United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, WEDNESDAY, SEPTEMBER 29, 1999 No. 129

House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 29, 1999.

I hereby appoint the Honorable JIM NUSSLE to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Dr. John H. White, President of Geneva College, Beaver Falls, Pennsylvania, offered the following prayer:

We begin this morning with the recognition that You, O God, are the source of life and the provider of all good things. We recognize that the order and prosperity of this Nation is a gift of Your providence.

I thank You for these ladies and gentlemen and those who assist them in this vital task of governing this Nation. May they recognize that their authority comes from You and that they are the servants of God and His Son, Jesus Christ, as well as servants of those who elected them.

I pray that their decisions may be founded on Your law, seasoned by Your justice and Your grace. Especially grant us all a full measure of Your wisdom this day.

In the name of the Father, and the Son, and the Holy Spirit. Amen.

THE JOURNAL

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

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

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

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

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

Mr. KLINK. 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. 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The point of no quorum is considered withdrawn.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 pro tempore. Will the gentleman from South Carolina (Mr. DEMINT) come forward and lead the House in the Pledge of Allegiance.

Mr. DEMINT 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 Ms. McDevitt, one of its clerks, announced that the Senate had passed without amendment a Joint Resolution of the House of the following title:

H.J. Res. 34. Joint resolution congratulating and commending the Veterans of Foreign Wars.

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

S. 1156. An act to amend provisions of law enacted by the Small Business Regulatory Enforcement Fairness Act of 1996 to ensure full analysis of potential impacts on small entities of rules proposed by certain agencies, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 249) ''An Act to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes.''

WELCOMING REVEREND DR. JOHN H. WHITE, PRESIDENT OF GENEVA COLLEGE, BEAVER FALLS, PENNSYLVANIA

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

Mr. KLINK. Mr. Speaker, I rise today to welcome Reverend Dr. John White, the President of Geneva College in Beaver Falls, Pennsylvania, who we had the honor of having with us to say the prayer to begin this session. Dr. White is a constituent of mine, and certainly is noted for the marvelous work he has done at Geneva College.

Geneva College was founded by the Reform Presbyterian Church of North America. It does a wonderful job in enriching the community in which it is located. It has sent many wonderful students out to do good work in this Nation.

Dr. White has been a part of that College for the last 28 years, the last 8 years of which he has been the President, and it has been my honor to work with him.

We are pleased to have someone of his stature here to assist Reverend Ford in beginning this session, and I would commend him and thank him for being here with us.

I also would commend Geneva College for 4 out of the last 5 years they have been in the national championships with their football team, and

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they have done a marvelous job of exhibiting their athletic prowess as well as their intellect and their academic prowess. So I thank Dr. White for being with us today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one minutes on each side.

DOE IGNORES SCIENCE AT YUCCA MOUNTAIN

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

Mr. GIBBONS. Mr. Speaker, just two days ago this chamber approved, unfortunately, $352 million for the continued development of a nuclear waste repository at Yucca Mountain, just north of Las Vegas, Nevada.

On that very same day, a public hearing on that project was held in Las Vegas, and at this hearing numerous experts testified that the Department of Energy's draft impact report ignored completely the basic principles of sound science. And, just to make matters worse, the Energy Department's impact report failed to follow the law requiring them to consider alternatives to Yucca Mountain for storing high level nuclear waste. And, by the way, it did not consider the dangers of transporting the high level nuclear waste across America to Yucca Mountain.

But these issues, by necessity, deal with sound science. Obviously the Energy Department is not interested in sound science.

It does not take a scientist, Mr. Speaker, to know that funding a nuclear waste storage project which lacks a sound scientific rational is not only wasteful, but dangerous.

I yield back the trace of all nuclear waste across this country and the green garbage it leaves behind.

DERAILING HMO REFORM

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

Ms. DELAURO. Mr. Speaker, after years of fighting for HMO reform, we are at the doorstep of passing meaningful patient protections. But now, just before we enact the bipartisan Patients' Bill of Rights, the Republican leadership is trying to derail HMO reform.

The Republican leadership has offered a plan that fails to guarantee patients the right to make medical decisions with their doctors, decisions that are free from insurance company bureaucrats. Their plan also fails to hold HMOs accountable for wrong or improper decisions, and, sadly, the only reason this plan is even being offered is to prevent meaningful HMO reform from being passed.

The bipartisan Patients' Bill of Rights is a good bill. It has broad support. If we pass this bill, then all HMO patients can have the ability to choose their own doctors, guaranteed access to emergency and specialty care, the right to make health decisions with doctors only, freedom from gag rules to prevent doctors from offering care, and the ability to hold their HMOs accountable.

