on the basis of all claims to be determined in the action.

(2) EXCEPTION.—A Y2K action may not be brought or removed as a class action under this section if—

(A)(i) a substantial majority of the members of the proposed plaintiff class are citizens of a single State;

(ii) the primary defendants are citizens of that State; and

(iii) the claims asserted will be governed primarily by the law of that State; or

(B) the primary defendants are States, State officials, or other government entities against whom the United States District Court may be foreclosed from ordering relief.

(d) EFFECT ON RULES OF CIVIL PROCEDURE.—Except as otherwise provided in this section, nothing in this section supersedes any rule of Federal or State civil procedure applicable to class actions.

Amend the title so as to read: An Act to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of the year's date through fostering an incentive for businesses to continue fixing and testing their systems, to communicate with other businesses, resolve year-2000 business disputes without litigation, and to settle year 2000 lawsuits that may disrupt significant sectors of the American economy.

ALLARD AMENDMENT NO. 609

Mr. ALLARD proposed an amendment to amendment No. 608 proposed by Mr. MCCAIN to the bill, S. 96, supra; as follows:

At the end of the amendment, add the following:

SEC. . APPLICABILITY OF STATE LAW.

Nothing in this Act shall be construed to affect the applicability of any State law that provides greater limits on damages and liabilities than are provided in this Act.

KERRY (AND OTHERS) AMENDMENT NO. 610

Mr. KERRY (for himself, Mr. ROBB, Mr. DASCHLE, Mr. REID, Mr. BREAUX, Mr. AKAKA, and Ms. MIKULSKI) proposed an amendment to amendment No. 608 proposed by Mr. MCCAIN to the bill, S. 986, supra; as follows:

Strike all after the word "**SECTION**" and insert the following:

1. SHORT TITLE; TABLE OF SECTIONS.

(a) SHORT TITLE.—This Act may be cited as the "Y2K Act".

(b) TABLE OF SECTIONS.—The table of sections for this Act is as follows:

Sec. 1. Short title; table of sections.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Application of Act.
Sec. 5. Proportionate liability.
Sec. 6. Pre-litigation notice.
Sec. 7. Pleading requirements.
Sec. 8. Duty to mitigate.
Sec. 9. Application of existing impossibility or commercial impracticability doctrines.
Sec. 10. Damages limitation by contract.
Sec. 11. Damages in tort claims.
Sec. 12. State of mind; control.
Sec. 13. Appointment of special masters or magistrate judges for Y2K actions.
Sec. 14. Y2K actions as class actions.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that:

(1)(A) Many information technology systems, devices, and programs are not capable of recognizing certain dates in 1999 and after December 31, 1999, and will read dates in the year 2000 and thereafter as if those dates represent the year 1900 or thereafter or will fail to process dates after December 31, 1999.

(B) If not corrected, the problem described in subparagraph (A) and resulting failures could incapacitate systems that are essential to the functioning of markets, commerce, consumer products, utilities, Government, and safety and defense systems, in the United States and throughout the world.

(2) It is in the national interest that producers and users of technology products concentrate their attention and resources in the time remaining before January 1, 2000, on assessing, fixing, testing, and developing contingency plans to address any and all outstanding year 2000 computer date-change problems, so as to minimize possible disruptions associated with computer failures.

(3)(A) Because year 2000 computer date-change problems may affect virtually all businesses and other users of technology products to some degree, there is a substantial likelihood that actual or potential year 2000 failures will prompt a significant volume of litigation, much of it insubstantial.

(B) The litigation described in subparagraph (A) would have a range of undesirable effects, including the following:

(i) It would threaten to waste technical and financial resources that are better devoted to curing year 2000 computer date-change problems and ensuring that systems remain or become operational.

(ii) It could threaten the network of valued and trusted business and customer relationships that are important to the effective functioning of the national economy.

(iii) It would strain the Nation's legal system, causing particular problems for the small businesses and individuals who already find that system inaccessible because of its complexity and expense.

(iv) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes could exacerbate the difficulties associated with the date change and work against the successful resolution of those difficulties.

(4) It is appropriate for the Congress to enact legislation to assure that Y2K problems do not unnecessarily disrupt interstate commerce or create unnecessary caseloads in Federal courts and to provide initiatives to help businesses prepare and be in a position to withstand the potentially devastating economic impact of Y2K.

(5) Resorting to the legal system for resolution of Y2K problems is not feasible for many businesses and individuals who already find the legal system inaccessible, particularly small businesses and individuals who already find the legal system inaccessible, because of its complexity and expense.

(6) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes can only exacerbate the difficulties associated with the Y2K date change, and work against the successful resolution of those difficulties.

(7) Concern about the potential for liability—in particular, concern about the substantial litigation expense associated with defending against even the most insubstantial lawsuits—is prompting many persons and businesses with technical expertise to avoid projects aimed at curing year 2000 computer date-change problems.

(8) A proliferation of frivolous Y2K lawsuits by opportunistic parties may further limit access to courts by straining the resources of the legal system and depriving deserving parties of their legitimate rights to relief.

(9) Congress encourages businesses to approach their Y2K disputes responsibly, and to avoid unnecessary, time-consuming and costly litigation about Y2K failures, particularly those that are not material. Congress supports good faith negotiations between parties when there is a dispute over a Y2K problem, and, if necessary, urges the parties to enter into voluntary, non-binding mediation rather than litigation.

(b) PURPOSES.—Based upon the power of the Congress under Article I, Section 8, Clause 3 of the Constitution of the United States, the purposes of this Act are—

(1) to establish uniform legal standards that give all businesses and users of technology products reasonable incentives to solve Y2K computer date-change problems before they develop;

(2) to encourage continued Y2K remediation and testing efforts by providers, suppliers, customers, and other contracting partners;

(3) to encourage private and public parties alike to resolve Y2K disputes by alternative dispute mechanisms in order to avoid costly and time-consuming litigation, to initiate those mechanisms as early as possible, and

to encourage the prompt identification and correction of Y2K problems; and

(4) to lessen the burdens on interstate commerce by discouraging insubstantial lawsuits while preserving the ability of individuals and businesses that have suffered real injury to obtain complete relief.

SEC. 3. DEFINITIONS.

In this Act:

(1) Y2K ACTION.—The term ''Y2K action''—

(A) means a civil action commenced in any Federal or State court, or an agency board of contract appeal proceeding, in which the plaintiff's alleged harm or injury resulted from a Y2K failure, or a claim or defense is related to a Y2K failure;

(B) includes a civil action commenced in any Federal or State court by a governmental entity when acting in a commercial or contracting capacity; but

(C) does not include an action brought by a governmental entity acting in a regulatory, supervisory, or enforcement capacity.

(2) Y2K FAILURE.—The term ''Y2K failure'' means failure by any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data, including failures—

(A) to deal with or account for transitions or comparisons from, into, and between the years 1999 and 2000 accurately;

(B) to recognize or accurately to process any specific date in 1999, 2000, or 2001; or

(C) accurately to account for the year 2000's status as a leap year, including recognition and processing of the correct date on February 29, 2000.

(3) GOVERNMENT ENTITY.—The term ''government entity'' means an agency, instrumentality, or other entity of Federal, State, or local government (including multijurisdictional agencies, instrumentalities, and entities).

(4) MATERIAL DEFECT.—The term ''material defect'' means a defect in any item, whether tangible or intangible, or in the provision of a service, that substantially prevents the item or service from operating or functioning as designed or according to its specifications. The term ''material defect'' does not include a defect that—

(A) has an insignificant or de minimis effect on the operation or functioning of an item or computer program;

(B) affects only a component of an item or program that, as a whole, substantially operates or functions as designed; or

(C) has an insignificant or de minimis effect on the efficacy of the service provided.

(5) STATE.—The term ''State'' means any State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, and any political subdivision thereof.

(6) CONTRACT.—The term ''contract'' means a contract, tariff, license, or warranty.

(7) ALTERNATIVE DISPUTE RESOLUTION.—The term ''alternative dispute resolution'' means any process or proceeding, other than adjudication by a court or in an administrative proceeding, to assist in the resolution of issues in controversy, through processes such as early neutral evaluation, mediation, minitrial, and arbitration.

SEC. 4. APPLICATION OF ACT.

(a) GENERAL RULE.—This Act applies to any Y2K action brought in a State or Federal court after February 22, 1999, for a Y2K failure occurring before January 1, 2003, including any appeal, remand, stay, or other judicial, administrative, or alternative dispute resolution proceeding in such an action.

(b) NO NEW CAUSE OF ACTION CREATED.—Nothing in this Act creates a new cause of action, and, except as otherwise explicitly provided in this Act, nothing in this Act expands any liability otherwise imposed or limits any defense otherwise available under Federal or State law.

(c) APPLICATION OF ACT LIMITED.—Except as otherwise indicated, this Act applies only to claims for commercial loss between incorporated or unincorporated businesses, associations, organizations, and enterprises, including any sole proprietorship, corporation, company (including any joint stock company), association, partnership, trust, or governmental entity.

(d) CONTRACT PRESERVATION.—

(1) IN GENERAL.—Subject to paragraph (2), in any Y2K action any written contractual term, including a limitation or an exclusion of liability, or a disclaimer of warranty, shall be strictly enforced unless the enforcement of that term would manifestly and directly contravene applicable State law in effect on January 1, 1999, specifically addressing that term.

(2) INTERPRETATION OF CONTRACT.—In any Y2K action in which a contract to which paragraph (1) applies is silent as to a particular issue, the interpretation of the contract as to that issue shall be determined by applicable law in effect at the time the contract was executed.

(e) PREEMPTION OF STATE LAW.—This Act supersedes State law to the extent that it establishes a rule of law applicable to a Y2K action that is inconsistent with State law, but nothing in this Act implicates, alters, or diminishes the ability of a State to defend itself against any claim on the basis of sovereign immunity.

(f) SECURITIES ACTIONS EXCLUDED.—This Act does not apply to a securities claim brought under the securities laws (as defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)).

SEC. 5. PROPORTIONATE LIABILITY.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), a person against whom a final judgment is entered in a noncontractual Y2K action shall be liable solely for the portion of the judgment that corresponds to the relative and proportional responsibility of that person. In determining the percentage of responsibility of any defendant, the trier of fact shall determine that percentage as a percentage of the total fault of all persons, including the plaintiff, who caused or contributed to the total loss incurred by the plaintiff.

(b) PROPORTIONATE LIABILITY.—

(1) DETERMINATION OF RESPONSIBILITY.—In any Y2K action, the court shall instruct the jury to answer special interrogatories, or, if there is no jury, the court shall make findings with respect to each defendant, including defendants who have entered into settlements with the plaintiff or plaintiffs concerning the percentage of responsibility, if any, of each defendant, measured as a percentage of the total fault of all persons who caused or contributed to the loss incurred by the plaintiff.

(2) CONTENTS OF SPECIAL INTERROGATORIES OR FINDINGS.—The responses to interrogatories or findings under paragraph (1) shall specify the total amount of damages that the plaintiff is entitled to recover and the percentage of responsibility of each defendant found to have caused or contributed to the loss incurred by the plaintiff.

(3) FACTORS FOR CONSIDERATION.—In determining the percentage of responsibility under this subsection, the trier of fact shall consider—

(A) the nature of the conduct of each person found to have caused or contributed to the loss incurred by the plaintiff; and

(B) the nature and extent of the causal relationship between the conduct of each defendant and the damages incurred by the plaintiff.

(c) JOINT LIABILITY FOR INTENTIONAL TORT OR FAILURE TO REMEDIATE.—

(1) IN GENERAL.—Notwithstanding subsection (a), the liability of a defendant in a Y2K action is joint and several—

(A) if the trier of fact specifically determines that the defendant committed an intentional tort; or

(B) unless the defendant demonstrates by a preponderance of the evidence both that the defendant—

(i) identified the potential for Y2K failure of the device or system used or sold by the defendant that experienced the Y2K failure alleged to have caused the plaintiff's harm; and

(ii) provided information calculated to reach persons likely to experience Y2K failures of that device or system concerning reasonable steps to avert or mitigate the potential Y2K failure.

(2) INTENTIONAL TORT.—For purposes of paragraph (1) of this subsection, reckless conduct by the defendant does not constitute commission of an intentional tort by the defendant.

(3) RIGHT TO CONTRIBUTION NOT AFFECTED.—Nothing in this section affects the right, under any other law, of a defendant to contribution with respect to another defendant determined under paragraph (1) of this subsection to be jointly and severally liable.

(d) SPECIAL RULES.—

(1) UNCOLLECTIBLE SHARE.—

(A) IN GENERAL.—Notwithstanding subsection (a), if, upon motion made not later than 6 months after a final judgment is entered in any Y2K action, the court determines that all or part of the share of the judgment against a defendant for compensatory damages is not collectible against that defendant, then each other defendant in the action is liable for the uncollectible share in proportion to the percentage of responsibility of that defendant.

(B) OVERALL LIMIT.—The total payments required under subparagraph (A) from all defendants may not exceed the amount of the uncollectible share.

(C) SUBJECT TO CONTRIBUTION.—A defendant against whom judgment is not collectible is subject to contribution and to any continuing liability to the plaintiff on the judgment.

(2) SPECIAL RIGHT OF CONTRIBUTION.—To the extent that a defendant is required to make an additional payment under paragraph (1), that defendant may recover contribution—

(A) from the defendant originally liable to make the payment;

(B) from any other defendant that is jointly and severally liable;

(C) from any other defendant held proportionately liable who is liable to make the same payment and has paid less than that over defendant's proportionate share of that payment; or

(D) from any other person responsible for the conduct giving rise to the payment that would have been liable to make the same payment.

(3) NONDISCLOSURE TO JURY.—The standard for allocation of damages under subsection (a) and subsection (b)(1), and the procedure for reallocation of uncollectible shares under paragraph (1) of this subsection, shall not be disclosed to members of the jury.

(e) SETTLEMENT DISCHARGE AND GENERAL RIGHT OF CONTRIBUTION.—With the exception of contribution in the case of an uncollectible share, nothing in this section

shall be construed to preempt or modify any State law or rule governing discharge of defendants who enter into settlements or the right of any jointly and severally liable defendant to seek contribution from any other person.

(f) MORE PROTECTIVE STATE LAW NOT PREEMPTED.—Nothing in this section pre-empts or supersedes any provision of State statutory law that—

(1) limits the liability of a defendant in a Y2K action to a lesser amount than the amount determined under this section; or

(2) otherwise affords a greater degree of protection from joint or several liability than is afforded by this section.

SEC. 6. PRE-LITIGATION NOTICE.

(a) IN GENERAL.—Before commencing a Y2K action, except an action that seeks only injunctive relief, a prospective plaintiff with a Y2K claim shall send a verifiable written notice by certified mail to each prospective defendant in that action. The notice shall provide specific and detailed information about—

(1) the manifestations of any material defect alleged to have caused harm or loss;

(2) the harm or loss allegedly suffered by the prospective plaintiff;

(3) how the prospective plaintiff would like the prospective defendant to remedy the problem;

(4) the basis upon which the prospective plaintiff seeks that remedy; and

(5) the name, title, address, and telephone number of any individual who has authority to negotiate a resolution of the dispute on behalf of the prospective plaintiff.

(b) PERSON TO WHOM NOTICE TO BE SENT.—The notice required by subsection (a) shall be sent—

(1) to the registered agent of the prospective defendant for service of legal process;

(2) if the prospective defendant does not have a registered agent, then to the chief executive officer of a corporation, the managing partner of a partnership, the proprietor of a sole proprietorship, or to a similarly-situated person for any other enterprise; or

(3) if the prospective defendant has designated a person to receive pre-litigation notices on a Year 2000 Internet Website (as defined in section 3(7) of the Year 2000 Information and Readiness Disclosure Act), to the designated person, if the prospective plaintiff has reasonable access to the Internet.

(c) RESPONSE TO NOTICE.—

(1) IN GENERAL.—Within 30 days after receipt of the notice specified in subsection (a), each prospective defendant shall send by certified mail with return receipt requested to each prospective plaintiff a written statement acknowledging receipt of the notice, and describing the actions it has taken or will take to address the problem identified by the prospective plaintiff.

(2) WILLINGNESS TO ENGAGE IN ADR.—The written statement shall state whether the prospective defendant is willing to engage in alternative dispute resolution.

(3) INADMISSABILITY.—A written statement required by this paragraph is not admissible in evidence, under Rule 408 of the Federal Rules of Evidence or any analogous rule of evidence in any State, in any proceeding to prove liability for, or the invalidity of, a claim or its amount, or otherwise as evidence of conduct or statements made in compromise negotiations.

(4) PRESUMPTIVE TIME OF RECEIPT.—For purposes of paragraph (1), a notice under subsection (a) is presumed to be received 7 days after it was sent.

(d) FAILURE TO RESPOND.—If a prospective defendant—

(1) fails to respond to a notice provided pursuant to subsection (a) within the 30 days specified in subsection (c)(1); or

(2) does not describe the action, if any, the prospective defendant has taken, or will take, to address the problem identified by the prospective plaintiff,

the prospective plaintiff may immediately commence a legal action against that prospective defendant.

(e) REMEDIATION PERIOD.—

(1) IN GENERAL.—If the prospective defendant responds and proposes remedial action it will take, or offers to engage in alternative dispute resolution, then the prospective plaintiff shall allow the prospective defendant an additional 60 days from the end of the 30-day notice period to complete the proposed remedial action before commencing a legal action against that prospective defendant.

(2) EXTENSION BY AGREEMENT.—The prospective plaintiff and prospective defendant may change the length of the 60-day remediation period by written agreement.

(3) MULTIPLE EXTENSIONS NOT ALLOWED.—Except as provided in paragraph (2), a defendant in a Y2K action is entitled to no more than one 30-day period and one 60-day remediation period under paragraph (1).

(4) STATUTES OF LIMITATION, ETC., TOLLED.—Any applicable statute of limitations or doctrine of laches in a Y2K action to which paragraph (1) applies shall be tolled during the notice and remediation period under that paragraph.

(f) FAILURE TO PROVIDE NOTICE.—If a defendant determines that a plaintiff has filed a Y2K action without providing the notice specified in subsection (a) or without awaiting the expiration of the appropriate waiting period specified in subsection (c), the defendant may treat the plaintiff's complaint as such a notice by so informing the court and the plaintiff in its initial response to the plaintiff. If any defendant elects to treat the complaint as such a notice—

(1) the court shall stay all discovery and all other proceedings in the action for the appropriate period after filing of the complaint; and

(2) the time for filing answers and all other pleadings shall be tolled during the appropriate period.

(g) EFFECT OF CONTRACTUAL OR STATUTORY WAITING PERIODS.—In cases in which a contract, or a statute enacted before January 1, 1999, requires notice of non-performance and provides for a period of delay prior to the initiation of suit for breach or repudiation of contract, the period of delay provided by contract or the statute is controlling over the waiting period specified in subsections (c) and (d).

(h) STATE LAW CONTROLS ALTERNATIVE METHODS.—Nothing in this section supersedes or otherwise preempts any State law or rule of civil procedure with respect to the use of alternative dispute resolution for Y2K actions.

(i) PROVISIONAL REMEDIES UNAFFECTED.—Nothing in this section interferes with the right of a litigant to provisional remedies otherwise available under Rule 65 of the Federal Rules of Civil Procedure or any State rule of civil procedure providing extraordinary or provisional remedies in any civil action in which the underlying complaint seeks both injunctive and monetary relief.

(j) SPECIAL RULE FOR CLASS ACTIONS.—For the purpose of applying this section to a Y2K action that is maintained as a class action in Federal or State court, the requirements of the preceding subsections of this section apply only to named plaintiffs in the class action.

SEC. 7. PLEADING REQUIREMENTS.

(a) APPLICATION WITH RULES OF CIVIL PROCEDURE.—This section applies exclusively to Y2K actions and, except to the extent that this section requires additional information to be contained in or attached to pleadings, nothing in this section is intended to amend or otherwise supersede applicable rules of Federal or State civil procedure.

(b) NATRE AND AMOUNT OF DAMAGES.—In all Y2K actions in which damages are requested, there shall be filed with the complaint a statement of specific information as to the nature and amount of each element of damages and the factual basis for the damages calculation.

(c) MATERIAL DEFECTS.—In any Y2K action in which the plaintiff alleges that there is a material defect in a product or service, there shall be filed with the complaint a statement of specific information regarding the manifestations of the material defects and the facts supporting a conclusion that the defects are material.

(d) REQUIRED STATE OF MIND.—In any Y2K action in which a claim is asserted on which the plaintiff may prevail only on proof that the defendant acted with a particular state of mind, there shall be filed with the complaint, with respect to each element of that claim, a statement of the facts giving rise to a strong inference that the defendant acted with the required state of mind.

SEC. 8. DUTY TO MITIGATE.

In addition to any duty to mitigate imposed by State law, if the defendant has made available to purchasers or users, as appropriate, of the defendant's product or services information concerning means of remedying or avoiding the Y2K failure alleged to have caused plaintiff's damages, damages awarded in any Y2K action shall exclude compensation for damages the plaintiff could reasonably have avoided in light of any such information, whether made available by the defendant or others, of which the plaintiff was, or reasonably should have been, aware.

SEC. 9. APPLICATION OF EXISTING IMPOSSIBILITY OR COMMERCIAL IMPRACTICABILITY DOCTRINES.

In any Y2K action for breach or repudiation of contract, the applicability of the doctrines of impossibility and commerical impracticability shall be determined by the law in existence on January 1, 1999. Nothing in this Act shall be construed as limiting or impairing a party's right to assert defenses based upon such doctrines.

SEC. 10. DAMAGES LIMITATION BY CONTRACT.

In any Y2K action for breach or repudiation of contract, no party may claim, nor be awarded, any category of damages unless such damages are allowed—

(1) by the express terms of the contract, unless enforcement of the term in question would manifestly and directly contravene applicable State law on January 1, 1999, directly addressing that term; or

(2) by operation of State law at the time the contract was effective or by operation of Federal law.

SEC. 11. DAMAGES IN TORT CLAIMS.

(a) IN GENERAL.—A party to a Y2K action making a tort claim may not recover damages for economic loss involving a defective device or system or service unless—

(1) the recovery of such losses is provided for in a contract to which the party seeking to recover such losses is a party;

(2) such losses result directly from damage to property caused by the Y2K failure (other than damage to property that is the subject of the contract between the parties to the Y2K action or, in the event there is no contract between the parties, other than damage caused only to the property that experienced the Y2K failure), and such damages are permitted under applicable Federal or State law; or

(3) the defendant committed an intentional tort, except where the tort involves misrepresentation or fraud regarding the attributes or capabilities of the product that forms the basis for the underlying claim.

(b) ECONOMIC LOSS.—For purposes of this section only, and except as otherwise specifically provided in a valid and enforceable written contract between the plaintiff and the defendant in a Y2K action, the term ''economic loss''—

(1) means amounts awarded to compensate an injured party for any loss other than losses described in subsection (a)(2); and

(2) includes amounts awarded for damages such as—

(A) lost profits or sales;

(B) business interruption;

(C) losses indirectly suffered as a result of the defendant's wrongful act or omission;

(D) losses that arise because of the claims of third parties;

(E) losses that must be plead as special damages; and

(F) consequential damages (as defined in the Uniform Commercial Code or analogous State commercial law).

(c) CERTAIN ACTIONS EXCLUDED.—This section does not affect, abrogate, amend, or alter any patent, copyright, trade-secret, trademark, or service-mark action, or any claim for defamation or invasion of privacy under Federal or State law.

(d) CERTAIN OTHER ACTIONS.—A person liable for damages, whether by settlement or judgment, in a civil action to which this Act does not apply because of section 4(c) whose liability, in whole or in part, is the result of a Y2K failure may, notwithstanding any other provision of this Act, pursue any remedy otherwise available under Federal or State law against the person responsible for that Y2K failure to the extent of recovering the amount of those damages.

(e) DEVICE OR SYSTEM.—For purposes of subsection (a), a ''device or system'' means any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions.

SEC. 12. STATE OF MIND; CONTROL.

(a) DEFENDANT'S STATE OF MIND.—In a Y2K action other than a claim for breach or repudiation of contract, and in which the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim, the defendant is not liable unless the plaintiff establishes that element of the claim by the standard of evidence under applicable State law in effect before January 1, 1999.

(b) CONTROL NOT DETERMINATIVE OF LIABILITY.—The fact that a Y2K failure occurred in an entity, facility, system, product, or component that was sold, leased, rented, or otherwise within the control of the party against whom a claim is asserted in a Y2K action shall not constitute the sole basis for recovery of damages in that action. A claim in a Y2K action for breach or repudiation of contract for such a failure is governed by the terms of the contract.

(c) PROTECTIONS OF THE YEAR 2000 INFORMATION AND READINESS DISCLOSURE ACT.—Nothing in this Act shall alter or affect any of the obligations, protections, or duties established by the Year 2000 Information and Readiness Disclosure Act.

SEC. 13. APPOINTMENT OF SPECIAL MASTERS OR MAGISTRATES FOR Y2K ACTIONS.

Any District Court of the United States in which a Y2K action is pending may appoint a special master or a magistrate to hear the matter and to make findings of fact and conclusions of law in accordance with Rule 53 of the Federal Rules of Civil Procedure.

SEC. 14. Y2K ACTIONS AS CLASS ACTIONS.

(A) MINIMUM INJURY REQUIREMENT.—A Y2K class action involving a claim that a product or service is defective may be maintained as a class action in Federal or State court as to that claim only if—

(1) it satisfies all other prerequisites established by applicable Federal or State law, including applicable rules of civil procedure; and

(2) the court finds that the defect in a product or service as alleged would be a material defect for the majority of the members of the class.

(b) NATURE AND AMOUNT OF DAMAGES.—In any Y2K class action in which damages are requested, there shall be filed with the complaint a statement of specific information as to the nature and amount of each element of damages and the factual basis for the damages calculation.

(c) MATERIAL DEFECTS.—In any Y2K class action, there shall be filed with the complaint a statement of specific information regarding the manifestations of the materials defects and the facts supporting a conclusion that the defects are material as to a majority of the members of the class.

(d) REQUIRED STATE OF MIND.—In any Y2K class action in which a claim is asserted on which the plaintiff class may prevail only on proof that the defendant acted with a particular state of mind, there shall be filed with the complaint, with respect to each element of that claim, a statement of the facts giving rise to a strong inference that the defendant acted with the required state of mind.

(e) APPLICATION TO INDIVIDUALS AND NON-COMMERCIAL LOSS.—The provisions of this section shall apply to claims brought by individuals, to claims by entities described in section 4(c) and to claims for non-commecial as well as commercial loss; but shall not apply to claims for wrongful death or personal injury.

LEAHY AMENDMENT NO. 611

Mr. LEAHY proposed an amendment to amendment No. 608 proposed by Mr. MCCAIN to the bill, S. 96, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. EXCLUSION FOR CONSUMERS.

(a) CONSUMER ACTIONS.—This Act does not apply to any Y2K action brought by a consumer.

(b) DEFINITIONS.—In this section:

(1) CONSUMER.—The term ''consumer'' means an individual who acquires a consumer product for purposes other than resale.

(2) CONSUMER PRODUCT.—The term ''consumer product'' means any personal property or service which is normally used for personal, family, or household purposes.

MURKOWSKI AMENDMENT NO. 612

Mr. BENNETT (for Mr. MURKOWSKI) proposed an amendment to amendment No. 608 proposed by Mr. MCCAIN to the bill, S. 96, supra; as follows:

Section 7(c) of the bill is amended by adding at the end the following:

(5) PRIORITY.—A prospective defendant receiving more than 1 notice under this section shall give priority to notices with respect to a product or service that involves a health or safety related Y2K failure.

MURKOWSKI AMENDMENT NO. 613

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill, S. 96, supra; as follows:

At the end of section 5(b)(3), strike ''plaintiff.'' and insert the following: ''plaintiff or that the defendant sold the product or service that is the subject of the Y2K action after the date of enactment of this Act knowing that the product or service will have a Y2K failure, without a signed waiver from the plaintiff.''

GREGG AMENDMENT NO. 614

(Ordered to lie on the table.)

Mr. GREGG submitted an amendment intended to be proposed by him to the bill, S. 96, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SUSPENSION OF PENALTIES FOR CERTAIN YEAR 2000 FAILURES BY SMALL BUSINESS CONCERNS.

(a) DEFINITIONS.—In this section—

(1) the term ''agency'' means any executive agency, as defined in section 105 of title 5, United States Code, that has the authority to impose civil penalties on small business concerns;

(2) the term ''first-time violation'' means any first-time violation within the last 3 years, directly resulting from a Y2K failure, of a Federal rule or regulation; and

(3) the term ''small business concern'' has the meaning given such term in section 3 of the Small Business Act (25 U.S.C. 632).

(b) ESTABLISHMENT OF LIAISONS.—Not later than 30 days after the date of enactment of this section, each agency shall establish 1 point of contact within the agency to act as a liaison between the agency and small business concerns with respect to problems arising out of Y2K failures and compliance with Federal rules or regulations.

(c) GENERAL RULE.—Subject to subsections (d) and (e), no agency shall impose any civil money penalty on a small business concern for a first-time violation.

(d) STANDARDS FOR WAIVER.—In order to receive a waiver of civil money penalties from an agency for a first-time violation, a small business concern shall demonstrate that—

(1) the small business concern previously made a good faith effort to effectively remediate Y2K problems;

(2) a first-time violation occurred as a result of the Y2K system failure of the small business concern or other entity, which affects the small business concern's ability to comply with federal regulation;

(3) the first-time violation was unavoidable in the face of a Y2K system failure or occurred as a result of efforts to prevent the disruption of critical functions or services that could result in the harm of life or property;

(4) upon identification of a first-time violation the small business concern wishing to receive a waiver began immediate actions to remediate the violation; and

(5) the small business concern submitted notice to the appropriate agency within a reasonable time not to exceed 7 business days from the time that the small business concern became aware that a first-time violation had occurred.

(e) EXCEPTIONS.—An agency may impose civil penalties authorized under Federal law on a small business concern for a first-time violation if the small business concern fails to correct the violation not later than 6 months after initial notification to the agency.

INHOFE AMENDMENT NO. 615

(Ordered to lie on the table.)

Mr. INHOFE submitted an amendment intended to be proposed by him to the bill, S. 96, supra; as follows:

On page ____, between lines ____ and ____, insert the following:

(____) APPLICATION TO ACTIONS BROUGHT BY A GOVERNMENTAL ENTITY.—

(1) IN GENERAL.—To the extent provided in this subsection, this Act shall apply to an action brought by a governmental entity described in section 3(1)(C).

(2) DEFINITIONS.—In this subsection:

(A) DEFENDANT.—

(i) IN GENERAL.—The term ''defendant'' includes a State or local government.

(ii) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(iii) LOCAL GOVERNMENT.—The term ''local government'' means—

(I) any county, city, town, township, parish, village, or other general purpose political subdivision of a State; and

(II) any combination of political subdivisions described in subclause (I) recognized by the Secretary of Housing and Urban Development.

(B) Y2K UPSET.—The term ''Y2K upset''—

(i) means an exceptional incident involving temporary noncompliance with applicable federally enforceable measurement or reporting requirements because of factors related to a Y2K failure that are beyond the reasonable control of the defendant charged with compliance; and

(ii) does not include—

(I) noncompliance with applicable federally enforceable requirements that constitutes or would create an imminent threat to public health, safety, or the environment;

(II) noncompliance with applicable federally enforceable requirements that provide for the safety and soundness of the banking or monetary system, including the protection of depositors;

(III) noncompliance to the extent caused by operational error or negligence;

(IV) lack of reasonable preventative maintenance; or

(V) lack of preparedness for Y2K.

(3) CONDITIONS NECESSARY FOR A DEMONSTRATION OF A Y2K UPSET.—A defendant who wishes to establish the affirmative defense of Y2K upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that—

(A) the defendant previously made a good faith effort to effectively remediate Y2K problems;

(B) a Y2K upset occurred as a result of a Y2K system failure or other Y2K emergency;

(C) noncompliance with the applicable federally enforceable measurement or reporting requirement was unavoidable in the face of a Y2K emergency or was intended to prevent the disruption of critical functions or services that could result in the harm of life or property;

(D) upon identification of noncompliance the defendant invoking the defense began immediate actions to remediate any violation of federally enforceable measurement or reporting requirements; and

(E) the defendant submitted notice to the appropriate Federal regulatory authority of a Y2K upset within 72 hours from the time that it became aware of the upset.

(4) GRANT OF A Y2K UPSET DEFENSE.—Subject to the other provisions of this subsection, the Y2K upset defense shall be a complete defense to any action brought as a result of noncompliance with federally enforceable measurement or reporting requirements for any defendant who establishes by a preponderance of the evidence that the conditions set forth in paragraph (3) are met.

(5) LENGTH OF Y2K UPSET.—The maximum allowable length of the Y2K upset shall be not more than 30 days beginning on the date of the upset unless granted specific relief by the appropriate regulatory authority.

(6) VIOLATION OF A Y2K UPSET.—Fraudulent use of the Y2K upset defense provided for in this subsection shall be subject to penalties provided in section 1001 of title 18, United States Code.

(7) EXPIRATION OF DEFENSE.—The Y2K upset defense may not be asserted for a Y2K upset occurring after June 30, 2000.

SESSIONS AMENDMENTS NOS. 616–617

(Ordered to lie on the table.)

Mr. SESSIONS submitted two amendments intended to be proposed by him to the bill, S. 96, supra; as follows:

AMENDMENT NO. 616

At an appropriate place in section 15, add the following section:

SEC. . ADMISSIBLE EVIDENCE.

A defendant in any Y2K action shall be entitled to introduce into evidence communications between the defendant and its federal and state regulator and the results of any regulatory review conducted with respect to the defendant's efforts to prevent a Y2K failure from occurring.

AMENDMENT NO. 617

At an appropriate place at the end of section 5 add the following:

SUBSECTION . RATIONAL RELATIONSHIP.

In any action covered by this Act, punitive damages shall not be awarded unless the amount of the punitive award is rationally related to the totality of the defendant's wrongdoing.

BOXER AMENDMENT NO. 618

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill, S. 618, supra; as follows:

In section 7(e) insert at the end the following:

(5) SPECIAL RULE.—

(A) IN GENERAL.—With respect to a defendant that is a manufacturer of a device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data that experienced a Y2K failure, the defendant shall, during the remediation period provided in this subsection—

(i) make available to the plaintiff a repair or replacement, if available, at the actual cost to the manufacturer, for a device or other product that was first introduced for sale after January 1, 1990 and before January 1, 1995; and

(ii) make available at no charge to the plaintiff a repair or replacement, if available, for a device or other product that was first introduced for sale after December 31, 1994.

(B) DAMAGES.—If a defendant fails to comply with this paragraph, the court shall consider that failure in the award of any damages, including economic loss and punitive damages.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, June 9, 1999, to conduct a hearing on ''Financial Privacy.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science and Transportation be authorized to meet on Wednesday, June 9, 1999, at 9:30 a.m. on S. 837—Auto Choice Reform Act of 1999.

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

COMMITTEE ON FINANCE

Mr. MCCAIN. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, June 9, 1999, beginning at 10 a.m. in room 215 Dirksen.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 9, 1999, at 10 a.m. to hold a hearing.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 9, 1999, at 3 p.m. to hold a hearing.

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

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be permitted to meet on Wednesday, June 9, 1999, at 10 a.m. for a hearing on oversight of national security methods and processes relating to the Wen-Ho Lee espionage investigation.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, June 9, 1999, at 9:30 a.m. to conduct an oversight hearing on internet gaming. The hearing will be held in room 485, Russell Senate Building.

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

COMMITTEE ON SMALL BUSINESS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized

to meet during the session of the Senate for a markup on ''S. 918, Military Reservists Small Business Relief Act of 1999.'' The markup will be held on Wednesday, June 9, 1999, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. McCAIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 9, 1999, at 2 p.m. to hold a hearing on intelligence matters.

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

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. McCAIN. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to conduct a second hearing on project delivery and streamlining of the Transportation Equity Act for the 21st Century, Wednesday, June 9, 9:30 a.m., hearing room SD–406.

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

SUBCOMMITTEE ON WATER AND POWER

Mr. McCAIN. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, June 9, for purposes of conducting a Water & Power Subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this oversight hearing is to continue the oversight conducted by the subcommittee at the April 6, 1999, Hood River, on the process to determine the future of the four lower Snake River dams and conduct oversight on the Northwest Power Planning Council's Framework Process.

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

ADDITIONAL STATEMENTS

MAXINE WHITNEY

• Mr. LAUTENBERG. Mr. President, the mark of a truly great person may be identified by their generosity, and generosity is the reason I rise today. I would like to honor Mrs. Maxine Whitney, a long-time Fairbanks, AK resident, businesswoman and philanthropist, for her multi-million dollar contribution of Native Alaskan artwork to the Prince William Sound Community College in Valdez, AK.

For the past 50 years in Alaska, Mrs. Whitney and her husband, Jesse, have traveled extensively in rural Alaska to gain a deeper understanding and appreciation of Native people and cultures. During their travels, Maxine amassed what is reportedly the world's largest private collection of Native Alaskan art and artifacts.

Maxine's hobby of collecting Native Alaskan art soon became a much larger commitment when she purchased a small private museum in Fairbanks to house her treasures. For nearly 20 years, Maxine's Eskimo Museum showcased Native Alaskan history and the important contribution Native culture has had on the formation of Alaskan society. Mrs. Whitney maintained the museum from 1969 until the late 1980s.

Maxine's dedication to the arts is apparent from her recent donation of her extensive collection of Native Alaska art to Prince William Sound Community College, part of the University of Alaska education system. The collection, known as the Jesse & Maxine Whitney Collection, is the nucleus of the college's Alaska Cultural Center. This multi-million dollar donation will provide a means for all visitors to the center to learn about past and present Native Alaskan cultures as well as the history of Alaska.

Mrs. Whitney's dedication to keeping the Native Alaskan history alive should be celebrated. Her generous gift will enhance the knowledge and appreciation of Native cultures. It is people like Maxine Whitney, a patron of the arts and education, who enrich our lives with their gracious gifts.

In donating the Whitney Collection, Maxine has provided a world-renowned educational gem for all who visit the collection . . . she has provided a unique legacy for all Alaskans, and for all Americans. Thank you Maxine Whitney.•

THE HOTEL DOHERTY 75TH ANNIVERSARY

• Mr. ABRAHAM. Mr. President, I rise today to acknowledge and congratulate the Doherty family as they celebrate the 75th Anniversary of the Hotel Doherty on June 5, in Clare, Michigan.

The Hotel Doherty was established in 1924 by the late Michigan State Senator A.J. Doherty, Clare's mayor at the time. The Doherty was built to replace the Caulkins House in 1920, with local people donating the money to purchase the land.

The Hotel Doherty is one of the last historic landmark hotels in Michigan. What makes it even more unique is that it has remained as a single-family owned and operated business during all 75 years.

Clare's downtown business district has remained vibrant with the help of the Hotel Doherty. The Doherty is an excellent example of how small businesses are the backbone of Michigan's economy. I commend the Doherty family on their 75 years of business and I wish them all the best for future generations.•

JUNE DAIRY MONTH

• Mr. FEINGOLD. Mr. President, June is a very special month for this nation's dairy industry. It is the month farmers and consumers join together to commemorate the contributions and history of our great dairy industry by celebrating National Dairy Month.

Even before the 1937 inception of National Dairy Month, Wisconsin led the nation in milk and cheese production. Even today, Wisconsin leads the nation in cheese volume, processing nearly 90 percent of the more than 22 billion pounds of milk produced into cheese. More than 350 varieties of cheese are produced in the state, including, Cheddar, American, Muenster, Brick, Blue and Italian, not to mention the famous Limburger cheese variety, which is only produced in Wisconsin. Also, Wisconsin buttermakers produce nearly 25 percent of the America's butter supply.

National Dairy Month is the American consumer's oldest and largest celebration of dairy products and the people who have made the industry the success it is today. During June, Wisconsinities will hold nearly 100 dairy celebrations across our state, including dairy breakfasts, ice cream socials, cooking demonstrations, festivals and other events. These events all highlight the quality, variety and great taste of Wisconsin dairy products and honor the producers who make it all possible.