Let us do the right thing. We have an historic opportunity in the next couple of weeks. Let us pass the bipartisan Patients' Bill of Rights.

A CHALLENGE TO DEMOCRATS

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

Mr. BALLENGER. Mr. Speaker, I would like to issue a challenge to my Democratic colleagues on the other side of the aisle. I would like for someone to explain to me whether it is your view that Republicans are extremists for wanting to limit spending and exercise fiscal responsibility or is it your view that Republicans are irresponsible for not exercising this fiscal responsibility?

Fiscally irresponsible or extreme. Which is it? I have heard both charges repeatedly in the recent weeks; and I am curious to know, for those in the party that has been dedicated to expanding government for the past 40 years to tell me what is their idea of fiscal responsibility?

I am also a bit curious to know when they think the American taxpayer should get some tax relief. After all, if one cannot make the case for tax cuts now in the face of $3 trillion budget surpluses over the next 10 years, just what would it take to convince you that tax relief is possible?

I think it is clear that the party that wishes to limit the size of the Federal Government and the party which is careful with the taxpayers' money is the real party of fiscal responsibility. So which is it? Are Republicans extreme or fiscally responsible in our desire to limit Washington spending?

PREVENTING REAL HMO REFORM

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

Mrs. CHRISTENSEN. Mr. Speaker, once again our friends in the majority continue to ignore the will of the majority of Americans who have spoken out in support of a real Patients' Bill of Rights. Instead of heeding this call, the majority has again drafted their own cynical health care bill in a last minute attempt to prevent the people's bill, the bipartisan Norwood-Dingell bill, from passing.

The Republican health care bill unveiled yesterday is not real HMO reform, and do not believe for one second that it expands health care coverage for uninsured Americans.

The Dingell-Norwood bill, by contrast, will put doctors and their patients back in charge of health care, increase access by making sure the insured can get the medical care they need, and makes managed care plans accountable when they decide to deny care.

We must not let the opponents of the reform all our constituents asked for succeed. Support the Dingell-Norwood consensus managed care reform act.

RAIDING THE SOCIAL SECURITY TRUST FUND

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

Mr. SCHAFFER. Mr. Speaker, the President wants to raise taxes and raid the Social Security trust fund to pay for new government spending. Do not just take my word for it, look at the facts. The Congressional Budget Office scored the President's budget as a net tax increase and House Democrats support that budget and the President wants to increase spending by billions of dollars, which the Congressional Budget Office also confirms breaks the very budget caps the President agreed to and took credit for in our budget agreement.

For the past 32 years Congress has raided the Social Security trust fund to pay for more government. Republicans want to put an end to that. It is time for this Congress to stop playing by the rules established by liberal Democrats in the 1960's. Seniors in my district are surprised to hear that Congress has been routinely operating in this manner. They do not understand why politicians in Washington use retirement money for anything other than retirement. It just does not seem right. It is not right. We must stop the President's raid on Social Security.

EDUCATION SYSTEM IN AMERICA IS NOT GETTING PASSING GRADES

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

Mr. TRAFICANT. Mr. Speaker, a new report says that 75 percent of American students cannot write a simple essay. It also says many students cannot even change a dollar bill, and many of them cannot read.

But, what is even worse, the report says these uneducated students continue to graduate. And all the experts are now looking at Congress and asking, what is Congress going to do about this?

Beam me up, Mr. Speaker. This is not about Congress; this is about parents. In the old days, kids knew their ABCs before they went to school.

I yield back all the well-intended billions of taxpayer dollars that are not

reaching home without the help of parents.

DEMOCRATS PUSH FOR TAX INCREASE

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

Mr. WELLER. Mr. Speaker, remember when? Remember when the Democrats controlled the White House and were in the majority in the House and Senate? Remember those days of spend and spend and spend? And what did they give us? The biggest tax hike in the history of our country. Why? Because they wanted to spend the money.

And remember when they were in control, how they raided the Social Security trust fund? Well, they are back at it again. Today in Congress Daily, what is on the front page? ''Democrats push for a tax increase.''

President Clinton's budget calls for a $180 billion tax increase. Now House and Senate Democrats want even more in tax increases, and they also support President Clinton's budget, which calls for raiding Social Security, 40 percent of Social Security going for other programs.

Republicans say no. Let us put a stop to spending beyond our means. Let us stop the raid on Social Security. One hundred percent of Social Security for Social Security-Medicare. Let us stop the raid on Social Security. It is all about spending.

PASS MEANINGFUL MANAGED CARE REFORM

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

Mr. GREEN of Texas. Mr. Speaker, the Republican leadership has unveiled yet another proposal they hope will derail the efforts for meaningful HMO reform. Just when a bipartisan majority has reached a consensus on real HMO reform with the Norwood-Dingell bill, the Republican leadership is once again proposing harmful provisions for Americans' health.

The American people want HMO reform. Instead of figuring out how to solve this, they just add poison pills to their proposed legislation.

For months, we have been hearing from the Republicans that a Patients' Bill of Rights will increase costs and open employers to lawsuits. Well, in my home State of Texas, we passed many of these patient protections; and we have not had any lawsuits against employers. In fact, the only increase that we have seen is the increase in prescription medication that other States have had to do. In fact, there has been no exodus of employers from providing healthcare in Texas under Texas law. What Texas residents have is health care protection and provisions that should be included in a national law. They eliminate gag clauses, open access to specialists for women and children, a timely appeals process, coverage for emergency care, and accountability for those decision makers in healthcare.

It is time to stop stonewalling and support a real Patients' Bill of rights.

□ 1015

FISCAL DISCIPLINE IS FORGOTTEN WHENEVER DEMOCRATS HAVE AN OPPORTUNITY TO INCREASE SPENDING

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

Mr. BARTLETT of Maryland. Mr. Speaker, why is it the Democrats want to bust the budget caps that they themselves agreed to while at the same time they are opposed to giving tax relief to the taxpayers? On the one hand, they argue that we must relax our fiscal discipline and expand government. On the other hand, they argue that we must maintain fiscal discipline and therefore cannot have tax relief.

Leaving aside the many good arguments for tax fairness that the Republican tax relief proposal contains, let us consider what the Democrats are saying. New Washington spending, fine. Tax relief for the taxpayers, no way. Fiscal discipline is forgotten whenever Democrats have an opportunity to increase spending, but they are fiscal discipline's best friend whenever tax relief is on the table.

What is wrong with this picture? It is very simple. It is known as liberalism; never known, it must be said, for the rigor of its logic. Is there a liberal in the House that will step forward and defend their position?

HMO REFORM AND GUARANTEEING A PATIENTS' BILL OF RIGHTS

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

Mr. WYNN. Mr. Speaker, I would like to talk today about changing the subject. We are having a discussion here in Congress about the patients' bill of rights. It is a bipartisan discussion in which both Democrats and Republicans agree that we need to protect patients' rights: access to specialists, emergency room coverage, coverage for all kinds of illnesses when it is needed. We need to have the right to sue if the HMO causes harm to someone's health. That is what we are talking about, but now the Republican leadership wants to change the subject.

All of a sudden, they want to talk about medical savings accounts and access to health care. They have several ideas. Some are good; some are bad. The point is, do not change the subject. The subject is HMO reform. The subject is guaranteeing a patients' bill of rights with real teeth in it.

We have a bipartisan agreement. We have the Dingell-Norwood bill that makes sense. We are having a good discussion. Do not change the subject. Let us stick with the patients' bill of rights. Let us pass a clean bill. Their ideas are not paid for. They should not be brought up in the context of this issue. Let us protect patients first, and then we will deal with some of these other issues.

WE MUST PROTECT THE SOCIAL SECURITY SURPLUS

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, let us be honest. President Clinton and his fellow Democrats believe in big government, the bigger the better. For years, President Clinton and the Democrats have increased taxes, squandered precious Social Security money on wasteful government spending. Now, thanks to fiscally responsible Republican policies, we have a budget surplus.

We tried to return some of it to the American people, the true owners, but President Clinton vetoed any tax relief for hard-working Americans. Instead, the President and the Democrats cannot resist the urge to take the surplus, go on a big spending spree and charge it to America's Social Security account. The President wants this funded with new taxes, of course. Americans do not want, need, or deserve new taxes.

Mr. Speaker, we must protect the Social Security surplus from the President.

REPUBLICANS SHOULD KEEP THEIR WORD AND HONOR FUNDING FOR THE WYE RIVER ACCORDS

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

Mr. FROST. Mr. Speaker, later today the House will vote on the Conference Report on Foreign Operations Appropriations for Fiscal Year 2000. I will vote against the conference report, marking the first time in 21 years that I have opposed a foreign aid appropriations bill.

I am taking this action for one very good reason. The Republican leadership of Congress has refused to include money requested by the administration to fund the Wye River Accords between Israel and the Palestinians. This is one of the most irresponsible acts taken by the Congress in a very long time.

In August, two delegations of Members of the House traveled to Israel and met with Prime Minister Barak and Palestinian Leader Arafat. I headed the

Democratic delegation and the gentleman from Virginia (Mr. DAVIS) headed the Republican delegation. Both delegations told Prime Minister Barak and Yassir Arafat that we would support funding for the Wye River Accords. The Democrats intend to honor our word. Apparently the Republican leadership does not intend to allow those Republican Members to keep theirs.