June Dairy Month is a time to celebrate America's dairy industry and Wisconsin dairy's proud tradition and heritage of quality. It provides Wisconsin's dairy farmers a special time to reflect on their accomplishments and those of their ancestors, and to look forward to continued success in the future.

Wisconsin was nicknamed America's Dairyland in the 1930s, but it became a leader in the industry soon after the first dairy cow came to Wisconsin in the 1800's. Dairy history and the state's history have been intertwined from the beginning. Why, before Wisconsin was even declared a state, Wisconsin's first cheese ''factory'' established when one clever Wisconsinite combined milk from her cows with milk from her neighbor's cows and made it into cheese.

Other Wisconsin dairy firsts include: the development of Colby cheese in 1874, the creation of brick cheese in 1875, the first dairy school in America—established in 1891 at the University of Wisconsin at Madison, the first statewide dairy show in the U.S. in 1928, and the creation of the world-record holding 40,060 pound, Grade-A Cheddar cheese in 1988. And Wisconsin also can claim one of the best-tasting inventions in the history of dairy industry: the creation of the first ice cream sundae in 1881.

Also unique to Wisconsin's dairy industry is the crowing of ''Alice in Dairyland.'' This lucky young woman serves as the state's dairy ambassador all over the country, and often in other parts of the world. Last year's Alice, Jennifer Hasler of Monroe, represented

Wisconsin well as she promoted Wisconsin's agriculture in California, Arizona, Minnesota and even Japan. She generated millions of dollars in unpaid advertising for hard working Wisconsin farmers. I congratulate her on her achievements and her hard work and wish the new Alice good luck in her year serving Wisconsin agriculture.

I am proud to honor this great American tradition—proud to honor the dairy producers not only in Wisconsin, but also those across this great nation.●

GIRL SCOUT TROOP 327 CELEBRATES 25 YEARS OF SERVICE

● Mr. ABRAHAM. Mr. President, I rise to recognize the 54 participants of Girl Scout Troop 327 from Wayne County, Michigan, as they celebrate 25 years of continuous service at the Mackinac Island Scout Camp.

Based in Grosse Pointe, the Troop recruits girls from Livonia, Dearborn, and the entire east side of Detroit. This combined group from the Michigan Metro Girl Scout Council will be traveling to Mackinac Island on Thursday, June 24, 1999 to celebrate their 25th Anniversary of service to the Island.

While on the Island, the Girl Scouts will continue their commitment to be better citizens through community service and goodwill deeds. In cooperation with the Mackinac Island State Park Commission, they plan to greet visitors in various public buildings, give directions to tourists, paint dilapidated park benches, and clean up heavily traveled park trails. The beauty of the Island will undoubtedly be preserved because of the Girl Scouts' service and dedication.

Past experiences have enabled Troop 327 to gain a wealth of information about the world around them. As members of Governor Engler's Honor Guard, the girls have been responsible for raising 26 United States flags over the country's National Cemeteries, Post Cemetery, and another at the Governor's summer residence. Through their experiences, the Girl Scouts have become more mature while gaining valuable life and human relations skills.

Earning the ''Gold Award'' and ''Silver Award'' for their active participation in community service, members of the Troop continue to exemplify their self-professed national motto: ''Girl Scouting: where girls grow strong.''

As individuals, communities and businesses strive to make positive impacts on the world, our younger community sets an example for every generation to follow. I urge my colleagues to join me in praising these girls for their continued efforts. The service provided by Girl Scout Troop 327 has left a mark on their lives, and in future weeks their service will positively affect those who visit Mackinac Island from around the world.●

EXPRESSING RESPECT AND GRATITUDE TO THE ARMED FORCES OF THE UNITED STATES

Mr. WARNER. Mr. President, with a deep sense of humility, I believe the Senate should close its proceedings today by paying our profound and deepest respect to the men and women of the Armed Forces of the United States of America and their comrades in arms from 18 other nations, NATO, for having taken an enormous risk in performing with a degree of excellence that by any standard can be judged by all who understand military operations as in keeping with the finest traditions of our military and the military of other nations of the world.

Their actions to bring about what appears to be a cessation of hostilities, certainly in the air, at this time receives our profound gratitude and our prayers for their safety.

I, moments ago, spoke with the Secretary of Defense to pass on to our old colleague from the Senate a ''well done.'' I had the opportunity, as did many here in the Senate, to work with him on a regular basis throughout this crisis period in Kosovo, and I commend him for maintaining a very strong hand on this situation, particularly at times when it became very difficult.

We have discussed the command from the Chairman of the Joint Chiefs, chiefs of services, down through the CINCs, to the privates, whether they be in the air, on the sea, on the land. Again, they performed their job with great professional skill and dedication. It was not an easy job, because there was a good deal of uncertainty, and that uncertainty still remains as to exactly how this mission was carried out and whether it could have been done differently. But nevertheless, some 3,000-plus sorties were flown by the men and women in the aircraft of eight nations, supported by ground personnel at bases throughout that region, 17 bases alone in Italy.

I had the privilege last week, as a matter of fact a week ago today I was in Albania with General Jackson, who will be heading the ARRC force and who broke the news of the agreement between the military side with the representatives from Yugoslavia, General Clark and Admiral Ellis. I wish to say to these commanders that, again, it was their leadership which instilled a sense of confidence and conviction in their subordinates that this job had to be done, that we had to stay the course, and the professionalism we have witnessed now in the air operation.

I was asked momentarily, does this represent a victory or how would you characterize it? I simply said to the press early today, and to my colleagues I say now, it is far too early to try to make those judgments. The Senate Armed Services Committee, which I am privileged to chair, will hold a series of hearings on what went right and what went wrong and what, most particularly, will be the strategy of our forces for the future if faced with another situation of the seriousness and the complexity of this one in Kosovo.

I visited this region last September. As I stood there in Albania and Macedonia and observed the terrain, which is identical in many ways to that in Kosovo, I thought back to the refugees at that time huddling in the hills. I said on the floor of the Senate there would be a need then, as there is now, for a ground military force to stabilize the situation, stabilize it so while the ground forces of NATO will go in, eventually other nongovernmental organizations from all over the world will come to help these people who were tragically driven from their homes and villages by a very brutal military force under the direction of President Milosevic, a man who has conducted himself with complete disregard of all international law and human rights.

Again, I return to the troops. While the air operation, hopefully, will be secured, if not already, within hours, we have remaining before us the challenge on the ground, and the ground forces will now take up their professional responsibilities. May the hand of God rest upon their shoulders, because they will be faced with land mines and booby traps, all types of uncertainty. They will have to perform tasks not unlike those of a mayor of a village, to the extremes of how to deal with this hidden weaponry and a tragic situation of returning people to a devastated homeland.

The KLA will present challenges. In some instances, they fought with great courage. But now they must reconcile themselves to the fact that this international force, indeed NATO and the United Nations, must resolve the situation in a peaceable manner.

So while victory cannot be pronounced now, not until the ground forces go in and perform their challenging tasks, I say clearly that NATO has taken another major, significant step in the international community toward reaching its five basic goals. Those goals have been stated on this floor and in the press many times.

I salute all. In my discussions with Secretary Cohen, we made reference to the President. The President is Commander in Chief. The words that Secretary Cohen used—and I have a great respect for Bill Cohen, having served with him here some 18 years in the Senate—were that the President was steady. He stayed steady at every turn in these events, stayed focused and gave it his attention. In every way, I think the comments of the Secretary of Defense were very respectful. Clearly, in the minds of all of us, we have to credit the President with holding together the 19 nations.

It was essential that that coalition under the NATO charter remain together throughout this first phase—that is, the air phase—and now they must remain together throughout an equally difficult and challenging phase, that of securing the ground.

As I said, when I was there one week ago with General Jackson, General Clark, Admiral Ellis, and other military commanders, it is clear that the magnitude of the uncertainty relating to the landmines and booby traps, and indeed the problems associated with moving the Serb forces out, pose a challenge that, in many respects, has never been faced by a U.S. military force. But I have confidence in those commanders and in the men and women who will boldly undertake this task.

So I wish to just pay my humble respects, and I will follow this operation very clearly, in terms of our duties in the Senate and on the Armed Services Committee and, most assuredly, in our prayers for their safety and for the safety of those Kosovars who were driven from their homes and now have hope to once again return.

NOMINATIONS OF GENERAL SHINSEKI AND GENERAL JONES

Mr. WARNER. Mr. President, the Armed Services Committee met yesterday under the advise and consent role with respect to General Shinseki to be Chief of Staff of the United States Army, and General Jones to become Commandant of the Marine Corps. I want to say with the deepest personal reverence that in my 21 years in the Senate, I cannot recall ever being moved as strongly by the remarks of a fellow Senator as I was yesterday when the senior Senator from Hawaii, Mr. INOUYE, addressed the Armed Services Committee and introduced General Shinseki.

While I would like to read these remarks, it is better that they just be printed in the RECORD. I urge all Senators to examine these remarks. They are extraordinary. They come from the heart of a Senator who has served his country with the greatest distinction, and his praise for a fellow Hawaiian who came up under circumstances not unlike his, although removed by a generation or so.

I ask unanimous consent to have the remarks of Senator INOUYE printed in the RECORD.

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

STATEMENT OF HONORABLE DANIEL K. INOUYE, U.S. SENATOR FROM HAWAII

Senator INOUYE. Thank you very much, Mr. Chairman, for this opportunity to say a few words in behalf of our President's nominee for the 34th Chief of Staff of the United States Army. General Shinseki began his military career as a commissioned officer 34 years ago, almost exactly, on June 9, 1965. He received his commission as a Second Lieutenant after receiving a baccalaureate degree from the United States Military Academy at West Point.

After a few weeks of preparation, he was sent to Vietnam. On his first tour of duty there he distinguished himself, and he received his first purple heart. He was sent back to the States to be hospitalized, and a few years later he was back in Vietnam. On his second tour of duty there as a captain he once again distinguished himself, but he was wounded very seriously, losing part of his foot.

Notwithstanding that, he applied for a waiver and requested that he be given the opportunity to continue his service to our Nation. This was granted, and he continued his illustrious career, and in 1997 became a four-star General. As Chairman Warner indicated, in March of 1994 he was made Commanding General of the First Cavalry Division.

In July 1997 he became Commander-in-Chief of the United States Army in Europe, and Commander-in-Chief of the Seventh Army. He was also Commander of the Stabilization Force on Bosnia.

As indicated by Chairman Warner, there is no question that General Shinseki is eminently qualified for this, and if I may at this juncture be a bit more personal, this is a special day for many of us in the United States. In February of 1942, the United States Selective Service System, because of the hysteria of that time, that all Japanese, citizens or otherwise, be designated 4C. 4C, as you know Mr. Chairman, is the designation of an enemy alien.

It was a day of shame for many of us, although it was not deserved, and we petitioned the Government to permit us to demonstrate ourselves and a year later President Roosevelt declared that Americanism is a matter of mind and heart. Americanism is not, and has never been, a matter of racial color, and authorized the formation of a special Japanese-American combat unit, and the rest is history.

But what I wish to point out is that this young man sitting to my right was born in November of 1942. At the time of his birth he was an enemy alien, and today, to the great glory of the United States, I have the privilege of presenting him as the 34th Chief of Staff, Army nominee. This, Mr. Chairman, can happen only in the United States. I cannot think of any other place where something of this nature can happen.

He is the grandson of a Japanese laborer from Hiroshima who arrived in Hawaii in the late 1800's, about 1888, raised his children, and raised his grandson to love America, and I believe he succeeded eminently.

Mr. Chairman, on this day the shame that has been on our shoulders all these years has been clearly washed away by this one action, and for that I am very grateful to this Nation. I am grateful to the President, and I believe that we have before us one of the great illustrious warriors of our Nation. And I hope that this committee will vote to approve his nomination as the 34th Chief of Staff of the U.S. Army.

It is my pleasure, Mr. Chairman, to present to the Committee, General Shinseki.

Mr. WARNER. Mr. President, this afternoon, the Senate Armed Services Committee reported out favorably the nominations of General Shinseki and General Jones, and I anticipate tomorrow the Senate will move on those nominations.

As chairman, I designated Senator ROBERTS, a former U.S. Marine, to place the nomination by the committee, as approved, of General Jones to the Senate; and Senator CLELAND of Georgia, an Army veteran of great distinction and an officer who served in Vietnam, will place before the Senate the nomination of General Shinseki.

Once again, I close by saluting the Secretary of Defense, the men and women of the Armed Forces of the United States, and our allies for their courage and perception in meeting the challenges proposed in Kosovo. I wish them well in the future.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Democratic Leader, pursuant to Public Law 96–114, as amended, the appointment of George Gould of Virginia to the Congressional Award Board.

ORDERS FOR THURSDAY, JUNE 10, 1999

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, June 10. I further ask that on Thursday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that the Senate then resume consideration of S. 96, the Y2K liability legislation.

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

PROGRAM

Mr. WARNER. Mr. President, for the information of all Senators, tomorrow, the Senate will immediately resume consideration of the Y2K legislation. The Senate hopes to complete action on that legislation tomorrow afternoon. Following the debate on S. 96, the Senate may begin consideration of the State Department authorization bill, any appropriations bills available, or any legislative or executive items on the calendar. Therefore, Senators can expect votes throughout tomorrow's session of the Senate.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WARNER. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:35 p.m., adjourned until Thursday, June 10, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 9, 1999:

DEPARTMENT OF STATE

JOHN E. LANGE, OF WISCONSIN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOTSWANA.

DELANO EUGENE LEWIS, SR., OF NEW MEXICO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH AFRICA.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED

STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be lieutenant commander

SHEILA A.R. ROBBINS, 0000

To be lieutenant

VINCE W. BAKER, 0000
ROBIN L. BARNES, 0000
GERALD A. COOK, 0000
KENNETH A. FAULKNER, SR., 0000
JORGE I. MADERAL, 0000
PAMELLA A. MYERS, 0000
LEE A.C. NEWTON, 0000
BRIAN V. ROSA, 0000
JAMES D. SANTAMOUR, 0000
KATHERINE A. SCHNEIRLA, 0000
WILLIAM B. STEVENS, 0000
MICHAEL R. TASKER, 0000

To be lieutenant (junior grade)

MICHAEL D. APRICENO, 0000
JOHN F. BAEHR, 0000
GREGORY D. BUCHANAN, 0000
DAVID D. CARNAL, 0000
ROBERT M. COHEN, 0000
MICHAEL A. DAVIS, JR., 0000
KRISTIAN M. DORAN, 0000
GEORGE C. ESTRADA, 0000
DARREN R. HALE, 0000
JOSHUA R. HALL, 0000
MOONI JAFAR, 0000
PATRICK M. KELLY, 0000
MANUEK X. LUGO, 0000
JESSE L. MAGGITT, 0000
RALPH J. MAINES, 0000
CECIL L. MCQUAIN, 0000
BERNARD T. MEEHAN II, 0000
JOAQUIN J. MOLINA, 0000
DAVID M. REED II, 0000
JOHN F. WEBB, 0000
CAROLYN M. WISNER, 0000
CHERYL WOEHR, 0000
ALEXANDER Y. WOLDEMARIAM, 0000

To be ensign

ROBERT M. ALLEYNE, 0000
GREGORY BALLENGER, 0000
MATTHEW L. BETIT, 0000
ANDREW F. BRACKENRIDGE, 0000
KEVIN F. BRAVOFERRER, 0000
LEBRON BUTTS II, 0000
CHRIS D. CASTLEBERRY, 0000
MARK A. CUTLER, 0000
MICHAEL W. DAVIDSON, 0000
JEFFREY P. DAVIS, 0000
DAMON C. DEQUENNE, 0000
RICHARD J. DIXON, JR., 0000
MARTIN L. EDMONDS, 0000
ASHTON F. FEEHAN, 0000
DAVID P. FRIEDLER, 0000
JONATHAN GRAY, 0000
MICHAEL S. GUILFORD, 0000
MICHAEL D. HALTOM, JR., 0000
ALEXANDER F. HARPER, 0000
RAIICHON A. HILTS, 0000
NICHOLAS H. HONG, 0000
ANDREW G. KREMER, 0000
ELLEN Y. KWAME, 0000
ANDREW J. LEWIS, 0000
MIGUEL A. LEYVA, 0000
CHRISTIAN M. MAHLER, 0000
WILLIAM J. MARTZ, 0000
DAVID B. MCKELVY, 0000
SEAN A. MENTUS, 0000
TROY C. MORSE, 0000
JAMES H. MURPHY, 0000
VICTOR D. OLIVER, 0000
LEE A. PARKER, 0000
RICHARD A. PHILLIPS, 0000
RICHARD C. PLEASANTS, 0000
JEREMY C. POWELL, 0000
LYNN J. PRIMEAUX, 0000
MICHAEL R. RODMAN, 0000
LIAM M. SARACINO, 0000
BRIAN S. SCHLICHTING, 0000
SALEEM K. TAFISH, 0000
DAVID A. TONINI, 0000
GEORGE B. TOSH, 0000
TAWNYA R. TSCHACHE, 0000
JEFFREY W. UTLEY, 0000
DANIEL E. WILBURN, 0000

EXTENSIONS OF REMARKS

IN MEMORY OF FIREFIGHTER LOUIS MATTHEWS, ENGINE COMPANY NO. 26, NATION'S CAPITAL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Ms. NORTON. Mr. Speaker, the brief and fruitful life of Louis Matthews surely gives us an appreciation for what firefighters face and what we have lost. Seven years in the Department, only 29 years old, Firefighter Matthews spent his entire short but productive, adult life serving the people of the nation's capital, and finally gave his life for them.

Firefighters are known to be a breed apart and to have their own culture. That culture has developed from the fact that they are like no other civil servants. Not only do firefighters work together, they live together, and they await the possibility of injury or death together.

Two died in this fire, and two were seriously injured. One of the injured, Charles Redding, lived to attend both funerals. Joseph Morgan is very seriously injured and still in the hospital. Anthony Phillips was killed in the fire. Yes, they live and die together. Firefighters are very much like soldiers in a battalion ready and waiting for the next battle.

I know something of their culture. I am a proud member of a firefighter family. My grandfather, Lt. Richard Holmes, became a District of Columbia firefighter in 1902. I am still approached in the streets by people who remember him—he lived to be 96. I give some credit to the Fire Department for his physical and mental fitness and for the fact that he played a cutting game of badminton with his grandchildren in his 80's and 90's. And, I am grateful to the Department for giving me a picture of my grandfather standing in uniform as a part of Engine Company No. 4. As I have my memories of my grandfather, Firefighter Matthews family will cherish theirs.

IN SPECIAL RECOGNITION OF MATTHEW T. RUSSELL ON HIS APPOINTMENT TO ATTEND THE UNITED STATES NAVAL ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Matthew T. Russell, of Napoleon, Ohio, has been offered an appointment to attend the United States Naval Academy in Annapolis, Maryland.

Mr. Speaker, Matthew has accepted his offer of appointment and will be attending the Naval Academy this fall with the incoming cadet class of 2003. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

During his time at Napoleon High School, Matthew has attained a perfect 4.0 grade point average, which ranks him first in his class of one-hundred ninety-seven students. Matthew is a member of the National Honor Society and was selected for the Who's Who Among American High School Students and an All-American Scholar by the U.S. Achievement Academy.

Outside the classroom, Matthew has distinguished himself as an outstanding student-athlete. On the fields of competition, he is a varsity letter winner in soccer and football. During his junior season of football, Matthew was selected as a First Team All-District and Honorable Mention All-State place kicker. Among his other activities, Matthew is an active member in the St. Paul Lutheran Church, was a delegate to Buckeye Boys State, and, in February 1998, attained the rank of Eagle Scout.

Mr. Speaker, at this point, I would ask my colleagues to stand and join me in paying special tribute to Matthew T. Russell. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Matthew will do very well during his career at the Naval Academy, and I wish him the very best in all of his future endeavors.

THE TWIN DANGERS OF INDIFFERENCE AND PARALYSIS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. OWENS. Mr. Speaker, we hope and pray that the war in Kosovo will end within a few days, sooner rather than later. Slobodan Milosevic has been indicted as a war criminal and we look forward to a trial someday that will send a clear message to other similar sovereign predators throughout the world that genocide under any name will no longer be tolerated by the civilized world. Unfortunately there are many honorable Americans who do not see the actions of the Yugoslav regime as genocidal. They quibble about the numbers and imply that there are not enough victims. Certainly "ethnic cleansing" is not the same as Hitler's massive marches of victims into the gas chambers and the ovens. However, it is clear that only the intervention of the international community has saved thousands of humans driven from their homes from starvation and death by fatigue and cold. What if the refugees had all been left to survive on their own? What then would be the death count? In this year 1999 we have been presented with a clear challenge. Instead of waiting to mourn for the corpses, we have fought the savage oppressors. Many mistakes have been made and we have demanded a more flexible and inclusive approach to leadership in this crisis. Minimizing "collateral damage" in this crusade against genocide is as important an objective as any other. But no concerns should fester into paralysis. Indifference is the greatest crime we might commit. Fear of taking risks could lead to a situation where we "just let the refugees naturally die."

LET THE REFUGEES DIE

Just let the refugees die
Don't hear their hungry children cry
Masked men treat families real mean
But no gas chambers on the scene
Bayonets pierce a few unruly eyes
But only NATO bombs
Force humans to flee like flies
Just let the refugees naturally die
High honors confer on them
Collect millions for a giant museum
Great poet muses will be fed
By memories of these pitiful dead
Editorials express awesome regret
We pledge never ever to forget
Just let the refugees naturally die
Their camps are not outrageously sad
Surplus U.S. food tastes not too bad
War crime standards must be high
Why make an international nuisance
Until millions undeservedly die
Tall tales insist Hitler has returned
But piles of bodies have not yet burned
Torched villages are carefully planned
But Auschwitz ovens are loudly banned
Sacred sovereignty you can not deny
Genocide is a bloody NATO lie
Homeless helpless savage rebels
Don't hear their hungry children cry
Just let the refugees naturally die.

HOPE FOR NIGERIA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. BURTON of Indiana. Mr. Speaker, for many years Nigeria has been a symbol in international circles of mismanagement, corruption, drug trafficking, and dictatorship. It stood as one of the world's pariah nations. Nigeria is a country of more than 100 million people and abundant natural resources, which should make it leader on the African continent and the world stage. It has been prevented from taking its rightful role because of poor political leadership. In 1993, a democratic election was annulled and once again military dictatorship prevailed.

Now, however, it appears the tide may have turned. On May 29th of this year, President Olusegun Obasanjo was inaugurated after his victory in democratically-held national elections. This is a moment of truth for Nigeria. Obasanjo faces several tremendous challenges. He must build up democratic institutions in a country that has had precious little experience with them. He must overcome serious economic problems. And, he must repair Nigeria's negative international image. Nigeria

may finally be on the path to prosperity and democracy, and the entire African continent could reap the benefits.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. ANDREWS. Mr. Speaker, on rollcall No.'s 167, 168, and 169, I was unavoidably detained and unable to cast my vote. Had I been present, I would have voted ''aye'' on all three of these votes.

A SALUTE TO OWEN MARRON, CENTRAL LABOR COUNCIL OF ALAMEDA COUNTY'S UNIONIST OF THE YEAR, 1999

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Ms. LEE. Mr. Speaker, I rise in honor today to salute Owen A. Marron on his achievement of being named the Unionist of the Year, 1999, by the Central Labor Council of Alameda County and acknowledge his accomplishments as he completes his career as the Central Labor Council's Executive Secretary-Treasurer. Mr. Marron has been a longtime leader in the U.S. labor movement, particularly in California.

Mr. Marron was born in Buffalo, New York and grew up in Southern California. Upon completion of high school, he worked in the Kaiser steel mills in Fontana, California. When he joined the United Steel Workers Union, he became the fourth generation in his family to join.

Following his discharge from the U.S. Army in Korea, Mr. Marron returned to the steel plant, soon becoming a grievance committeeman for his local. He later served his local as the recording secretary and Chairman of the Incentive Committee.

In 1964, Marron left the steel mills to pursue a career in the labor movement in California by working as a representative for SEIU Locals 660, 616, and 700.

In 1976, Marron became a delegate to the Central Labor Council of Alameda County and a labor representative of the State Council on Developmental Disabilities.

In 1982, Marron was appointed to the Alameda County Central Labor Council's staff. During his career with the Labor Council, he served as Assistant to the Secretary and Executive Secretary-Treasurer. In addition, he was elected as Vice President of the California Labor Federation.

Throughout his more than forty-year career in the labor movement, Marron has displayed strong and passionate leadership. His highlights include organizing over 150,000 trade unionists and their families in labor marches in 1982 and 1984; leading the historic Alameda County employees strike of 1976; mobilizing the entire Alameda County labor movement in a strike against Summit Hospital in 1992; and playing a pivotal role in bringing President Bill Clinton to the Alameda County Labor Day Picnic and South African President Nelson Mandela to visit Oakland.

He has made a positive and profound impact on the lives of many individuals and organizations. His leadership skills and dedication will be sorely missed. I proudly join his many friends and colleagues in thanking and saluting him on receiving this prestigious award and extending my best wishes on his upcoming retirement.

Marron will be honored as the Unionist of the Year in Oakland, California, on June 17, 1999.

WETLANDS RESERVE PROGRAM ENHANCEMENT ACT

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. PICKERING. Mr. Speaker, today I am proud to introduce alongside my colleagues, Mr. THOMPSON of California and Mr. CHAMBLISS of Georgia, the Wetlands Reserve Program Enhancement Act to extend authority for the Wetlands Reserve Program (WRP) to help family farmers stay on their land, and to benefit waterfowl and sportsmen at the same time.

Across the country, thousands of private landowners have discovered the WRP is an attractive alternative to farming high-risk and high-cost cropland that is frequently flooded. WRP provides these landowners with a voluntary, financial incentive to restore such areas to wetlands. The landowner in turn is free to use his or her WRP incentive payment to refinance debt, upgrade machinery or to buy additional land to make their farming operation more profitable.

In my hope state of Mississippi, WRP has been a very popular program with private landowners, and for good reason. With today's farm crisis, WRP is helping Mississippi farmers who could not otherwise afford to stay on their land or to pass it on to future generations. To give you a better idea of how popular WRP has been with farmers, let me share with you some statistics.

Since 1992, nearly 4,000 landowners from 47 states have enrolled 655,000 acres in WRP nationwide. My home state of Mississippi has benefited through the WRP by enrolling more than 74,000 acres for the purpose of wetland conservation. However, due to limited funding, only about one-third of all eligible Mississippi landowners could be accepted into the program. In some states, landowner demand for WRP exceeds available funding 5 to 1. Mr. Speaker, many more wetland acres could be preserved nationwide through the provisions of this bill.

The purpose of the Wetlands Reserve Enhancement Act is to extend WRP authority to help more landowners in the future. Specifically, my legislation extends WRP authority for enrolling new lands by three years to 2005, and replaces the current WRP acreage cap with a new 250,000-acre annual enrollment limit. This will allow 4,000 to 5,000 additional landowners to enroll in WRP over the next five years.

This additional land enrolled in WRP will benefit not only farmers, but also waterfowl and other wetland wildlife. In the Mississippi Delta states, most of WRP land is planted in high-quality hardwood trees that flood in the winter and provide critical habitat for waterfowl and other wildlife. In fact, WRP has become one of the largest wetland restoration programs ever attempted on private lands.

WRP is restoring waterfowl breeding habitat in states like South Dakota, Minnesota and Wisconsin. It is restoring migration habitat in Illinois, Iowa, Ohio and New York. Most of all, WRP is restoring waterfowl wintering habitat in such diverse states as California, Texas and Louisiana.

Where there are ducks, there are duck hunters. Many waterfowlers have discovered that private land enrolled in WRP makes for excellent hunting. In places like Mississippi that have a proud waterfowling tradition, access to quality hunting sites is in high demand. In many cases, WRP is creating new opportunities for sportsmen to participate in this time-honored tradition.

My legislation seeks to encourage more of these kinds of partnerships and to ensure that WRP takes every advantage of opportunities to restore and enhance wetland habitat for waterfowl.

In summary, this legislation represents a win-win opportunity for farmers, conservationists, sportsmen, and wildlife. This is a commonsense proposal which I believe my colleagues in the House will find good reason to support. The WRP is the kind of non-regulatory, incentive based conservation program that landowners want and wildlife need as we enter the next century.

CONGRATULATIONS TO MAJOR GENERAL DAVID W. GAY ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to honor one of Connecticut's finest military officers. Major General David W. Gay is the Adjunct General of the Connecticut National Guard and today friends and family will gather to wish him well on his retirement.

Beginning his military career with the Marine Corps in 1953, General Gay has dedicated his life to serving and protecting our great nation. Throughout his distinguished career, General Gay has received numerous meritorious awards and decorations from the Marine Corps, Army National Guard and State of Connecticut for outstanding conduct. Among his many accolades, he has been honored with the Connecticut Longevity Service Medal, the Marine Corps Good Conduct Medal, the Legion of Merit Award, and the National Guard Bureau's Eagle Award—the most prestigious award issued by the National Guard Bureau. These signs of recognition are testament to a prominent and honorable career.

His commitment and dedication to service culminated in his appointment as Adjunct General of the Connecticut National Guard, serving as the ranking member of the Governor's Military Staff and commissioner of the State Military Department since 1992. General Gay has been an invaluable resource to me in my capacity as a Member of Congress. His professionalism and unparalleled skill in his field

have helped to address the concerns of my constituents quickly and effectively. I appreciate all that he has been able to provide for Connecticut's Third Congressional District.

In addition to his illustrious military career General Gay has demonstrated an extraordinary commitment to his community. As well as being a member of several local organizations, General Gay chairs the State Management Board of the Community Learning and Information Network (CLIN), a pioneer project in distance learning education technology. He has also served as President of the Nutmeg Games, a state-wide multi-sport festival for Connecticut amateur athletes. His innumerable contributions to the community and the State of Connecticut will not be forgotten.

I am honored to stand today to join his wife, Nancy, children, David, Jennifer, and Steven, and the many other voices of family and friends in congratulating General Gay on his retirement. His service to our country and community will not be forgotten and we wish him much health and happiness in the coming years.

HONORING THE BROOKLYN SCHOOL SETTLEMENT ASSOCIATION

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to honor the leaders and members of the School Settlement Association for ninety-eight years of service to the Brooklyn community. The work they have done over the years has had an impact on thousands and thousands of lives. They have seen the critical needs that exist in our communities and addressed them. They have stepped in and filled gaps where children and older people in our communities are at risk.

Unlike so many others who have tried and failed, the School Settlement Association here in Brooklyn has succeeded. As the only remaining School Settlement Association in Brooklyn, their longevity is a testament to the strength of their vision, the importance of their mission, and the quality of their teachers, service providers and leaders.

Not only have they remained strong for these ninety-eight years, but they have grown and expanded. Their initial objective of helping strengthen the attendance and performance of young students in school has broadened. Now, they successfully work to enhance children's health and nutritional needs. They have implemented summer and after-school programs, literacy programs, as well as college and career seminars that help students prepare for a successful future.

In addition to this, their outreach now includes the needs of many of our community's older adults. Many of our seniors who might otherwise go without the proper medical assistance and healthcare services can safely rely on the School Settlement Home Attendant Service Corporation and home Health Care Service.

Finally, as the scope of their mission has expended, so have the number of neighborhoods in which they operate. Originally founded in Ridgewood, they now reach out to Williamsburg, Greenpoint and other areas around Brooklyn. The large area they now help is reflective of the deep concern they have shown for everyone in our neighborhoods.

As we look to the future, and they prepare to celebrate their 100th anniversary, on behalf of the 12th Congressional District, I want to thank them for all they have done. They have helped keep the fabric of our communities strong, and our future bright. I ask my colleagues to join me in congratulating the School Settlement Association. May their next 100 years be better than the last.

THE WHITE BEAR LAKE'S CENTRAL MIDDLE SCHOOL ODYSSEY OF THE MIND TEAM

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. VENTO. Mr. Speaker, I rise today to acknowledge a local middle school's achievement at the Odyssey of the Mind World Finals and the achievement of other Minnesota schools at this special competition in Knoxville, TN.

Odyssey of the Mind is an activity designed to engage childrens' minds and helps them develop their creativity. Through exercises that require impromptu and creative responses, the team works together to create a solution. White Bear Lake's Central Middle School received one of five special awards during this unique competition. The team was recognized for its outstanding creativity in its solution to the ''Environmental Challenge'' Division II category. The team competed with more than 800 teams representing 28 countries. Success against tough competition such as this is truly an outstanding achievement. Its encouraging as an educator and member of Congress to see the emphasis upon academic achievement and excellence.

Mr. Speaker, I submit for the RECORD an article from the May 31, 1999 Star Tribune detailing the accomplishments of White Bear Lake's Central Middle Schools Odyssey of the Mind team as well as the achievements and recognition accorded additional Minnesota schools.

WHITE BEAR GETS A TOP ODYSSEY AWARD

CENTRAL MIDDLE HONORED FOR CREATIVITY; ANOKA HIGH AMONG TOP STATE FINISHERS

(By Terry Collins)

White Bear Lake's Central Middle School was one of five teams internationally to receive a special award during this weekend's 20th Annual Odyssey of the Mind World Finals competition in Knoxville, Tenn.

The students received the ''Ranata Fusca'' award for outstanding creativity for the solution of a problem in the ''Environmental Challenge'' Division II category.

The students were nominated by a panel judging their problem.

''It's outstanding,'' said Karen Karbo, director of the Minnesota state Odyssey of the Mind. ''They took a great risk that involved great skill. It's quite an award. I couldn't be more proud.''

Anoka High School had one of the highest finishes of any Minnesota school. Students placed second in the ''Radiometric Structure'' Division III problem-solving category.

''They were exceptional,'' Karbo said. ''To finish that high out of several hundred teams in their division is remarkable.''

They were among about 5,500 students from the United States and 28 countries who participated, all winners of their local or regional Odyssey competitions.

More than 800 student teams tested their wits in several categories, including devising a species-survival plan, putting a contemporary spin on Shakespeare and calculating how much weight a self-built balsa-wood structure can hold.

The finals started Thursday and concluded Saturday.

Other Twin Cities-area finalists included:

Cedar Ridge Elementary, Eden Prairie: fourth place, ''Customer Service,'' Div. L.

Inver Grove Heights Middle, Inver Grove Heights: ninth place, ''Customer Service,'' Div. II.

Hopkins Community Education Program Gold, Hopkins: 11th place, ''Over the Mountain,'' Div. II; 13th place, ''O, My Faire Shakespeare,'' Div. III.

St. Louis Park School District's Gifted/Talented Program, St. Louis Park: 14th place, ''Ratiometric Structure,'' Div. L.

Greenleaf Elementary, Apple Valley: 19th place, ''Environmental Challenge,'' Div. I.

Coon Rapids High, Coon Rapids: 23rd place, ''Over the Mountain,'' Div. III.

Other Minnesota finalists included:

Fergus Falls Middle, Fergus Falls, Minn.: Third place, ''Environmental Challenge,'' Div. III.

College of St. Benedict, St. Joseph, Minn./St. John's University, Collegeville, Minn.: Fourth place, ''Radiometric Structure,'' Div. IV; 14th place ''O, My Faire Shakespeare,'' Div. IV.

Hermantown Middle, Hermantown, Minn.: 12th place, ''O, My Faire Shakespeare,'' Div. II.

Queen of Peace Middle, Cloquet, Minn.: 16th place, ''Radiometric Structure,'' Div. I.

Robert Asp School, Moorhead, Minn.: 24th place, ''O, My Faire Shakepeare,'' Div. I.

Karbo said Minnesota has the ninth-largest Odyssey student participation in the world. More than 1,000 students participated this year in 10 regional Odyssey competitions throughout the state.

''They truly represent the finest students we have in this state,'' Karbo said. ''To even get to this level of competition is extraordinary.''

HONORING NANCY EMERSON

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mrs. CAPPS. Mr. Speaker, I rise to honor Nancy Emerson of Santa Barbara, California who retires this year from the Santa Barbara County Education Office after fifteen years of service.

Nancy Emerson's educational distinctions include a B.S. from the University of Washington and a M.A. from Cornell University. She has served in college admissions and counseling positions at Cornell and the University of Miami, she has worked with severely developmentally challenged children, young adults, and their families; and she has been a teacher and coordinator of adult education courses and conferences on local government issues in Santa Barbara.

Most recently, Nancy has been a Specialist for Teacher Programs in the Santa Barbara County Education Office. She has directed teacher support and recognition activities, including the nationally recognized program, IMPACT II The Teachers Network. Nancy has

been instrumental in the local and national development of this Network, working hard to further the teaching profession an ultimately, the success of thousands of children on Central Coast.

Nancy has volunteered her time generously, serving in many leadership capacities such as voter service, adult education and political action for the League of Women Voters since 1971. She has been a classroom volunteer, PTA president and member of District Budget Advisory Committees in Denver, Colorado and Goleta, California.

Mr. Speaker, I commend Nancy Emerson for her lifelong work as an educator and for the dedication she has shown to the children of Santa Barbara County and to our nation.

IN HONOR OF TEAM SURFSIDE EFFORTS FOR DISASTER VICTIMS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, I want to honor and commend Mayor Paul Novack of Surfside, FL, who has presided over Team Surfside, a group of townspeople who have united and devoted themselves to helping victims of disasters, including, most recently, those of Hurricanes Georges and Mitch.

The volunteers of Team Surfside have made the difference between life and death to the survivors of these natural disasters in Haiti and Honduras by providing desperately needed supplies.

Their efforts have been recognized nationally and internationally by National Public Radio and Voice of America.

Mayor Novack has been the unsung hero behind Team Surfside, spearheading all of the outstanding work that they have accomplished.

He twice flew to Haiti to personally delivery supplies into the hands of the victims ensuring that the people who needed it received the humanitarian aid and cutting through red tape and delays.

All the volunteers in this effort should be commended for their dedication and selfless commitment to helping others.

TRIBUTE TO CHIEF DANIEL B. LINZA UPON HIS RETIREMENT

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. TALENT. Mr. Speaker, I rise today to pay tribute to Chief Daniel B. Linza, who will be retiring on July 2, 1999, from the City of Kirkwood Police Department after 44 years of service. I hope you will join me in honoring his fine career and in wishing him a happy and healthy retirement.

Chief Linza began his career as a patrol officer for the City of Kirkwood Police Department April 23, 1955, upon his graduation from the Criminal Justice Program of Saint Louis Community College. After several promotions, he was selected Chief of Police December 1, 1969. During the 29½ years he served as Chief, he established within his department new hiring procedures, promotional processes, and upgraded the physical fitness of officers, as well as providing them with necessary training in officer safety.

He has been actively involved with numerous professional and community organizations dedicated to serving the residents of the City of Kirkwood. He has initiated many police community partnership programs, including Neighborhood Watch, Community Oriented Neighborhood Policing, the DARE program, and Graffiti Paint Out Day, Chief Linza has held leadership positions in several law enforcement organizations. He has distinguished himself while serving as president of the Missouri Peace Officers Association, the Law Enforcement Officials of St. Louis County, the FBI National Academy Associates (Graduates) Eastern District of Missouri as well as the National association. He has also served as Chairman of the Board of Governors for Law enforcement of St. Louis, and is a past member of the Executive Committee of the International Association of Chiefs of Police. Chief Linza currently serves as a member of the Board of Managers St. Louis County and Municipal Police Academy, and serves on the Board of the Missouri Police Chiefs.

Not only has he distinguished himself with an impressive career in law enforcement, Chief Linza has been a leader in his community as well. As part of his outreach to his community he has worked as a member and president of a variety of community groups including Kirkwood Rotary Club, Kirkwood Area Chamber of Commerce, the Pioneer Boosters, and is a graduate and member of the Leadership St. Louis Program.

Chief Linza has been a life long resident of St. Louis and a devout member of the Church of the Nazarene. He and his wife, Sharon, have five children and they are also blessed with five grandsons.

Mr. Speaker, I hope you will join me in congratulating and thanking Chief Linza for his service to his fellow officers, his community, and his family. He is truly a great leader, mentor, and citizen.

HONORING DR. RACHAKONDA D. PRABHU

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Ms. BERKLEY. Mr. Speaker, I rise today to honor one of Las Vegas' most outstanding physicians and community leaders, Dr. Rachakonda D. Prabhu, on the occasion of his knighthood by the Order of St. John, a leading ecumenical organization that provides charity worldwide and whose members are descendants of royalty and nobility. Born in Andhra Pradesh, Dr. Prabhu is the first Asian American to receive this prestigious honor.

Dr. Prabhu earned this high honor because of his dedication to the field of medicine. Among his numerous contributions, Dr. Prabhu is, most notably, the founder of the Lung Institute of Nevada. In addition, Dr. Prabhu has operated a successful private practice for the past twenty years and has served as assistant professor of medicine at the University of Nevada School of Medicine. He is also a fellow of the Society of Critical Care Medicine and serves on the government liaison committee of the American College of Chest Physicians.

Over the years, Dr. Prabhu has also proven a tireless advocate of the sick and leader in the community by offering free health clinics in various parts of Southern Nevada. He is truly a hero to many in my district.

I am pleased to report that on April 16, 1999, the honor of knighthood was bestowed on Dr. Prabhu by Prince Henri Constantine Paleologo of Cannes, France, the Imperial and Royal Highness of the Order. The ceremony took place at the order's annual Imperial Byzantine Ball in the Montego Room of the Mirage Hotel in Las Vegas.

At this time, I ask my colleagues to join me in honoring this extraordinary American who sets the standard for civic virtue, not only in Las Vegas, Nevada but throughout our Nation.

A TRIBUTE TO TOM PARKER, MILWAUKEE COUNTY LABOR COUNCIL

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. KLECZKA. Mr. Speaker, I rise today to recognize Mr. Tom Parker, who is retiring after serving as president of the Milwaukee County Labor Council for over 20 years.

Tom has spent his career fighting for the rights of working people, first as secretary-treasurer of Machinists Lodge 66 and then as president of the Labor Council. He has long been a strong and effective voice on behalf of Milwaukee's working men and women. Tom's leadership and dedication to the labor movement will be sorely missed by all who have had the pleasure of working with him.

But Tom's service to the community has extended well beyond his position at the Labor Council. Through the years, he has diligently given of his time and talents to a wide variety of boards and commissions in our city, county and in our state.

Even as he retires, Tom continues to work to make the community he loves an even better place to live and work. He has asked that any contributions to a recognition dinner in his honor be given to fund an industrial machine shop at the new Lynde and Harry Bradley Technology and Trade School in Milwaukee. These contributions will help ensure that our community will have the skilled labor force it needs for generations to come.

And so it is my great pleasure to join with Tom's family, co-workers and friends in wishing him a long and happy retirement. Congratulations, Tom!

TRIBUTE TO THREE MISSOURI PHYSICIANS: DR. GREGORY GUNN, DR. RAY LYLE, AND DR. RUTH KAUFFMAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. SKELTON. Mr. Speaker, let me take this opportunity to pay tribute to three excellent physicians who have devoted most of

their lives to healing. These dedicated doctors practiced together at the Gunn Clinic in Versailles, Missouri for over forty years.

Dr. Jack Gunn is a fourth generation physician extremely passionate about his work. He was a true pioneer in his field, in a time when there were few medical specialists. Dr. Gunn made house calls around the state and performed difficult surgeries when internal medicine was still a largely unexplored territory. This exemplary citizen thrived on working long hours, and his shifts often lasted 36 hours, with only 12 hours off. Additionally, Dr. Gunn served as the coroner of Morgan County for 16 years. He continues to be fascinated by the world of medicine and loves the daily challenges it presents him. Dr. Gunn and his wife Glenda married eight years ago. He has five children.

Dr. Ray Lyle served at the Gunn Clinic from August, 1952 until his retirement on August 31, 1995. As a family physician, Dr. Lyle treated patients of all ages with consistent kindness and compassion. His exceptional accomplishments are publically recognized by the medical community, and Dr. Lyle has served as a member and fellow of the American Academy of Family Physicians, as a Diplomat of the American Board of Family Physicians, and as President of the Missouri Academy of Family Physicians. As well as a competent physician, Dr. Lyle has been an active participant in the affairs of his community, contributing to such organizations as the Boy Scouts, the Morgan County School Board, and the medical corps of the United States Naval Reserves. Dr. Lyle is a formidable citizen who has well served the city of Versailles and the Morgan County Community.

Dr. Ruth Kauffman contributed overwhelmingly to to Gunn Clinic for over forty years.

PERSONAL EXPLANATION

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. THOMAS. Mr. Speaker, I was not present for the vote on final passage of H.R. 435, Miscellaneous Trade and Technical Corrections Act. If I had been present I would have voted ''aye''.

CONGRATULATING EXCEPTIONAL PARENTS UNLIMITED OF FRESNO

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Exceptional Parents Unlimited of Fresno for receiving the Daily Points of Light Award from the Points of Light Foundation in Washington, D.C. The Points of Light Foundation, established by President George Bush, recognizes individuals and groups that give service to their communities.

Exceptional Parents was founded 22 years ago by registered nurse Marion Karian, who still runs the organization today. It began as a support group at University Medical Center of Fresno, California, for parents of children with Down Syndrome, and has grown into a large, non-profit organization, which serves the family members of children with special needs. Marion states, ''When there is a child with disabilities it affects the whole family. Our approach is to help the whole family.''

The heart of the organization's program is providing support, education and advocacy assistance to families of disabled children, including siblings and grandparents. An early-intervention program targets families with children up to three years of age. It offers developmental assessments and assistance including occupational therapy, physical therapy and speech therapy. It enhances the development of infants and toddlers with disabling conditions and minimizes their potential for development, delays. There is also a Family Resource Network which provides multicultural parent training and information, a Safe and Healthy Family program and Child Abuse Prevention services which is one in seven in the state, funded by the Department of Social Services. All of these services are free to the public.

''We can give out lots of technical information, and we do,'' says Marion, ''but what parents can do for other parents is empowering. When a new parent gets together with an experienced parent and finds out he is not in isolation, not alone, they connect. We strengthen families and enable them to handle their own situations, that is the thread of who and what we are.''

Mr. Speaker, I rise today to congratulate Exceptional Parents Unlimited for receiving the Daily Points of Light Award. The service of emotional and educational empowerment is invaluable to families of disabled children. I urge my colleagues to join me in wishing this organization many years of continued success and service to their community.

THE IMPORTANCE OF FOOD SAFETY

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Ms. ESHOO. Mr. Speaker, I'm proud to rise today in support of improving the safety of foods which are imported into our country by introducing the Imported Food Safety Improvement Act of 1999. It's vital that we pass this bill into law this year, and I'm proud to lead the effort in the House of Representatives.

We must act now to improve our food safety system so we don't face the health problems we've seen over the past several years caused by unsafe imported food. In 1987, the FDA recalled soft cheese from France after a pathogen was found that could cause miscarriages and sometimes death. In 19989, canned mushrooms from China caused four outbreaks of a form of food poisoning that can be fatal. In 1996, Guatemalan raspberries infected 7,000 people with an intestinal parasite that caused sickness. In 1997, 180 school children were infected with Hepatitis ''A'' in 1997, after eating strawberries imported from Mexico.

According to the FDA, all these incidents could have been prevented had the Imported Food Safety Improvement Act been law. Public health experts estimate that foodborne pathogens kill 9,000 people every year and cause illness in up to 33 million. And the problem is getting worse.

HHS officials project that the reported incidences of foodborne disease will increase 10-5 percent during the next decade at a cost of up to $35 billion a year in health-care costs and losses in productivity.

In 1998, a GAO study confirmed that, under the current food safety system, the Federal Government can't ensure that imported foods are safe for consumption. While the volume of imported food has doubled over the last five years, the number of FDA inspections has decreased during the same time period. The result is that the FDA is able to inspect less than 2 percent of all imported food. We're losing the battle against foodborne illness. The Imported Food Safety Improvement Act gives the FDA the authority to ban food from countries or importers that have a history of importing contaminated food.

The Act establishes an equivalency authority which requires that food offered for import to the U.S. be produced, prepared, packed, or held under systems that provide the same level of protection as the United States. This bill lays out the criteria for when the FDA can deny a food import and makes clear that denial cannot violate any current trade laws. By establishing this health-based standard, we can both ensure the safety of imported foods and make certain that producers and importers from foreign nations receive fair treatment for their product.

Passage of the Imported Food Safety Improvement Act will give FDA the ability to prevent illness, inform health officials and the public, and enforce food-safety laws so that the American people can be confident that what they put on their kitchen tables won't make them sick.

IN HONOR OF THE LATE ARNOLD LLOYD GLADSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. McINNIS. Mr. Speaker, it is with great sadness that I now take this moment to recognize the remarkable life and significant achievements of one of Colorado's great war heroes, Arnold Lloyd Gladson. Tragically, Lloyd Gladson died of emphysema on May 3, 1999. While family, friends, and colleagues remember the truly exceptional life of Lloyd Gladson, I, too, would like to pay tribute to this remarkable man.

Arnold Lloyd Gladson was a forty-four year resident of Durango, Colorado, and a twenty-six year retiree of The Durango Herald, Gladson was a respected citizen of Colorado. He was a participant in his community as president of the Rotary Club in 1960, and he also served on the city of Durango's city charter commission. Lloyd was the president of the Junior Chamber of Commerce, and commander of the Trujillo-Sheets Post 28 of the American Legion of Durango.

Aside from all of his accomplishments in Durango, Lloyd's most accredited accomplishments came earlier in life, when he enlisted at age twenty with the Marine Corps. A corporal in the Marine Corps during World War II, Gladson fought bravely and was part of the

first assault wave on Red Beach in Tarawa. Surviving one of the bloodiest battles in Marine Corps history, Lloyd Gladson earned the Purple Heart, and many other medals too numerous to mention.

Although his professional accomplishments will long be remembered and admired, most who knew him well will remember Lloyd Gladson, above all else, as a friend. It is clear the multitude of those who have come to know Lloyd as friend, will mourn his absence. However, Mr. Speaker, I am confident that, in spite of this profound loss, the family and friends of Arnold Lloyd Gladson can take solace in the knowledge that each is a better person for having known him.

IN RECOGNITION OF LOUIS ''BOB'' TRINCHERO

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. THOMPSON of California. Mr. Speaker, I am pleased today to recognize Louis ''Bob'' Trinchero, of St. Helena, California, who on June 9th will be presented the Anti-Defamation League's (ADL) 1999 Wine and Restaurant Industry Achievement Award in San Francisco.

For many years, Bob Trinchero has been a respected leader, both in the Napa Valley community as well as in our nation's wine industry. As a native St. Helenan, I am extremely proud of my good friend's outstanding accomplishments.

Bob Trinchero, chairman and chief operating officer of Sutter Home Winery, started as a teenager at the family business washing wine barrels and shoveling grape pomace. After returning from service in the Air Force in 1958, he built the winery up from a ''real mom and pop operation'' to America's leading varietal wine producer. Today, he supervises all aspects of Sutter Home's operations, with particular emphasis on vineyard development and wine production.

A past president of the Napa Valley Vintners Association and member of the Wine Institute board of directors, Bob is active in industry affairs and is often consulted by other vintners and the media for his commonsense analysis of important industry issues. He has made significant contributions in many areas of our community, including but certainly not limited to his efforts to improve health care services and affordable housing for farm workers.

Mr. Speaker, I believe it is fitting and appropriate to honor the lifetime of service Bob Trinchero has given to his community, his state and his nation. Undoubtedly, there are many families in Napa County who are thankful each day for his tremendous work and generosity. Napa County is a prosperous community and its residents can point to Bob Trinchero's service as one reason for this prosperity.

The ADL is a leading civil rights and human relations organization dedicated to combating prejudice, bigotry and discrimination, defending democratic ideals and safeguarding human rights. The ADL's 1999 Wine and Restaurant Industry Achievement Award is presented to individuals who have distinguished themselves by demonstrating the highest values of corporate, civic and communal leadership.

Mr. Speaker, ADL could not have selected a more worthy recipient of this award. I would like to personally commend Louis ''Bob'' Trinchero on his dedication and meritorious service to our community and our nation. I congratulate him on being presented the ADL's 1999 Wine and Restaurant Industry Achievement Award.

HONORING THE MEMORY OF WALTER B. STOVALL

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. GREEN of Texas. Mr. Speaker, I rise today to pay tribute to Walter R. Stovall, who passed away on May 31, 1999. I ask all of my colleagues in Congress to join me in paying tribute to an outstanding individual. Walter Stovall was born on May 28, 1910, and was married for 64 years to Inez Kessler Stovall.

He is preceeded in death by his son, Walter Stovall, Jr. and is survived by a sister, Viona Kirby of Normangee, numerous nieces, nephews and devoted friends. Walter will be missed by many people.

In 1942, he enlisted in the U.S. Navy as one of the 1,000 Houston volunteers who replaced the crew of the sunken U.S.S. *Houston*. After his distinguished career in the U.S. Navy, Walter went to work for the FMC Corporation. He retired after 42 years of committed service.

As a dedicated Christian layman, Walter Stovall participated actively in the life of Memorial Baptist Church. He was a member of this church for 51 years, serving as its treasurer for 39 years. His devotion and morals are an inspiration to us all.

Walter was also an energetic and vital member of the Aldine community, where he served on the Board of Trustees of the Aldine Independent School District for 22 years. He was also active in the Boys Scouts of America and the Aldine Civic Club.

For years, the Aldine community benefited from the wisdom and dedication of Walter Stovall. I am certain that the strength of the community would not be what it is without Mr. Stovall's years of service, and I am confident that his legacy will continue for years to come. We will miss him, but we feel fortunate for having known him.

IN MEMORY OF FIREFIGHTER ANTHONY PHILLIPS, ENGINE COMPANY NO. 10, NATION'S CAPITAL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Ms. NORTON. Mr. Speaker, in my conversation with Lysa Phillips, the very young widow of Firefighter Anthony Phillips, I have been struck by her personal strength and her inner peace. I have deeply admired how she has drawn on the strong bond and deep love she and Firefighter Phillips shared and the extraordinary devotion that Firefighter Phillips had for his children, his family, and his work. So strong was his love for his family, his God, and his work that his love has made Lysa and his family especially strong.

Again and again, we are told that Firefighter Phillips loved his work. We are indebted to brave young firefighters, like Firefighter Phillips, who love their work and who, unlike us, neither fear nor shun danger, but rush to conquer it. We give thanks for the young, loving life of Anthony Phillips and we honor him for his courage and his sacrifice.

In remembering Firefighter Phillips, we are especially mindful of the men and women of the Department he has left behind to carry on his work of confronting danger whenever and wherever it appears. To properly remember Firefighter Anthony Phillips is to remember the members of the District of Columbia Fire Department and their indispensable mission, the debt we owe him, and the debt we owe them.

SUGAR FARMERS DESERVE A HAND—NOT A SLAP IN THE FACE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. BONIOR. Mr. Speaker, every morning when we wake up each of us have certain routines; we have our coffee with sugar and cream; we eat a bowl of cereal; or perhaps a piece of toast with jam; things we enjoy, but put little thought into from where the food came.

However, one thing is clear—without sugar farmers that coffee would be a little bitter and that cereal and toast would be a little bland.

American sugar farmers are among the most efficient in the world—and with a level playing field in the global market would easily provide the best value.

Foreign governments, however, heavily subsidize their sugar industry to the point where our farmers need stability to compete.

But what do some of our colleagues try to do year after year? There seems to be an annual attempt to knock out the modest safety net we put into place in the 1996 farm bill to ensure our sugar growers have a chance.

In fact, it's hard to believe that the modest loan program we put into place would face such repeated attacks.

The loan program operates at no net cost to the government.

It simply gives some assurance to our sugar growers and their families that they will have some stability and be able to meet their financial commitments.

At a time when the U.S. farm economy is in its worst shape in decades, the least we can do is honor the commitments we've already made to our farm families.

In the 1996 farm bill, we made a seven-year obligation to our sugar farmers. We need to keep that promise.

That is why I oppose efforts to weaken the sugar loan program, and I urge my colleagues to do so as well.

INTRODUCTION OF THE STOP TAKING AIM AT OUR KIDS STUDY BILL

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. MARKEY. Mr. Speaker, I rise today to introduce legislation which would require a

federal investigation of the marketing practices of the firearms industry. Specifically, my legislation, the Stop Taking Aim at Our Kids Study Bill, would require the Department of Justice and the Federal Trade Commission to work together to fully examine gun manufacturers' marketing efforts towards children.

As evidenced by the recent school shootings in Littleton, Jonesboro, and Springfield, children and firearms can produce a deadly combination. Gunshot wounds are the second leading cause of death among youngsters nationwide—second only to automobile accidents. Every year 4600 children are killed by gun fire, and each day 13 children are gunned down in America. That is the equivalent of one Columbine High School tragedy every day. Sadly, these numbers are rising.

To effectively combat this dramatic and disturbing rise in gun violence among our children, we must first understand the factors contributing to our culture of violence. We must examine the role the media and the entertainment industry play in glamorizing gun violence, we must analyze the availability of guns to children, we must evaluate the role parents play in teaching their children about gun safety, and we must investigate the firearms industry's targeting of children.

My legislation would take the important first step of combating youth violence by directing the Attorney General and the Federal Trade Commissioner to look at the marketing practices of gun manufacturers towards children. While some firearms manufacturers have worked responsibly with their customers to educate them about the importance of using guns safely when near young children, others have unscrupulously identified young children as an important consumer group and targeted them with little thought to the social consequences of their actions. Advertisements for children's guns which herald the importance of ''Starting 'em young'' and encourage kids to buy guns that ''will make them stand out in a crowd'' need to be closely examined.

This legislation is not a panacea. I do not pretend that this bill will solve our nation's problems of youth gun violence. It will, however, begin an important dialogue about firearms manufacturers' and marketers' contribution to the high incidence of gun violence and gun death among our nation's children. By identifying those who carelessly target our children for profit, my bill will hold the firearms industry responsible for its actions. I hope that the House will act swiftly to adopt this important bill.

HONORING VFW POST #582

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. KILDEE. Mr. Speaker, it is an honor for me to rise before you today to pay tribute to the Veterans of Foreign Wars. One hundred years ago, when the United States Army came back from the war in the Philippines, the survivors formed the Veterans of Foreign Wars. On June 12, VFW Post #582, located in Ortonville, Michigan, will join the celebration of preserving democracy by dedicating a stone monument to honor the many men and women who gave much to protect freedom.

Throughout Ortonville, as well as Oakland County, the members of VFW Post #582 are known as staunch community leaders. Year after year they provide a tremendous public service by organizing community blood drives, as well as food drives for the homeless and underprivileged. Post members have frequently contributed their time at various area hospitals, and have also provided a support network for each other, relying on each other as friends, colleagues, and fellow soldiers for support and advice.

Mr. Speaker, it is with great pride that I stand before you today, asking you and my colleagues in the 106th Congress to honor the Veterans of Foreign Wars, and VFW Post #582. For an entire century, they have stood firmly to their commitment to this nation. Their dedication to protecting and promoting the enhancement of human dignity of all Americans serves as inspiration to the entire country.

HONORING CONCHA HERNANDEZ GREENE

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. PACKARD. Mr. Speaker, I would like to pay tribute to one of my constituents, Concha Hernandez Greene, who recently received the Public Health Champion award. Ms. Greene is one of 13 Californians honored for spearheading local efforts to improve population health.

Ms. Greene has been extremely active in the Oceanside community. She has acted as a liaison to the Oceanside police department as well as implementing a community policing service that encourages residents to make their neighborhoods safer. Furthermore, Ms. Greene serves as the chairperson of Eastside United Community Action. This community group is a grassroots organization that provides a variety of language classes and health services such as nutrition, tuberculosis, and diabetes checks.

Ms. Greene has dedicated her life to the health and improvement of our community and her tireless efforts have not gone unnoticed. Her work epitomizes the values of good citizenship and her accomplishments are reflected in the enhanced quality of life in Oceanside, California.

Mr. Speaker, I would like to congratulate Ms. Greene on receiving the Public Health Champion award, and thank her for her selfless efforts.

A LIFETIME ACHIEVEMENT TRIBUTE TO FRANK HIDALGO

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. PASTOR. Mr. Speaker, I rise before you today to proudly bring tribute to a fellow Arizonan and someone I am proud to call my friend, Mr. Frank Hidalgo. I am calling your attention to Frank's accomplishments in light of an award he recently received from Chicanos Por La Causa, Inc., (CPLC), a well-respected nonprofit organization in Arizona that has long advocated for the Latino community. Frank was recently presented with CPLC's Lifetime Achievement Award for his lifelong dedication to promoting higher education in the Hispanic and Chicano community.

The 1999 Lifetime Achievement Award was established to honor an extraordinary individual who has dedicated his/her life to serving the Latino community. This award not only recognizes the personal and professional accomplishments of the individual, but also their altruistic contributions to the advancement of the Hispanic and Chicano community.

Frank, a native Arizonan, began his career as a junior high school teacher, and later served as the Director of the Phoenix Job Corps. In 1984, Frank was hired by Arizona State University (ASU) to serve as Director of Community Relations. Under his direction, Frank has been responsible for coordinating the ASU Hispanic Convocation, an inspirational graduation ceremony for Hispanics. Each year an estimated 300 graduates take part in each Spring and Fall ceremony and over 3,000 proud family members and friends are in attendance. This year marked the 16th anniversary of the ASU Hispanic Convocation. It has become one of the Valley's most significant and motivating ceremonies involving Latinos, recognizing both individual scholastic achievement and the collective progress of the Latino community in higher education. The television broadcast of the ceremony on the local Univision and PBS stations has become a traditional viewing event for Latino families hoping to encourage young people to pursue higher education.

Frank also administers the ASU Cesar E. Chavez Leadership Institute. This program brings Arizona Hispanic high school students to the ASU campus for a week of intensive leadership training by respected community and university leaders. The program teaches valuable leadership skills that students can use to improve their communities, as well as gives them the opportunity to learn about the importance of higher education. Since 1995, more than 200 students have participated in this exceptional leadership program.

In addition to the tremendous work Frank does for youth, he serves on a number of boards and committees such as the Rio Salado Committee, CPLC Board of Directors, the City of Phoenix Police Department Advisory Board Committee, the KPNX Channel 12 Minority Advisory Committee, the National Community for Latino Leadership and the Boy Scouts of America.

Mr. Speaker, Frank Hidalgo is an exemplary leader and a profoundly committed individual who is a true role model for the nation. He has dedicated more than forty years to the advancement of higher education for Hispanic youth. I sincerely appreciate this opportunity to honor Frank Hidalgo and his four decades of contributions to Arizona.

TOM AND IRENE WOOD CELEBRATE THEIR 68TH WEDDING ANNIVERSARY

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. BARR of Georgia. Mr. Speaker, it is my distinct honor today to recognize two citizens

in my district who have made their lives a model of commitment for all of us. Those people are Tom and Irene Ward of Winston, Georgia, who celebrated their 68th wedding anniversary on Sunday, May 30th, 1999.

In a time when traditional family values are under attack across our culture, Tom and Irene's example of steadfast devotion is an inspiration. I wish them all the best on the ocassion of their anniversary, and I hope they will enjoy many more years of happiness together.

GRADUATION SPEECH OF LAUREN SECATOVE ON RESPONSIBILITY

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Ms. SLAUGHTER. Mr. Speaker, all Americans, including members of Congress have been saddened and frightened by the violence occurring in our schools. Just yesterday, a bomb was found in a school in rural upstate New York.

On June 6, I had the marvelous experience of hearing a graduation speech given at Apponequet Regional High School in Freetown, MA, by Lauren Secatove, my granddaughter.

Her thoughts on responsibility were so moving that I should like to share them.

SPEECH BY LAUREN SECATOVE, JUNE 6, 1999, APPONEQUET, MAINE REGIONAL HIGH SCHOOL

Good afternoon, friends, family, teachers, and members of the class of 1999. Welcome to the last day of our childhood and the first day of the rest of our lives. Needless to say, June 6th, 1999 will forever be a turning point for each of us. It seems trite to refer to a day as a point of turning, and the mere concept evokes confusion. To where, to whom, into what do we turn? We have come to an intersection with no signs, our pasts beeping loudly at us, and a foggy road ahead. Some of us are struggling wildly to go into reverse, which in life is utterly impossible. We are hesitantly facing our future, an unnerving task for we know not what the future holds. But take comfort; the beauty of the future lies not in its planning, but in its spontaneous creation.

Do not look feverishly ahead, as if you were trying to turn to the last page of a book, for each one of us has the same ending, the same last sentence. And actually our beginnings are quite similar. Today we find ourselves all at the same point, in the same place, even wearing the same thing.

So if our endings are the same, and our beginnings similar, it must be somewhere in the middle where we form ourselves. It must be this time where we define who we truly are, and what we are going to accomplish. This is no easy task. It is also a task that we must perform alone. As we work to complete this goal, we must always be conscious of three things; the responsibilities we hold to each other, to the world and to ourselves.

First; our responsibility to each other—

To live solely for oneself is not truly living. We must each make a commitment to do for others. We have lead a somewhat sheltered life up to this point. The world is very different from our small towns. Our differences are minute compared to the diversity we will soon encounter. While our small community gives us the opportunity to form close bonds, it also secludes us from the world. There are many different ways of living, feeling and thinking, no one better than another. Be proud of who you are, where you come from, and what you believe, but grant others that same pride. Also remember that equality is not a reality. There are millions of people who suffer daily, millions who need our help. Go through life with an open mind and outstretched arms. Learn how to tolerate and how to heal.

Next, our responsibility towards the world;

Today when we are handed our diplomas, we are also being handed the responsibility of the world. The burden and the glory of future events lie upon us. It is up to us to lead civilization forward. It is up to us to raise loving human beings. It is up to us to improve the lives of others on this earth. It is up to us to create our own individual happiness. It is up to us to encourage peace. It is up to us to prevent the students from Colorado from becoming the most infamous members of the class of 99. We can do better by doing good.

Each generation has had their own problems to solve and overcome. We are charged with carrying the world into the next millennium. Perhaps the coming millennium has given everyone an apocalyptic spirit, for many people do not believe that we are a capable or qualified generation. We are inundated with stories everyday covering the ''troubled youth of America'', a generation that is portrayed to be aimless and unproductive.

PROVE THEM WRONG

Every single one of us sitting here today has the ability to improve the world. Your diploma is your ticket, and your personal integrity your tool. Use them wisely and for benevolent purposes.

Face the challenge, accept it and exceed it.

Finally, regarding ourselves;

Although many people have aided us on our journeys, it is due to our self-determination that we are here today. It was of our own volition that we woke ourselves up each morning, excruciatingly early, to go to school. It was our personal fortitude that kept us up late at night to finish our English paper or to comfort our crying friend, both equally important duties. It was our own kindness that earned us the friendships that we made, and our own faults for letting go of the friendships we lost. It was our own courage that moved us to try out for the team, audition for a part, and to say those three words; I love you.

While many of our high school days seemed focused on mere survival, our goal for the future is now much higher; success. Potential means nothing in the real world. History books are not filled with people who had potential. Only the driven and determined people are remembered, only those who never compromised themselves, and those who stood up to opposition have changed the world.

Please be careful to not equate success to a paycheck. Success is not professional advancement, or the price of your car. *Success is going to bed content and waking up happy.* Success is living with your soul mate. Success is looking into the eyes of your child. Success is accepting yourself unconditionally. Success is having an ambition to become something great.

In closing, I would like to extend my congratulations to each member of the class of 1999, and wish you luck as you work to achieve success, and define yourselves.

May we all sleep contently. Sweet Dreams.

INTRODUCTION OF THE ''NUCLEAR DECOMMISSIONING FUNDS CLARIFICATION ACT''

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. WELLER. Mr. Speaker, I am pleased to join with my colleague, BEN CARDIN, to introduce ''The Nuclear Decommissioning Funds Clarification Act.'' The need for this legislation results from the emergence of a competitive electricity market out of a regulated environment. Because of this structural change, the tax treatment of nuclear decommissioning funds is not clear under current law.

Understanding that decommissioning a nuclear power plant represents a uniquely large and signficant financial undertaking for a utility, in 1984 Congress enacted ''Code section 468A'' which was designed to have public service commissions authorize that certain costs could be charged by an electric utility company to its customers to dedicate to a nuclear decommissioning fund (Fund).

In 1986, the Code was further amended to allow an electric utility company with a direct ownership interest in a nuclear power plant to elect to deduct contributions made to a nuclear decommissioning fund, subject to certain limitations. The Fund must be a segregated trust used exclusively for the payment of decommissioning (shutting down) costs of nuclear power plants. Decommissioning the nation's 110 nuclear power plants represents a large financial commitment—so large that nuclear plant owners accumulate the necessary funding over the plant's 40-year operating life.

As a result of Federal and state laws enacted since 1992, 21 states have approved plans to introduce competition, and all states are considering deregulation. Fifty-four nuclear power plants are located in 15 of the states that have undergone restructuring, more than half the nation's 103 operating plants. Under current law, deductible contributions made to a nuclear decommissioning fund (Fund) are based on limitations reflected in cost-of-service ratemaking. In a competitive market, companies will no longer operate in a regulated, cost-of-service environment and will not be able to deduct contributions to decommissioning funds. Therefore, it is appropriate to clarify the deductibility of nuclear decommissioning costs under market-based rates and to codify the definition of ''nuclear decommissioning costs'' that limit contributions to a Fund.

In addition, restructuring has brought regulatory and market forces to bear upon continued ownership of nuclear power plants. As more companies move away from the nuclear generation—either by chioce or state mandate—companies such as illinois Power in my home state are planning transfers and sales of nuclear power plants. These new business activities have triggered unforeseen tax consequences that, if not corrected, could force the early shutdown of nuclear units that cannot be sold. Hence, a number of nuclear power plants may be forced to shut down before their licenses expire, resulting in the loss of jobs and a reduction of energy supply.

Decommissioning nuclear power plants is an important health and safety issue. it is essential that monies are available to safely decommission the plant when it is retired. It is

also necessary, in many cases because of restructuring laws passed by states, to clarify the tax treatment for nuclear power plants that transfer ownership. I urge my colleagues to join with me in supporting this important bill.

COMMUNITY REINVESTMENT ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. LAFALCE. Mr. Speaker, the Community Reinvestment Act was created by the Congress in 1977 to combat discrimination by encouraging federally insured financial institutions to help meet the credit needs of the communities they serve. I am here today to report that the Community Reinvestment Act, or CRA, has been a tremendous success.

CRA's success results from the effective partnerships of municipal leaders, local development advocacy organizations, and community-minded financial institutions. Working together, the CRA has proven that local investment is not only good for business, but critical to improving the quality of life for low and moderate income residents in the communities financial institutions serve.

You will be hearing about other CRA success stories in the next few weeks. I want to applaud the financial services industry for their extraordinary record of meeting their CRA obligations—at present it is estimated that almost 98 percent of all financial institutions have achieved a satisfactory or better CRA compliance rating. In my own district, however, there are many instances of leadership. Today I focus on one of the CRA lending practices of KeyBank. KeyBank loans have led to the development of 138 units of low income senior housing, as well as permanent financing for a group home for the developmentally disabled. KeyBank participants in the Buffalo Neighborhood Housing Services Revolving Loan Fund, which enabled local Neighborhood Housing Service agencies to acquire and rehabilitate numerous vacant properties, and resell them to low and moderate income constituents in my district. CRA lending by KeyBank has also led to job growth. For example, KeyBank has worked with the Minority and Women owned loan program of Western New York to create pro-bono counseling and monitoring services to minority and women loan applicants during the pre-application and post-loan periods of a new business. In addition, CRA lending by KeyBank resulted in the construction and financing for a manufacturing facility which resulted in the retention of 50 jobs and the creation of an additional 50 jobs in Niagara County.

Mr. Speaker, I strongly support the Community Reinvestment Act and the success it has achieved in combating discrimination. I applaud our financial institutions for their strong compliance record and welcome their continued success.

IN HONOR OF VANCE C. SMITH, SR.

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. COLLINS. Mr. Speaker, I rise to honor a Georgia legend whose eighty year life encompassed all that it means to live the American dream. Vance C. Smith, Sr., born December 31, 1918, in Harris County, Georgia, to the late Shurley Sivell and Sallie Irvin Smith, will long be remembered for his devotion to family, community, and country.

On June 20, 1940, Mr. Smith married Reba Gray Simmons. In September 1943, he enlisted in the U.S. Navy and served with distinction until December 1945. During eighteen months on a Land Carrier Infantry boat in the Pacific, Mr. Smith was one of a handful to survive a Japanese suicide boat attack.

After World War II, Mr. Smith worked in the grocery business for four years, but then focused on his favorite business—the construction business. In 1951, Mr. Smith borrowed money to purchase a bulldozer, and the Vance Smith Construction Company was born. Over forty years later, the next generation of Smiths is still leading the family business.

Beyond the energy that went into maintaining a thriving business, Mr. Smith devoted much of his time to the community and helping others. He was a member and deacon of Pine Mountain First Baptist Church, a member of the Pine Mountain Chamber of Commerce, and a member of the Harris County Lion's Club. At one time he had not missed a Lion's Club meeting for a 25 year stretch. Mr. Smith was also a member of Chipley Lodge #40 F&AM, a past master, and a member of the Scottish Rite of Freemasonry.

Mr. Smith's community service also extended to political service. He served as a Harris County Commissioner from 1963 until 1966, at one time serving as chairman. In 1962, Mr. Smith was elected to the Pine Mountain Town Council, and served there for 33 years until his 1995 retirement.

Survived by his wife; daughter and son-in-law; son and daughter-in-law; five grandchildren; three sisters; and one brother, Vance Smith, Sr. fulfilled the life we all strive to live. Mr. Smith was successful in business, but his most meaningful contributions were those to his family and community. Mr. Smith's passing is a great loss to all, but his accomplishments and contributions will continue to be a blessing to those fortunate enough to have been touched by his life.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. BECERRA. Mr. Speaker, due to a commitment in my district on Monday, June 7, 1999, I was unable to cast my floor vote on rollcall numbers 167–169. The votes I missed include rollcall vote 167 on approving the Journal; rollcall vote 168 to suspend the rules and agree to the Senate amendment on H.R. 435, the Miscellaneous Trade and Technical Corrections Act; and rollcall vote 169 on the motion to suspend the rules and pass H.R. 1915, to provide grants to the States to improve the reporting of unidentified and missing persons.

Had I been present for the votes, I would have voted ''aye'' on rollcall votes 167, 168, and 169.

TEMPLETON ELEMENTARY SCHOOL—A NATIONAL BLUE RIBBON SCHOOL

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. WYNN. Mr. Speaker, I would like to commend Templeton Elementary School, located in my Congressional District in Riverside, Maryland, for being named a National Blue Ribbon School. Templeton Elementary has a diverse enrollment of approximately 750 students with just over 70% coming from low income households.

This Blue Ribbon Award bestowed upon Templeton Elementary School by the U.S. Department of Education is a tribute to the school's academic accomplishments. Working within the tenants that ''learning is valuable, respect is essential, communication is vital, consistent attendance is necessary, and teachers and parents must form a partnership to ensure student success,'' the students, parents and dedicated staff have demonstrated what is possible through their collective efforts.

Despite having a high percentage of children from low income homes and being within a school system with severe financial constraints, this school has excelled. Templeton serves as a model of the odds that can be overcome through both commitment and dedication.

WHITE HOUSE CONFERENCE ON MENTAL HEALTH

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. MCDERMOTT. Mr. Speaker, the following speech delivered at the White House Conference on Mental Health by the President of the Special Olympics, Mrs. Shriver, does an excellent job in describing the challenges faced by individuals that suffer from both psychiatric disorders and mental retardation.

I urge my colleagues to take the time to read this particularly informative speech.

MRS. SHRIVER'S STATEMENT FOR THE WHITE HOUSE CONFERENCE ON MENTAL HEALTH

It has been known for at least the last 25 years that individuals with mental retardation suffer from the full spectrum of psychiatric disorders—depression, schizophrenia, anxiety states and more. In fact, it is now estimated that as many as 30% of the individuals with mental retardation also have a coexisting mental illness, yet they remain one of the most underserved populations in the United States. These undiagnosed and untreated disorders prevent millions of people with mental retardation from leading productive lives.

Clinicians tell me that often emotional or aggressive outbursts are labeled normal behaviors for those with mental retardation

when serious depression or other psychiatric disorders may be present. Too often in these situations psychotropic medicines in large doses may be administered with unnecessary toxic side affects.

Let me tell one short story that exemplifies this unfortunate situation. A forty-year-old woman with moderate mental retardation in an institution in a state not far from here was very heavily sedated because of severe aggressive behavior. Because of one well-trained clinician this woman's life was completely turned around. he diagnosed her as having a bi-polar affective disorder and treated here with Lithium. Shortly thereafter, she returned to here community, obtained a job and is now a productive member of society in contact with family and friends.

Another unfortunate example is when a non-retarded child is hyperactive he is often diagnosed as having an attention deficit disorder and treated properly. but when a child with mental retardation is hyperactive that behavior is typically attributed to his mental retardation and not adequately diagnosed or treated. We do know that children with attention deficit were very very rarely included into ''Federal studies'' on attention deficit disorder.

What can we do to improve these dreadful situation?

First, all psychiatric training should include exposure to children and adults with mental retardation and the American Board of Psychiatry and Neurology should require such experiences for certification.

Secondly, most of us agree that the earlier treatment is started, the more effective it is. Therefore, when a young child with mental retardation attends primary grades and acts up that shouldn't be automatically attributed to his mental retardation. The child should be referred to the school psychologist for proper diagnosis and treatment.

To accomplish all these goals, basic and clinical research that can benefit people with mental retardation and mental illness should be a priority at the National Institute of Mental Health working cooperatively with the National Institute of Child Health and Human Development and mentally retarded must be included in new research.

Finally, we must remember that persons with mental retardation are finding their own voice, telling their own stories, reminding the world that they are not to be pitied nor neglected, but rather individuals with ideas and feelings and dreams for their future. They stand with us today announcing their abilities and proclaiming that their time has come. From the Special Olympics Movement I have seen over and over again their promise, their potential and their unbridled human spirit.

I am confident that this conference and Mrs. Gore's leadership will forcefully move us into the next millennium where the mental health needs of those with mental retardation will be fully studied and addressed. I look forward to hearing others' thoughts and comments on this critical issue.

I thank you for this opportunity to talk on behalf of these wonderful human beings.

PERSONAL EXPLANATION

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. EHRLICH. Mr. Speaker, I missed 3 recorded votes because I was unavoidably delayed on June 7. I missed rollcall vote numbers: 167 on approving the Journal; 168 (H.R. 435); and 169 (H.R. 1915). Had I been present I would have voted ''aye'' on each of the three votes.

PERSONAL EXPLANATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. OXLEY. Mr. Speaker, I was unavoidably absent from the House Chamber for rollcall votes held the evening of Monday, June 7th. Had I been present I would have voted ''yea'' on rollcall votes 167, 168, and 169.

GUN CRIME PROSECUTION ACT OF 1999

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. UDALL of New Mexico. Mr. Speaker, today, I along with Congresswoman McCARTHY and Congressman MOORE and other cosponsors introduce a bill that will put at least one Federal prosecutor in every State to focus upon prosecuting gun crimes.

There is no question that our nation is facing a growing scourge of gun violence that is holding an increasing number of our communities under siege. Crimes committed with firearms are among the most heinous, and should be prosecuted as quickly and forcefully as possible.

While the federal government has, in the past, approached the problem of gun violence by passing new federal laws and putting more cops on the beat, there is nothing that can be done to attack the problem if our prosecutors do not have the resources they need to enforce these existing laws.

Simply put, we must give them the resources they need to fully enforce existing gun laws. That is why we have introduced the Gun Crime Prosecution Act of 1999.