This is indeed a sad day. The Wye River Accords and the subsequent agreement entered into by Israel and the Palestinians earlier this month to implement Wye mark a dramatic turning point in the history of the Middle East. President Clinton has said he will veto this bill if it is passed by the Congress. I urge a no vote today and a vote to sustain the President's veto when the bill is returned to the House.

STATE FLEXIBILITY, A MEANS TO PROTECT WELFARE REFORM

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

Mr. DEMINT. Mr. Speaker, as we begin to debate raising the minimum wage, we must take into consideration the most significant change in our social, economic, and workplace laws in American history. We must remember welfare reform. Federal law currently places immense responsibilities on State governments to move people off of welfare and into productive jobs; but if we are not careful, another one-size-fits-all Federal minimum wage could harm our efforts to create good jobs for every American.

Mr. Speaker, we have trusted our governors with the responsibility to move welfare recipients into jobs. Now they need all the tools to do that job, including more control over the minimum wage. It is time we trust our State leaders to determine increases that best complement their successful welfare policies. I urge my colleagues to secure the employment future for American workers by sending these decisions back home.

REPUBLICAN MANAGED-CARE BILL

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

Mr. RODRIGUEZ. Mr. Speaker, making sure that everyone has an opportunity to see the doctor of their choice, that is one of the main principles that we are here for. One of the main things each and every one out there, each American, wants to be able to see the doctor of their choice, especially if they are paying for their own medication and their own health care.

For the last 2 years, we fought over the issue of managed-care reform, and we need to make sure that every American has that opportunity to see the doctor of their choice.

It is interesting that now as we come to battle on this issue that the other side is beginning to talk about coming together, and we do need to come together, but the reality is that we are skeptical about their proposals. We have the managed-care bill, the patients' bill of rights, that is there to make sure that we can come back and make the managed-care companies, the HMOs, accountable to our constituents. I want to make sure that as we move forward that we do the right thing. Let us stop wasting time. It is time that we come together and we make sure that we are responsive. Instead of reinventing the wheel and derailing things, we have to make sure that the majority is held accountable for health care in this country.

DISTRICT OF COLUMBIA APPROPRIATIONS BILL VETOED BECAUSE IT DOES NOT LEGALIZE MARIJUANA

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

Mr. PITTS. Mr. Speaker, with the stroke of a pen yesterday President Clinton has thrown away a good Washington, D.C. appropriations bill. What has he thrown away? Good and needed things like helping D.C. kids go to college, placing foster kids into permanent homes, cleaning up the foul Anacostia River, cracking down on drug offenders, and reducing the size of D.C.'s bloated government. And for what? For legalizing marijuana. The President drew a line in the sand that said he would not sign a bill that did not legalize marijuana.

Nobody should be fooled by the pretense that this is a medical issue. That is a smoke screen. A war on drugs will never happen when the President's priority is to veto a bill over legalizing drugs in our Nation's capital.

The President is sending the worst possible message to our children. Every police officer, every teacher, every parent who has ever fought against drugs should be outraged by this veto.

IT IS TIME TO PROTECT AMERICANS FROM THE THREAT OF A BALLISTIC MISSILE ATTACK

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

Mrs. CHENOWETH. Mr. Speaker, we are very busy here trying to make sure that we have enough money to continue to shore up our military defense system. Some are tempted in thinking that free trade, diplomatic goodwill, and more international communication will remove the threat of war. All of human history really suggests that such thinking is a fantasy. It is not only a fantasy, Mr. Speaker, but it is a very dangerous illusion. It was a dangerous illusion in 1914, and it was a dangerous illusion in 1939 and it is a dangerous illusion today.

In fact, it is because of the existence of nuclear weapons that this illusion, this fantasy, is even more dangerous today than ever. It is, therefore, imperative that we reconsider our foolish policy of remaining vulnerable to a foreign ballistic missile attack. Many Americans will be surprised to learn that this is so, but America does not have a national missile defense system. It is time to protect Americans from the threat of a ballistic missile attack because the world is still a dangerous place out there.

ONCE AGAIN, BIGGER GOVERNMENT WINS AND THE TAXPAYER LOSES

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

Mr. KNOLLENBERG. Mr. Speaker, President Clinton has vetoed the tax relief package passed by Congress. Once again, by vetoeing this legislation, he has denied the average middle-class family relief from the marriage tax penalty. He is robbing millions of workers the opportunity to obtain health-care coverage, who do not have health-care coverage now. He is making it more difficult for parents to save for their children's education. He is making it more difficult for people to pass on the family farm or the family business after a lifetime of toil, sacrifice, and devotion. He is making it more difficult for people to save for their future and provide for their retirement. This tax legislation would have been a step towards more fairness in the Tax Code and it would have reduced the burden on the people who are carrying the load paying the taxes and living the American dream, or trying to live the American dream. Once again, bigger government wins and the taxpayer loses.