This legislation will give every United States Attorney for each judicial district an additional Assistant US Attorney position whose sole purpose would be the prosecution of crimes committed with a firearm. Specifically, each new prosecutor position would give priority to violent crimes and crimes committed by felons. By committing a full-time position within each US Attorney's office to prosecuting gun crimes, we will be giving our prosecutors the tools they need to enforce the laws that already exist in statute.

We hope you will join us in this effort by signing on to the Gun Crime Prosecution Act of 1999, and giving our prosecutors the help they need to make our communities safer.

The National Fraternal Order of Police endorses this bill. The National President, Mr. Gilbert Gallegos, states that this bill ''addresses a key component of crime control which has been overlooked in much of the debate about new firearms law—the need to provide the resources to prosecute offenders.''

Mr. Speaker, I ask my colleagues to support this bill.

FRATERNAL ORDER OF POLICE,
NATIONAL LEGISLATIVE PROGRAM,
Washington, DC, 27 May 1999

Hon. TOM UDALL,
U.S. House of Representatives, Washington, DC.

Dear CONGRESSMAN UDALL, I am writing on behalf of the 277,000 members of the National Fraternal Order of Police to advise you of our strong support of legislation you intend to introduce in the House of Representatives today.

The bill provides for an additional prosecutor in each U.S. Attorney's office who will devote his or her time exclusively to the prosecution of firearms crimes. Your legislation addresses a key component of crime control which has been overlooked in much of the debate about new firearms law—the need to provide the resources to prosecute offenders. We believe that a more vigorous prosecution of the laws already on the books will dramatically impact violent crime in our nation, and we further believe that this legislation will put our most dangerous criminals—those who use guns—behind bars.

I salute your leadership on this issue and want to thank you for reaching out to the Fraternal Order of Police on this issue. If there is anything we can do to help move this legislation, please do not hesitate to contact me or Executive Director Jim Pasco through my Washington office.

Sincerely,

GILBERT G. GALLEGOS,
National President.

SHELLEY KENNEDY: A POSITIVE INFLUENCE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. BARCIA. Mr. Speaker, our communities grow and succeed when there are strong leaders who have a sense of loyalty to the community. I rise today to pay tribute to one such person who made it her life's work to provide her students, who needed a helping hand with the tumultuousness of growing up, the extra attention and support to be able to succeed. I would like to commend Shelley Kennedy for her years of dedication and service to the thousands of young adults whose lives she has profoundly touched.

Shelley, a native of Pennsylvania, moved to Michigan to pursue a teaching degree at Michigan State University. She epitomizes the soul of caring and giving for youngsters and began her lifelong career of teaching children with special needs in the Detroit public schools. She moved to my hometown of Bay City, Michigan, in 1975 and continued her work of making a positive and tremendous impact on her students.

While teaching students at the Bay County Juvenile Home, she realized that many of her students returned to the home because they continuously engaged in the same troubling acts. In response, she and a colleague established Bay County's only charter school in 1986 to provide more individual attention to the students who needed extra guidance and encouragement to keep them focused on the importance of good education.

By lending a helping hand to the entire spectrum of students, from teenaged parents to juvenile offenders, Shelley Kennedy has given many students a new beginning and a new outlook on life. By teaching them these

important life skills necessary to succeed, she has provided a tremendous service to society as a whole. Her legacy is written in the students she supported and provided for, and that legacy is immeasurable.

She could not have made such a tremendous impact and achieved her great accomplishments without the support of her family including her loving husband, Brian, and her daughter Shannon. While Shelley has retired from teaching, she continues her steadfast mission to improve her community by remaining active with Hospice, the Literacy Council and numerous other nonprofit organizations.

Mr. Speaker, Shelley Kennedy has reached out to students with unique challenges and has motivated countless individuals to pursue a better and brighter future. We wish her all the best, and give her a heartfelt thank you. I ask you, and all of my colleagues, to join me in commending her outstanding accomplishments and wishing her all the best in the years ahead.

TRIBUTE TO JERRY DYER

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a man who was a dear friend of mine, Jerry Dyer.

Jerry was a devoted and loving husband, father, son, brother and friend. His love was unconditional, just because you were there. He had his priorities in order. He was a good businessman but he knew that was not at the top of the list.

He always greeted life and business with great good humor. He enriched every life he touched, especially children. Jerry was a good citizen, and it is appropriate that he was honored as ''Citizen of the Year'' by his community. It is the highest honor to be recognized by your friends and neighbors.

I will always remember two stories Jerry loved to tell on himself. One about a man in Gillett that he loaned some money to buy some cows. The man bought the cows and they got out of the pasture one night, onto the highway and were destroyed by a truck. The man come in the bank the next morning and walked into Jerry's office and said ''banker they done run over our collateral.'' Jerry just laughed his special chuckle and said ''well let's see what we can do.''

Jerry always worked hard to make his community a better place to live, work, and raise a family. We had been working together to improve main street in Gillett and one of the towns ''characters'' named ''Doc'' purchased a vacant lot right in the middle of the business section of the street and put a rather dilapidated trailer there. Then he took the bath tub out of the trailer and set it in the front yard. Every one that drove by saw this. Doc was in the bank one day and Jerry, in his diplomatic way said to Doc (part of Doc's charm was lack of personal hygiene) ;''Doc what are you going to do with your bath tub?'' Doc says, ''I need that space to store my spare tires in, but if I was going to take a bath, I would want a bigger tub than that.''

Again Jerry just laughed and started trying to improve things in another way.

My friend Jim Ed Wampler said it best and it is the way we describe our very best in the wonderful place we call home, ''he was a good man.''

I think that says it all.

HONORING MADELEINE APPEL

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. BENTSEN. Mr. Speaker, I rise to honor Madeleine Appel, who is this year's recipient of the Houston Chapter of The American Jewish Committee's Helene Susman Woman of Prominence Award. Helene Susman was a widowed mother of two who became the first woman from Texas admitted to the bar of the Supreme Court of the United States. When she died in 1978, she left a legacy of a commitment of Judaism, a belief in the importance of contributing to the community, and the need for individuals to act responsibly and with integrity at all times.

Madeleine Appel has demonstrated her commitment to her profession, community, and family in such a manner as to distinguish herself as a role model for other women to follow.

Madeleine Appel presently serves as Division Manager Administration in the City Controller's Office for the City of Houston. Her work experience with the City of Houston has included a number of positions: Administrator/Senior Council Aide, Mayor Pro-Tem Office Houston City Council from 1996–1997; Senior Council Aide, Houston City Council Member Eleanor Tinsley 1980–1995; and Administrator, Election Central, ICSA, Rice University.

She began her career as a journalist working as an Assistant Women's Editor and Reporter at The Corpus Christi Caller and Times. Additionally, she worked as the Women's Editor and Assistant Editor for The Insider's Newsletter and as a reporter for The Houston Chronicle where she won the ''Headliners Award.'' She received her B.A. from Smith College in political science and graduated Magna Cum Laude.

Madeleine Appel's community involvement includes Scenic America, League of Women Voters of Texas and the United States, Houston Achievement Place, Jewish Family Service, League of Women Voters of Houston, Houston Congregation for Reform Judaism, Houston Architecture Foundation, American Jewish Committee, City of Houston Affirmative Action Commission, and Leadership Houston Class XII.

Madeleine Appel has been married for 36 years to Dr. Michael F. Appel and she is the proud mother of two sons and two daughters-in-law.

Mr. Speaker, I congratulate Madeleine Appel for her service to her community and to Houston. She is the best of public servants and an inspiration to others who want to engage in public service.

A BILL TO PERMANENTLY EXTEND THE WORK OPPORTUNITY TAX CREDIT AND MAKE CERTAIN IMPROVEMENTS IN THE PROGRAM

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. HOUGHTON. Mr. Speaker, today I am joined by my colleague from New York, Mr. RANGEL, together with a number of other colleagues, in introducing our bill, The Work Opportunity Tax Credit Reform and Improvement Act of 1999. The bill would permanently extend the Work Opportunity Tax Credit and make other changes discussed below.

After a number of improvements over the past few years, the program is being well received in providing employment, with training, for our disadvantaged. We believe the WOTC and Welfare to Work Credit (WTWC) programs have been very important in helping individuals become employed and make the transition from welfare to work. Such training can be costly and the credits provide an incentive to employers to hire the disadvantaged and provide the needed training while offsetting costs associated with the latter effort.

Of course, many believe that the program would be even more successful if it could be extended indefinitely. Employers, both large and small, could depend on the program and would be more likely to seek out potentially qualified employees. That change would benefit everyone.

We have proposed several other changes in the bill which would streamline and simplify the program. First, the Welfare to Work Credit program would be merged into WOTC, by establishing an additional category for WTWC. The separate Section 51A for WTWC would be repealed.

The bill would also standardize the definition of wages based on the current law WTWC definition. This change broadens the definition by including benefits paid to the employee. The bill would also apply the same 40% credit rate for both the WOTC categories (first year wages of $6,000) and for the WTWC category (first and second year wages of $10,000) in the interests of simplification.

Lastly, the bill would add ''Section 501(c)(3)'' organizations as a qualifying employer. The credit would be treated as an offset against employment tax liabilities otherwise due. It is believed that these organizations could hire and train many of the disadvantaged, and the credit would provide an incentive for such organizations to seek out these individuals. This provision would add a new avenue for moving individuals from welfare to work. Because this is a new change to the program, even though included in proposed legislation in the past, it is being proposed as a three year pilot project. This period will allow a period of time to determine if this feature of the overall WOTC program is effective and produces the desired result.

We urge our colleagues to join us in cosponsoring this important legislation to extend and improve the Work Opportunity Tax Credit program.

PERSONAL EXPLANATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. WEINER. Mr. Speaker, on rollcall No. 167, had I been present, I would have voted ''yea.''

RECOGNIZING THE EFFORTS OF THE EMPLOYEES OF ROCKLAND COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to recognize the efforts of the employees of the Rockland County Environmental Management Council for their work and dedication in serving the people and communities of Rockland County.

In this spirit, the employees of the Rockland County Environmental Management Council will be celebrating their 25th anniversary on June 16, 1999. Over the past 25 years, they have received 16 awards, including 12 from the New York State Association of Environmental Management Councils, and 4 from the National Association of Counties. In 1997, the Council won the first place New York State Project/Plan Award for ''outstanding accomplishments in enhancing the quality of the environment in their community.''

For the past 25 years, the employees of the Rockland County Environmental Management Council have achieved many goals, ranging from sponsoring a public forum on water conservation to collaborating with the Rockland County Health Department on implementing a county noise ordinance. Their efforts to protect and preserve the environment include sponsoring a ''Sun Day'' (a regional conference on solar energy), coordinating the household hazardous waste collection project, serving on a county legislative subcommittee on recycling, and helping to prepare Rockland County's solid waste management plan.

The employees of the Rockland County Management Environmental Council have dedicated their lives to improving life within the Hudson Valley, and are to be commended for their outstanding efforts.

Accordingly, I invite my colleagues to join with me in thanking the employees of the Rockland County Environmental Management Council for their hard work and continued dedication to improving our quality of life.

COMMEMORATING THE 30TH ANNIVERSARY OF THE NEW JERSEY TENANTS ORGANIZATION

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. ROTHMAN. Mr. Speaker, I rise today to celebrate the 30th Anniversary of the New Jersey Tenants Organization (NJTO).

The NJTO was founded 30 years ago during an extreme housing shortage. Tenants in New Jersey faced unconscionable rent increases and had little protection from landlord abuse. Landlord-tenant laws at that time were very primitive and gave practically no protection to tenants. In fact, the only right afforded to tenants was the right of pay.

This situation compelled a group of concerned citizens to come together to form the NJTO to combat these conditions. Using strategies ranging from rent strikes to legal battles, the NJTO succeeded in getting the State of New Jersey to enact the State Retaliatory Eviction Law in its first year of existence. This crucial triumph was responsible for paving the way for a massive wave of state-wide tenant mobilization.

Over the past 30 years, the NJTO has grown into the oldest statewide tenants organization in the United States and can boast of being the driving force behind 18 major landlord-tenant laws. During this time, the NJTO's advocacy on behalf of New Jerseyans has resulted in the strongest legal protections for tenants throughout the entire country.

This year, the NJTO is counting among its honorees Arlene Glassman, a neighbor of mine from Fair Lawn, New Jersey and Bob Ryley of Jackson Township, New Jersey. Arlene has been a committed member of the NJTO for the past 20 years and has served on the Board of Directors since 1995. In Fair Lawn, she made a name for herself by successfully leading the effort to reduce the allowable rent and revise the rent ordinance. Thanks to her leadership, Fair Lawn's leaders and elected officials have a greater appreciation of the needs of the tenants in the town.

Bob Ryley will also be recognized for his work with the Mobil Home Owners Association of New Jersey (MHOA). Since joining the group in 1984, Bob obtained mobile home tenants the right of first refusal should the landlord decide to sell their park. In this era of political apathy, Bob has succeeded in his efforts to keep the MHOA's members actively involved on issues of concern to them.

Both Arlene and Bob will receive the NJTO's Ronald B. Atlas Award on June 27 for their years of service on behalf of New Jersey tenants. This prestigious award is the NJTO's way of articulating the organization's gratitude for all of the time and energy that Arlene and Bob have given to the group and I am proud to extend my congratulations to them today on the floor of the U.S. House of Representatives.

THE MULTIDISTRICT, MULTIPARTY, MULTIFORUM JURISDICTION ACT OF 1999

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. SENSENBRENNER. Mr. Speaker, I rise to introduce the ''Multidistrict, Multiparty, Multiforum Jurisdiction Act of 1999.'' The bill synthesizes the contents of two other measures I have authored, H.R. 1852 and H.R. 967.

Section 2 of my bill is identical to H.R. 1852, the ''Multidistrict Trial Jurisdiction Act of 1999,'' which I introduced on May 18 at the behest of the Administrative Office of the U.S. Courts, or the ''AO.'' The AO is concerned over a Supreme Court opinion, the so-called Lexecon case, pertaining to Section 1407 of Title 28 of the U.S. Code. This statute governs federal multidistrict litigation.

Under Section 1407, a Multidistrict Litigation Panel—a select group of seven federal judges picked by the Chief Justice—helps to consolidate lawsuits which share common questions of fact filed in more than one judicial district nationwide. Typically, these suits involve mass torts—a plane crash, for example—in which the plaintiffs are from many different states. All things considered, the panel attempts to identify the one district court nationwide which is best adept at adjudicating pretrial matters. The panel then remands individual cases back to the district where they were originally filed for trial unless they have been previously terminated.

For approximately 30 years, however, the district court selected by the panel to hear pretrial matters (the ''transferee court'') often invoked Section 1404(a) of Title 28 to retain jurisdiction for trial over all of the suits. This is a general venue statute that allows a district court to transfer a civil action to any other district or division where it may have been brought; in effect, the court selected by the panel simply transferred all of the cases to itself.

According to the AO, this process has worked well, since the transferee court was versed in the facts and law of the consolidated litigation. This is also the one court which could compel all parties to settle when appropriate.

The Lexecon decision alters the Section 1407 landscape. This was a 1998 defamation case brought by a consulting entity (Lexecon) against a law firm that had represented a plaintiff class in the Lincoln Savings and Loan litigation in Arizona. Lexecon had been joined as a defendant to the class action, which the Multidistrict Litigation Panel transferred to the District of Arizona. Before the pretrial proceedings were concluded, Lexecon reached a ''resolution'' with the plaintiffs, and the claims against the consulting entity were dismissed.

Lexecon then brought a defamation suit against the law firm in the Northern District for Illinois. The law firm moved under Section 1407 that the Multidistrict Litigation Panel empower the Arizona court which adjudicated the original S&L litigation to preside over the defamation suit. The panel agreed, and the Arizona transferee court subsequently invoked its jurisdiction pursuant to Section 104 to preside over a trial that the law firm eventually won. Lexecon appealed, but the Ninth Circuit affirmed the lower court decision.

The Supreme Court reversed, however, holding that Section 1407 explicitly requires a transferee court to remand all cases for trial back to the respective jurisdictions from which they were originally referred. In his opinion, Justice Souter observed that ''the floor of Congress'' was the proper venue to determine whether the practice of self-assignment under these conditions should continue.

Mr. Speaker, Section 2 of this legislation responds to Justice Souter's admonition. It would simply amend Section 1407 by explicitly allowing a transferee court to retain jurisdiction over referred cases for trial, or refer them to other districts, as it sees fit. This change makes sense in light of past judicial practice

under the Multidistrict Litigation statute. It obviously promotes judicial administrative efficiency.

Section 3 of the bill consists of the text of H.R. 967, the ''Multiparty, Multiforum Jurisdiction Act of 1999,'' which I introduced on March 3rd. This is a bill that the House of Representatives passed during the 101st and 102nd Congresses with Democratic majorities. The Committee on the Judiciary favorably reported this bill during the 103rd Congress, also under a Democratic majority, and just last term the House approved the legislation as Section 10 of H.R. 1252, the ''Judicial Reform Act.'' The Judicial Conference and the Department of Justice have supported this measure in the past.

Section 3 of the bill would bestow original jurisdiction on federal district courts in civil actions involving minimal diversity jurisdiction among adverse parties based on a single accident—like a plane or train crash—where at least 25 persons have either died or sustained injuries exceeding $50,000 per person. The transferee court would retain those cases for determination of liability and punitive damages, and would also determine the substantive law that would apply for liability and punitive damages. If liability is established, the transferee court would then remand the appropriate cases back to the federal and state courts from which they were referred for a determination of compensatory and actual damages.

Mr. Speaker, Section 3 will help to reduce litigation costs as well as the likelihood of forum shopping in mass tort cases. An effective one-time determination of punitive damages would eliminate multiple or inconsistent awards arising from multiforum litigation. At the same time, however, trial attorneys will have the opportunity to go before juries in their home states for compensatory and actual damages.

Mr. Speaker, I look forward to a hearing on this measure which will take place before the Subcommittee on Courts and Intellectual Property.

The legislation speaks to process, fairness, and judicial efficiency. It will not interfere with jury verdicts or compensation rates for litigators. I therefore urge my colleagues to support the Multidistrict, Mulitparty, Multiforum Jurisdiction Act of 1999 when it is reported to the House of Representatives for consideration.

TRIBUTE TO MAJOR GENERAL MORRIS JAMES BOYD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. SKELTON. Mr. Speaker, I wish to recognize the accomplishments of a truly outstanding individual, Major General Morris J. Boyd, U.S. Army. General Boyd will soon be completing his assignment as the Deputy Commanding General of III Corps and Fort Hood, which will bring to a close a long and distinguished career in the U.S. Army. It is a pleasure for me to recognize just a few of his many outstanding achievements.

General Boyd, a native of Oakland, California, entered the Army in April 1965. Upon graduation from Officer Candidate School in March 1966 as a Distinguished Military Graduate, he was commissioned as a second lieutenant in Field Artillery. He has served in a wide variety of Field Artillery and Aviation assignments in Infantry, Air Cavalry, Mechanized, and Armored Divisions. He has commanded at battery, battalion, and brigade levels and served as Deputy Commander, V Corps Artillery, Frankfurt, Germany, and as Assistant Division Commander of the 1st Infantry Division, Fort Riley, Kansas. Staff assignments have been at battalion through Department of the Army. His most recent staff tours include an assignment as Deputy Chief of Staff for Doctrine (Headquarters, U.S. Army Training and Doctrine Command), followed by assignment to Washington, DC, as the Army's Chief of Legislative Liaison. Major General Boyd's overseas tours include Greece and Germany; two combat tours in Vietnam, one as a field artilleryman, the other as an aviator; and one in Southwest Asia, where he commanded the 42nd Field Artillery Brigade as part of VII Corps, during Operation Desert Storm. General Boyd served a tour of duty at Fort Hood during 1971–1972 with 1st Battalion, 14th Field Artillery, 2d Armored Division, as Battalion S–3 and Battery Commander.

Major General Boyd holds Bachelor of Arts and Masters degrees in Business Administration. He is a graduate of the Field Artillery Officer Advanced Course, the Fixed Wing Aviator Course, the U.S. Army Command and General Staff College, and the U.S. Army War College. His awards include the Distinguished Service Medal, Legion of Merit with 3 Oak Leaf Clusters, Distinguished Flying Cross, Bronze Star Medal with Oak Leaf Cluster, Meritorious Service Medal with Oak Leaf Cluster, Air Medal (12th Award), Army Commendation Medal with 2 Oak Leaf Clusters, Army Achievement Medal, and the Vietnam Cross of Gallantry with Silver Star. He has also earned the Parachutist Badge, Senior Aviator Wings, and Army Staff Identification Badge.

Major General Boyd and his wife Maddie live at Fort Hood, Texas. They have one son, Ray, who resides in Phoenix, Arizona.

Mr. Speaker, General Boyd has devoted his life to preserve the peace that we enjoy. He is truly a great American and has served his country with honor and distinction. I wish him well in the days ahead and am proud to recognize his achievements today.

HONORING THE SLATEVILLE PRESBYTERIAN CHURCH ON ITS 150TH ANNIVERSARY

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. GOODLING. Mr. Speaker, I rise today to pay tribute to the Slateville Presbyterian Church on the occasion of its 150th Anniversary Celebration. I am pleased and proud to bring the history of this church to the attention of my colleagues.

The church, located in Delta, Pennsylvania, was founded in the summer of 1849. It was one of six churches that stemmed from the first Presbyterian Church west of the Susquehanna River in the southern region of York County, the Log Church in the Barrens. In its 150 years of existence, the church has been home to a tightly-woven community whose faith and fellowship are a source of inspiration in the area.

I send my sincere best wishes as the Slateville Presbyterian Church celebrates this milestone in its history, and hope that the new millennium will see this community prosper and be strengthened in its faith.

CONGRATULATING EXCEPTIONAL PARENTS UNLIMITED OF FRESNO

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Exceptional Parents Unlimited of Fresno for receiving the Daily Points of Light Award from the Points of Light Foundation in Washington, D.C. The Points of Light Foundation, established by President George Bush, recognizes individuals and groups that give service to their communities.

Exceptional Parents was founded 22 years ago by a registered nurse Marion Karian, who still runs the organization today. It began as a support group at University Medical Center of Fresno, California, for parents of children with Down Syndrome, and has grown into a large, non-profit organization, which serves the family members of children with special needs. Marion states, ''When there is a child with disabilities it affects the whole family. Our approach is to help the whole family.''

The heart of the organization's program is providing support, education and advocacy assistance to families of disabled children, including siblings and grandparents. An early-intervention program targets families with children up to three years of age. It offers developmental assessment and assistance including occupational therapy, physical therapy and speech therapy. It enhances the development of infants and toddlers with disabling conditions and minimizes their potential for developmental delays. There is also a Family Resource Network which provides multicultural parent training and information, a Safe and Healthy Families program and Child Abuse Prevention services which is one in seven in the state, funded by the Department of Social Services. All of these services are free to the public.

''We can give out lots of technical information, and we do,'' says Marion, ''but what parents can do for other parents is empowering. When a new parent gets together with an experienced parent and finds out he is not in isolation, not alone, they connect. We strengthen families and enables them to handle their own situations, that is the thread of who and what we are.''

Mr. Speaker, I rise today to congratulate Exceptional Parents Unlimited for receiving the Daily Points of Light Award. The service of emotional and educational empowerment is invaluable to families of disabled children. I urge my colleagues to join me in wishing this organization many years of continued success and service to their community.

THE HONORABLE BOB BADHAM'S 70TH BIRTHDAY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. PACKARD. Mr. Speaker, I would like to pay tribute to a remarkable man who is celebrating his 70th birthday today. The Honorable Bob Badham is a former colleague, a leader, and a friend.

Congressman Badham served 12 years in the U.S. House of Representatives before he retired in 1988. During my freshman term Bob helped me immensely through his advice and friendship. Today, I am honored to serve many of the constituents that live in parts of his former district.

Congressman Badham has an astute mind and was one of the most knowledgeable members the House Armed Services Committee has known. He was a senior member of the North Atlantic Assembly, which is the legislative arm of NATO, during some of the most crucial times since they were formed.

During Mr. Badham's tenure on the Armed Services Committee he was known on both sides of the aisle as an expert on military matters. He spent many hours evaluating weapons and systems for the benefit of his committee colleagues. Bob has been a valuable service to the defense of this great nation.

I would like to congratulate Bob on his 70th birthday. He has served this country with distinction. I wish him and his family all the best for the future.

A TRIBUTE TO JOHN DOUGHERTY RECIPIENT OF THE UNICO GOLD MEDAL

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor the recipient of the 1999 Unico Gold Medal of Achievement, John Dougherty. Unico is continuing its tradition of honoring outstanding Union Leaders with the prestigious Unico Gold Medal of Achievement Award. This year the Greater Philadelphia Chapter Unico has selected John Dougherty, Business Manager of Local 98, International Brotherhood of Electrical Workers.

John began his apprenticeship with Local Union 98, IBEW, in 1981. Active in many positions in the union, he was elected to the Electric Machinists Association in 1987 and in 1998 was unanimously elected to the local Union's Executive Board. In 1993, at the age of 33, John became the youngest Business Manager in the history of Local Union 98.

Since becoming Business Manager, John has given of himself tirelessly. Currently he is President of the Philadelphia Mechanical Trades Council, Vice President of the Philadelphia Building Trade Council, and Vice President of the Philadelphia AFL–CIO. John has been noted by the Philadelphia Business Journal as one of the ''Forty under Forty''. He sits on both the board of the Philadelphia Inter-Land Commission and the Penns Landing Corporation, and has been chosen to represent Mayor Rendell on the Mayor's Telecommunications Advisory Commission and also on the Airport Advisory Board.

In conclusion, it is with great pride that I rise to announce the presentation of the Unico Gold Medal of Achievement Award to John Dougherty, a man who exemplifies the Unico Motto ''Service Above All.''

INTRODUCTION OF MEDICARE MODERNIZATION NO. 10: THE PAPERLESS CLAIMS PROMOTION ACT OF 1999

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. STARK. Mr. Speaker, I am pleased to introduce the Medicare Paperless Claims Promotion Act of 1999, the 10th in a series of Medicare modernization bills designed to improve program administration and the quality of the health care for Medicare beneficiaries.

The Health Insurance Portability and Accountability Act of 1996 (HIPPA), included a number of administrative reforms for Medicare. The submission of electronic claims to Medicare instead of traditional paper claims is one of the main aspects of those administrative simplication efforts.

Currently, a large majority of providers submit their claims utilizing an electronic system. In fact, as of January 1998, about 96 percent of all Medicare Part A claims were submitted electronically while 80 percent of all Medicare Part B claims were submitted in electronic formats. These numbers have continued to increase in the past year.

While these numbers are commendable, the providers who have not yet begun to submit claims electronically are a real concern. Allowing paper claims to be submitted indefinitely will require duplicative systems that will create additional costs and inefficiencies for the Medicare system.

The Administration has responded to this situation by proposing that by the beginning of fiscal year 2000 (October 1, 1999), any claims not submitted electronically will be subject to an administrative fee of $1. Since that announcement, they have assumed an additional 6 month delay in implementation due to Y2K activities.

Unfortunately, however, such action is likely to have a disproportionate effect on smaller and rural providers that have been less aggressive in developing electronic information systems in their offices.

I understand that developing such systems is labor intensive and expensive. Therefore to accommodate those providers who have not yet developed the capability to submit paperless claims, my bill proposes that the administrative fees charged for claims submitted in paper format would become effective as of January 1, 2003.

In addition my bill would also grant the Secretary the power to waive the imposition of this administrative fee under certain circumstances, as she deems appropriate.

To facilitate the implementation of electronic submission, my bill would also require the Secretary to make public domain software readily available at no charge.

Converting to an all electronic claims system is a critical aspects of modernizing the Medicare program. In doing so, we must also be certain that we do not unfairly penalize providers in this process. My bill would allow providers ample time to get up to speed with the process prior to the imposition of administration fees for non-compliance.

The Paperless Claims Promotion Act of 1999 is the 10th in my series of Medicare modernizations. It is a sensible change to current law to move us an electronic filing system.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

SPEECH OF

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes:

Mr. WAMP. Mr. Chairman, I rise today out of concern regarding funding for the Food Contact Notification (FCN) program in H.R. 1906, the FY 2000 Agricultural, FDA and Related Agencies Appropriations bill. This program is new and provides for the expeditious review of new food contact substances. Food contact substances are products like plastic, paper, and aluminum wraps that are used as containers for food products.

It is not commonly known that these materials must be reviewed for their safety before being marketed, because they touch food products. As a result, the Food and Drug Administration Modernization Act of 1997 included FCN to reduce the time and cost involved in marketing a new food packaging material. Although FDA began the initial phase of setting up this program, with $500,000 designated for the program in FY 1999, the program cannot continue unless the Congress provides $3 million for FY 2000.

Mr. Chairman, this program is a terrific example of real regulatory reform—it reduces the agency's workload by streamlining regulation, reduces regulatory burdens on the plastics, paper, and aluminum industries, increases the potential for new and improved products to reach consumers, and does all these things without compromising public safety.

As you well know, the Congress is not able to fund every program and we have to make some very difficult choices. However, I believe it would unfortunate to let this good idea languish. While the Administration and the Appropriations Committee may prefer funding this program with user fees, discussion of such a proposal has not even begun. Even if agreement was near, it will be difficult to enact the authorization this year. As we move to Conference, I urge the Chairman and Ranking Member of the House Agricultural Appropriations Committee to seriously consider funding this program at the authorized level in the event that a fee system is not enacted in time for FY 2000.

WEAPONS LABORATORY SECURITY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. BEREUTER. Mr. Speaker, this Member would ask his colleagues to consider carefully the following editorial from the June 2, 1999, edition of the Omaha World-Herald, entitled ''A Price For Lost Secrets.'' It speaks to the need to establish accountability for the intolerable security which has prevailed at Department of Energy weapons laboratory facilities.

[From Omaha World-Herald, June 2, 1999]

A PRICE FOR LOST SECRETS

Clinton administration official Bill Richardson said recently it was time to stop ''looking for heads to roll'' in response to the administration's failure to combat Chinese spying at U.S. nuclear facilities. He is wrong. For too long, the administration has been hiding behind the bromide that it's petty, mean-spirited and counterproductive to assess blame for the illegal distribution of FBI files, the reception of illegal foreign campaign donations, and other mess-ups in this administration.

Richardson is secretary of the Energy Department which supervises nuclear research laboratories. Several years ago a career Energy intelligence officer began warning his Clinton-appointed supervisors that tax security, especially at the Los Alamos National Laboratory in New Mexico, was allowing China to steal nuclear secrets. The warning, initially dismissed by the Clintonites as alarmist nonsense, eventually was conveyed up the chain of command to key Cabinet members and the president. Still there was no meaningful response.

The Justice Department rejected the FBI's request for permission to conduct electronic surveillance of a scientist who now stands accused of transferring to China more than 1,000 classified files of nuclear secrets. Attorney General Janet Reno now is pointing fingers at subordinates, saying she was given bad advice.

It's good to see that pressure is building to the point that the attorney general is compelled to do the sort of scapegoating that Richardson wants to squelch. Reno ought to feel severe heat. If deputies did blow it and made Reno look bad, then they, too, ought to be seared in the crucible of public scrutiny.

The campaign for accountability ought to be applied across party lines. The current intelligence director at Energy said recently that Republican Richard Shelby, chairman of the Senate Intelligence Committee, never responded to the FBI's 1997 proposal for $12.5 billion worth of changes to fight nuclear spying. Shelby said that the committee already had begun working on counterintelligence measures in 1996 but that Energy ignored the Committee's recommendations.

Let debate continue on that and all other arguments about Chinese nuclear spying on American soil. This administration has bungled the most important duty of government—safeguarding the security of the nation. The people responsible ought to be exposed.

The Clinton administration, through the Democratic National Committee, received millions of illegal campaign dollars from Chinese sources while refusing to act on information that China was raiding the nuclear store. Corporations, that were major donors to the DNC were allowed to share prohibited technology with Chinese businesses as part of lucrative deals. And then there was Reno's thwarting of the FBI's pursuit of the suspected mole at Los Alamos. When will the president offer an explanation to rebut the evidence that something caused his administration to go out of its way to accommodate China?

Bring out the political guillotine.

TRIBUTE TO IVORY BROWN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. VISCLOSKY. Mr. Speaker, it is with the greatest pleasure that I pay tribute to an exceptionally dedicated, compassionate, and distinguished member of Indiana's First Congressional District, Mr. Ivory Brown, of Gary, Indiana. After teaching and coaching in the Gary Public School System for 41 years, Coach Ivory ''Ike'' Brown will retire on June 12, 1999. Upon completion of his last day, Mr. Brown will be honored at the Genesis Convention Center in Gary, Indiana, with a final, formal salute from his friends and colleagues for his service, effort, and dedication.

In 1954 Coach Brown graduated from Roosevelt High School in Gary, Indiana, and enrolled as an undergraduate at Wiley College. He began his graduate work at Indiana University, where he earned his Master's degree. Mr. Brown continued his education at Texas Southern University where he took advance courses.

An educator and coach for more than four decades in the Gary Community School Corporation, Ivory Brown's accomplishments in the classroom and on the court are shining examples of the pride and dedication he exhibited in his work. Mr. Brown began his teaching career with the Gary Community School Corporation in 1958 where he served as an elementary, middle, and high school teacher until 1968. From 1969–1972, he was a driver education specialist and in 1972 until his retirement, he served as a physical education instructor and head basketball coach at West Side High School.

From the beginning of his coaching career, Ivory Brown has served as an inspiration to thousands of students, fans, and players at West Side High School and throughout Northwest Indiana. Through his tireless efforts, he has assisted more than one hundred fifty high school athletes in their pursuit of higher education by helping them obtain college scholarships in basketball and track.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending Ivory ''Ike'' Brown for his lifetime of dedication, service, and leadership to the students and faculty of the Gary Community School Corporation, as well as the people of Northwest Indiana. Coach Brown's efforts as an educator and a basketball coach blended together to help kids make the most of their potential and earn their success in the world. Northwest Indiana's community has certainly been rewarded by the true service and uncompromising dedication displayed by Mr. Ivory Brown.

CONGRATULATIONS TO THE JEWISH COMMUNITY HOUSE OF BENSONHURST

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. WEINER. Mr. Speaker, I rise today to invite my colleagues to pay tribute to the Jewish Community House of Bensonhurst on the occasion of its 72nd Anniversary Celebration.

The members of the Jewish Community House of Bensonhurst have long been known for their commitment to community service and to enhancing the quality of life for all New York City residents.

This year's gathering is not only a festive happening, it is a chance for all of us to celebrate and pay tribute to a group of individuals who have dedicated their lives to helping others. This year's honorees truly represent the best of what our community has to offer.

Vic Damone, America's legendary vocalist and entertainer, is a Bensonhurst native and graduate of Lafayette High School. This year's recipient of the Coach Gold Alumni Achievement Award, Vic Damone has entertained audiences throughout the world and was recently presented with the prestigious Sammy Cahn Award by the Songwriters Hall of Fame. A JCH alumnus, Vic Damone remains friends with many JCH alumni including Larry King and Herb Cohen.

Gerry Farber, this year's recipient of the Joseph W. Press Humanitarian Award, has long been known as a supporter of early childhood education at the JCH. When the JCH needed support to renovate its nursery school in 1992, Gerry and his wife, Gail, were as there to help see it through. Recently, the Farbers created an endowment for the benefit of the JCH's early childhood programs. Gerry is a Bensonhurst native and an alumnus of the JCH and maintains close contact with fellow alums throughout the country. In 1975, Gerry joined the investment firm of Weiss, Peck & Greer and currently serves as the manager of its Farber-Weber Fund.

Each of this evening's honorees has long been known as innovators and beacons of good will to all those with whom they come into contact. Through their dedicated efforts, they have each helped to improve my constituents' quality of life. In recognition of their many accomplishments on behalf of my constituents, I offer my congratulations on their being honored by the Jewish Community Hour of Bensonhurst on the occasion of its 72nd anniversary celebration.

HONORING RUSSELL MAJOR

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. ROTHMAN. Mr. Speaker, I rise today to honor the memory of Russell Major.

Russell Major devoted every single waking moment to making Englewood, New Jersey a city that could boast of being a haven for all people, regardless of their race, color or ethnic background.

The countless hours that Russell spent organizing sit-ins and circulating petitions to

achieve this end were oriented particularly towards providing the children of Englewood with the opportunity to realize the American Dream. He rightly recognized that to deny a child an opportunity for a quality education is to deny that child a lifetime of opportunities.

Russell Major believed that every child should be educated in schools that are safe and well-maintained, schools that have access to advanced educational technology, and schools with classes that are small enough to facilitate the best teaching and learning.

On June 12, 1999, the Englewood Board of Education will be renaming the Liberty School after Russell Major. From now on, when the students walk into the Russell Major Liberty School on Tenafly Road, they will be walking into a school whose namesake embodies the values that they are being taught: tolerance, patience, fairness, vigilance, and excellence. These are the values that will help these young people realize the vision that Russell had for them and for all Americans, a vision that was grounded in family, community and education.

It was also a vision that enabled Russell Major to give of his heart, as much as he gave of his mind. And it was a vision that gained him the respect of every person who ever came into contact with him.

Russell Major fought to make the America he envisioned a reality for the people of Englewood and beyond. By renaming the Liberty School in Russell's memory, we are honoring his legacy and challenging future generations to continue his important work.

INTRODUCTION OF NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT ACT

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. SENSENBRENNER. Mr. Speaker, I rise today to introduce H.R. 2086 the Networking and Information Technology Research and Development Act of 1999. And I recommend that all my colleagues join with Science Committee Ranking Member GEORGE BROWN, Congressman TOM DAVIS and 23 other Republican and Democrat Members of the Science Committee in cosponsoring this important bipartisan research initiative.

Two decades ago, the changes wrought by information technology were unimaginable. The scope and scale of the changes produced by the explosion in information technology are comparable to those created during the Industrial Revolution of the 17th and 18th centuries. But whereas the Industrial Revolution ushered in the era of the machine—symbolized by the steam engine, the factory, and the captain of industry—the Information Revolution promises to create the era of the mind—symbolized by the silicon chip, the microprocessor, and the high-tech entrepreneur.

Today, the United States is the undisputed global leader in computing and communications, and a healthy information-technology industry is a critical component of U.S. economic and National security. The impact of information technology on the economy is telling. It represents one of the fastest growing sectors of the U.S. economy, growing at an annual rate of 12 percent between 1993 and 1997. Since 1992, businesses producing computers, semiconductors, software, and communications equipment have accounted for one-third of the economic growth in the U.S.

Fundamental information-technology research has played an essential role in fueling the Information Revolution and creating new industries and millions of new, high-paying jobs. But maintaining the Nation's global leadership in information technology will require keeping open the pipeline of new ideas, technologies, and innovations that flow from fundamental research. Although the private sector provides the lion's share of the research funding, its spending tends to focus on short-term, applied work. The Federal Government, therefore, has a critical role to play in supporting the long-term, basic research the private sector requires but is ill-suited to pursue.

However, as the Congressionally-chartered President's Information Technology Advisory Committee (PITAC) noted in its recent report, the emphasis of Federal information technology research programs in recent years has shifted from long-term, high-risk research to short-term, mission oriented research. This is a trend that began in 1986 but has accelerated over the last six years.

PITAC warned that current Federal support for fundamental research in information technology is inadequate to maintain the Nation's global leadership in this area, and it advocated a five-year initiative that would significantly increase basic-research funding. The Administration's response to the PITAC report is its Information Technology for the 21st Century proposal—IT^2. I believe this proposal, however well-intentioned, falls short of what PITAC envisioned. It does not, for example, commit the Administration to any funding increases beyond fiscal year 2000. In fact, according to the non-partisan Congressional Budget Office, the Administration's own figures show flat or declining budgets beyond next year for the IT^2 agencies, so any increasess in information technology research would have to come out of other important science programs, an untenable situation.