A COMMITMENT NOT TO SPEND THE SOCIAL SECURITY TRUST FUND

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

Mr. BLUNT. Mr. Speaker, yesterday we debated a very important resolution on this floor to reaffirm our commitment not to spend the Social Security surplus. We heard repeatedly from the other side of the aisle that we had already spent the Social Security surplus when not one penny of that surplus has been spent, and when this House needs to be firmly committed not to spend one penny of the Social Security surplus.

I wondered all afternoon and all evening why we would constantly hear that, and then I began to realize that for four decades the House has spent the Social Security surplus. This is

truly a historic moment in the life of this House and for the future of Social Security. We have to be committed to the future of Social Security not to spend Social Security money today. We can and we are in the process of putting this budget together without spending the surplus. We have to stay committed to that. We cannot let the American people believe that has already happened, because it has not. We cannot let the message go forth from this House that we are going to continue business as usual when we are not.

THE TRUTH IS REPUBLICANS PLAN NOT TO SPEND THE SOCIAL SECURITY TRUST FUND

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

Mr. EHLERS. Mr. Speaker, a few days ago I saw a Democratic member of this Congress on television stating that the Republicans were going to spend Social Security money to finally get the appropriations bills passed. I was astounded, absolutely astounded. First of all, he is wrong. We are not planning to do that. What is even worse, although I have been here only 5 years, I did serve under a Democratic administration of this House that first year I was here. Not only did we take Social Security money and spend it, we took every cent of Social Security money and spent it. Not only did we take all of the Social Security money and spend it, but we spent a couple of hundred billion dollars beyond that and added that to the national debt. That is what we had 5 years ago here in this House under Democratic control. Today the Republicans are controlling it. We are not adding to the national debt. We are trying not to spend a cent of Social Security to get our budget out. What a dramatic change, and to have someone from the other side say we are breaking the rules is just utter nonsense. Listen to the truth and the truth is things are much better today.

A TAX CUT IS POSSIBLE WITHOUT SPENDING THE SOCIAL SECURITY SURPLUS

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

Mr. LEWIS of Kentucky. Mr. Speaker, we may have heard the recent propaganda coming out of the White House and from the liberal tax-and-spend Democrats here in the House. The word is that a tax cut would take money from Social Security and from paying down the debt. The truth is the tax cut that the President vetoed would have allowed the American people to keep $792 billion of their money over the next 10 years. It would have not touched Social Security. It would pay down the debt by $2.2 trillion.

The truth is, as the former speaker said, for 40 years, a liberal tax-and-spend Democrat Congress spent the Social Security trust fund money as fast as they could on every big government program they could think of.

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To hear them today say that they want to pay down the debt, that they want to save Social Security, is an absolute joke. They never have; they never will. What they want the money for is to spend, and to spend it on bigger and more intrusive government.

TAX CUTS VERSUS SOCIAL SECURITY SURPLUS

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

Ms. WOOLSEY. Mr. Speaker, we are hearing rhetoric from the other side of the aisle that should make them ashamed of themselves for trying to deceive the American public. Because the truth is the Republicans had every intention of using the Social Security surplus to pay for their trillion dollar tax cut.

I have some news for all of my colleagues. No one was fooled by it. And it is also no secret that the Republicans have already spent $30 billion of the Social Security monies before we even start debating the rest of the spending bills. And now they are scrambling to use every budget trick in the book to pretend otherwise.

Well, I am here to tell my Republican friends that it just will not work. The people in this country know better. I applaud the President for vetoeing the Republican payoff to their wealthy contributors and preventing the majority party in Congress from dipping into the Social Security surplus even further to fund what they consider the most important benefit of this country, tax breaks to the very wealthiest people, the top 1 percent.

ARREST OF ZHANG RONGLIANG

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

Mr. DREIER. Mr. Speaker, I rise to bring to the attention of my colleagues the very unfortunate case of Zhang Rongliang, one of the most prominent church leaders in the People's Republic of China. During the month of August, Chinese officials arrested over 30 House church leaders, including Mr. Zhang. It is reported that government security officers burst into a meeting of his church, telling the gathering that they were a cult, engaged in illegal activities.