To address the issues raised in the PITAC report, I am introducing the Networking and Information Technology Research and Development Act today. This is a five-year bill that provides justifiable, sustainable, and realistic increase in information technology research. It authorizes for fiscal years 2000 through 2004 nearly $4.8 billion, almost doubling IT research funding from current level, at the six agencies under the Science Committee's jurisdiction: the National Science Foundation, the National Aeronautics and Space Administration, the Department of Energy, the National Institute of Standards and Technology, the National Oceanographic and Atmospheric Administration, and the Environmental Protection Agency.

This bill will fundamentally alter the way information technology research is supported and conducted. Its centerpiece is the Networking and Information Technology Research and Development program, which:

Limits grants to long-term basic research with priority given to research which helps address issues related to high-end computing, and software and network stability, fragility, security (including privacy) and scalability.

Requires all grants to be peer reviewed by panels that include private sector representatives.

Establishes 20 large grants of up to $1 million in FY 2000–2001; 30 large grants in FY 2002–2004.

Makes $40 million available for grants of up to $5 million for IT Centers (6 or more researchers collaborating on cross-disciplinary research issues) in FY 2000–2001; $45 million in FY 2002–2003; $50 million in FY 2004.

Provides $95 million to create for-credit private sector internship programs at two and four-year colleges and universities for IT students. To participate in the program, a company must commit to provide 50 percent of the cost of the internship program.

Authorizes a total of $385 million for new computer hardware for terascale computing, which will be allocated in an open competition by NSF. Awardees must agree to integrate with the existing Advanced Partnership for Advanced Computational Infrastructure program and give access to Networking and Information Technology Research and Development Act research grant recipients.

In addition, the bill authorizes $111 million through fiscal year 2002 for the completion of the Next Generation Internet program.

Another of the bill's provisions requires NSF to report to Congress on the availability of encryption technologies in foreign countries and how they compare with similar technologies subject to export restrictions in the United States. I believe that export controls on encryption are stifling development in this critical area, and I think this study will demonstrate that the current policy on encryption is self-defeating.

I also have included language in the bill to make the research tax credit permanent. For too long, businesses have been unable to plan for long-term research projects because of the annual guessing game surrounding the extension of the credit. To encourage capital formation, the credit must be a fixture in law instead of a perennial budget battle. As you know, there are a number of bills that expand the R&D tax credit, but I believe extending it permanently is a good start. Once that hurdle is cleared, we can then examine ways to improve it.

The Networking and Information Technology Research and Development Act of 1999 has been endorsed by both the Technology Network, a coalition of leading technology executives, and Ken Kennedy, the academic co-chair of the PITAC. It is a strong bipartisan bill, and I encourage all my House colleagues to support the measure.

TRIBUTE TO WHITEMAN AIR FORCE BASE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. SKELTON. Mr. Speaker, let me take this means to pay tribute to the men and women at Whiteman Air Force Base, Missouri, for their outstanding performance in Operation Allied Force.

Whiteman Air Force Base is the home of the 509th Bomb Wing, led by Brigadier General Leroy Barnidge, Jr. The men and women

of the 509th Bomb Wing flew their B–2 Stealth Bombers into harm's way for the first time during Operation Allied Force. The air crews, maintenance crews, and the bombers performed magnificently. The B–2 bomber demonstrated unparalleled strike capability, dropping nearly 20 percent of the precision ordnance while flying less than 3 percent of the attack sorties. They flew some of the longest combat missions in the history of the Air Force, a non-stop 31-hour sortie from Whiteman Air Force Base in Missouri to directly over the skies of Yugoslavia and back.

The B–2 bomber not only proved itself in combat operations, but it put teeth in the Air Force's ability to project global power. The B–2 can carry sixteen 2,000-pound bombs or eight 5,000-pound bombs that can be delivered stealthily, with precision, against difficult targets such as ''bunker busting'' of underground compounds. Because the B–2 flies from and returns to Missouri, its deployment is unaffected by base crowding issues such as those that had to be worked out in Europe. Its maintenance budget is tight, particularly when you look at the number of aircraft and associated maintenance required as an alternative to a B–2 strike.

While the role of the B–2 as a combat system was impressive, the performance of the men and women of Whiteman Air Force was simply stellar. They deserve the gratitude of the American people for their indispensable role in Operation Allied Force. Mr. Speaker, I am certain that the Members of the House will join me in paying tribute to fine men and women of Whiteman Air Force Base.

CONGRATULATING STACEY LEE BAKER, MICHELLE LEE BAKER AND TAMARA KARAKASHIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Stacey Lee Baker, Michelle Lee Baker and Tamara Karakashian for being chosen to be presented to the Archbishop of the Western Diocese of the Armenian Church of North America, at the 28th annual Debutante Ball. To be chosen, these young women must be active members of their community and church.

Stacey Lee Baker, age 19, of Fresno, has taught the pre-kindergarten Sunday School class at St. Paul Armenian Church, for three years, and is actively involved in the Armenian Christian Youth Organization (ACYO) as Assistant Treasurer, and previously as Secretary. In 1991, she was ordained an acolyte by Archbishop Vatche Hovsepian. She attended the Diocesan Armenian Camp from 1990 to 1992. Locally, she has volunteered at the Poverello House, a local homeless shelter. A 1997 graduate of Bullard High School, Stacey is currently attending Fresno City College where she majors in nursing.

Michelle Lee Baker, age 18, Stacey's sister, has taught the pre-kindergarten Sunday School class for two years. Michelle is currently the Corresponding Secretary of the ACYO. She also attended the Armenian Camp for two years. In keeping with family tradition, she has volunteered at the Poverello House. Michelle is a senior at Bullard High School where she maintains a 3.8 grade point average and is a lifetime member of the California Scholarship Federation. She is an Algebra Lab Assistant and is currently a member of the Math Club and the Junior Larks. Upon graduation, she plans to attend the California State University Fresno, where she will major in accounting.

Tamara Karakashian, age 19, of Visalia, is an active member of the St. Mary Armenian Apostolic Church in Yettem, where she was a choir member and served as the Easter Luncheon Committee Chair for four years. She was the Chair person of the ACYO, Recording Secretary, and General Assembly Delegate. Tamara has participated in the Armenian Camp for eight years as camper, counselor and Arts and Crafts Coordinator. In her local community, Tamara has been involved in DARE and served as an assistant for the Visalia Police Department Golf Tournament. Tamara participated with Visalians for Sober Graduation both as student representative and board member.

Mr. Speaker, it is with great pleasure that I congratulate Stacey and Michelle Lee Baker and Tamara Karakashian on their presentation. Their accomplishments and service are beneficial not only to their churches and communities, but to their own growth as mature, contributing adults. I urge my colleagues to join me in congratulating these young women, and wishing them a bright future and much continued success.

A TRIBUTE TO THE NATIONAL MUSEUM OF AMERICAN JEWISH HISTORY

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the National Museum of American Jewish History in Philadelphia. Founded in 1976, the Museum presents educational programs and experiences that preserve, explore and celebrate the history of Jews in America. Telling the story of the Jewish experience in America, the National Museum of American Jewish History has connected Jews closer to their heritage and has inspired in people of all backgrounds a greater appreciation for the diversity of the American experience and the freedoms to which Americans aspire.

As Philadelphia is a melting pot for so many of the Nation's minorities, the Museum's location is ideal for illuminating ethnicity in American life. Philadelphia is the birthplace of American liberty, and the freedoms that are celebrated by the Museum can be traced back to people and events that are a part of Philadelphia history. The ''Jewish Window on Independence Mall'' demonstrates how one group of Americans used the opportunities of freedom to make important and diverse contributions to American life. In this way, the message of the Museum should be seen as fundamentally American as well as Jewish-American.

Mr. Speaker, the National Museum of American Jewish History has been a benefit to the Philadelphia community not only for its important educational value with respect to the history of the Jewish people, but also because it has highlighted the freedoms that are all too often overlooked in everyday life. This institution has brought to the forefront all that makes America great, the freedoms which have made it possible for Jewish-Americans—and all Americans—to succeed.

INTRODUCTION OF MEDICARE MODERNIZATION NO. 9: MEDICARE FLEXIBLE PURCHASING AUTHORITY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. STARK. Mr. Speaker, I am pleased today to introduce the ninth bill in my Medicare modernization series: the ''Medicare Purchasing Flexibility Act of 1999.''

Medicare, the cornerstone of retirement for Americans, is in need of some improvements. When it was first created in 1965, Medicare was modeled on indemnity health insurance prevalent at the time. Since then, the health and medical fields have undergone significant change; both for the better and for the worse. But Medicare has largely lagged behind these trends. The problem is that Medicare's current administrative structure doesn't encourage testing or adoption of innovative market strategies. Instead, Medicare officials have to ask Congress to approve even the smallest change in administrative function, subjecting what should be common sense business strategies to the most rigid political battles.

While Medicare has successfully provided health insurance to the elderly and disabled for nearly thirty-four years, it faces a financial shortfall due to rapid population growth. By 2035, Medicare will provide health insurance for twice as many retirees as it does today. Additional revenues will be needed in order to provide quality care for 80 million retirees.

In the past, policy makers have focused on two ways to increase Medicare revenues: raising taxes or cutting benefits. Recently, however, Dan Crippen, Director of the Congressional Budget Office, alluded to a possible third way: creating administrative efficiencies. Dr. Crippen believes that substantial savings can be achieved by making Medicare more flexible and efficient. With these changes, Medicare will be able to improve the quality of services, while shoring-up savings for the long run.

The private sector has adopted a number of cost saving mechanisms that have helped control health care inflation. Medicare should be given the same flexibility to keep up with these trends, and improve overall administrative efficiency.

This bill grants the Secretary greater flexibility to administer the Medicare program including the following five provisions:

First, expanded demonstration authority. Promotes high-quality cost-effective delivery of items and services by enabling the Secretary to test innovative purchasing and administrative programs within Medicare. The Secretary may use case management, bundled payments, selective contracting, and other tools she deems necessary to carry out demonstrations. If demonstration projects are successful, the Secretary is authorized to permanently implement programs. This section of the bill

adopts language proposed by the National Academy of Social Insurance in their January, 1998 report, entitled ''From a Generation Behind to a Generation Ahead: Transforming Traditional Medicare.''

Second, sustainable growth rate (SGR). Gives the Secretary authority to adjust payment updates based on target growth rates and to apply such adjustments by geographic areas. This antigaming initiative would enable Medicare to control unjustified program inflation by region and by service (MedPAC recommendation).

Third, outpatient payment reform. Allows the Secretary to pay the lower of hospital outpatient or ambulatory surgical center rates to ensure services in most appropriate setting.

Fourth, most favored rate. Inherent reasonableness authority granted in the BBA is expanded to allow any amount of adjustment that the Secretary finds, after appropriate research, is appropriate to eliminate overpayments. The Secretary shall have the authority to request the ''most favored rate'' in cases where Medicare is the volume buyer in the market and other efforts at achieving a market price are not available.

Fifth, use of appropriate settings. Allows the Secretary waive requirements which discourage or prevent treatment in a nonhospital or noninstitutional setting if she determines that an alternative setting can provide quality care and outcomes. For example, today Medicare does not cover care in a skilled nursing facility unless the patient has first had a 3-day hospital stay. Under this provision, if the Secretary finds that treatment of a particular disease or condition can be handled, with quality, in a SNF, she can waive the 3-day hospitalization requirement, thus ensuring treatment in a setting ½ to ⅓ less expensive.

Medicare has been extremely effective in providing health insurance for the elderly and disabled, a population the private sector has refused to cover. In fact, over 30 years, its cost inflation has been less than that in the private sector and its benefit package has been improved. This social insurance mission must be preserved—and in the face of a doubling of the population it serves, we must do more to keep Medicare efficient and effective. By implementing the modernizations included in this bill, Medicare will be able to adapt and grow in the changing health care marketplace.

PERSONAL EXPLANATION

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. BATEMAN. Mr. Speaker, I was regrettably absent on Monday, June 7, 1999, and consequently missed three recorded votes. The latter two were conducted under suspension of the rules. Had I been present, I would have voted as follows:

Journal Vote, vote No. 167, ''yea''; H.R. 435, vote No. 168, ''yea''; H.R. 1915, vote No. 169, ''yea.''

WINNERS OF THE CONGRESSIONAL CERTIFICATE OF MERIT

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mrs. WILSON. Mr. Speaker, I wish to bring to your attention the following students from the First Congressional District of New Mexico who are graduating from high school and have been awarded the Congressional Certificate of Merit. These students have excelled in not only their academic endeavors, but also in community service, school and civic activities. They represent the leaders of tomorrow and it is my pleasure to recognize these select students for their outstanding achievements. I, along with their parents, teachers, classmates, and the people of New Mexico, salute them.

Certificates of Merit Award Winners 1999—Adam Chamberlin, Menaul School; Jacob Dopson, Valley High School; Jessia Einfield, Hope Christian High School; Jodie Ellis, Del Norte High School; Geralyn Espinoza, Cibola High School; Jose Fernandez, Rio Grande High School; Kozina Gallegos, Evening High School; Lisette Graham, Manzano High School; Lindsey Kasprzyk, St. Pius High School; Suzanne Martinez, Bernalillo High School; Laura Matzen, Sandia Preparatory High School; Karissa McCall, Albuquerque High School; Christina Muscarella, La Cueva High School; Catrina Padilla, Mountainair High School; Amanda Pepping, Eldorado High School; Kate Sandoval, Academy High School; Jolianna Schultz, New Futures High School; Eric Stanton, Sandia High School; Olivia Tenorio, Estancia High School; Erin Ullrich, Moriarty High School.

ANNIVERSARY OF TEA 21

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. OBERSTAR. Mr. Speaker, today we celebrate the anniversary of the signing of TEA 21, the Transportation Equity Act of the 21st Century. Our commemoration of this event is a fitting recognition of the importance of this legislation to the American people and to the nation's economy.

This afternoon, I was joined in our main committee room by the Transportation and Infrastructure Committee leadership, Chairman SHUSTER, Chairman PETRI, Congressman RAHALL, Senators CHAFEE and VOINOVICH, Secretary of Transportation Rodney Slater, and Federal Highway Administrator Ken Wykle in recounting some of the important achievements of that landmark bill. I would like to take this opportunity to share some of my thoughts with my colleagues.

First and foremost, Mr. Speaker, TEA 21 is important because it secured the future health of our transportation infrastructure system with guaranteed federal funding. The budget rules in the Act ensure that all federal gas taxes will be spent on needed surface transportation improvements. And we now have an opportunity to apply the same principles to our nation's irreplaceable economic jewel: our nation's aviation system.

TEA 21 reversed a dangerous 30-year trend in which transportation spending as a percentage of public spending dropped by one-half. It authorized $218 billion for six years—the highest funding levels ever for surface transportation—including $177 billion for highway and highway safety programs and $41 billion for transit programs, 43 percent more than its predecessor legislation, ISTEA, the Intermodal Surface Transportation Efficiency Act. Of the amounts provided, at least $198 billion is guaranteed for obligation under the new budget rules in the Act.

TEA 21 is important because transportation capital investments have profound effects on national economic growth and productivity. Investment in the transportation system reduces the cost of producing goods, resulting in lower prices and increased sales, in virtually all sectors of American industry. These productivity effects allow businesses to change the way they organize their production and distribution systems for the benefit of all Americans.

The Act has significant employment impacts in the transportation construction sector. According to the Federal Highway Administration, each billion dollars of construction investment supports a total of 44,709 full-time jobs at the national economy level. These include 8,390 ''direct'' on-site construction jobs, 20,924 ''indirect'' jobs in industries providing construction materials and equipment for transportation projects, and 15,395 jobs produced in other sectors of the economy as a result of these ''direct'' and ''indirect'' employment effects. And we're talking about good jobs in the construction sector that compensate the average construction worker $17 per hour or higher.

TEA 21 and ISTEA made important policy shifts and took new directions to solving our transportation problems. TEA 21 continues the legacy of ISTEA by enhancing the intermodal balance of our transportation network. TEA 21 provides more than $3.6 billion for enhancement projects, compared to just $41 million spent on bicycle and pedestrian facilities in the 18 years before ISTEA. In addition, TEA 21 designates a full 20 percent of the legislation's total funding for rebuilding and expanding existing transit systems and constructing new ones. It also supports maglev and high speed rail development and provides loans and loan guarantees for freight railroad rehabilitation and improvement.

Second, TEA 21 further integrates transportation, stewardship of our natural resources, and protection of the environment. It maintains and expands the Congestion Mitigation and Air Quality Improvement Program providing $8 billion to help communities address environmental concerns related to transportation and enable them to develop innovative transportation solutions, such as rail transit, to address problems traditionally tackled by pouring more concrete. TEA 21 also created a new $120 million pilot program to coordinate land use and transportation planning. TEA 21 shows that increased transportation spending need not be harmful to the environment.

Third, TEA 21 includes strong provisions to reduce transportation risks and promote safe driving. TEA 21 establishes a new $500 million incentive program for states that enact and enforce a .08 blood alcohol standard for drunk driving and that severely punishes repeat drunk drivers and prohibits open alcohol containers in motor vehicles. TEA 21 also increases funding for highway safety data collection for the National Driver Register to track

dangerous drivers across state lines. Finally, TEA 21 preserves national size and weight limits on big trucks.

While we should be proud of the giant steps forward that we have taken in ISTEA and TEA 21, we must also recognize that we have to build upon its framework if we are to solve the enormous transportation problems that we face today. We must begin thinking now about the successor to TEA 21 and the future of our surface transportation system.

Our best hope for dealing with the difficult, complex transportation problems that increasing travel demand creates is to channel our creativity toward continuing to develop innovative approaches to relieve congestion and protect the environment, leverage our federal investment, and improve safety. As Albert Einstein once said, ''We can't solve problems by using the same kind of thinking we used when we created them.''

One way to relieve our congestion is to develop alternative modes of transportation. To relieve our congested highways, we do not need to develop new technology from scratch—we can begin by merely looking across the oceans.

To the West, we see the Japanese high speed rail system, the Shinkansen. Traveling to and from Tokyo and Osaka at speeds of up to 170 miles per hour, 250 million passengers a year sense the innovation, comfort and productivity of the ''bullet'' train. To our East, we see the French Train à Grand Vitesse (TGV), the German ICE, the Spanish Thalys, and the international Eurostar—all high-speed trains connecting the great cities of Europe. Today, we can ride high-speed trains from Paris to London but not from Chicago to Minneapolis. We can ride on a maglev prototype in Bremen, Germany, or Yamanashi, Japan, but not in Washington, D.C. or New York.

TEA 21 provides the opportunity for states and localities to establish high-speed ground transportation in the United States: it reauthorizes the Swift Act; continues a modest program for development of high-speed corridors; and specifically authorizes $1 billion for magnetic levitation over five years. The innovative finance programs of TEA 21 are also a source of funding for these high-speed projects.

Let me close by emphasizing the importance of safety as an overriding objective of our surface transportation system of the 21st Century. In 1997 alone, 42,000 people were killed and an additional 3.3 million people were injured in motor vehicle accidents on our nation's highways.

I believe that as our technical capabilities improve early in the next century, these appalling statistics will become simply unacceptable. Americans will demand a safer system. Last year, not a single person died as a result of a U.S. scheduled airline accident. As we look to the future, we should establish the same goal for surface transportation.

Although the legacy of the surface transportation system of the 21st Century is far off, we have begun the journey of writing that legacy here and now. ISTEA and TEA 21 have set the framework for the beginning of the new century. Nevertheless, we must continue to develop innovative solutions if we are to overcome our nation's many transportation problems.

One hundreds years ago, it was difficult to envision the Interstate system. Yet don't forget there were a few cartographers in the Office of Road Inquiry who had developed a national map of roads, laying the foundation for development of the Interstate system. Let us hope that there are a few mapmakers among us and that we begin to lay the foundation of the surface transportation system of the coming century.

R&B RECORDING ARTIST JONNIE TAYLOR

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, in a time of new R&B artists and young rap and hip-hop stars, Jonnie Taylor is an R&B artist whose music keeps up with, and even moves ahead of many of today's young artists. His soulful songs like ''Who's Making Love'' and albums like ''Good Love'' have influenced many artists.

His successful career as an R&B artist spans three decades, and where many present-day artists move from record label to record label, Mr. Taylor has been an example of commitment and consistency by recording exclusively for Malaco Records for the past ten years. Jackson, Mississippi, the headquarters for the label is tremendously proud of his accomplishments and contributions to the world of music. I join many of the constituents of the 30th Congressional District of Texas, a district that boasts a huge Jonnie Taylor following, in sharing that pride with the people of Jackson and Malaco Records.

Mr. Speaker, Mr. Taylor is a rare breed of R&B artist that has been able to produce albums and songs that instantly receive tremendous sales and airplay on radio stations throughout the country.

Mr. Speaker, Mr. Taylor was recently honored by the Rhythm and Blues Foundation at their Seventh Annual R&B Pioneer Awards Ceremony in Hollywood. This honor effectively puts Mr. Taylor in the esteemed company of the Isley Brothers, Bo Diddley, Bobby Womack and other pioneer R&B artists.

Mr. Speaker, Mr. Taylor's work ethic, commitment to R&B and love for entertainment, have paved the way for many of today's new artists. In fact, many will tell you that Mr. Taylor had a tremendous influence on their careers. I would like to wish him continued success.

PERSONAL EXPLANATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. WEINER. Mr. Speaker, on rollcall No. 168, had I been present, I would have voted ''Yea.''

RECOGNIZING ROGER MATLOCK

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Mr. Roger Matlock upon his retirement from the Mariposa County Sheriff's Department as Sheriff-Coroner. Roger received a tile plaque from the County of Mariposa California commemorating his longtime service.

Roger has dedicated thirty-two years to law enforcement. He first served for twenty years as a Highway Patrol Officer. On August 1, 1986 he took office as the newly elected Sheriff-Coroner.

While fulfilling his duties as Sheriff-Coroner, Roger made numerous unselfish contributions to the community working with citizens, organizations, County and government agencies. A few of Roger's accomplishments and contributions are as follows: effectively administered Sheriff's Department programs, successfully upgraded the Mariposa County Sheriff's Office with the latest technology for both administrative and field operations; through his leadership, accomplished the financing and construction for a new Sheriff's Administration building and a new modern Adult Detention Facility, developed a number of community-based law enforcement programs which have more than 160 citizen volunteer participants, began the SCOPE program, bicycle patrol, twenty-four hour patrol, the Investigation Division, enhanced the Search Rescue Program, Posse and Reserves, and improved the Animal Control and Constable function which merged with the Sheriff's Department.

Roger also found time to be an active member of the Lion's, serving as President and assisting with special barbeque meals for seniors. He was a Little League coach, is active with church activities and enjoys spending time with his family and traveling with his wife Becky.

Mr. Speaker, Roger Matlock was a tremendous asset to Mariposa County, and his services will be greatly missed. I urge my colleagues to join me in wishing Mr. Matlock many more years of continued success in his retirement.

A TRIBUTE TO MS. ARETTA F. HOLLOMAN

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mrs. CLAYTON. Mr. Speaker, I rise to extend my best wishes for a joyous and heartfelt 75th birthday celebration to Ms. Aretta F. Holloman on this very special day. Ms. Holloman was born on June 14, 1922, in Goldsboro, NC, and has resided in Washington, DC, for the past 48 years.

Mr. Speaker, it has always been my belief that we owe much to our senior citizens who labored to pave a smoother path of life for us to follow; this is especially relevant in Ms. Holloman's instance. She is referred to as ''a pillar'' in the Northwest Community because she has done so much for so many. She has fed the homeless and has been a true mother for many homeless and neglected children. She has single-handedly counseled, encouraged and persuaded troubled youth to seek a different and more productive way of life.

Mr. Speaker, Ms. Holloman has tutored at John F. Cook, a Washington, DC, neighborhood school. For many years she has been engaged in missionary work where she has

cared for the sick. She is a Deaconess at Sharon Baptist Church, and also serves on the Kitchen Committee, in the Nurses Unit, Flower Club, the Missionary Society and the Senior Choir.

Mr. Speaker, in a nation wrought with change and uncertainty, Ms. Holloman has been the glowing embodiment of consistency, fortitude and determination. Through her life's example, she reminds us all of the priceless value of hard work, humility, and sincerity.

Mr. Speaker, I am hopeful that on this very special day, that Ms. Holloman will be blessed with the presence of family and friends. I know that by her life, all those who have crossed her path have grown tremendously.

Mr. Speaker, I ask my colleagues to rise and join me in thanking God for blessing Ms. Holloman with such a long and abundant life and in asking Him to continue to provide her with good health, the best that life has to offer and many more ''Happy Birthdays.''

A TRIBUTE TO THE SIXTH GRADE CLASS OF GRATIGNY ELEMENTARY SCHOOL, MIAMI, FL

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mrs. MEEK of Florida. Mr. Speaker, I rise today to pay tribute to the sixth grade class of Mrs. Morano at Gratigny Elementary School in Miami, FL, in recognition of the compassion and concern of this class and their teacher for the slaves in Africa's Sudan, and for what these young Americans have done to help captives on another continent. Mrs. Morano's class became members of the American Anti-Slavery Group, raised $700 by selling candy, and used the money to free slaves in the Sudan. These young citizens of the United States are to be commended for their act of hope.

This action of the sixth grade class and their teacher is as remarkable as it is inspiring. The late Senator Robert Kennedy once wrote,

> Every time that a man stands up for an ideal, or acts to improve that lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope. And crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance.

The compassionate feat by Gratigny Elementary School's Sixth Grade Class in aiding the Sudanese slaves is precisely the sort of positive action that Senator Kennedy wrote of. America truly is blessed to have such empathetic citizens, and it is a privilege to pay tribute to Mrs. Morano and to all of the young people in the sixth grade class at Gratigny Elementary School.

PERSONAL EXPLANATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. WEINER. Mr. Speaker, on rollcall No. 169, had I been present, I would have voted ''yea.''

A TRIBUTE TO PACE WEBER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to pay tribute to the memory of Pace Weber, a U.S. Air Force Academy cadet who lost his life in a tragic airplane crash while on a routine flight lesson at the academy in Colorado Springs, CO, on June 25, 1997.

Since Pace's death, not one day goes by when he does not enter the thoughts of the family and friends he left behind, especially his former classmates at Palmer Trinity and fellow cadets at the academy. Pace was well known for his good nature and kindness. His friends knew him as someone who thought of others before himself. He was always looking out for his classmates and was known to take a special interest in helping those having a difficult time.

Pace is remembered by those that cared for him as a young man full of desire and determination. He worked diligently to make his lifelong dream of becoming a pilot for the U.S. Air Force a reality. Although Pace did not accomplish his goal, he did spend three rewarding years at the academy learning to fly and made friends with fellow cadets who shared the same ambitions and experienced the same happiness that flying brought him.

I ask my colleagues to join me in remembering young Pace Weber and, also, to support my efforts in finding out exactly what caused Pace's airplane to go down. Our thoughts and prayers go to his family and friends.

IN RECOGNITION OF MS. EMMA TORRES

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. PASTOR. Mr. Speaker, I would like to take this opportunity to call my colleagues' attention to the accomplishments of Ms. Emma Torres, who was recently chosen as a 1999 Robert Wood Johnson Community Health Leader. At a time when health care issues top our national agenda, Ms. Torres' tireless dedication to addressing health care inadequacies among migrant farmworker communities is truly exemplary.

Emma Torres was born in Mexico, the daughter of migrant farmworkers, and worked alongside her parents in the agricultural fields of California and Arizona. Inspired by the hardships of migrant life and her struggle to obtain adequate healthcare for a husband who later died of leukemia, she developed an interest in improving health services for migrant workers. A young widow and mother living in poverty, she managed to complete her education and began to serve her community as a community health worker.

For more than ten years, Ms. Torres has worked in various aspects of health promotion and has become an effective advocate for migrant farmworkers. She has provided instrumental leadership in strengthening the role of uncredentialed yet competent community workers to fill health care gaps in medically neglected communities. These lay health workers, recruited from within the communities they serve, are uniquely able to provide information in a family-oriented and culturally competent manner. Ms. Torres has successfully utilized such workers in initiating and implementing a cancer prevention program and a regional Migrant Network System which emphasizes pre-natal care and teenage pregnancy prevention. In 1994, having developed a reputation as a leader in her field, Ms. Torres was appointed by the Secretary of Health and Human Services to serve on the National Council on Migrant Health.

Most recently, Ms. Torres has taken on the leadership of Puentes de Amistad, a community-based substance abuse prevention initiative in Yuma County, Arizona. The program reaches out to local communities composed in large part of agricultural workers engaged in seasonal employment. Ms. Torres works with eight staff members and 29 ''promotores,'' lay health workers, going into the fields and peoples' homes to educate them about substance abuse, pesticide poisoning, HIV/AIDS and TB, often working with entire families to resolve problems. She and her staff address the issues of mobility, poverty, and language barriers that for too long have hindered health care access in this region of the country.

It comes as no surprise that Ms. Torres was among the ten outstanding individuals awarded a grant this year from the Robert Wood Johnson Foundation's Community Health Leadership Program. She has shown tremendous leadership in addressing some of the most difficult facets of health care outreach and is making a difference in the quality of life of many southwestern Arizonans. It is my hope that through this well-deserved national recognition, Ms. Torres' work will become known to many and serve as an example of how we can begin to address some of our nation's most pressing problems by recognizing, supporting and following the lead of creative and committed individuals within our communities.

INCLUDE AMERICANS ABROAD IN CENSUS 2000, H. CON. RES. 129

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. GILMAN. Mr. Speaker, I am today introducing H. Con. Res. 129, which I would like to have inserted and printed in the RECORD at the end of my statement.

H. Con. Res. 129, expresses support for the inclusion in Census 2000 of all Americans residing abroad. I will be joined in this effort by Senator SPENCER ABRAHAM who will be introducing the Senate companion resolution.

This resolution will direct the U.S. Census Bureau to include all American citizens residing overseas in Census 2000, not just federally-affiliated Americans; and expresses the intention of Congress to approve legislation authorizing and appropriating the funds necessary to carry out this directive.

As chairman of the International Relations Committee and as a long time member of the former Post Office and Civil Service Committee I have had numerous opportunities to

work with Americans living and working overseas and can attest to the increasingly important role this segment of the U.S. population plays in our nation's economy and in our relations with countries and their citizens throughout the world.

In this era of growing globalization, we are all aware of the importance placed upon our nation's exports of goods and services overseas in an effort to provide a strong and versatile economy.

Not only are we reliant on Americans abroad to carry-out exports for the creation of U.S.-based jobs, but we rely on these U.S. citizens to best promote and advance U.S. interest around the world.

Nevertheless, the U.S. Census Bureau does not count private sector Americans residing abroad, despite the fact that the U.S. Government employees working overseas are currently included in the U.S. census. This is an inconsistent and inappropriate policy, especially if the bureau is true to its word in that it wants the Census 2000 to be the ''most accurate census ever.''

It is imperative that the U.S. Census Bureau count all Americans, including private citizens living and working abroad. Not only will such a policy provide an accurate Census 2000, but it will allow Congress and private sector leaders to realize how best to support U.S. companies and our citizenry abroad.

U.S. citizens abroad vote and pay taxes in the United States, yet are discriminated against by the U.S. Government solely because they are private citizens.

Let's change this policy and include private sector Americans residing overseas in the census.

Accordingly, I urge all of my colleagues to support this resolution.

H. CON. RES. 129

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. SENSE OF CONGRESS THAT THE BUREAU OF THE CENSUS SHOULD INCLUDE IN THE 2000 DECENNIAL CENSUS ALL CITIZENS OF THE UNITED STATES RESIDING ABROAD.

(a) FINDINGS.—Congress finds the following:

(1) The Bureau of the Census has announced its intention to exclude more than 3,000,000 citizens of the United States living and working overseas from the 2000 decennial census because such citizens are not affiliated with the Federal Government.

(2) The Bureau of the Census has stated its desire to make the 2000 decennial census ''the most accurate ever''.

(3) Exports by the United States of goods, services, and expertise play a vital role in strengthening the economy of the United States—

(A) by creating jobs based in the United States; and

(B) by extending the influence of the United States around the globe.

(4) Citizens of the United States living and working overseas strengthen the economy of the United States—

(A) by purchasing and selling United States exports; and

(B) by creating business opportunities for United States companies and workers.

(5) Citizens of the United States living and working overseas play a key role in advancing the interests of the United States around the world as highly visible economic, political, and cultural ambassadors.

(6) In 1990, as a result of widespread bipartisan support in Congress, the Bureau of the Census enumerated all United States Government officials and other citizens of the United States affiliated with the Federal Government living and working overseas for the apportionment of representatives among the several States and for other purposes.

(7) In the 2000 decennial census, the Bureau of the Census again intends to so enumerate all such officials and other citizens of the United States.

(8) The Overseas Citizens Voting Rights Act of 1975 gave citizens of the United States residing abroad the right to vote by absentee ballot in any Federal election in the State in which the citizen was last domiciled over 2 decades ago.

(9) Citizens of the United States who live and work overseas, but who are not affiliated with the Federal Government, vote in elections and pay taxes.

(10) Organizations that represent individuals and companies overseas, including both Republicans Abroad and Democrats Abroad, support the inclusion of all citizens of the United States residing abroad in the 2000 decennial census.

(11) The Internet facilitates easy maintenance of close contact with all citizens of the United States throughout the world.

(12) All citizens of the United States living and working overseas should be included in the 2000 decennial census.

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

(1) the Bureau of the Census should enumerate all citizens of the United States residing overseas in the 2000 decennial census; and

(2) legislation authorizing and appropriating the funds necessary to carry out such an enumeration should be enacted.

IN HONOR OF THE LATE ANTHONY J. GENOVESI

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. WEINER. Mr. Speaker, I rise today to invite my colleagues to join the members of the Thomas Jefferson Democratic Club in paying tribute to the memory of New York State Assemblyman Anthony J. Genovesi who died on August 10, 1998, at the age of 61.

Anthony J. Genovesi, lovingly known as ''Tony,'' attended a private boarding school for his grade school education, followed by St. Francis Xavier High School. He graduated from St. Peter's College with a degree in Economics, and then from Fordham University School of Law in 1961. Following his admission to the New York State Bar in 1962, Tony Genovesi served Law Assistant to the Deputy Administrative Judge of the New York City Civil Court; Opinion Clerk, Civil Court of New York County, and Law Secretary, New York City Criminal Court.

Anthony J. Genovesi has a great interest in and affinity for ''grass roots'' politics, with a specific interest in protecting our children and improving our public school system. He joined the Thomas Jefferson Democratic Club in 1967 and in 1975 he was elected as the 39th Assembly District's State Committeeman, a position he held until his death. Elected to the New York State Assembly in 1986, Anthony J. Genovesi was the Chairman of the Assembly Oversight, Analysis & Investigation Committee, and served on the Education, Judiciary, and Corporations and Public Authorities Committees.

Anthony J. Genovesi lived his life by the axiom ''Help people. Help those without a voice. Help those who no one else would have the compassion to assist.'' This philosophy led him to become President of the Bergen Beach Civic Association; a member of Community Board 18; Jamaica Bay Citizens Committee; Knights of Columbus; Canarsie Mental Health Clinic; Rambam Canarsie Lodge of B'nai B'rith, and an active parishioner at St. Bernard's Roman Catholic Church in Bergen Beach.

Admired and respected by friend and foe, Anthony ''Tony'' Genovesi possessed a great passion for life, a keen wit, fine intellect, a tireless work ethic and an uncompromising sense of honesty and fair play. He believed that the acquisition of power was not an end unto itself, but rather a vehicle through which to do things for people who were unable to help themselves.

Tony Genovesi was an innovator and beacon of good will to all those with whom he came into contact. Through his dedicated efforts, he helped to improve my constituent's quality of life. In recognition of his many accomplishments on behalf of our community, it is fitting that the Environmental Center be dedicated in this memory. In keeping with his spirit, the Anthony J. Genovesi Environmental Center will teach our children about their environment and provide them with lessons in ecology and hands on experience in dealing with different life forms. This Center will exist as one of the shinning examples of Tony Genovesi's legacy, a man who was a giant among men and truly irreplaceable.

INTRODUCTION OF DRUG KINGPINS BANKRUPTCY ACT OF 1999

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. McCOLLUM. Mr. Speaker, I am today introducing the ''Drug Kingpins Bankruptcy Act of 1999,'' which is intended to extend the reach of United States sanctions to the world's most significant narco-trafficking organizations. I am especially pleased to be joined in this important initiative by Representatives Rangel, Goss, Gilman, and Mica; companion legislation was introduced recently by Senators Coverdell and Feinstein.

The legal precedent for this legislation was the successful application of sanctions in 1995 and 1996 against the Cali Cartel narco-trafficking organization and its key leaders. Executive Order 12978, issued by the Clinton Administration in October 1995, had the effect of dismantling and defunding numerous business entities tied to the Cali Cartel. Coordinated law enforcement efforts by the U.S. and Colombian Governments in support of these sanctions put the Cali Cartel kingpins out of business.

Unlike earlier and more limited sanctions initiatives, the ''Drug Kingpins Bankruptcy Act of 1999'' is global in scope and specifically focuses on the major cocaine, heroin, and amphetamine narco-trafficking groups based in Mexico, Colombia, the Caribbean, Southeast Asia, and Southwest Asia. If enacted, this legislation will encourage U.S. law enforcement

and intelligence agencies to better coordinate their efforts against the leaders of the world's most dangerous multinational criminal organizations. This initiative will assist U.S. Government efforts to identify the assets, financial networks, and business associates of major narcotics trafficking groups. If effectively implemented, this strategy will disrupt thee criminal organizations and bankrupt their leadership.

This ''Drug Kingpins Bankruptcy Act of 1999'' is intended to supplement—not to replace—the United States' policy of annual certification of countries based on their performance in combating narcotics trafficking. This bill will properly focus our Government's efforts against the specific individuals most responsible for trafficking in illegal narcotics by attacking their sources of income and undermining their efforts to launder the profits generated by drug-trafficking into legitimate business activities.

The bill requires the Secretary of the Treasury—in consultation with the Attorney General, the Director of Central Intelligence, the Secretary of Defense, and the Secretary of State—to prepare and submit a list of the world's most significant narcotics traffickers on January 1st of each year. The Director of the Office of National Drug Control Policy shall review this list for submission to the President by February 1st of each year. The President then shall formally designate these major narco-traffickers on March 1st of each year as constituting an unusual and extraordinary threat to the national security, foreign policy and the economy of the United States. Individuals and entities linked to major narcotics trafficking groups may be added to the list by the President at any time during the year.

The effect of this legislation will be to block the assets of any specially designated drug trafficker that come within the control of United States law enforcement authorities. Second, it will block all assets of any other individuals who materially assist, provide financial or technical support, or offer goods and services to such specially designated narcotics traffickers. Third, it will block the assets of any persons, who are determined by the United States Government as controlled by or acting on behalf of specially designated narcotics traffickers. Fourth, designation on this list will result in the denial of visas and inadmissibility of specially designated narcotics traffickers, their immediate families, and their business associates.

The bottom line objective of these provisions is to bankrupt and disrupt the major narcotics trafficking organizations. The targets of this bill are not only the drug kingpins, but those involved in money laundering, in acquiring chemical precursors to manufacture narcotics, in manufacturing the drugs, in transporting the drugs from the drug source countries to the United States, and in managing the assets of these criminal enterprises.

The ''Drug Kingpins Bankruptcy Act of 1999'' establishes a precedent for the future content and scope of the ''Global Drug Kingpins'' list by specifically identifying the first group of 12 named individuals from Mexico, Burma, Thailand, Colombia, and Haiti. This ''Dirty Dozen'' includes many of the world's most significant narco-traffickers, such as Khun Sa of Burma, Ramon Arrellano Felix of the Tijuana Cartel, Vicente Carrillo Fuentes of the Juarez Cartel, and Wei Hsueh-Kang of the United Wa State Army. Virtually all of these individuals are billion-dollar criminals with global assets and organizations that threaten the security and freedom of all Americans.

The first ''Global Drug Kingpins'' list has been developed with the close cooperation of the Drug Enforcement Administration and the Federal Bureau of Investigation. I am especially pleased to report that one of the kingpins originally identified by the DEA and the FBI for inclusion in this list was extradited to the United States by the Mexican government on June 1, 1999; as a result of this extradition, we have now filled this vacancy with a major money launderer from the Eastern Caribbean, who has been sought for extradition on numerous U.S. indictments.

I look forward to quick passage of this important crime-fighting legislation and hope that the Clinton Administration would implement this initiative on its own.

WEI HSUEH-KANG
@ PRASIT CHIWINITPARYA
@ CHARNCHAI CHIWINNITIPANYA

DOB: 06/29/52.

Criminal Organization: Commander of the United Wa State Army (UWSA), Southern Military Region. The UWSA is considered the largest scale narcotics processing and trafficking organization in Southeast Asia and as such, poses the greatest threat to Thailand, the U.S. and the international community.

U.S. Pending Criminal Charges: August 30, 1993, Eastern District of New York, Conspiracy to Import Heroin into the United States.

Wei Hsueh-Kang had been sentenced to death (in absentia) by the Royal Thai Government for his involvement in a 1,496 pound heroin shipment seized off the coast of Thailand in 1987. This sentence has since been reduced to life in prison.

Status: Thai fugitive. Currently residing in Burma.

CHANG CHI-FU
@ KHUN SA

DOB: 02/17/33 (ALT: 02/12/32).

Criminal Organization: Former Head of the Shan United Army @ Mong Thai Army.

U.S. Pending Criminal Charges: December 20, 1989, Eastern District of New York:

1. Conspiracy to Import Heroin into the United States.
2. Operating a Continuing Criminal Enterprise (CCE).
3. Distribution of Heroin in Both Burma and Thailand.
4. Importation of Heroin into the United States.
5. Possession of Heroin with Intent to Distribute & Distribution of Heroin.
6. Attempted Distribution of Heroin in Thailand.
7. Attempted Importation of Heroin into the United States.

Status: U.S. Fugitive. Residing in Burma under the protection of the Burmese Government.

JOSE DE JESUS AMEZCUA-CONTRERAS
(AKA JESUS AMEZCUA-CONTRERAS)

DOB: 07/13/63 (alt 07/31/64), (alt 07/31/65).

Criminal Organization: Amezcua-Contreras Organization.

U.S. Pending Criminal Charges:

February 11, 1993, Southern District of California:

(1.) Conspiracy to possess cocaine with intent to distribute.

(2.) Attempted possession of cocaine with intent to distribute.

June 18, 1998, Southern District of California:

(1.) Operating a Continuing Criminal Enterprise to manufacture and distribute methamphetamine.

(2.) Conspiracy to possess ephedrine.

Status: U.S. fugitive. Arrested June 1998 in Mexico. Incarcerated in Mexico. Provisional Arrest Warrant request—for purpose of extradition. Extradition on appeal in Mexico.

LUIS IGNACIO AMEZCUA-CONTRERAS

DOB: 02/22/64 (alt 02/21/64), (alt 02/21/74).

Criminal Organization: Amezcua-Contreras Organization.

U.S. Pending Criminal Charges:

December 21, 1994, Central District of California:

(1.) Conspiracy to manufacture, possess with intent to distribute, and distribute methamphetamine.

(2.) Possession with intent to distribute methamphetamine.

(3.) Possession of a listed chemical with reasonable cause to believe the chemical would be used in the manufacture of methamphetamine.

(4.) Conspiracy to launder money.

(5.) Money laundering.

June 18, 1998, Southern District of California:

(1.) Operating a Continuing Criminal Enterprise to manufacture and distribute methamphetamine.

(2.) Conspiracy to possess ephedrine.

Status: U.S. fugitive. Arrested June 1998 in Mexico. Incarcerated in Mexico. Provisional Arrest Warrant request—for purpose of extradition. Extradition on appeal in Mexico.

RAMON EDUARDO ARELLANO-FELIX

DOB: 08/31/64.

Criminal Organization: Arellano-Felix Organization.

U.S. Pending Criminal Charges: September 11, 1997, Southern District of California: Conspiracy to import cocaine and marijuana.

Status: U.S. fugitive. Not arrested. Provisional Arrest Warrant request.

VICENTE CARRILLO-FUENTES

DOB: 10/16/62.

Criminal Organization: Juarez Cartel, formerly known as Amado Carrillo-Fuentes Organization.

U.S. Pending Charges:

October 6, 1993, Northern District of Texas: (1.) Conspiracy to possess and distribute cocaine.

August 6, 1997, Western District of Texas:

(1.) Operating a Continuing Criminal Enterprise (CCE).

(2.) Conspiracy to import and possess with intent to distribute controlled substances.

(3.) Importation of controlled substances.

(4.) Possession with intent to distribute controlled substances.

(5.) Money laundering.

Status: U.S. fugitive. Not arrested. Provisional Arrest Warrant request.

ARTURO PAEZ-MARTINEZ

DOB: 08/31/67 (alt 11/22/66).

Criminal Organization: Arellano-Felix Organization.

U.S. Pending Charges:

June 27, 1997, Southern District of California: (1.) Conspiracy to import cocaine.

December 19, 1997, Southern District of California:

(1.) Operating a Continuing Criminal Enterprise (CCE) to launder money.

(2.) Conspiracy to distribute and the distribution of cocaine.

(3.) Conspiracy to import and the importation of cocaine.

(4.) Aiding and abetting.

Status: Arrested in Mexico. Incarcerated in Mexico. Provisional Arrest Warrant request.

OSCAR MALHERBE DE LEON

DOB: 01/10/64.

Criminal Organization: One of the key leaders of the Juan Garcia Abrego drug trafficking organization, also known as the Gulf

Cartel. The Juan Garcia Abrego organization is known by U.S. law enforcement agencies for its importation of large quantities of controlled substances, its propensity for violence, and its efforts to corrupt officials on both sides of the U.S. Mexico border.

U.S. Pending Charges: May 1995, District of Southern Texas:

(1.) Conspiracy to distribute and possess with intent to distribute cocaine.

(2.) Conspiracy to commit money laundering.

(3.) Operating a Continuing Criminal Enterprise.

Status: Arrested in Mexico. Incarcerated in Mexico. Provisional Arrest Warrant Request. Extradition on appeal in Mexican courts. Extradition to U.S. may take place after completion of his sentence in Mexico for weapons offenses.

LORQUET SAINT-HILAIRE

Criminal Organization: One of the key leaders of a Colombian-Haitian drug trafficking organization that has moved significant quantities of cocaine from Colombia through Haiti and then into Florida. On October 5, 1995, Saint-Hilaire and five of his associates conspired to rob and kill a federal agent who was acting in an undercover capacity. Although the federal agent was shot at by Saint-Hilaire, he was not injured. All five of Saint-Hilaire's associates were later convicted on numerous drug and assault violations.

U.S. Pending Charges: October 1995, District of Southern Florida:

(1.) Conspiracy to commit narcotics offenses.

(2.) Assault against a U.S. federal officer.

(3.) Attempt to rob mail, money or other property of the U.S.

Status: Believed to be residing in the vicinity of Port de Paix, Haiti. Provisional Arrest Warrant Request. No extradition treaty in effect with Haiti.

JHON RAUL CASTRO

DOB: 09/05/63

Criminal organization: One of the key leaders of a major cocaine trafficking organization based in Miami and Medellin, Colombia. Castro's organization is known by U.S. law enforcement agencies for its importation and distribution of large quantities of cocaine from Colombia across the United States. Since 1994, U.S. law enforcement authorities believe that Castro has been responsible for the importation and distribution of several thousand kilograms of cocaine through cells located in Miami, Boston, New York, Chicago, Houston, and Los Angeles.

U.S. Pending Charges: February 1999, District of Southern Florida:

(1.) Conspiracy to distribute cocaine.

(2.) Other substantive drug charges being prepared.

Status: Believed to be residing in the vicinity of Medellin, Colombia. Provisional Arrest Warrant Request. Extradition request proceedings have been initiated with the Colombian Government.

RAFAEL CARO—QUINTERO

DOB: 10/24/52 (alt 11/24/55), (alt 10/24/55).

Criminal Organization: Caro-Quintero Organization.

U.S. Pending Criminal Charges:

April 29, 1987, Central District of California:

(1.) Conspiracy to distribute and possession with intent to distribute controlled substances.

(2.) Operating a Continuing Criminal Enterprise (CCE).

(3.) Criminal forfeiture.

(4.) Possession of controlled substance.

(5.) Alien in possession of firearm.

(6.) Aiding and abetting.

(7.) False identification documents used to defraud United States.

(8.) False statement.

(9.) Travel act conspiracy.

July 14, 1988, District of Arizona:

(1.) Operating a Continuing Criminal Enterprise (CCE).

(2.) Conspiracy to import a controlled substance.

(3.) Importation of a controlled substance.

(4.) Bribery.

(5.) Exportation of currency.

(6.) Aiding and abetting.

July 30, 1991, Central District of California:

(1.) Violent crimes in aid of racketeering.

(2.) Conspiracy to commit violent crimes in aid of racketeering.

(3.) Conspiracy to kidnap a Federal Agent.

(4.) Kidnapping of a Federal Agent.

(5.) Felony murder of a Federal Agent.

(6.) Aiding and abetting.

(7.) Accessory after the fact.

Status: U.S. fugitive. Incarcerated in Mexico. Provisional Arrest Warrant request.

CHARLES MILLER AKA: EUSTACE O'CONNOR

DOB: 03/29/60

Criminal organization: Is the leader of a major Caribbean drug trafficking organization based in St. Kitts that has moved significant quantities of cocaine from Colombia through the Eastern Caribbean and then into Puerto Rico, the U.S. Virgin Islands and Florida. In October 1994, Miller and six of his associates conspired to murder the Superintendent of St. Kitts' Police. Since May 1996, the U.S. Government has sought the extradition of Miller and two other notorious St. Kitts' drug traffickers who are wanted in the U.S. on drug trafficking charges. In October 1996 and again in January 1999, a St. Kitts magistrate ruled against the U.S. request for Miller's extradition.

U.S. Pending Charges: October 1994, District of Southern Florida: Conspiracy to commit narcotics offenses.

Status: Believed to be residing in the vicinity of Basseterre, St. Kitts. Provisional Arrest Warrant Request. Extradition request under deliberation by St. Kitts Government since May 1996.

WILLIAM BRIAN MARTIN

DOB: 08/02/63 (alt 08/02/62).

Criminal Organization: Martin Organization.

U.S. Pending Charges:

May 4, 1993, District of Arizona:

(1.) Operating a Continuing Criminal Enterprise (CCE).

(2.) Conspiracy to distribute and possess with intent to distribute cocaine and marijuana.

(3.) Conspiracy to commit money laundering.

February 23, 1994, District of Arizona:

(1.) Conspiracy to distribute over 1000 kilograms of marijuana.

September 6, 1994, District of Arizona:

(1.) Operating a Continuing Criminal Enterprise (CCE).

(2.) Conspiracy to possess with intent to distribute cocaine and marijuana.

Status: Arrested in Mexico. Incarcerated in Mexico. Provisional Arrest Warrant request. Extradition from Mexico on June 1, 1999.

IN CELEBRATION OF MEDTRONIC, INC.'S 50-YEAR ANNIVERSARY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mrs. CAPPS. Mr. Speaker, I rise to celebrate the 50-year anniversary of Medtronic, Inc. and to commend its sponsorship of the Public Broadcast System (PBS) show, Frontiers of Medicine.

Frontiers of Medicine, currently broadcast on public television, has been underwritten by the Medtronic Foundation to highlight many of the ground breaking medical innovations that are dramatically changing the nature of patient care. In the short five months that Frontiers of Medicine has been on the air, it has been an enormous success. By the end of June 1999, Frontiers of Medicine will be carried in over 75 percent of the country making it the most popular health show on public television today. The show generated considerable support from viewers and stations who e-mail and phone daily requesting additional information about the topics covered in each episode.

Mr. Speaker, I offer my warm congratulations to Medtronic, Inc. for 50 years of medical innovation, and commend their commitment to providing valuable and innovative information through their sponsorship of the Frontiers of Medicine program. I am always pleased to see private industry serving the public interest by raising awareness and promoting education of the critical issues facing our country.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

SPEECH OF

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes:

Ms. STABENOW. Mr. Chairman, I rise today to address the Bass-DeFazio amendment to the Agricultural Appropriations bill for Fiscal Year 2000. The Bass-DeFazio amendment sought to reduce the Wildlife Services budget within the U.S. Department of Agriculture by $7 million.

I object to the use of Wildlife Services funds in the western states of our nation for the control of predators such as coyotes. I agree with groups like the Humane Society that the practices used in the control of coyotes and other predatory animals are inhumane and a misuse of federal dollars.

Unfortunately, I could not support the Bass-DeFazio amendment because the proposed cuts did not specifically target predator control programs in the west. As written, the amendment could have made a $7 million across-the-board cut to Wildlife Services—a crippling blow to a program that is typically funded at a level of $30 million. I would like to include for the record a letter from Secretary Glickman that describes how the proposed $7 million cut would have impeded the public health and safety efforts of Wildlife Services across the nation.

Michigan is in the midst of a Bovine Tuberculosis (TB) crisis. A growing number of deer have been discovered with Bovine TB that is

being transferred to our state's cattle population. This threatens our state's ''TB Free'' status and could wreak havoc on the cattle and dairy industries in Michigan. Wildlife Services personnel have partnered with the Michigan Department of Agriculture since late 1997 to eliminate Bovine TB in Michigan. The Bass-DeFazio amendment would have severely hindered this partnership would have delayed attention to this agricultural crisis in my state. For this reason, I could not support the Bass-DeFazio amendment.

I know that many of my colleagues have similar concerns. They object to the inhumane use of Wildlife Services in the western states, but rely on the useful Wildlife Services funds in their districts. I urge the conferees for the Agricultural Appropriations bill to seek a solution to this conundrum that will eliminate inhumane Wildlife Services practices without hindering such important programs as Bovine TB control.

Hon. JOE SKEEN,
Chairman, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR JOE: This is to express the Department of Agriculture's concerns about a proposed amendment to the Agriculture appropriations bill that would cut $7 million from the Animal and Plant Health Inspection Service for its Wildlife Services (WS) program. The Department urges that this amendment not be passed.

While the amendment's supporters contend that the proposed funding reduction would only affect predator control programs for private ranches, in reality significant budget reductions in this program would affect other WS program activities as well. The same wildlife biologists who handle agricultural protection work provide protection against threats to public health and safety, damage to property, and protection of natural resources such as threatened or endangered species. A cut of $7 million in such a personnel-intensive activity would result in a serious weakening of the WS infrastructure through large-scale reductions-in-force. This will result in the elimination of work to protect endangered and threatened species, prevent bird strikes at airports, and control animals that can transmit diseases to humans such as rabies, plague, histoplasmosis, and Lyme disease.

Most State and local governments are not in a position to deal with these problems alone. This is why the WS program is largely a cooperative program. In fact, cooperators provide more than $30 million in funding for WS activities. Many cooperators have indicated that they could not fund wildlife management activities alone. Thus, a loss of Federal support for this program could ultimately lead to the loss of State and local funding as well. As you know, the President's budget reduced WS by $1.8 million from the FY 1999 level by assuming that cooperators could be encouraged to cover a larger share of the program. Larger cuts would be extremely difficult for Federal and State officials to manage.

The Department also wishes to reiterate its continuing support for predator control work. Protecting agricultural resources is an investment we make on behalf of producers and consumers. The total value of agricultural production in the United States is estimated at about $200 billion annually based on cash receipts at the farm gate. Agricultural losses to wildlife in this country are estimated to range from $600 million to $1.6 billion annually. A disproportionate share of this burden falls on small farmers. The National Commission on Small Farms defines small farms as those with less than $250,000 in gross receipts annually or farms with an average size of less than 1,129 acres. WS estimates that more than 80 percent of its cooperative agreements in the United States are with small farms and ranches.

The range and extent of wildlife problems continues to grow each year in response to expanding wildlife populations such as predators, geese, deer, beavers, cormorants, and other animals. There is an increasing need to look at these problems from a national perspective to avoid simply moving the problem from one location to another. WS provides the responsible leadership necessary to bring balance to the equation. The Department urges Congress to reject the proposed amendment.

Sincerely,

DAN GLICKMAN,
Secretary.

A TRIBUTE TO THE MEMBERS OF THE YOUNG ISRAEL OF AVENUE K ON THE OCCASION OF ITS 74TH ANNUAL JOURNAL LUNCHEON

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. WEINER. Mr. Speaker, I rise today to invite my colleagues to pay tribute to the members of Young Israel of Avenue K on the occasion of its 74th Annual Journal Luncheon.

The members of Young Israel of Avenue K have long been known for their commitment to community service and to enhancing the quality of life for all New York City residents.

This year's luncheon is not only a festive happening, it is a chance for all of us to celebrate and pay tribute to a group of individuals who have dedicated their lives to helping others. This year's honorees truly represent the best of what our community has to offer.

Each of today's honorees, Drs. Fred and Sheri Grunseid and Shelly and Roberta Lang, have continuously surrounded themselves and their families in the warmth of Judaism through their involvement with Young Israel of Avenue K.

Drs. Fred and Sheri Grunseid and Shelly and Roberta Lang have each accumulated many years of devoted service to Young Israel of Avenue K and the entire community. Through their repeated acts of generosity toward and on behalf of Young Israel, they have consistently proven themselves to be pillars of strength and support for my constituents.

Each of today's honorees has long been known as innovators and beacons of good will to all those with whom they come into contact. Through their dedicated efforts, they have each helped to improve my constituents' quality of life. In recognition of their many accomplishments on behalf of my constitutents, I offer my congratulations on their being honored by Young Israel of Avenue K on the occasion of its 74th Annual Journal Luncheon.

CALLING FOR STRONGER UNITED STATES ACTION TO END THE WORLD'S LONGEST RUNNING WAR IN SUDAN

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. HALL of Ohio. Mr. Speaker, I rise to call my colleagues' attention to a recent editorial appealing for higher-level United States diplomatic attention to pressing for an end to the war in Sudan (Christian Science Monitor, ''Sudan: to End a War,'' June 2, 1999).

I ask that the text of this editorial be entered into the RECORD. It echoes the appeal twenty colleagues and I sent to Secretary of State Madeline Albright in a June 1, 1999 letter (renewing a similar appeal made one year ago) to appoint a special envoy of stature to focus diplomatic attention on the resolution of the political issues and civil war that are the root cause of Sudan's crisis. Two Washington Post editorials on Sudan in the past year have also supported our approach.

Mr. Speaker, war is hell, but Sudan's war is like no other in the suffering it has inflicted. Sudan's brutal conflict is the longest running civil war in the world, and has killed nearly 2 million people, far surpassing the death toll in Kosovo and many humanitarian disasters combined. Since 1983, Sudan's civil war has killed 180 people per day, on average, most of them Christian or non-Muslim Southerners.

More than 2.5 million Sudanese were at risk of starvation when I last visited Sudan in May, 1998 during the last major famine in which an estimated 100,000 people died. the potential for serious food shortages and large-scale malnutrition continues. As long as it drags on, Sudan's war will continue to perpetuate the cycle of misery that has already claimed nearly two million lives over the past 15 years.

Throughout the war, the rebels and the Government of Sudan each have made repeated predictions of decisive military victories over the other side that have never materialized, and no significant shift in the current stalemate or in the military balance of power is foreseen in the near future. Despite limited progress, peace talks continue to founder, and that pattern is sure to continue without sustained high-level diplomatic attention from the United States and the international community. By all indications, without concerted international diplomatic attention and intervention, Sudan's war can and will continue to drag on as it has almost without interruption for the past four decades.

Humanitarian aid aimed at saving lives and easing human suffering must continue. Nonetheless, the United Nations, relief agencies and others have questioned whether aid has enabled the endless pursuit of war and terrorism. In late 1998, the State Department declared Sudan an emergency—for the 10th consecutive year—so that another $70 million to $100 million in U.S. disaster aid could be sent to those in need. The total U.S. contribution during the last decade has been more than $700 million. We all must ask ourselves how long this can continue, and what could be accomplished if even a fraction of those resources could be invested in helping Sudan to build a more peaceful future.

There is a diplomatic leadership void on Sudan that only the United States can fill. A

United States Special Envoy to Sudan's peace process would not unsurp or undermine the regional Kenyan-led peace process. Rather it would serve to enhance and accelerate the work of the Inter-Governmental Authority on Development. The Declaration of Principles established by the IGAD and agreed to by all parties should remain the one and only negotiating framework. These principles include the right of self-determination, separation of religion and the state, and a referendum to be held in the South that offers secession as an option. The Envoy we propose would press for progress on these core issues, and serve to: (1) Signal the United States' seriousness and commitment to supporting Sudan's peace process—failing which we would have stronger justification to shift to a policy of accelerated overt support for the opposition; (2) maintain pressure on all parties to negotiate a serious political settlement, and (3) establish as a stronger behind-the-scenes U.S. presence in forging consensus and coherence among outside supporters of Sudan's peace process (the allies and international organizations that count themselves among the ''International Partners Forum'' on Sudan).

The United States cannot solve all the world's problems. But we can exercise diplomatic leadership in regions where we can make a difference—and where the risks of inaction become intolerable. In Sudan, these risks include no end in sight to the world's longest running civil war and another decade of death, despair, and suffering for the people of Sudan.

I urge my colleagues' support for higher level diplomatic attention to ending Sudan's war and the threat it poses to security in the region, and to the hopes and aspirations of Sudan's people.

''SUDAN: TO END A WAR''

Civil war has raged in Sudan since 1955, with an 11-year break in the 1970s and '80s. Since 1983, the world's longest-running war has killed 2 million of the nation's 28 million people and displaced millions of others.

The causes are complex: The Arabic and Muslim north wants to impose Islamic law on the African, Christian, and animist south. Southerners complain they have never been adequately represented in the Khartoum government, which controls natural resources in their region.

The Khartoum regime has turned a blind eye to religious persecution and slavery. But the southern rebels have contributed to the list of human-rights violations too.

What originally was a north-south civil war, however, has evolved into a conflict involving 10 warring parties in every section of the country. Flip-flopping alliances add to the disorder.

Last year a disastrous famine threatened 2.6 million people with starvation. While peace efforts are under way, including one organized by neighboring states, they have been spasmodic at best.

The world is currently spending $1 million a day in humanitarian aid to the war's refugees, while the Khartoum government spends $1 million a day fighting the war. This can't go on. It's time the world moved Sudan to the front burner and put an end to the conflict, which would help stop the slave trade in the south. The United States should:

Press the United Nations Security Council to take the matter up, get a cease-fire, and arrange a settlement.

Appoint a U.S. special envoy to bolster the peace process.

Help fund a permanent office, with commissioner and staff, for the Intern-Governmental Authority on Development, the neighboring countries' mediation committee. This will allow regular negotiations to continue without interruption.

Fund university scholarships for selected southern Sudanese students, who have been cut off from educational opportunities by the war. Educated people will be needed to help run any future government and develop the region.

The U.S. has spent $700 million during the last decade on aid to the war's victims. The prospect of even one more year of this tragedy ought to be enough to spur U.S. and U.N. officials to action.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

SPEECH OF

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes:

Mr. BERRY. Mr. Chairman, I am ashamed that we have taken this long to create a piece of legislation that is this much of a disservice to American farmers. Unfortunately, this isn't the first time an agriculture bill has been stalled. Last fall, while farmers were twisting in the wind, the Leadership failed to pass the emergency supplemental legislation. Now, we have had an agriculture appropriations bill since February but sadly enough, the Leadership has not seen the need to pass it. When the bill finally comes to the floor, it is held up for two months. Then, in the remaining hours of the debate, an amendment which I did not support, was attached that cut $103 million. This is just one more example of the Congress' failed leadership.

This legislation is an embarrassment to the American farmer. I could not vote for this legislation because it cut billions of dollars in agriculture programs. The legislation spends about $1.6 billion less than this year and $6 billion less than the Administration requested. It just doesn't seem right that when America's farmers are hurting the most, we kick them when they're down by passing legislation that spends less money on farm programs than last year.

I voted for a motion to recommit this bill to the agriculture appropriators so that they could make adjustments to it without making haphazard cuts. These last minute cuts were done without the input of the Democrats on the authorizing committee, on which I serve. It is imperative that the Majority not take the fate of farmers so lightly as to just cut funding with so little regard. At the end of the night, despite my firm commitment to American agriculture, I decided to oppose final passage of this legislation. It is my strong desire that our colleagues in the Senate have the wisdom to make improvements on this legislation and that we return from a conference committee with a bill that adequately supports farmers.

In response to the lack of action on the appropriations legislation, I introduced a resolution last month expressing the sense of the Congress that it is committed to addressing this crisis and that it recognizes that further assistance will be needed. I hope that all Members of Congress join me in reassuring America and our farmers that agriculture is vital to our future and our prosperity.

IN HONOR OF JOE HADDEN

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to Joe Hadden, a man distinguished by his 35-year dedication to our system of jurisprudence and, particularly, his service on the bench of the Ventura County Superior Court.

Judge Hadden has decided to retire. His careful exercise of the law will be missed within the Ventura County Hall of Justice.

After a stint in the U.S. Army, where he rose from private to first lieutenant, Judge Hadden attended and graduated from law school and was admitted to the California Bar in 1964. He served a year as a Ventura County deputy district attorney, then became a partner in Hadden, Waldo and Malley, where he specialized in probate, estate planning and representing businesses.

Judge Hadden served as a Ventura County Superior Court Arbitrator from 1976 to 1980. He was appointed to the Municipal Court bench in 1980 and the Superior Court bench in 1981 by Gov. Jerry Brown Jr., a fact I won't hold against him. The wisdom of the voters prevailed. They approved Judge Hadden's appointment by electing him in 1982 and re-electing him ever since.

Outside the courtroom, Judge Hadden serves as a member of the Ventura County Legal Aid Association.

He has a myriad of other interests, as well. He was an amateur sports car racer from 1954 to 1974, runs marathons, scuba dives, skis, plays tennis, works with stained glass and plays the flute.

It's obvious he will have plenty to keep him busy.

Mr. Speaker, I know my colleagues will join me in recognizing Joe Hadden for his decades of service and in wishing him and his family Godspeed in his retirement.

RECOGNIZING IRA P. WEINSTEIN

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. PORTER. Mr. Speaker, I rise today to recognize Ira P. Weinstein, a constituent and valued patriot, in celebration of his 80th birthday.

Ira Phillip Weinstein was born in Chicago, Illinois June 10, 1919. He entered the U.S. Army Air Corps in 1942 as an Aviation Cadet, trained as a Navigator-Bombardier, and rose to the Rank of First Lieutenant; flying 25 missions with the 8th Air Force 445 Bomb Group, 702nd Squadron before being shot down over

Germany on the infamous Kassell Mission, September 27, 1944. Parachuting to safety, he eluded capture for 6 days and was finally held as a Prisoner of War in Stalag Luft I, in Barth, Germany until the camp was liberated on May 11, 1945. Among Mr. Weinstein's commendations are the Purple Heart, the Air Medal, POW Medal, Presidential Citation, American Campaign and European Campaign Medals, WWII Victory Medal and the French Croix de Guerre.

Married to Norma Randall while still an Aviation Cadet, Mr. Weinstein returned to civilian life after the war and moved to Glencoe in 1952. As president of Schram Advertising Company he built the agency into a successful and respected force in direct mail and business to business advertising.

In addition to these public and professional accomplishments, privately Mr. Weinstein is proud to have celebrated more than 50 years of marriage to his wife Norma before her death several years ago, and prouder still to be the father of two adult daughters, Terri Weinstein, a noted Chicago interior designer, and Laura Temkin, President of Temkin & Temkin Advertising—as well as the doting grandfather to Ross and Max Temkin. Known throughout the community as a wonderful gardener and horticulture authority, Mr. Weinstein has been and continues to be a major contributor and active supporter of Women's American ORT, was a founding Member of Congregation Solel, and an avid supporter of the State of Israel. In addition, Mr. Weinstein is a lifetime Member of the 8th Air Force Historical Society and The Ex-POW Association, and an active member of the Kassel Mission Historical Assn., 2nd Air Div. Assn., Jewish War Veterans, Caterpillar Association. In retirement, Mr. Weinstein has become an outstanding golfer, accomplished world traveler and a builder of model historical aircraft.

Mr. Speaker, I would like to commend Mr. Weinstein on his outstanding service to his nation and to his community. I am very proud to represent people of his caliber and devotion to America.

INTRODUCTION OF VETERANS' MILLENNIUM HEALTH CARE ACT

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. STEARNS. Mr. Speaker, I'm pleased to introduce a bill adopted unanimously at markup this morning by the Subcommittee on Health of the Veterans' Affairs Committee.

This important legislation tackles some of the major challenges facing the VA health care system. In doing so, it offers a blueprint to help position VA for the future, and I think it is appropriately titled the Veterans' Millennium Health Care Act.

Foremost among VA's challenges are the long-term care needs of aging veterans. For many among the World War II population, long term care has become as important as acute care. However the long-term care challenge has gone unanswered for too long. This legislation would squarely address this issue and would adopt some of the key recommendations of a blue-ribbon advisory committee, while going further to provide VA important new tools to improve veterans' access to long term care.

Similarly, the bill tackles the challenge posed by a recent General Accounting Office audit which found that VA may spend billions of dollars in the next five years to operate unneeded buildings. In testimony before my Subcommittee, GAO stated that one of every four VA medical care dollars is spent in maintaining buildings rather than caring for patients. This is not just an abstract concern. It is no secret that VA is discussing closing hospitals. And in some locations, that may be appropriate. The point is that VA has closure authority and has already used it. In fact, we could expect closures of needed facilities under the disastrous budget submitted by the President this year.

This bill instead calls for a process to be sure that decisions on closing hospitals can only be made based on comprehensive studies and planning. That planning process must include the participation of veterans organizations and employee groups. In short, the bill sets numerous safeguards in place, and would specifically provide that VA cannot simply stop operating a hospital and walk away from its responsibilities to veterans. It must ''re-invest'' savings in a new, improved treatment facility or improved services in the area.

Overall, the bill has four central themes: (1) to provide new direction to address veterans' long-term care needs; (2) to expand veterans' access to care; (3) to close gaps in current eligibility law; and (4) to establish needed reforms to improve the VA health care system.

The bill's key provisions would:

(1) require VA to maintain its long-term care programs and to increase both home and community-based long-term care;

(2) mandate that VA provide needed long-term care for 50% service-connected veterans and veterans needing care for a service-related condition;

(3) require co-payments for long-term care for all other veterans, based on ability to pay and with such payments helping to support expanded services;

(3) establish limits and conditions for considering closure of VA medical centers or parts of medical centers (such as ceasing to provide acute hospital care at a VA medical center), and would require that VA re-invest savings from a closure to establish new outpatient facilities and other improved services in any affected area;

(4) authorize VA care of TRICARE-eligible military retirees who are not otherwise eligible for priority VA care, subject to DOD reimbursing VA, as well as provide specific authority for VA care of veterans who were injured in combat and earned the Purple Heart;

(5) authorize VA to pay reasonable emergency care costs for service-connected, low-income and other high priority veterans who have no health insurance or other medical coverage, and who rely on VA care;

(6) authorize VA to (a) increase the copayment on prescriptions drugs; and (b) establish reasonable copayments on other costly items provided for care of a nonservice-connected condition (subject to exemptions on copayments in existing law), and provide that these new revenues would help fund VA medical care;

(7) require that, if the Federal government prevails in a suit against tobacco companies to recover costs incurred by the Government attributable to tobacco-related illnesses, VA shall retain the amount of such recovery attributable to VA's costs of providing such care for use in providing medical care and conducting research on such illnesses;

(8) reform the criteria for awarding grants for construction and remodeling of State veterans' homes;

(9) extend VA's authority to make grants to assist homeless veterans; and

(10) authorize the VA to carry out a three-year pilot program in up to four of VA's networks to provide primary care services (subject to reimbursement) to dependents of veterans.

Mr. Speaker, this is an important bill which major veterans groups have praised and endorsed. The work on it has been a real bipartisan effort. I urge Members to support it.

TRIBUTE TO WAYNE P. ROY FOR HIS SERVICE TO LABOR

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. STUPAK. Mr. Speaker, on Friday, June 4, men and women of a variety of union trades gathered in Marquette, Michigan to honor Wayne P. Roy, who retired from federal employment in 1998. Mr. Roy had served 11 years as the Apprenticeship and Training Representative, Bureau of Apprenticeship and Training, U.S. Department of Labor. His service area included the Upper Peninsula of Michigan, which makes up a large portion of my congressional district, and northern Wisconsin.

Prior to that, Wayne Roy worked for the Michigan State AFL–CIO's Labor Employment and Development Program as the Upper Peninsula coordinator for several years.

Those are the dry facts of Wayne Roy's employment, Mr. Speaker. They only hint at a lifetime of commitment to issues that affect the hardworking people of northern Michigan.

In fact, this dedication to union issues was a family tradition that began before his birth. Wayne's father George was a miner in the Upper Peninsula and an officer in his local union. Wayne's mother Delima was a member of the International Ladies' Garment Workers Union and the Steelworkers Women's Auxiliary. It was only natural, therefore, that as a child Wayne would learn the importance of unions at his parents' side as he joined them at labor rallies and on picket lines.

After graduating from Gwinn High School, Wayne served a 4-year stint in the Navy until 1958, and then began a series of jobs that would give him membership in several unions. Through one job in Milwaukee, he joined the Chemical Workers, and then through a second he joined Teamsters Local 344, serving as part-time shop steward and committee member.

Returning to the Upper Peninsula, Wayne took a job with a mining company and became a member of Steelworkers Local 4950. In 1968 he joined Sheet Metal Workers Local 94, serving as the union's president for 9 years.

Wayne Roy's commitment to the labor movement led him to take positions with a variety of area civic and political groups, where he could broaden his effort on behalf of working men and women and find new ways to serve his community.

Such service included the board chairmanship of the United Way of Marquette County and the Marquette County Economic Development Corporation, presidency of the Marquette County Labor Council, and memberships on such panels as the Central Upper Peninsula Private Industry Council, the American Red Cross, the Forsyth Township Zoning Board, and the Marquette Prison Inmate Apprenticeship Committee.

It's clear, Mr. Speaker, that even as Wayne Roy and his wife Hazel raised seven children, he was demonstrating his belief that our best community leaders are actually public servants, who seek out every opportunity to improve the quality of life of their neighborhood, their place of employment, their city or township, even their region.

I ask you, Mr. Speaker, and I ask my House colleagues to join me in saluting this dedicated fighter for better lives for ordinary working people.

As one of Wayne Roy's colleagues said recently, he ''proudly bears a union label on his soul.''

A TRIBUTE TO DAN FOSTER

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. WEINER. Mr. Speaker, I rise today to invite my colleagues to pay tribute to Dan Foster on the occasion of National Cancer Survivors Day.

Dan Foster, a two-year cancer survivor, has long been known for his commitment to community service and to enhancing the quality of life for all New York City residents. This gathering is a chance for all of us to pay tribute to a man who has dedicated his life to helping others. Dan Foster truly represents the best of what our community has to offer.

On June 6, 1999, Dan Foster will talk from the Montauk Point Lighthouse to St. Patrick's Cathedral, covering a distance of one hundred fifty miles, in recognition of National Cancer Survivors Day. Dan Foster's walk is dedicated to all cancer survivors and in memory of those who have succumbed to the disease.

This walk will also raise funds for Beth Israel Medical Center and ''The Circle of Hope,'' two organizations who have dedicated themselves to finding a cure for cancer. Beth Israel Medical Center has focused its efforts on understanding and managing the effects of colorectal cancer. ''The Circle of Hope,'' in conjunction with the Catholic Medical Center, will be establishing a palliative care program at the Bishop Mugavero Geriatric Center in Brooklyn, New York. The facility will be designed to provide terminal cancer patients with a sense of dignity as they near the end of their lives.

Dan Foster's dedication to his friends and neighbors can also be seen in his columns for Gerritsen Beach Cares' monthly newsletter. In his columns, Dan, the organization's Health and Welfare Committee Chairman, reminds readers about the importance of regular check ups, exercise and proper nutrition as a means of combating the disease.

Dan Foster has long been known as an innovator and beacon of good will to all those with whom he has come into contact. Through his dedicated efforts, he has helped to improve my constituents' quality of life. In recognition of his many accomplishments on behalf of my constituents, I offer my congratulations on his dedication and devotion to find a cure for cancer on the occasion of National Cancer Survivors Day.

TRIBUTE TO DR. LASZLO TAUBER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. LANTOS. Mr. Speaker, last week the Washington Post published an excellent front-page article about the unique life and the outstanding philanthropic contributions of my dear friend Dr. Laszlo Tauber. I call this to the attention of my colleagues, Mr. Speaker, because in many ways the story of Laci Tauber reflects what is best about this wonderful country of ours.

Dr. Tauber, who received his initial medical training in Hungary before World War II, survived the horrors of the Holocaust in Budapest. He not only preserved his own life, he risked his own life to use his medical training to help those who were suffering the most at the hands of German Nazi troops and Hungarian Fascist thugs.

After coming to the United States, Mr. Speaker, Laci Tauber encountered problems and obstacles that face many of those who emigrate to this country seeking freedom and opportunity. He rose above those obstacles, establishing a highly successful medical practice in the Washington, DC, area and creating a real estate empire in this area that is the envy of many real estate magnates whose names are far better known in this region.

Mr. Speaker, Dr. Tauber has sought to give back something to this country which welcomed him and which provided him outstanding opportunities. His most recent and creative act of generosity involves the establishment of a scholarship fund to assist the grandchildren and other descendants of those men and women who served in our nation's armed services during World War II. Dr. Tauber and I feel a strong debt of gratitude to those brave men and women who risked their lives to liberate the peoples of Europe who were enslaved by Nazi Germany's evil Third Reich. This is only the most recent and most creative of Dr. Tauber's philanthropic endeavors.

I invite my colleagues to join me in paying tribute to Dr. Laszlo Tauber. I ask that the article from the Washington Post which details his exceptional accomplishments be placed in the RECORD.

[From the Washington Post, June 2, 1999]

GIVING WITH A POINT: HOLOCAUST SURVIVOR DONATES MILLIONS

(By Cindy Loose)

It was a struggle that first year in America, just after World War II. Laszlo Tauber and his wife lived in a Virginia apartment so decrepit the landlord warned them not to step on the balcony because it might fall off.

But with the frugality and generosity that have characterized his life, Tauber saved $250 from his income of $1,600. Then he gave it away.

''I am a Hungarian Jew who survived the Holocaust,'' Tauber wrote in a note to doctors at Walter Reed Army Hospital, where many veterans of the war were recovering from their wounds. ''As a token of appreciation, my first savings I would like you to give to a soldier of your choice.''

In the intervening years, Laszlo Tauber built a thriving surgical practice, started his own hospital, and in his free moments created one of the largest real estate fortunes in the region. Estimates of his wealth exceed $1 billion. He may be the richest Washingtonian you've never heard about.

He has already donated more than $25 million to medical and Holocaust-related causes. Now he's giving $15 million for scholarships to descendants of anyone who served in the U.S. military during the war years. An additional $10 million, honoring Raoul Wallenberg, who saved tens of thousands of Hungarian Jews, will go to organizations that memorialize the Holocaust and students in Denmark and Wallenberg's native Sweden.

Several local foundation leaders say even they have never heard of Tauber, but all call the latest donations remarkable.

Tauber hopes the gifts will inspire—or, if necessary, shame—other Holocaust survivors who have the means to give.

When Tauber gives money, he always intends to make a moral point. And when he knows he is right, the 84-year-old says, ''you can move the Washington Monument more easily.''

Generous in philanthropy, parsimonious in his business dealings, Tauber is, his friends say, the most complicated man they've ever met.

Asked to describe himself, he responds, ''I am a righteous, miserable creature of God.''

FORMED IN THE HOLOCAUST

He still sees patients, does minor surgery and makes all major decisions about his varied business and philanthropic enterprises.

He's proud that he charged dirt-cheap prices for his medical services and ignored overdue bills. But he also squeezed every dime of profit from his real estate deals and pursued one failed venture all the way to the U.S. Supreme Court.