Last year, Mr. Zhang made it clear by signing the United Appeal to the Chinese Government and the House Church Confession of Faith that he has no desire to undermine his nation. Instead, his desire is to serve the people of China.

Mr. Speaker, the actions of the Chinese Government in this case are a blatant violation of the International Covenant on Civil and Political Rights, which they have agreed to uphold. Mr. Zhang is not a criminal and should not be treated as such.

The actions of the Chinese Government in this case, and others like it, are undermining their own ability to bring China fully into the community of nations. I urge them to immediately release Mr. Zhang and others unjustly arrested and imprisoned because of their religious beliefs.

PROVIDING FOR CONSIDERATION OF H.R. 2559, AGRICULTURAL RISK PROTECTION ACT OF 1999

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 308 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 308

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. 2559) to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, 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 Agriculture. After general debate the bill shall be considered for amendment under the five-minute rule. 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 Agriculture now printed in the bill, modified by the amendments printed in the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee, 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. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business,

provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. 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 amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. NUSSLE). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. 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.

Mr. Speaker, the legislation before us today is a modified open rule providing for the consideration of H.R. 2559, the Agriculture Risk Protection Act.

The rule waives all points of order against consideration of the bill.

The rule provides 1 hour of general debate to be equally divided between the chairman and ranking minority member on the Committee on Agriculture.

The rule makes in order the Committee on Agriculture's amendment in the nature of a substitute as an original bill for the purpose of amendment, modified by the amendments printed in the report of the Committee on Rules accompanying the resolution.

The rule waives all points of order against consideration of the amendment in the nature of a substitute, as modified.

The rule provides that the amendment in the nature of a substitute shall be open for amendment by title.

The rule makes in order only those amendments printed in the CONGRESSIONAL RECORD and pro forma amendments for the purpose of debate only.

The rule provides that the amendment may be offered only by the Member who caused it to be printed or his designee, which 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.

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.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, passage of this rule will allow the House to consider this very important piece of legislation, the Agriculture Risk Protection Act. The Agriculture Risk Protection Act is the right legislative response to the current plight of our Nation's farmers and ranchers.

It is no secret that agriculture commodity prices are down. Natural disasters, including hurricanes, floods, and droughts have only added insult to this injury. We must give agriculture producers the tools to manage risk in a responsible way. This bill is a large step in that direction.

This legislation provides better insurance coverage at a lower cost for our Nation's farmers. It provides affordable coverage at every level, with strong incentives to purchase higher levels of protection and new flexibility for producers to choose the level of coverage that best meets their needs.

Additionally, this legislation, for the first time, creates a pilot program that offers insurance assistance to livestock farmers and ranchers who suffer the same problems of volatile weather and markets that hurt crop farmers.

This legislation empowers those who understand the kind of insurance that farmers need, instead of government bureaucrats. Under this plan, new programs are developed by reimbursing universities, farm organizations, co-ops, and even individual farmers who research and develop a policy that is successful.

As many of my colleagues know, this is also an important issue to me as a Texan. In Texas, we have experienced historic droughts during 2 of the past 4 years. During these droughts, I have worked actively with not only my farmers and ranchers, but also with State, county, and local officials to find ways to survive these dry conditions.

Unfortunately, there is no easy way to manage crops and livestock once these severe drought conditions are experienced. After living through these droughts, I have made a conscious effort this year to get my district ready for the potential of the dry weather that we knew would happen. Through proactive planning sessions held in each county in my district, I made plans to try and make sure that my farmers and ranchers were prepared. However, it is common sense for us to know that being prepared is better off than reacting to the weather.

This legislation makes sure every farmer and rancher has the tools necessary for this preparation. Clearly, proactive steps such as these are needed at the Federal level. Under current conditions, too many farmers are unable to afford crop insurance. When natural disasters strike, the Federal Government assists victims with taxpayer dollars. By increasing Federal contributions to tax insurance, such insurance becomes more affordable, and there is less need for taxpayer dollars for reactive solutions.

The Agriculture Risk Protection Act is a common sense, fiscally conservative way to properly prepare for natural disasters that impact agriculture production. I urge my colleagues to support this rule.

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

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

Mr. Speaker, I rise in support of this rule, which provides for consideration of crop insurance reform.

Mr. Speaker, farmers across this country are facing a disaster. The bill, as far as it goes, makes improvements in crop insurance that will probably provide some relief. But, unfortunately, Mr. Speaker, this bill misses an opportunity to make substantial changes in the crop insurance program that could yield long-term relief and provide a real safety net to the agricultural sector.

However, this bill can be improved, and the rule allows for the consideration of amendments that seek to accomplish that end. While Democratic members of the Committee on Rules might ordinarily object to a rule that requires preprinting of amendments, in this case, because of the tactical nature of agriculture programs, we will not do so.