He lives on a 36-acre estate in Potomac and gives away millions but stoops to pick up stray paper clips and writes, in tiny script, on the back of used paper.

Everything about him—his quirks, his drive, his outlook on life—he says can be explained by the Holocaust.

Tauber shuns publicity and must be prodded to discuss his past. People who he believes exploit the Holocaust for personal glory he calls ''dirty no-goods.'' With the current gift, he wants to get the message to other survivors, so he will talk.

In the fading photographs he keeps in his Northern Virginia office, the team of gymnasts from the Budapest Jewish High School looks so young, and so proud. Tauber will never forget a meet in 1927, when he was 12.

''Everyone was standing, singing the Hungarian national anthem, and people started throwing rotten apples at my team, yelling, 'Dirty Jews'.'' Tauber says. He pauses, tears welling in his eyes. ''I thought to myself: 'Bastards. I will train. I will beat them. I will show them.'''

Within two years, he was a national and European champion.

''Am I competitive? Yes, unfortunately so,'' he says today. ''Did I become a happier man? Definitely not. But my experiences made me always stand for the underdog.''

Hungary was not occupied by Germany until the spring of 1944, by which time the country had the only large reservoir of Jews left in Europe. Between April and June of 1944, roughly 437,000 Hungarian Jews in the countryside were sent to Auschwitz.

''Almost all were gassed on arrival, or soon after,'' says Walter Reich, former director of

the U.S. Holocaust Memorial Museum. The Jews of the capital city were next on the list.

In this atmosphere, Tauber, at age 29, became chief surgeon at a makeshift hospital for Jews. His memories of that time are described in staccato images, interrupted by cracking voice and silent tears.

''A mother begged me to save her son. But you understand, he was dead already.''

Zoltan Barta, a friend and former schoolmate, was hit in the head with shrapnel. His last words: ''My dear Laci, save me.''

Sandor Barna, who refused to wear the required yellow star, begged Tauber to fix the hooked nose that threatened to betray his ethnicity. But Tauber didn't have the equipment. The Nazis killed Barna. ''If I could have operated on Sandor Barna,'' Tauber says, ''he would be alive today.''

But Reich says Tauber is an unsung hero, worthy of a Presidential Medal of Freedom. Imagine the irony, he says, of running a hospital for people slated to die.

''It's strange, and crazy, but also necessary, and compelling and ultimately noble,'' Reich says. ''And he did it as a young man. And he did it in a manner that foretold his future.''

GIVING AND GETTING

Tauber's son, Alfred Tauber, remembers as a young boy visiting New York City. ''At night, I'd walk with my father around Times Square,'' he says. ''I'd ask, 'What are you doing? Why are we here?' He'd answer, 'I'm looking for my old friends.' ''

And sometimes, amazingly, they would find one. If the person needed money, Tauber would arrange to give some.

Tauber had come to the United States to take a fellowship at George Washington University, where he was paid a small stipend and supplemented his income by giving physicals for 25 cents each. ''I offered my services for less than a decent prostitute would charge,'' he says now.

Hugo V. Rissoli, a retired professor, says that Tauber was brilliant, but that the doctor assigned to be his mentor virtually ignored him, and Tauber was not asked to stay on.

Tauber sensed antisemitism and reacted much as he did when he was 12: If discrimination was to keep him from rising at an established hospital, he'd build his own. He built the hospital, the now-closed Jefferson Memorial in Alexandria, in part so he could train other young doctors who had earned their degrees abroad.

In his spare time, with a $750 loan, he began amassing the necessary fortune in real estate.

''Real estate meant independence, to practice as I wish,'' he says. ''I spent 5 percent of my time on real estate but got 95 percent of my money from it.'' His development portfolio was diversified—office, retail, government, residential. In 1985, he became the only doctor ever named on the Forbes magazine list of richest men.

Tauber takes enormous pride in his surgical skills but shows none in his real estate prowess.

Real estate, his son Alfred thinks, is the means his father uses to steel himself against an unstable world. But, says Alfred, a medical doctor and director of the Center for Philosophy and History of Science at Boston University, it also ''appeals to his competitive streak. He takes delight that he can play the game better than most.''

Wizards owner Abe Pollin marvels at Tauber, whom he met in the early 1950s. ''It took every ounce of my energy to run my real estate business,'' Pollin says. ''I was much less successful at it than him, and he did it while running a full-time medical practice.''

Tauber's real estate empire brought many battles. As the federal government's biggest landlord, he was known for building exactly to code, with no frills.

For two years, nine federal agencies fought being transferred to an 11-story building on Buzzard Point that the General Services Administration was renting from Tauber for $2.5 million a year. It was so spare, they couldn't imagine working there. Finally, the GSA strong-armed the Federal Bureau of Investigation into moving there.

Rissoli likes to tell of the time neighbors complained Tauber was putting up a three-story apartment building in an area zoned for lower buildings. Tauber took off the roof, removed a few rows of bricks and called it a 2.5-story building.

Tauber's daughter, Irene, a San Francisco psychologist, says she never realized growing up that her family was wealthy. They lived simply, in an apartment building that was part of a Tauber development in Bethesda, between Massachusetts Avenue and River Road.

But they were initially unwelcome in the neighborhood, even though they owned it.

Tauber says that soon after he submitted the winning bid to buy the land in the late 1950s, an agent representing the owners asked that he agree not to sell any of the residential tracts to blacks or Jews.

The agent was amazed when Tauber told him he was Jewish. Under threat of a lawsuit—and at the agent's urging—the owners went through with the deal.

THE USES OF MONEY

Some years ago, Tauber was due at a reception at Brandeis University, where he had donated $1.6 million to establish an institute for the study of European Jewry. He needed a white shirt and steered his daughter toward Korvette's, the New York-based discount store. Inside, he headed for the basement.

''Daddy, Korvette's is already cheap,'' Irene protested. ''You don't have to go in the bargain basement.''

Tauber's only concession to his wealth is the home he shares with his second wife, Diane. (He and his first wife, now deceased, were divorced years ago.) But even his home cost him little: He made a huge profit by selling off some of the surrounding land.

But although he doesn't spend money on himself, he gives it away. He harbors resentment about the treatment he says he got at George Washington University decades ago, but he agreed to donate $1 million to the campus Hillel Center on the condition that a room be named in honor of Rissoli.

Rissoli says he did nothing more than be friendly to Tauber. But Tauber says that by being kind, Rissoli restored his faith in humanity.

One-third of the new $15 million grant will be funneled through GW, the rest through Boston University and others to be named. Recipients, to be selected by the universities, will be required to take one Holocaust-related course or tutorial.

Tauber says he hopes the gift will prompt students to think about the sacrifices of their forefathers. The funds are dedicated to the memory of his parents, as well as his uncle and his only brother, both of whom died in the Holocaust.

Why do it now?

''I don't stay here too long,'' he says. ''At my age I should not start to read a long book.''

The money, most of which will become available at Tauber's death, will be awarded with one unusual guideline: The percentage of African Americans who receive the scholarships must be at least as large as the percentage who served during World War II—or about 6 percent, according to military historians.

''It cannot be tolerated,'' Tauber explains, ''that those of us who were discriminated against should ever ourselves discriminate.''

The Americans who fought in foreign lands for strangers, Tauber says, rescued a remnant of his people, and they saved the world.

''It is not enough,'' he says, ''to shake hands and say thank you.''

PERSONAL EXPLANATION

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. FORD. Mr. Speaker, last night I missed three votes due to personal business. If I had been present, I would have voted ''no'' on rollcall No. 174, ''no'' on rollcall No. 175, ''aye'' on rollcall No. 176, and ''no'' on rollcall No. 177.

COMMEMORATING THE NAPERVILLE, IL, MILLENNIUM CARILLON GROUNDBREAKING

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mrs. BIGGERT. Mr. Speaker, I rise to bring to my colleagues' attention an amazing event that will take place in my district, in Naperville, Illinois.

Can you hear it?

That is the theme of the Naperville Millennium Carillon project, the groundbreaking ceremony for which will take place this Friday. It will be a great tower, almost 150 feet high, in the heart of one of America's most vibrant cities. It will house one of only four carillons of its stature in the nation.

The bells of the Millennium Carillon will ring for the first time on the Fourth of July, in the year 2000. They will ring amid the report of cannon, as the Naperville Municipal Band swells toward the final bars of the 1812 Overture. And the harmony they sound will be a symphony of celebration—celebration of community, of tradition, and of the future.

The tower and carillon will stand, first, as a monument to the spirit of Naperville. It is only through the support of the city's people that the carillon and tower will rise over the coming months. Led by the generous donation of two great benefactors, Harold and Margaret Moser, the community is quickly making this recent dream a soaring reality.

In its design and placement, the carillon reminds us of a great past. It will take its place as part of another recent gift from the community, the Naperville Riverwalk. This beautiful preserve was dedicated in 1981 to celebrate the city's sesquicentennial. The traditional limestone of the Harold and Margaret Moser Tower will echo the work of the early Naperville stonemasons who quarried along the banks of the West Branch of the DuPage River. And inside the tower, a unique, interactive and living time capsule will offer visitors for years to come a view of what Naperville looks like today.

Those visitors will hear also the clarity of a community that is confidently facing the future.

The carillon is being built for the ages by a city that believes in itself. In fact, anyone who wants to experience firsthand the vitality of Naperville should not miss Celebration 2000, three joyous days of festivities the city will hold at the turn of the century.

Mr. Speaker, I share these words today so that our nation can share in a magnificent sound. It is the ringing of heritage and hope in the heartland of America, the Millennium Carillon of Naperville, Illinois.

CONGRATULATIONS TO THE UNIVERSITY OF GEORGIA'S 1999 NCAA CHAMPIONS, MEN'S GOLF, MEN'S TENNIS, WOMEN'S GYMNASTICS, WOMEN'S SWIMMING AND DIVING

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. CHAMBLISS. Mr. Speaker, I want to congratulate my alma mater, the University of Georgia, and its athletic program for recently capturing four NCAA championships this season. Four national titles in one season is a record for the University of Georgia. An outstanding group of young men and women brought home national titles in Men's Golf and Tennis, and Women's Gymnastics and Swimming and Diving, and each of these teams deserve great recognition.

I especially want to congratulate both the Men's Golf and Women's Swimming and Diving Teams for winning their first-ever national titles. Just this past weekend, the Men's Golf Team and their Coach Chris Haack won the NCAA national championship by three strokes over Oklahoma State. In March, the top-ranked Lady Bulldog Swimming and Diving Team also won their first NCAA Championship be defeating Stanford, the defending champion. I would like to recognize Coach Jack Bauerle for being named Swimming Coach of the Year and Kristy Kowal for being named Swimmer of the Year. I am extremely proud of both of these teams for these historic accomplishments, and I know there will be many more in the future.

The UGA Women's Gymnastics Team and their Coach Suzanne Yoculan have brought pride to the University of Georgia over the years, and words cannot describe the incredible talent displayed by this group of young women. This year was no exception as the Gym Dogs outdistanced Michigan and Alabama in April to capture their fifth NCAA National Championship while at the same time defending their 1998 national title. The Gym Dogs have maintained a perfect record of 67–0 over the last two years, an amazing accomplishment. Imagine, not a single loss in two years. This season they completed the season with a perfect 32–0 record as the only undefeated team in the country. They are the first team ever to have a perfect record two years in a row, and the second team to win back-to-back women's gymnastics titles.

I also want to congratulate Karen Lichey for being named the 1999 recipient of the Honda Award for Gymnastics as the country's top female collegiate gymnast. Miss Lichey also earned the maximum five First-Team All-American honors as well as SEC Gymnast of the Year. These incredible accomplishments should not go unnoticed. I had the honor of hosting the Gym Dogs during their visit to Washington last summer, and they are a group of bright young women that are already a legend in the University of Georgia's athletic program.

In May, the UGA Men's Tennis Team and their Coach Manual Diaz fought back to defeat UCLA and win its third NCAA title since 1987. Upon entering the tournament, Georgia was ranked number 10. UCLA was ranked number one in the country, but Georgia fought with great heart and overcame the odds. The Bulldogs came back from being down two matches to one and brought home another title, winning four of the seven matches. The team has a rich history of winning, and this year was no different. In the years to come, I know we can expect the Men's Tennis Team to continue their winning tradition.

Mr. Speaker, victory is sweet indeed, but it cannot be achieved without the hard work, talent, and perseverance of every single athlete. These four teams of outstanding individuals, including numerous champions and All-Americans, and their coaches deserve the recognition they have received. I want to commend the University of Georgia athletic program, its director Vince Dooley, and its fine coaches and athletes. I also want to say what an honor it is to be a UGA alumnus, and I look forward to many victories in the years to come.

CHINA TO DONATE $300 MILLION TO HELP KOSOVAR REFUGEES

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. BLILEY. Mr. Speaker, on Monday, June 7, 1999, the President of the Republic of China, Lee Teng-hui, announced the Republic of China will donate $300 million to help the Kosovar refugees. This aid will consist of:

1. Emergency support of food, shelter, medical care and education for the Kosovar refugees, who are currently living in exile in neighboring countries.

2. Short-term accommodations for some refugees in Taiwan, with opportunities for job training in order to better equip them for the restoration of their homeland upon their return.

3. Support for the rehabilitation of Kosovar in coordination with international recovery programs.

President Lee and the people of the Republic of China should be commended for their commitment to international peace and stability. The Republic of China, as a member of the international community, has always been very active in world affairs. This is yet another example of the Republic of China being an active and positive international partner with the United States in international affairs.

HONORING DR. MICHAEL F. REARDON; PROVOST, PORTLAND STATE UNIVERSITY, JUNE 9, 1999

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. WU. Mr. Speaker, today I would like to recognize Dr. Michael F. Reardon, a constituent of mine, who will soon retire from an 8-year term as provost of Portland State University; one of the nation's leading urban universities.

Michael Reardon has had a long and distinguished career as a professor and higher education administrator. He has served Portland State University and the academy with distinction for more than 30 years.

Dr. Reardon received his bachelor's degree from Georgetown University in 1960, and his doctoral degree in history from Indiana University in 1965. After receiving his doctorate, Dr. Reardon accepted a position as an Assistant Professor of history at Portland State University. Before being selected as the Provost in 1992, Dr. Reardon served as Chairman of the department of history, Director of the Honors Program, Associate Dean of the College of Liberal Arts and Sciences and Vice Provost.

Dr. Reardon is recognized for his work in the history of European thought, French intellectual history, the development of disciplinary knowledge, and on culture of the professions. He is also known for his positions as Vice-President and President of the Western Regional Associations of Honors Programs and as an officer in the National Collegiate Honors Conference. Many here in Washington know Dr. Reardon as a consultant to the National Endowment for the Humanities, for his work with the American Council on Education and other national associations of higher education.

Provost Reardon's interest in curricular reform has encouraged innovative changes in undergraduate education at Portland State University and around the nation. His publication on curricular reform and cost containment in the Handbook of Higher Education has brought about a renewed commitment to providing quality post secondary education to all Americans in urban areas.

These distinctions alone would be sufficient to merit my gratitude for Dr. Reardon's work, however, I would especially like to offer my sincere appreciation for Provost Reardon's administrative vision and his excellence as a teacher who has encouraged students to pursue their careers and ambitions.

In 1994 under Provost Reardon's guidance, a nationally recognized general education program was developed and implemented at Portland State University. The four-year program encourages civic responsibility through outreach to regional organizations, high schools and businesses. The program enables students to work in a team environment using critical thinking skills and interdisciplinary problem-solving approaches to contemporary issues. This program is based on collaborative partnerships between the university and community; in effect each student at this university must, to receive their degree, serve the community.

Dr. Reardon's strong commitment to the university as Provost is paralleled by his equally firm commitment to students and teaching. Throughout his years as an administrator, Dr. Reardon has always found time to teach undergraduate and graduate students in his areas of expertise and develop programs such as an internship program in Washington that has provided students with an opportunity to work and learn in Nation's capital city. Dr. Reardon's students are professors, teachers, business leaders, college administrators, research scientists, and lawyers. Oregon and the nation will benefit from Dr. Reardon's dedication and his commitment to education.

It is with great pleasure that I honor Dr. Reardon for his service to Portland State University, to Oregon, and to the nation. I look forward to his continuing work as professor and consultant to universities and associations of higher education in the coming years.

DEBT REDUCTION LEGISLATION

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. STUPAK. Mr. Speaker, I rise today to re-introduce legislation I have sponsored the previous three Congresses to help reduce the deficit and the debt. I urge my colleagues to join me and cosponsor my bill.

Since my arrival in Washington, I have worked to reduce the deficit and reduce our nation's debt burden. This legislation takes another step in that direction by sending our unused office budget funds to the U.S. Treasury for deficit and debt reduction. Today, after several years of fiscal discipline, the federal government is currently ''in the black'' and running surpluses for the first time in 30 years. But we still have a national debt of more than $5.4 Trillion.

This simple but important step will go a long way to show the American people that we are serious about debt reduction and that we are willing to put our money where our mouth is. Alone, this legislation won't eliminate the debt. But combined with our other efforts to reduce budgets, limit spending and run the government more efficiently, we can eliminate the national debt too.

Specifically, my legislation requires that any unused portions of our Members' Representational Allowances are to be deposited into the Treasury for either deficit reduction or to reduce the Federal debt. The bill also requires the Appropriations Committee to report in its annual legislative branch appropriations bill a list of the amount that each Member deposited into the Treasury.

I urge my colleagues to support this legislation to return our unused office funds to the U.S. Treasury for deficit or debt reduction.

IN CELEBRATION OF THE 60TH ANNIVERSARY OF THE CEREBRAL PALSY CENTER FOR THE BAY AREA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Ms. LEE. Mr. Speaker, I rise in celebration of the Sixtieth Anniversary of the establishment of the Cerebral Palsy Center for the Bay Area located in Oakland, California.

The Cerebral Palsy Center for the Bay Area was founded in 1939, as the Spastic Children's Society of Alameda County (California), and was the first such organization in the country.

The Society was renamed the Cerebral Palsy Children's Society of the East Bay and was instrumental in the passage of state legislation in 1941 that created the first comprehensive program of special classes, physical therapy and diagnostic services for children with cerebral palsy.

The Center continues to pioneer services, assistive technology and software, to help people with developmental disabilities reach their highest potential, with the Computer Learning Center as its latest example.

The Center leads in raising public awareness about cerebral palsy and other developmental disabilities and the rights and aspirations of individuals with such conditions.

The Center has been sustained and enriched throughout its 60-year history through hundreds of volunteers who assist with numerous administrative tasks, maintain buildings and grounds, teach classes, provide job counseling and computer training, and coordinate special events and fundraisers.

I join people throughout the Bay Area in recognizing this momentous occasion of celebrating 60 years of extraordinary service by The Cerebral Palsy Center of the Bay Area to people with developmental disabilities.

HONORING THE U.S.S. ''NEW JERSEY''

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the U.S.S. *New Jersey,* which has honorably served the United States in times of both peace and war for over 50 years.

Today, along with many of my colleagues from New Jersey, I introduced the ''U.S.S. New Jersey Commemorative Coin Act.' This bill authorizes the minting of a commemorative coin to honor the Battleship *New Jersey's* contribution to our country.

The *New Jersey* was first launched December 7, 1942, and was immediately sent off to the Pacific Theater. There, the Battleship *New Jersey* played a key role in operations in the Marshalls, Marianas, Carolines, Philippines, Iwo Jima, and Okinawa.

After the Allied victory, the U.S.S. *New Jersey* was deactivated in 1948 until being called to service again in November, 1950. The ship served two tours in the Western Pacific during the Korean War, and was the flagship for Commander 7th Fleet.

After her service, the U.S.S. *New Jersey* was again mothballed in 1957, only to be pressed into service again in 1968 to serve as the only active-duty Navy battleship. She provided critical firepower to friendly troops before again being decommissioned in 1969.

The Battleship *New Jersey's* service did not end with Vietnam. She continued to serve our Navy in a number of the roles in the Pacific, the Mediterranean and off the coast of Central America.

Her brave and honorable service finally came to an end in February 1991, when the U.S.S. *New Jersey* was decommissioned for the fourth and final time.

Last year, Congress passed legislation directing that U.S.S. *New Jersey* be brought home and permanently berthed in her namesake state. Mr. Speaker, Governor Whitman, the state legislature and the people of New Jersey all strongly endorse bringing the Battleship home. We are all united in our desire to have the U.S.S. *New Jersey* come home.

This legislation would help raise money to offset the costs of bringing the Battleship home, where she can serve as a permanent reminder of the brave men who served aboard her, and the important role the U.S.S. *New Jersey* has played on our nation's history.

Mr. Speaker, I urge all my colleagues to join me in cosponsoring this bill to honor the memory of the Battleship *New Jersey.*

INTRODUCTION OF THE ANTI-TAMPERING ACT AMENDMENTS OF 1999

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. GOODLATTE. Mr. Speaker, I rise today with my colleague from California, Congresswoman ZOE LOFGREN, to introduce the Anti-Tampering Act Amendments of 1999. This important legislation, which I introduced last year and which garnered a majority vote in the House, will provide law enforcement the tools they need to combat the growing crime of altering or removing product identification codes from goods and packaging. This bill will also provide manufacturers and consumers with civil and criminal remedies to fight those counterfeiters and illicit distributors of goods with altered or removed product codes. Finally, this bill will protect consumers from the possible health risks that so often accompany tampered goods.

Most of us think of UPC codes when we think of product identification codes—that block of black lines and numbers on the backs of cans and other containers. However, product ID codes are different than UPC codes. Product ID codes can include various combinations of letters, symbols, marks or dates that allow manufacturers to ''fingerprint'' each product with vital production data, including the batch number, the date and place of manufacture, and the expiration date. These codes also enable manufacturers to trace the date and destination of shipments, if needed.

Product codes play a critical role in the regulation of goods and services. For example, when problems arise over drugs or medical

devices regulated by the Food and Drug Administration, the product codes play a vital role in conducting successful recalls. Similarly, the Consumer Product Safety Commission and other regulators rely on product codes to conduct recalls of automobiles, dangerous toys and other items that pose safety hazards.

Product codes are frequently used by law enforcement to conduct criminal investigations as well. These codes have been used to pinpoint the location and sometimes the identity of criminals. Recently, product codes aided in the investigation of terrorist acts, including the bombing of Olympic Park in Atlanta and the bombing of Pan Am Flight 103 over Lockerbie, Scotland.

At the same time, manufacturers have limited weapons to prevent unscrupulous distributors from removing the coding to divert products to unauthorized retailers or place fake codes on counterfeit products. For example, one diverter placed genuine, but outdated, labels of brand-name baby formula on substandard baby formula and resold the product to retailers. Infants who were fed the formula suffered from rashes and seizures.

We cannot take the chance of any baby being harmed by infant formula or any other product that might have been defaced, decoded or otherwise tempered with. FDA enforcement of current law has been vigilant and thorough, but this potentially serious problem must be dealt with even more effectively as counterfeiters and illicit distributors utilize the advanced technologies of the digital age in their crimes.

Manufacturers have attempted, at great expense and with little success, to prevent decoding through new technologies designed to create ''invisible'' codes, incapable of detection or removal. However, decoders have proven to be equally diligent and sophisticated in their efforts to identify and defeat new coding techniques. We therefore must provide manufacturers with the appropriate legal tools to protect their coding systems in order for them to protect the health and safety of American consumers.

Currently, federal law does not adequately address many of the common methods of decoding products and only applies to a limited category of consumer products, including pharmaceuticals, medical devices and specific foods. Moreover, current law only applies if the decoder exhibits criminal intent to harm the consumer. It does not address the vast majority of decoding cases which are motivated by economic considerations, but may ultimately result in harm to the consumer.

My legislation will provide federal measures which will further discourage tampering and protect the ability of manufacturers to implement successful recalls and trace products when needed. It would prohibit the alteration or removal of product identification codes on goods or packaging for sale in interstate or foreign commerce, including those held in areas where decoding frequently occurs.

The legislation will also prohibit goods that have undergone decoding from entering the country, prohibit the manufacture and distribution of devices primarily used to alter or remove product identification codes, and allow the seizure of decoded goods and decoding devices. It will require offenders to pay monetary damages and litigation costs, and treble damages in the event of repeat violations. The bill will also impose criminal sanctions, including fines and imprisonment for violators who are knowingly engaged in decoding violations.

The bill would not require product codes, prevent decoding by authorized manufacturers, or prohibit decoding by consumers. It is a good approach designed to strengthen the tools of law enforcement, provide greater security for the manufacturers of products, and most importantly, provide consumers with improved safety from tampered or counterfeit goods. I urge my colleagues to join me in supporting passage of this bill, which will go a long way toward closing the final gap in federal law enforcement tools to protect consumers and the products they enjoy.

HIGH TECHNOLOGY

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mrs. NAPOLITANO. Mr. Speaker, as a Californian, I am fully aware of the impact of the high technology industry has had on my state's economic well-being and the prosperity of our people. California is, after all, the proud home of high-technology—the industry responsible for revitalizing the California economy, ensuring our position as the premier exporting state in the nation, and creating tens of thousands of high-wage jobs for our burgeoning population.

High-tech jobs are well-paying jobs—approximately 73 percent higher than other private sector jobs. This means that, on average, high-tech pays a $49,500 annual salary while other jobs pay $28,500. The most recent data on California's high-tech industry indicate that California ranks first in high-tech employment (about 785,000 jobs) and second in high-tech wages. Moreover, by 1997, 61 percent of all California exports were high-tech products.

In the context of a competitive global economy, America's high-tech products are in growing demand. As a result, America has a huge high-tech goods trade surplus with the European Union, Canada, and Brazil. In 1996, the high-tech industry exported $150 billion in goods making it the nation's leading exporter ahead of transportation equipment and chemicals. In this decade our high-tech exports grew a phenomenal 96 percent.

Our high-tech companies' innovations and business acumen are truly the envy of the world. The New Democrat Coalition's High-Tech Week is a perfect opportunity to put into perspective both our triumphs and our challenges. There is no doubt that the twin engines of technology and trade propel this economy.

The U.S. computer industry serves as a good example of American innovation and leadership. Many of our most successful companies started out as small entrepreneurial ventures with little cash, lots of enthusiasm, vision, hard work and real commitment. Those are the qualities that make me proud to be an American and a Californian.

However, today we are at a crossroads. We approach a new millennium with a workforce that lacks the skills to take advantage of the boundless opportunities that the high-tech industry has to offer. The concerns I hear from both educators and high-tech business people about the lack of skilled workers are serious. This is an ominous situation that deserves our serious attention.

The American Electronics Association is absolutely correct when it states ''the technology industry cannot be sustained without workers with solid training in science and math.''

It is a national embarrassment that American students do not compete well with high school students from other countries. For example, U.S. high school seniors ranked 19th in math and 16th in science in standardized tests among 21 countries.

When it comes to cultivating qualified workers for high-tech jobs, California, like many other high-tech oriented states, lags behind many of our foreign competitors. Although there has been some progress, California and other states continue to struggle with creating a solid and educated high-tech workforce. The key is developing core competencies in technical areas such as math, science, and the use of technology.

Without fundamental change, I am concerned about the continued vitality of our high-tech industry and its ability to attract an educated high-tech workforce. In California and throughout the U.S., the high-tech industry continues to experience a shortage of qualified workers. How long can we rely on other countries to fill our job vacancies without harming our own competitiveness? Right now, foreign nationals receive nearly half of all doctoral degrees and a third of all masters degrees awarded by U.S. universities.

I believe that we—educators, business people and political leaders—must come up with a new educational agenda and the will to implement it. Our educational system, from kindergarten to the college level must encourage Americans to study math and sciences so that they can have access to the abundance of high-paying job opportunities in the high-tech industry.

It is alarming that despite all the opportunities available to people with degrees in math, engineering and physics, colleges are graduating fewer and fewer American students with these majors. In fact, high-tech degrees from American institutions have actually decreased 5 percent from 1990–1996. Although California colleges and universities conferred the most high-tech degrees, they also had had one of the steepest declines, awarding 1,600 fewer degrees in 1996 than in 1990.

Our economic security demands that we find solutions to this crisis. A world class, K–12 public school educational system is not beyond our grasp. What has eluded us is national commitment. We tend to talk about educational excellence but have been unwilling to provide the funds that are critical to this objective. And we have failed to rally parents and business as true partners in what must be a coordinated and creative national effort. The 106th Congress has an obligation and an opportunity to make ''educational excellence'' one of its highest priorities. This means we need to assure that we have qualified teachers in our classrooms, that students meet basic competencies and that attention is given to the evolving needs of the high-tech industry.

Our children and our grandchildren will be the true beneficiaries of this legacy if we are bold enough to meet the challenge.

THE NATIONAL YOUTH VIOLENCE COMMISSION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. BURTON of Indiana. Mr. Speaker, the Columbine High School tragedy and its aftershocks still haunt our memories. Statesmen, pundits and ordinary citizens ask questions every day as to why our children are murdering their peers. Clearly, the mere fact that we must ask these questions demonstrates that a real crisis exists and needs to be addressed immediately. While no one has any definitive answers, many opinions have been put forth without reaching any consensus. These opinions are multi-faceted and have included: the de-moralization and de-humanization of our youth due to a ''culture of violence'' perpetuated by the media, the non-enforcement of existing laws regarding firearms, and the degradation of families and communities due to this ''culture of violence.''

All of these opinions likely point to sources of the problem of teen violence, but they do not reveal the possibility of one single and simple solution. In order to put a halt to the specter of teen violence, an investigation should be made into its causes and to its probable solutions. Such a Commission should be bi-partisan, and it should be appointed equally by the President of the United States and Leaders in Congress from both the Majority and Minority parties. In the best interests of the Nation, the Commission will come to some form of a consensus concerning the various natures of, and the solutions to, the extreme teen violence that is plaguing our society.

These tragedies are too important to ignore, and too important not to focus all of our resources on discovering their root causes and possible solutions. That is why I, along with Representatives MARKEY and TIERNEY, am introducing legislation to create a national Commission that will be asked to conduct an in-depth analysis of teen violence. The Commission would be made up of a panel of experts that include religious figures, teachers, law enforcement officials, counselors, psychologists, and research groups that deal with family issues. Hopefully, a Commission that contains such experts will be able to appraise the situation accurately and make the necessary recommendations.

Upon completion of its work, the commission will be responsible for submitting to Congress and the President a report detailing possible steps to reduce the level of juvenile violence in America. While this is not a problem that will be solved overnight, and there are some serious ideological differences that need be overcome, I am hopeful that this Commission can help us in preventing similar tragedies from occurring in the future, and at least begin to address the plague of youth violence that is tearing the very fabric of our nation.

THE NATIONAL YOUTH VIOLENCE COMMISSION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. MARKEY. Mr. Speaker, weeks after the tragedy at Columbine High School, we as a national community are still cognizant of the ordeal and attempting to make sense of this horrific incident and the other school massacres that followed it. Many of us are still asking questions and searching for reasons why our children are senselessly murdering each other in classrooms, schoolyards, streetcorners and their homes; why there is so much violence surrounding and savaging the youth of our country.

There have been several factors cited as the possible causes for this emphasis on violence: the disconnection so many youths feel from their parents, peers, schools and communities; the harmful influence of the entertainment media; the easy access children have to guns; lack of support services for alienated and mentally ill teens; and the weakening of our moral and communal safety nets.

While there are many informed opinions and hypotheses, there are very few definitive conclusions and little consensus as to who or what is responsible for this atrocity. This is a problem that can not be solved with definitive answers—there is no one answer. As a country Americans do agree that we must come together as a nation to stop this menace, which is putting all of our communities and way of life at risk.

In order to combat this difficult challenge, we must reach a national consensus on how to respond. We must carefully, deliberately, dispassionately analyze the depths of the problem. Today, Mr. BURTON, Mr. TIERNEY and I are introducing legislation to create a national commission on youth violence that will examine the many possible reasons why so many children are becoming killers and help us find solutions to diminish this imminent threat.

In order to thoroughly study the many dimensions of the problem this panel should be composed of the country's finest experts in the fields of law enforcement, teaching and counseling, parenting and family studies, child and adolescent psychology, Cabinet members, and religious leaders.

After 18 months of work, the commission would be responsible to report its conclusions to the President and Congress and recommend a series of tangible steps to take in order to reduce the level of youth violence and prevent another community from feeling the same pain and grief as the residents of Littleton.

There are several steps that must be taken by Congress and the citizens of our country in order to preserve the safety of our children. We understand that this problem is not one that can be solved over night, or with any single piece of legislation. Despite this we have legitimate policy and philosophical differences to overcome in order to tackle this problem. There is not a guarantee that with this commission that we will find these answers and solve our problems, but we believe there is hope for doing so and therefore deserves our support.

TRIBUTE TO LARRY PETERSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the accomplishments and contributions of one of Colorado's great businessmen, Larry Peterson. In doing so, I would like to honor this individual who, for so many years, has exemplified the notion of public service civic duty.

Larry Peterson is a self made man who has always exhibited strong morals and family values. After graduating high school, he spent a short time attending Colorado State University. Larry chose to leave college to return home and help care for his family in a time of need. He experienced many areas of the work field, before settling into a career. Late in the 1960's Larry Peterson began working at a pharmacy, which he would later own.

Larry Peterson is a successful businessman and has always sought to share his success with others. He finds time to get involved with charities such as Make A Wish Foundation, and the Children Miracle Network. His contributions to charities are too numerous to list, which indicates just how many there are.

Aside from his contributions to charities, Larry Peterson has been very active in Republican party politics. As a precinct captain since 1998, Larry has helped many candidates who have run, or are running, for office, including Colorado Governor Bill Owens, President George Bush and Senator Bob Dole. Larry has also played a key role in the organizational efforts of the GOP throughout Colorado. He was very effective in assisting former GOP Chairman Don Bain with important grassroots events from throughout 1993–1996. He even participated as a member of the Colorado Delegation to the National Convention in 1996.

In conclusion, Mr. Speaker, I'd like to say thank you to Larry Peterson for his truly exceptional contributions to numerous charities, and to the state of Colorado alike. People like Larry, who give so selflessly to others, are a rare breed. Fellow citizens have gained immensely by knowing him, and for that we owe Larry Peterson a debt of gratitude.

A TRIBUTE TO BEVERLY A. SHAUGHNESSY FOR HER 35 YEARS OF SERVICE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to a remarkable public servant in my district, Beverly A. Shaughnessy, who is retiring after 35 years of service to the Fourth District Cook County Court.

Mrs. Beverly Shaughnessy, the former Beverly Thomas, has been a life-long resident of Berwyn, Illinois. Mrs. Shaughnessy began her career in the Berwyn Health Department. In the early 1950's she moved to Berwyn City Hall as a Court Clerk. When Berwyn and other surrounding communities became a part of the Fourth District, Beverly moved to the District offices in Oak Park. As the Fourth District outgrew its facilities, a new District office was

built in Maywood, where Mrs. Shaughnessy has served since its opening. She has progressed from a Circuit Court Clerk to Supervisor of Clerks for the felony division. Many lawyers and judges credit Mrs. Shaughnessy for their knowledge of how the court system functions.

Mrs. Shaughnessy became acquainted with Tom Shaughnessy, mayor of the city of Berwyn, and they were married on June 21, 1947. They have two children, Tom Jr. (Mark) and Patte (Kathy) Kennedy, as well as grandchildren Bryan, Kelly, Courtney, Danny, Ashley, Leigha and Jack.

Mr. Speaker, I thank Mrs. Shaughnessy for her years of dedicated service and extend to her my best wishes in the future.

IRAN'S LATEST TERRORIST ACTION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. TOWNS. Mr. Speaker, over the past month, we have been reading with increasing concern, reports of terrorist attacks by the mullahs' regime against the forces of the Iranian opposition outside Iran. Today, I regret to say that there has been another attack. This time, the target was a city bus carrying members of the Mojahedin in Baghdad. Six of the freedom fighters were killed, and 21 more are in the hospital with serious injuries. Another city bus carrying Iraqi citizens was also heavily damaged and a number of its passengers injured in the blast, which left a 6 ft. by 9 ft. crater.

This car bombing is but the latest in a series of two dozen terrorist attacks against the Mojahedin since Mohammad Khatami was elected president two years ago. That is a startling increase over the numbers racked up by his predecessors. Clearly, such statistics contradict all the talk we have heard about Khatami being a ''moderate'' who will do things differently. Terrorism is on the rise outside Iran, members of religious minorities and dissidents are being arrested and even executed inside Iran, and terrorist groups violently opposing the Middle East peace process are receiving more funds, more training and more support from the Khatami government.

International silence in response to Hkatami's flagrant violations of international law and human rights only emboldens his regime. The bomb blast today was the fifth such terrorist strike against the Mojahedin on Iraqi soil in the past month. Against the backdrop of Khatami's open support of regional terrorists, and the wave of disappearances and assassinations targeting dissidents and minorities in Iran, it hardly paints a picture of moderation. Obviously, goodwill gestures, trade concessions, and apologies have not succeeded in modifying the government's behavior. It is time for our State Department to change its tune, to adopt a decisive Iran policy which insists that the mullahs be held accountable for their deeds, and to strongly condemn the terrorist attacks launched by Tehran.

LEGISLATION TO REPEAL PERSONAL HOLDING COMPANY TAX PROVISIONS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. RANGEL. Mr. Speaker, today I am introducing legislation to repeal the personal holding company tax provisions of the Internal Revenue Code. I am introducing this legislation because the circumstances that gave rise to the enactment of those provisions no longer exist. Some have referred to those provisions as ''a crusade without a cause.'' Now those provisions are largely a complex trap into which unwary corporations may fall.

The personal holding company tax provisions were enacted in 1934 when the maximum individual income tax rate was substantially higher than the maximum corporate tax rate and when corporations could be liquidated on a tax-free basis. Those circumstances created a potential for abuse, and the personal holding company tax provisions were an appropriate response to that abuse. Neither of the circumstances that gave rise to the enactment of these provisions is true today.

Mr. Speaker, I am confident that we will continue to have an income tax system in this country. The failure of the Republican controlled Congress to develop an alternative tax system proposal is ample evidence of the unrealistic nature of the Republican rhetoric on this issue. Therefore, we should attempt to improve and reduce the complexity of the income tax system whenever possible. I am very pleased that Reps. COYNE and NEAL have introduced significant simplification proposals. The bill that I am introducing today is another in a series of tax simplification proposals introduced by the Democratic Members of the Committee on Ways and Means. I hope it and other simplification measures can be enacted quickly.

NATIONAL SOCIETIES URGE SUPPORT OF ELEMENTARY AND HIGH SCHOOL SCIENCE AND MATH EDUCATION AND TEACHER PROGRAMS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. HOLT. Mr. Speaker, I rise today to congratulate and celebrate the achievements of the 24-high school students of the United States Physics Team.

This is a wonderful opportunity to extol the best in American education which these students represent. They inspire us as they learn to ask the questions of science to explore, investigate, and discover. Let us keep these students and their accomplishments in mind as was we discuss the future of American education in the coming months.

I am proud to be the Representative of one of the members of the team—Katherine Scott from Belle Mead, NJ. Katherine already holds her own patent and helped her Science Bowl team from Montgomery High School perform well in the National Science Bowl competition in April. She plans to study aerospace engineering and hopes to work for NASA someday. I am proud to know that Katherine represents the future face of science.

I hope that my colleagues in the House will join me in extending our congratulations to the United States Physics Team and wish them well as they travel and compete in the International Physics Olympiad this summer.

On this day as we celebrate the scientific achievements of our students, I would like to direct the attention of my colleagues to a statement endorsed by national science, math, and education societies.

STATEMENT TO CONGRESS FROM THE UNDERSIGNED SCIENTIFIC SOCIETIES REPRESENTING MORE THAN HALF A MILLION PEOPLE

This year, when Congress considers the future of the Elementary and Secondary Education Act, the undersigned societies wish to emphasize the following: science and engineering drive our economy, extend our lives, ensure our security, and preserve our environment. Congress can help secure our nation's future by investing today in tomorrow's scientists, engineering and mathematicians. A key component of this investment is the continued federal support of our nation's science and math educators. We urge Congress to continue to support program which benefit K–12 science and math education, particularly professional development programs for teachers.

The American Associaiton of Physics Teachers, the American Institute of Physics, the American Astronomical Society, the National Science Teachers Association, the American Geological Institute, the American Chemical Society, the National Association of Geoscience Teachers, the National Council of Teachers of Mathematics.

100TH ANNIVERSARY OF WHEELER COUNTY, OREGON

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. WALDEN. Mr. Speaker, I rise today to celebrate the one-hundredth anniversary of Wheeler County, Oregon. Wheeler County was formed by the Oregon Legislature in 1899 from parts of Grant, Gilliam, and Wasco Counties. Grant and Gilliam Counties had been carved earlier from the great Wasco County, which had a vast geographic range extending from the Cascades to the Rocky Mountains.

The Centennial Celebration, taking place over three weekends this year, honors the people and places of this very special county, one of the smallest in Oregon. Wheeler County was named for Henry H. Wheeler, who operated the first mail stage line from what is now The Dalles to the gold fields of Canyon City, Oregon. Wheeler survived gunshot by outlaws and his racing stagecoach endured experiences straight out of the Wild West. The new county consisted of 1,656 square miles and it is as uneven and rugged as any Oregon county.

Located 60 miles from the Columbia River, Wheeler County's land varies from high timbered mountains to deep river canyons. The county is sparsely populated with less than one person per square mile. Official state and

federal designations by some agencies still list the county to this day as ''frontier.''

The John Day River winds through the entire county, taking in stretches of up to 70 miles between public roads. The John Day is the longest free-flowing river in the continental United States, and the only Pacific Northwest river to continue to have only indigenous salmon. The river winds past spectacular rock palisades, miles-long cattle ranches and a remote countryside largely untouched by time.

Mr. Speaker, over the past 100 years, Wheeler County's economic base has been and continues to be agriculture. At the turn of this century, great herds of sheep covered the hillsides. Their wool was shipped worldwide from Shaniko, a bustling railway shipping port earlier this century, located just 40 miles away. Over this century, sheep eventually gave way to cattle, and some of the West's most prestigious cattle ranches exist here, most notably those from secluded Twickenham Valley in the heart of the county.

Timber has also been a mainstay of the county over the past century. Towering ponderosa pines have provided livelihoods for all aspects of the timber industry, especially from the 1920s to the 1970s. The pungent scents of pine, spruce and juniper are the very essence of the county, bringing memories of home to those who are away.

Portions of the Umatilla and Ochoco National Forests lie within Wheeler County, and they along with Bureau of Land Management lands, encompass nearly one third of the county. Wheeler County, however, is best known for its remarkable depositories of prehistoric rock fossils—the largest such deposits on the North American continent and the only place on this planet where 53 million years of fossilized history is visible to the eye in layer upon layer of rock strata. Scientists come from all over the world to study these fossils, which include prehistoric creatures such as miniature horses, saber-toothed tigers and long extinct bear-dogs.

The John Day Fossil Beds National Monument has three units located in Wheeler County. The Clarno unit features rock palisades and hiking trails among its petrified mudslides. The main unit at Sheep Rock Mountain features a visitors center showing the many fossilized creatures and plants found in the region. The Painted Hills are a colorful badlands of softly sculpted mountains ringed in gold, red, pink, green and blue.

The picturesque town of Fossil is the county seat. Its courthouse is one of only two original courthouses in Oregon that is still operating. Its artifacts are intact and the juryroom is still home to a pot-bellied iron stove. Fossil has the only free fossil-digging beds in North America, and delicate ferns, leaves and seeds embedded in rock literally lay on the ground for picking up.

Mr. Speaker, no description of Wheeler County is complete without mention of the people. Crime is nearly non-existent in Wheeler County's small communities. Children walk to school safely and learn in classrooms where less than a dozen students work one-on-one with teachers. This is the kind of place where everyone knows everyone, newcomers are made welcome, and the news of what you did on any day gets home before you do.

Many of the county's residents are direct descendants of homesteading families here and some of the original ranches are now operated by fourth generations. Some recall grandparents who came across the Oregon Trail. Hardworking ranchers, loggers, timber truck drivers and businesspersons, the people of Wheeler County attest to a century of steadfast determination and self-reliance in a rugged part of Oregon.

Today's local leaders look to tourism, light industry and telecommunications as the keys to a bright economic future. The people of Wheeler County have a past to be proud of, and a future that continues to unfold opportunities. The pull of the future is only as good as the past that empowers it, and in Wheeler County a fine and solid history lays a well-lit path for the future.

In closing Mr. Speaker, Wheeler County embodies the traditions and the character of the west as much as any county I represent and I am proud to be able to serve all the citizens of Wheeler County and the entire Second Congressional District in the House of Representatives. Happy 100th birthday Wheeler County.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 10, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 14

9:30 a.m.
Joint Economic Committee
To hold hearings on issues relating to the High-Technology National Summit.
SH–216

JUNE 15

9:30 a.m.
Joint Economic Committee
To continue hearings on issues relating to the High-Technology National Summit.
SH–216

Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–628

2 p.m.
Judiciary
To hold hearings on S. 952, to expand an antitrust exemption applicable to professional sports leagues and to require, as a condition of such an exemption, participation by professional football and major league baseball sports leagues in the financing of certain stadium construction activities.
SD–226

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on issues related to vacating the record of decision and denial of a plan of operations for the Crown Jewel Mine in Okanogan County, Washington.
SD–366

JUNE 16

Time to be announced
Indian Affairs
Business meeting to consider pending calendar business;to be followed by hearings on S. 944, to amend Public Law 105-188 to provide for the mineral leasing of certain Indian lands in Oklahoma; and S. 438, to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation.
SR–485

9:30 a.m.
Joint Economic Committee
To continue hearings on issues relating to the High-Technology National Summit.
SH–216

Energy and Natural Resources
To hold hearings on pending calendar business.
SD–366

2 p.m.
Judiciary
To hold hearings on pending nominations.
SD–226

JUNE 17

9:30 a.m.
Environment and Public Works
To hold hearings on S. 533, to amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State municipal solid waste; and S. 872, to impose certain limits on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste.
SD–406

10 a.m.
Health, Education, Labor, and Pensions
To hold joint hearings with the House Committee on Education and Work Force on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act, focusing on research and evaluation.
SD–106

JUNE 23

9:30 a.m.
Indian Affairs
To hold oversight hearings on General Accounting Office report on Interior Department's trust funds management.
SR–485

JUNE 24

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings to examine the impications of the proposed acquisition of the Atlantic Richfield Company by BP Amoco, PLC.
SD–366

JUNE 29

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on fire preparedness by the Bureau of Land Management and the Forest Service on Federal lands.
SD–366

JUNE 30

9:30 a.m.
Indian Affairs
To hold oversight hearings on National Gambling Impact Study Commission Report.
Room to be announced

SEPTEMBER 28

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
345 Cannon Building

POSTPONEMENTS

JUNE 17

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on mergers and consolidations in the communications industry.
SR–253

Energy and Natural Resources
To hold hearings on S. 1049, to improve the administration of oil and gas leases on Federal land.
SD–366

Wednesday, June 9, 1999

Daily Digest

HIGHLIGHTS

House Committee ordered reported 10 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S6729–S6814

Measures Introduced: Ten bills and three resolutions were introduced, as follows: S. 1189–1198, S. Res. 113–114, and S. Con. Res. 38. **Pages S6790–91**

Measures Reported: Reports were made as follows:

S. 880, to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program, with an amendment. (S. Rept. No. 106–70)

S. 698, to review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the state of Alaska. (S. Rept. No. 106–71)

S. 748, to improve Native hiring and contracting by the Federal Government within the State of Alaska, with amendments. (S. Rept. No. 106–72) **Page S6790**

Y2K Act: Senate began consideration of S. 96, to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of that year's date, taking action on the following amendments proposed thereto: **Pages S6733–81**

Adopted:

Allard Amendment No. 609 (to Amendment No. 608), to provide that nothing in this Act shall be construed to affect the applicability of any State law that provides greater limits on damages and liabilities than are provided in this Act. **Pages S6744–45**

Rejected:

Kerry Amendment No. 610 (to Amendment No. 608), in the nature of a substitute. (By 57 yeas to 41 nays (Vote No. 159), Senate tabled the amendment.) **Pages S6750–76**

By 32 yeas to 65 nays (Vote No. 160), Leahy Amendment No. 611, to exclude consumers from the Act's restrictions on seeking redress for the harm caused by Y2K computer failures. **Pages S6776–81**

Pending:

McCain Amendment No. 608, in the nature of a substitute. **Pages S6733–81**

Bennett (for Murkowski) Amendment No. 612, to require manufacturers receiving notice of a Y2K failure to give priority to notices that involve health and safety related failures. **Page S6768**

Pursuant to the order of June 8, 1999, the following pending amendments and motions were withdrawn:

McCain Amendment 267, in the nature of a substitute.

Lott Amendment No. 268 (to Amendment No. 267), in the nature of a substitute.

Lott Amendment No. 269 (to Amendment No. 268), in the nature of a substitute.

Lott Amendment No. 270 (to the language proposed to be stricken by Amendment No. 267), in the nature of a substitute.

Lott Amendment No. 271 (to Amendment No. 270), in the nature of a substitute.

Lott motion to recommit the bill to the Committee on Commerce, Science, and Transportation with instructions and report back forthwith.

Lott Amendment No. 294 (to the instructions of the Lott motion to recommit), in the nature of a substitute.

Lott Amendment No. 295 (to Amendment No. 294), in the nature of a substitute.

Senate will continue consideration of the bill on Thursday, June 10, 1999.

Appointment:

Congressional Award Board: The Chair announced, on behalf of the Democratic Leader, pursuant to Public Law 96–114, as amended, the appointment of George Gould of Virginia to the Congressional Award Board. **Page S6813**

Nominations Received: Senate received the following nominations:

John E. Lange, of Wisconsin, to be Ambassador to the Republic of Botswana.

Delano Eugene Lewis, Sr., of New Mexico, to be Ambassador to the Republic of South Africa.

Routine list in the Navy. **Pages S6813–14**

Messages From the House: **Page S6785**

Measures Referred: **Page S6785**

Communications: **Pages S6785–86**

Petitions: **Pages S6786–90**

Executive Reports of Committees: **Page S6790**

Statements on Introduced Bills: **Pages S6791–99**

Additional Cosponsors: **Pages S6799–S6800**

Amendments Submitted: **Pages S6802–10**

Authority for Committees: **Pages S6810–11**

Additional Statements: **Pages S6811–12**

Record Votes: Two record votes were taken today. (Total—160) **Pages S6776, S6780–81**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 7:35 p.m., until 9:30 a.m., on Thursday, June 10, 1999. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6813.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—DISTRICT OF COLUMBIA

Committee on Appropriations: Subcommittee on the District of Columbia concluded hearings on proposed budget estimates for fiscal year 2000 for the government of the District of Columbia, after receiving testimony from Mayor Anthony A. Williams, Linda W. Cropp, Council of the District of Columbia, and Darius Mans, Financial Responsibility and Management Assistance Authority, all of the District of Columbia.

BUSINESS MEETING

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and the Judiciary approved for full committee consideration an original bill making appropriations for the Departments of Commerce, Justice and State, the Judiciary, and related agencies for the fiscal year 2000.

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported the nominations of General Eric K. Shinseki, USA, for reappointment to the grade of general and for appointment as Chief of Staff, United States Army, and Lieutenant General James L. Jones, Jr., USMC, to be general and for appointment as Commandant of the Marine Corps.

FINANCIAL PRIVACY

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings on S. 187, to give customers notice and choice about how their financial institutions share or sell their personally identifiable sensitive financial information, and other financial privacy issues, after receiving testimony from Senators Kyl and Leahy; and Representatives Inslee, Markey, and Paul.

AUTO INSURANCE REFORM

Committee on Commerce, Science, and Transportation: Committee concluded hearings on S. 837, to enable drivers to choose a more affordable form of auto insurance that also provides for more adequate and timely compensation for accident victims, after receiving testimony from Senators Lieberman, McConnell, and Moynihan; Representative Stupak; former Massachusetts Governor Michael S. Dukakis, Boston; Ralph Nader, Center for Responsive Law, Washington, D.C.; Fletcher Dal Handley, Jr., Fogg, Fogg and Handley, El Reno, Oklahoma, on behalf of the American Bar Association; Jeffrey O'Connell, University of Virginia Law School, Charlottesville; New York State Senator Neil Breslin, Albany, on behalf of the National Conference of Insurance Legislators; Gerald T. Noce, Missouri Organization of Defense Lawyers, St. Louis, on behalf of the Defense Research Institute, Inc.; Peter Kinzler, Coalition for Auto-Insurance Reform, Alexandria, Virginia; and Robert L. Maril, Oklahoma State University Department of Sociology, Stillwater.

SNAKE RIVER DAMS/NORTHWEST POWER PLANNING

Committee on Energy and Natural Resources: Subcommittee on Water and Power held oversight hearings on the process to determine the future of the four lower Snake River dams and conduct oversight on the Northwest Power Planning Council's Framework Process, receiving testimony from Stephen J. Wright, Senior Vice President, Corporate, Bonneville Power Administration, Department of Energy; Donna Darm, Assistant Regional Administrator for Protected Resources, Northwest Region, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce; David W. Welch, High Seas Salmon Research, Nanaimo, British Columbia, Canada; Donald Sampson, Columbia River Inter-Tribal Fish Commission, Roy Sampsel, Columbia River Basin Multi-Species Framework Project, John Saven, Northwest Irrigation Utilities, C. Clarke Leone, Public Power Council, all of Portland, Oregon; Glen Spain, Pacific

Coast Federation of Fishermen's Associations, Eugene, Oregon; and Don Swartz, Northwest Sportfishing Industry Association, Oregon City, Oregon.

Hearings recessed subject to call.

TRANSPORTATION EQUITY ACT

Committee on Environment and Public Works: Subcommittee on Transportation and Infrastructure resumed hearings on the project delivery and streamlining provisions of the Transportation Equity Act for the 21st Century, receiving testimony from George T. Frampton, Jr., Acting Chairman, Council on Environmental Quality; and Eugene A. Conti, Jr., Assistant Secretary of Transportation for Transportation Policy.

Hearings recessed subject to call.

MEDICARE REFORM

Committee on Finance: Committee resumed oversight hearings to examine risk adjustment methodology, and enrollment, payment, and other implementation issues relating to Medicare+Choice, receiving testimony from Michael Hash, Deputy Administrator, Health Care Financing Administration, Department of Health and Human Services; Steven M. Lieberman, Executive Associate Director, Congressional Budget Office; William J. Scanlon, Director, Health Financing and Public Health Issues, Health, Education, and Human Services Division, General Accounting Office; Peter Smith, Ralin Medical, Inc., Buffalo Grove, Illinois; Robert B. Cumming, Milliman and Robertson, Inc., Minneapolis, Minnesota, on behalf of the American Academy of Actuaries; and Stephen J. deMontmollin, AvMed Health Plan, Gainesville, Florida, on behalf of the American Association of Health Plans.

Hearings continue tomorrow.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Donald K. Bandler, of Pennsylvania, to be Ambassador to the Republic of Cyprus, M. Michael Einik, of Virginia, to be Ambassador to The Former Yugoslav Republic of Macedonia, Donald W. Keyser, of Virginia, for Rank of Ambassador during tenure of service as Special Representative of the Secretary of State for Nagorno-Karabakh and New Independent States Regional Conflicts, Joseph Limprecht, of Virginia, to be Ambassador to the Republic of Albania, Thomas J. Miller, of Virginia, to be Ambassador to Bosnia and Herzegovina, Richard L. Morningstar, of Massachusetts, to be the Representative of the United States to the European Union with the rank and status of Ambassador, Larry C. Napper, of Texas, for Rank of Ambassador during tenure of service as Coordinator of the Support for East European Democracy (SEED) Program, and Donald Lee Pressley, of Virginia, to be an Assistant Administrator of the Agency for International Development, after the nominees testified and answered questions in their own behalf. Mr. Bandler was introduced by Senator Sarbanes, Mr. Limprecht was introduced by Senator Hagel, and Mr. Miller was introduced by Senators Sarbanes and Biden.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Oliver P. Garza, of Texas, to be Ambassador to the Republic of Nicaragua, Frank Almaguer, of Virginia, to be Ambassador to the Republic of Honduras, John R. Hamilton, of Virginia, to be Ambassador to the Republic of Peru, and Prudence Bushnell, of Virginia, to be Ambassador to the Republic of Guatemala, after the nominees testified and answered questions in their own behalf.

ESPIONAGE INVESTIGATION

Committee on Governmental Affairs: Committee concluded oversight hearings in closed session on the national security methods and processes relating to the Wen-Ho Lee espionage investigation, after receiving testimony from officials from the intelligence and national security community.

BUSINESS MEETING

Committee on Small Business: Committee ordered favorably reported S. 918, to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small business, with an amendment in the nature of a substitute.

INTERNET GAMBLING

Committee on Indian Affairs: Committee concluded hearings on issues involving Indian gaming and related provisions of S. 692, to prohibit Internet gambling, after receiving testimony from Kevin V. DiGregory, Deputy Assistant Attorney General, Criminal Division, Department of Justice; Montie R. Deer, National Indian Gaming Commission, and Richard Hill, National Indian Gaming Commission, both of Washington, D.C.; Richard Williams, Lac Vieux Desert Band of Lake Superior Chippewa Indians, Watersmeet, Michigan; Ernest L. Stensgar, Coeur d'Alene Indian Tribe, Plummer, Idaho; and Frank Miller, Washington State Gaming Commission, Seattle.

DEPARTMENT OF ENERGY REORGANIZATION

Select Committee on Intelligence: Committee concluded hearings on issues relating to the Department of Energy reorganization, focusing on improvements in security and management of the nuclear weapons complex, after receiving testimony from Senators Domenici, Kyl and Murkowski; and Bill Richardson, Secretary of Energy.

House of Representatives

Chamber Action

Bills Introduced: 36 public bills, H.R. 2083–2118; and 3 resolutions, H.J. Res. 58, H. Con. Res. 129, and H. Res. 204, were introduced. **Pages H4022–23**

Reports Filed: Reports were filed today as follows:

H.R. 576, to amend title 4, United States Code, to add the Martin Luther King, Jr. holiday to the list of days on which the flag should especially be displayed (H. Rept. 106–176);

H.R. 1225, to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office (H. Rept. 106–177);

H.R. 322, private bill for the relief of Suchada Kwong, amended (H. Rept. 106–178);

H.R. 660, private bill for the private relief of Ruth Hairston by waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity (H. Rept. 106–179);

H.R. 2084, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000 (H. Rept. 106–180); and

Supplemental report on H.R. 1000, to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration (H. Rept. 106–167 Part 2). **Pages H4021–22**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Samuel Thomas, Jr. of Sacramento, California. **Page H3867**

Journal Vote: Agreed to the Speaker's approval of the Journal of Tuesday, June 8 by a yea and nay vote of 355 yeas to 62 nays, Roll No. 178. **Pages H3867, H3872**

Committee Election: Agree to H. Res. 204, electing Representative Holt to the Committee on Resources, Representatives Baird, Hoeffel, and Moore to the Committee on Science, and Representatives Hill of Indiana and Udall of New Mexico to the Committee on Veterans' Affairs. **Page H3872**

Defense Authorization Act: The House completed general debate and began considering amendments to H.R. 1401, to authorize for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001. Consideration will continue on June 10. **Pages H3883–H3997**

Agreed to:

The Cox amendment that implements several recommendations from the Select Committee on National Security and Military Commercial Concerns with the People's Republic of China to require reports on compliance with the missile technology regime, implementation of the satellite export-control authority and satellite export licensing authority, national security implications of exporting high performance computers; requires a technology transfer control plan for satellite export licenses; specifies that DOD space launch monitors provide 24-hour, 7-day per week coverage; establishes a DOD Office of Technology Security, a five-agency inspectors general counterintelligence review; a Department of Energy Counterintelligence Security Program and other related activities at all Department of Energy facilities; and places a moratorium on foreign visitors at National laboratories pending a background review (agreed to by a recorded vote of 428 ayes with none voting "no". Roll No. 180); **Pages H3951–64**

The Costello amendment that makes DOE contractors who manage and operate nuclear labs subject to civil penalties of up to $100,000 per violation of any DOE rule, regulation, or order relating to the security of classified or sensitive information; **Pages H3964–66**

The Hunter amendment that requires the Secretary of Energy to establish a counterintelligence polygraph program for employees who have access to high-risk programs or information; **Pages H3966–67**

The Roemer amendment that requires an annual report from the Secretary of Energy regarding counterintelligence and security practices at national laboratories; **Pages H3967–68**

The Sweeney amendment that requires the Inspectors General of DOD and DOE, in consultation with the FBI and CIA, to conduct an annual audit of policies related to the export of technologies and transfer of scientific information to China; **Pages H3968–69**

The Gilman amendment that requires the Secretary of State to ensure that adequate resources are allocated to the Office of Defense Trade Controls for the purpose of reviewing and processing export license applications in a thorough and timely manner; **Pages H3975–76**

The Weldon of Pennsylvania amendment that establishes the Technology Security Division within the Defense Threat Reduction Agency as a separate DOD agency; **Pages H3976–77**

The Weldon of Pennsylvania amendment that requires DOD to provide an annual report to Congress assessing the cumulative impact of individual export licenses by the U.S. to countries of concern; **Pages H3977–79**

The DeLay amendment that prohibits military-to-military exchanges that involve the training of the People's Liberation Army of China by U.S. armed forces (agreed to by a recorded vote of 284 ayes to 143 noes, Roll No. 182); and **Pages H3980–87, H3995**

The Goss amendment that prohibits DOD funding to maintain a permanent U.S. military presence in Haiti beyond December 31, 1999 (agreed to by a recorded vote of 227 ayes to 198 noes, Roll No. 183). **Pages H3987–90, H3995–96**

Rejected:

The Ryun of Kansas amendment that sought to place a two year moratorium on foreign visitors from sensitive countries to our national labs; require a certification that the new counterintelligence program is running effectively before the moratorium is lifted; and provide waiver authority for those essential to national security (rejected by a recorded vote of 159 ayes to 266 noes, Roll No. 181); and **Pages H3969–75, H3979–80**

The Meek of Florida amendment that sought to allow privately funded abortions at overseas DOD facilities (rejected by a recorded vote of 203 ayes to 225 noes, Roll No. 184). **Pages H3990–95, H3996–97**

H. Res. 200, the rule that is providing for consideration of the bill was agreed to earlier by a yea and nay vote of 354 yeas to 75 nays, Roll No. 179. Pursuant to the rule, H. Res. 195 was laid on the table. **Pages H3872–83**

Senate Messages: Message received from the Senate appears on page H3867.

Quorum Calls—Votes: Two yea and nay votes and five recorded votes developed during the proceedings of the House today and appear on pages H3872, H3882–83, H3963–64, H3979–80, H3995, H3996, and H3996–97. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 11:40 p.m.

Committee Meetings

ECONOMIC SANCTIONS—EFFECT ON U.S. AGRICULTURE

Committee on Agriculture: Held a hearing to review economic sanctions and the effect on U.S. agriculture. Testimony was heard from Representative Nethercutt; Dan Glickman, Secretary of Agriculture; Stuart E. Eizenstat, Under Secretary, Economics, Business, and Agricultural Affairs, Department of State; and public witnesses.

ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

Committee on Commerce: Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on H.R. 1714, Electronic Signatures in Global and National Commerce Act. Testimony was heard from Andy Pincus, General Counsel, Department of Commerce; Donald Upson, Secretary of Technology, State of Virginia; Daniel J. Greenwood, Deputy General Counsel, Information Technology Division, State of Massachusetts; and public witnesses.

ACADEMIC ACCOUNTABILITY

Committee on Education and the Workforce: Subcommittee on Early Childhood, Youth, and Families held a hearing on Academic Accountability. Testimony was heard from Tommy G. Thompson, Governor, State of Wisconsin; Frank Brogan, Lt. Governor, State of Florida; and public witnesses.

2000 CENSUS

Committee on Government Reform: Subcommittee on Census held a hearing on Oversight of the 2000 Census: Examining the Bureau's Policy to Count Prisoners, Military Personnel, and Americans Residing Overseas. Testimony was heard from Representatives Gilman and Green of Wisconsin; Kenneth Prewitt, Director, Bureau of the Census, Department of Commerce; and public witnesses.

GEOGRAPHICAL INFORMATION SYSTEMS POLICIES AND PRACTICES

Committee on Government Reform: Subcommittee on Government Management, Information, and Technology held a hearing on Geographical Information Systems Policies and Programs. Testimony was heard from Bruce Babbitt, Secretary of the Interior; Jim Geringer, Governor, State of Wyoming; and public witnesses.

HEPATITIS C INFECTION—VETERANS AT RISK

Committee on Government Reform: Subcommittee on National Security, Veterans Affairs, and International

Relations held a hearing on Outreach to Veterans at Risk for Hepatitis C Infection. Testimony was heard from Thomas Garthwaite, M.D., Deputy Under Secretary, Health, Veterans Administration, Department of Veterans Affairs; representatives of veterans organizations; and public witnesses.

ASSISTING RUSSIA

Committee on International Relations: Held a hearing on Assisting Russia: What Have We Achieved After Seven Years? Testimony was heard from Bill Taylor, Coordinator, U.S. Assistance to the Newly Independent States, Department of State; George Ingram, Deputy Assistant Administrator, Bureau for Europe and the Newly Independent States, AID, U.S. International Development and Cooperation Agency; and public witnesses.

EVALUATING—INTERNATIONAL TRADE ADMINISTRATION AND THE TRADE AND DEVELOPMENT AGENCY

Committee on International Relations: Subcommittee on International Economic Policy and Trade held a hearing on Evaluating the International Trade Administration and the Trade and Development Agency. Testimony was heard from David Aaron, Under Secretary, International Trade, Department of Commerce; Nancy Frame, Deputy Director, Trade and Development Agency; and public witnesses.

MISCELLANEOUS MEASURES; SUBPOENAS

Committee on Resources: Ordered reported the following bills: H.R. 1524, Public Forests Emergency Act of 1999; H.R. 592, amended, World War II Veterans Park at Great Kills; H.R. 791, amended, Star-Spangled Banner National Historic Trail Study Act of 1999; H.R. 1167, amended, Tribal Self-Governance Amendments of 1999; H.R. 1243, amended, National Marine Sanctuaries Enhancement Act of 1999; H.R. 1431, amended, Coastal Barrier Resources Reauthorization Act of 1999; H.R. 1533, Wyandotte Tribe Settlement Act; H.R. 1651, Fishermen's Protective Act Amendments of 1999; H.R. 1652, amended, Yukon River Salmon Act of 1999; and H.R. 1653, to approve a governing international fishery agreement between the United States and the Russian Federation.

The Committee also approved a motion to authorize and issue subpoenas regarding federal employees.

U.S. ANTARCTIC RESEARCH PROGRAM

Committee on Science: Subcommittee on Basic Research held a hearing on the U.S. Antarctic Research Program. Testimony was heard from Karl A. Erb, Director, Office of Polar Programs, NSF; and public witnesses.

SMALL BUSINESS TAX RELIEF ACT REVIEW

Committee on Small Business: Held a hearing on Fair and Simple Tax Relief for Small Business, reviewing the Small Employer Tax Relief Act of 1999 (SETRA). Testimony was heard from public witnesses.

GENERAL AVIATION AIRPORTS—PRESERVATION AND PROMOTION

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on preservation and promotion of General Aviation Airports. Testimony was heard from John H. Anderson, Jr., Director, Transportation Issues, Resources, Community, and Economic Development Division, GAO; David F. Traynham, Assistant Administrator, Policy, Planning and International Aviation, FAA, Department of Transportation; William Gehman, Deputy Director, Aeronautics, Department of Transportation, State of Michigan; William D. Miller, II, Director, Aeronautics and Space Commission, State of Oklahoma; and public witnesses.

PREPAREDNESS AGAINST TERRORIST ATTACKS

Committee on Transportation and Infrastructure: Subcommittee on Oversight, Investigations, and Emergency Management held a hearing on Preparedness Against Terrorist Attacks. Testimony was heard from Mark Gebicke, Director, National Security and Preparedness Issues, GAO; Catherine H. Light, Director, Office of National Security Affairs, FEMA; Charles L. Cragin, Acting Assistant Secretary (Reserve Affairs), Department of Defense; Barbara Y. Martinez, Deputy Director, National Domestic Preparedness Office, FBI, Department of Justice; and public witnesses.

VETERANS' MILLENNIUM HEALTH CARE ACT

Committee on Veterans' Affairs: Subcommittee on Health approved for full Committee action amended the Veterans' Millennium Health Care Act.

SOCIAL SECURITY—PROPOSALS TO STRENGTHEN

Committee on Ways and Means: Held a hearing on proposals to strengthen Social Security. Testimony was heard from Senators Gramm, Moynihan, Grassley, Breaux, Kerrey and Gregg; Representatives Stark, Stenholm, Kolbe, DeFazio, Nadler, Smith of Michigan and Sanford.

Hearings continue tomorrow.

ENCRYPTION LEGISLATION

Permanent Select Committee on Intelligence: Held a hearing on Encryption legislation. Testimony was heard

from Representative Goodlatte; William A. Reinsch, Under Secretary, Bureau of Export Administration, Department of Commerce; and public witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D 617)*

H.R. 1121, to designate the Federal building and United States courthouse located at 18 Greenville Street in Newnan, Georgia, as the ''Lewis R. Morgan Federal Building and United States Courthouse''. Signed June 7, 1999. (P.L. 106–33)

H.R. 1183, to amend the Fastener Quality Act to strengthen the protection against the sale of mismarked, misrepresented, and counterfeit fasteners and eliminate unnecessary requirements. Signed June 8, 1999. (P.L. 106–34)

COMMITTEE MEETINGS FOR THURSDAY, JUNE 10, 1999

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: business meeting to markup proposed legislation making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, proposed legislation making appropriations for the Legislative Branch for the fiscal year ending September 30, 1999, and proposed legislation making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for fiscal year ending September 30, 1999, 3 p.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: to hold oversight hearings on export control issues in the Cox Report, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings on S. 798, to promote electronic commerce by encouraging and facilitating the use of encryption in interstate commerce consistent with the protection of national security, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: to hold oversight hearings on the report of the National Recreation Lakes Study Commission, 9:30 a.m., SD–366.

Committee on Finance: to hold hearings on the impact of the Balanced Budget Act provisions on the Medicare Fee-for-Service program, 10 a.m., SD–215.

Committee on Foreign Relations: Subcommittee on Near Eastern and South Asian Affairs, to hold hearings to examine the United States policy towards Iraq, 10 a.m., SD–562.

Committee on Governmental Affairs: to hold hearings on dual-use and munitions list export control processes and implementation at the Department of Energy, 10 a.m., SD–342.

Permanent Subcommittee on Investigations, to hold hearings to examine the impact of the new Medicare Interim Payment System on certain home health agencies, 2 p.m., SD–342.

Committee on Health, Education, Labor, and Pensions: to resume hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act, focusing on serving special populations, 10 a.m., SD–628.

Select Committee on Intelligence: to hold closed hearings on pending intelligence matters, 2 p.m., SH–219.

Committee on the Judiciary: business meeting to markup S. 467, to restate and improve section 7A of the Clayton Act; S. 606, for the relief of Global Exploration and Development Corporation, Kerr-McGee Corporation, and Kerr-McGee Chemical, LLC (successor to Kerr-McGee Chemical Corporation); S. 692, to prohibit Internet gambling; S. Res. 98, designating the week beginning October 17, 1999, and the week beginning October 15, 2000, as ''National Character Counts Week''; S.J. Res.21, to designate September 29, 1999, as ''Veterans of Foreign Wars of the United States Day''; S. Res. 81, designating the year of 1999 as ''The Year of Safe Drinking Water'' and commemorating the 25th anniversary of the enactment of the Safe Drinking Water Act; and S. Res. 34, designating the week beginning April 30, 1999, as ''National Youth Fitness Week'', 10 a.m., SD–226.

Subcommittee on Antitrust, Business Rights, and Competition, to hold hearings on the competitive implications of the proposed Goodrich/Coltec merger, 2 p.m., SD–226.

Special Committee on the Year 2000 Technology Problem: to hold hearings to examine Y2K compliance issues within the health care industry, 9:30 a.m., SD–138.

House

Committee on Banking and Financial Services, hearing on Russia Economic Turmoil, 10 a.m., 2128 Rayburn.

Committee on Commerce, to mark up the following bills: H.R. 2035, to correct errors in the authorizations of certain programs administered by the National Highway Traffic Safety Administration; and H.R. 10, Financial Services Act of 1999, 10 a.m., 2123 Rayburn.

Committee on Education and the Workforce, hearing on Key Issues in the Authorization of Title I of the Elementary and Secondary Education Act, 9:30 a.m., 2175 Rayburn.

Committee on Government Reform, hearing on the Role of Early Detection and Complementary and Alternative Medicine in Women's Cancers, 10:30 a.m., 2154 Rayburn.

Committee on International Relations, to mark up the following measures: H.R. 17, Selective Agricultural Embargoes Act of 1999; H.R. 1175, to locate and secure the return of Zachary Baumel, an American citizen, and other Israeli soldiers missing in action; H. Res. 62, expressing concern over the escalating violence, the gross violations of human rights, and the ongoing attempts to overthrow a democratically elected government in Sierra Leone; and H. Con. Res. 75, condemning the National Islamic Front (NIF) government for its genocidal war in southern Sudan, support for terrorism, and continued human rights violations, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Immigration and Claims, oversight hearing on illegal immigration issues, 1 p.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on the following bills: H.R. 529, to require the United States Fish and Wildlife Service to approve a permit required for importation of certain wildlife items taken in Tajikistan; and H.R. 1934, to amend the Marine Mammal Protection Act of 1972 to establish the John H. Prescott Marine Mammal Rescue Assistance Grant Program, 10 a.m., 1334 Longworth.

Subcommittee on National Parks and Public Lands, hearing on the following bills: H.R. 940, Lackawanna Valley Heritage Area Act of 1999; and H.R. 1619, Quinebaug and Shetucket Rivers Valley National Heritage Corridor Reauthorization Act of 1999, 10 a.m., 1324 Longworth.

Committee on Science, and the Subcommittee on Postsecondary Education, Training, and Life-Long Learning of the Committee on Education and the Workforce, joint hearing on K–12 Math and Science Education-Finding, Training and Keeping Good Teacher, 1:30 p.m., 2318 Rayburn.

Subcommittee on Space and Aeronautics, hearing on Barriers to Commercial Space Launch, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing on Association Health Plans: Giving Small Businesses the Benefits They Need, 11 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, to mark up H.R. 1300, Recycle America's Land Act of 1999, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Benefits, hearing on the following bills: H.R. 605, Court of Appeals For Veterans Claims Act of 1999; H.R. 690, to amend title 38, United States Code, to add bronchioloalveolar carcinoma to the list of diseases presumed to be service-connected for certain radiation-exposed veterans; H.R. 708, to amend title 38, United States Code, to provide for reinstatement of certain benefits administered by the Secretary of Veterans Affairs for remarried surviving spouses of veterans upon termination of their remarriage; H.R. 784, to amend title 38, United States Code, to authorize the payment of dependency and indemnity compensation to the surviving spouses of certain former prisoners of war dying with a service-connected disability rated totally disabling at the time of death; H.R. 1214, Veterans' Claims Adjudication Improvement Act of 1999; and H.R. 1765, Veterans' Compensation Cost-of-Living Adjustment Act of 1999, 10 a.m., 334 Cannon.

Committee on Ways and Means, to continue hearings on proposals to strengthen Social Security, 10 a.m., and to mark up the following bills: H.R. 984, Caribbean and Central America Relief and Economic Stabilization Act; and H.R. 434, African Growth and Opportunity Act, 3 p.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, briefing on pending Intelligence issues, 12 p.m., H–405 Capitol.

Next Meeting of the SENATE

9:30 a.m., Thursday, June 10

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 96, Y2K Act. Also, Senate may consider S. 886, Department of State Authorization, and any cleared appropriation bills.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, June 10

House Chamber

Program for Thursday: Continue consideration of H.R. 1401, Defense Authorization Act.

Extensions of Remarks, as inserted in this issue

HOUSE

Andrews, Robert E., N.J., E1172
Barcia, James A., Mich., E1180
Barr, Bob, Ga., E1177
Bateman, Herbert H., Va., E1188
Becerra, Xavier, Calif., E1179
Bentsen, Ken, Tex., E1181
Bereuter, Doug, Nebr., E1185
Berkley, Shelley, Nev., E1174
Berry, Marion, Ark., E1181, E1195
Biggert, Judy, Ill., E1198
Bliley, Tom, Va., E1199
Bonior, David E., Mich., E1176
Brady, Robert A., Pa., E1184, E1187
Burton, Dan, Ind., E1171, E1202
Capps, Lois, Calif., E1173, E1193
Chambliss, Saxby, Ga., E1199
Clayton, Eva M., N.C., E1189
Collins, Mac, Ga., E1179
DeLauro, Rosa L., Conn., E1172
Ehrlich, Robert L., Jr., Md., E1180
Eshoo, Anna G., Calif., E1175
Ford, Harold E., Jr., Tenn., E1198
Frelinghuysen, Rodney P., N.J., E1200
Gallegly, Elton, Calif., E1195
Gillmor, Paul E., Ohio, E1171
Gilman, Benjamin A., N.Y., E1182, E1190
Goodlatte, Bob, Va., E1200
Goodling, William F., Pa., E1183
Green, Gene, Tex., E1176
Hall, Tony P., Ohio, E1194
Holt, Rush D., N.J., E1203
Houghton, Amo, N.Y., E1181
Johnson, Eddie Bernice, Tex., E1189
Kildee, Dale E., Mich., E1177
Kleczka, Gerald D., Wisc., E1174
LaFalce, John J., N.Y., E1179
Lantos, Tom, Calif., E1197
Lee, Barbara, Calif., E1172, E1200
Lipinski, William O., Ill., E1202
McCollum, Bill, Fla., E1191
McDermott, Jim, Wash., E1179
McInnis, Scott, Colo., E1175, E1202
Markey, Edward J., Mass., E1176, E1202
Meek, Carrie P., Fla., E1190
Napolitano, Grace F., Calif., E1201
Norton, Eleanor Holmes, D.C., E1171, E1176
Oberstar, James L., Minn., E1188
Owens, Major R., N.Y., E1171
Oxley, Michael G., Ohio, E1180
Packard, Ron, Calif., E1177, E1184
Pastor, Ed, Ariz., E1177, E1190
Pickering, Charles W. ''Chip'', Miss., E1172
Porter, John Edward, Ill., E1195
Radanovich, George, Calif., E1175, E1183, E1187, E1189
Rangel, Charles B., N.Y., E1203
Ros-Lehtinen, Ileana, Fla., E1174, E1190
Rothman, Steven R., N.J., E1182, E1185
Sensenbrenner, F. James, Jr., Wisc., E1182, E1186
Skelton, Ike, Mo., E1174, E1183, E1186
Slaughter, Louise McIntosh, N.Y., E1178
Stabenow, Debbie, Mich., E1193
Stark, Fortney Pete, Calif., E1184, E1187
Stearns, Cliff, Fla., E1196
Stupak, Bart, Mich., E1196, E1200
Talent, James M., Mo., E1174
Thomas, William M., Calif., E1175
Thompson, Mike, Calif., E1176
Towns, Edolphus, N.Y., E1203
Udall, Tom, N.M., E1180
Velázquez, Nydia M., N.Y., E1173
Vento, Bruce F., Minn., E1173
Visclosky, Peter J., Ind., E1185
Walden, Greg, Ore., E1203
Wamp, Zach, Tenn., E1184
Weiner, Anthony D., N.Y., E1182, E1185, E1189, E1190, E1191, E1194, E1197
Weller, Jerry, Ill., E1178
Wilson, Heather, N.M., E1188
Wu, David, Ore., E1199
Wynn, Albert Russell, Md., E1179

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