Mr. Speaker, my friend and colleague, the gentleman from Texas (Mr. STENHOLM), will offer a significant amendment that seeks to provide assistance to those producers who are the most in need and which addresses the long-term problems of the cyclical nature of agriculture. That assistance would come in the form of a supplemental income payment program, which squarely addresses the issue of price disasters. His amendment deserves serious consideration and support of the House.

Mr. Speaker, this rule will allow the consideration of amendments which can improve this legislation, and I urge its adoption.

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

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I thank my very good friend from Dallas for yielding me this time, and I congratulate him on his fine statement and his work on this.

I mention that he is from Dallas. I feel compelled to bring at least a modicum of geographic balance to this debate. As I look at the manager of the rule, the gentleman from Texas (Mr. SESSIONS), and the gentleman from Texas (Mr. FROST), the manager on the minority side, the other gentleman from Dallas; and then once we pass the rule, we look at the chairman of the Committee on Agriculture, the gentleman from Texas (Mr. COMBEST), and the manager on the minority side will be the gentleman from Texas (Mr. STENHOLM).

So I am pleased to bring some geographic balance to this debate and say this, obviously, is an issue which transcends simply our friends from Texas

and is, in fact, a very, very important issue.

I think that the statement that was made by the gentleman from Texas (Mr. SESSIONS) is right on target when he says that it is better to be prepared rather than simply reacting to weather. And we clearly know that, as we have been dealing with disasters that have hit throughout the past several weeks and months here in this country and the tragedies that we have witnessed around the world.

Obviously, this legislation, which enjoys strong bipartisan support, as does the rule, is designed to ensure that we have better risk management and those tools that are essential to an industry which obviously is dependent on the weather.

□ 1045

So I simply want to congratulate my friend and say that I am pleased to join in support of what is obviously a very, very important step to make sure that we maintain a continuity for ranchers and farmers in this country.

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

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Lubbock, Texas (Mr. COMBEST), the chairman of the Committee on Agriculture.

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

Mr. Speaker, I want to thank the gentleman from California (Mr. DREIER) for bringing a regional balance to this, as well as for his great work on the Committee on Rules in providing this rule. I thank the gentleman from Texas (Mr. SESSIONS) and the other gentleman from Texas (Mr. STENHOLM).

Mr. Speaker, I just would like to say I rise in support of this rule. I think it is a process by which all Members should have an opportunity if they have desires to discuss this subject. It should give plenty of time for that. There are some amendments. We will be dealing with those, as well.

To the gentleman from Texas (Mr. SESSIONS) I would say, I appreciated his opening comments and statement. I just wanted to make the point, Mr. Speaker, that while the $6 billion additional money for crop insurance that was provided for in the budget which passed this House several months ago is in itself very significant in that this is, I think, the largest increase in crop insurance, that alone is not what I believe is probably the best part of this bill.

One of the major problems that we have confronted with farm policy for many, many years is the lack of adequate risk management. To actually begin to move toward adequate risk management, it is important to make some major changes. This bill does that, and I think there are very positive changes.

We saw a disaster package last year of $6 billion. There is one being considered today and may be considered this week that is going to be probably in excess of $8 billion. While this alone does not solve that problem, nor would I want to lead any of my colleagues to believe that it would totally solve it, I do believe that this is the first major step in a right direction to help provide adequate protection and much needed protection.

To my colleagues who may not have an opportunity to deal in agricultural policy or who do not have a lot of farmers maybe in their districts, I would like to just make a brief explanation of why this is so important.

Almost in every endeavor of life, Mr. Speaker, whether they are buying homeowner's insurance, whether they are a businessman or businesswoman that happens to have a small business or a large business, it is possible for people to protect themselves by buying insurance. They can buy it to protect their home. They can buy it to protect their inventory.

If the gentleman from Texas (Mr. SESSIONS) and I are in business side by side and my inventory costs more than his inventory, I buy more insurance. It costs me more, but I can buy that. And if something happens to that inventory through some disaster that is covered by the insurance policy, then the insurance policy pays and I buy insurance on my next warehouseful of inventory.

Unfortunately, one the real fallacies in crop insurance has been that farmers cannot cover their capability. As an example, if my colleague is a farmer, and the gentleman from Texas (Mr. STENHOLM) is a farmer and can grow 50 acres of wheat on a normal year on a normal basis and he puts his input costs in to grow 50 bushels of wheat on his farm but because of past problems that have occurred, there are some antiquated historical data information that is used to determine how much insurance the gentleman from Texas (Mr. STENHOLM) could buy and he might only be able to buy insurance to cover 25 or 30 bushels of his crop but his input costs are to produce a 50-bushel crop of wheat, it is not advantageous, even under the maximum amount that could be purchased, for him to buy insurance. It is not cost effective. It does not adequately cover him. And there is no incentive.

So what we are trying to do in this proposal is to give him an opportunity to have his actual production capability or movement toward his actual production capability to be able to insure for.

This bill also is a major step in the right direction for revenue assurance, and that is very important to people that farm in areas that do not have historical natural disasters and generally always make a crop. Because the revenue aspect or the downward turn in revenue aspect are one of the reasons we are looking at disaster and emergency packages today, farm assistance, because of low market prices, some of the lowest we have seen in many, many years.

So this does have a good program in it to provide insurance for revenue loss. It does increase the subsidy substantially that the farmer receives for buying insurance. We believe that this creates real incentives, albeit not as far as I would like to see it.

I will tell my colleagues that, in the next couple of years, we intend to even move forward with a second phase of crop insurance reform. But it is important for there to be a risk management tool available to farmers that is, number one, economically feasible and, number two, it covers their crops in an adequate fashion and creates an incentive to buy rather than disincentive, which I think today is the case.

Mr. Speaker, I think that this is a major move in the right direction for risk management that I think will lessen the impact of natural disasters or low commodity prices in the future, and I would commend it to my colleagues and ask for their support.

Again, I am strongly in support of the rule, and I appreciate the Committee on Rules for its efforts.

Mr. FROST. Mr. Speaker, we reserve the balance of our time.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Montana (Mr. HILL), who comes from a huge agriculture State.

Mr. HILL of Montana. Mr. Speaker, I thank the gentleman from Texas for yielding me the time.

Mr. Speaker, I want to congratulate the two gentlemen from Texas who are managing the rule for a good rule and the two gentlemen from Texas who will be managing the bill for a good bill.

Mr. Speaker, as our colleagues are listening to the debate, they will be able to distinguish the difference between the Texans and the rest of us because the Texans will say ''insurance'' and the rest of us will say ''insurance'' when we talk about this. So that is one of the ways we can tell the difference.

Crop insurance is the primary risk management tools that producers have. It helps them and has historically helped them manage the greatest risks they have and that is, of course, the loss of crop, a catastrophic loss of their crop. But as we have asked producers to produce for the marketplace, it has been apparent that we need to make some changes in the risk management tools that we have to help them do a better job of doing that. We need to do that in a fashion that does not distort the marketplace, and that is not easy to do. But this bill goes a long way in helping us address those concerns. I want to just touch on some of them.

One of them, for example, is to make it more accessible for those who would produce alternative crops to get crop insurance. One of the things we are asking producers to do is to diversify their production, to reduce their risk to the catastrophic potential that weather might have on an individual crop or that prices might have on an individual crop. This bill makes alternative crops more accessible for insurance.

One of the problems with the existing program is that the amount of support the Government gives to lower levels of insurance is greater than the amount of support we give to higher levels of insurance. And the consequence of that is that it actually discourages many producers from participating in the crop insurance program and then it reduces the effectiveness of it.

This bill increases support for the highest levels of guaranty, actually across the board, which should encourage more producers to participate. Many producers will tell us that crop insurance is not affordable, and this bill will help that by adding more support across the board, as I mentioned.

Without this bill, the crop insurance premiums for producers is going to go up about 30 percent, which would be a catastrophic thing to occur given the hardship that is out there in ag country right now. Without this bill, we will have a 30-percent increase. This bill avoids that increase.

The current program hits producers when they are down. If they have a number of bad production years, the amount of insurance that they can buy goes down based upon their average production. This bill allows them to take on some of those bad years to be able to keep their insurance level high enough so that they can get enough insurance to cover production costs and to cover their loan.

The program also now introduces the idea of premium discounts. If they have a number of good years where they do not have a claim and they have good production years, they can actually get a discount on their premium, which will help it be more affordable to producers.

It also expands the principle of revenue insurance. One of the things we discovered is that production loss is not the only loss that producers need to be able to manage the risk of. There is also the potential of price loss. This bill allows producers to insure their revenue, which covers both price and production risks.

Lastly, the bill allows livestock producers for the first time to participate in the crop insurance program and the risk management principles that are associated with it.

I just want to again congratulate the ranking member and the chairman for bringing forward a very good rule and a very good bill, and I would urge all my colleagues to support both the rule and the bill.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for bringing a great rule to the floor.

Mr. Speaker, as many people know, we have heard from California and Montana and Texas, now we go to the East Coast, North Carolina, where floods have inundated our farmers and our families.

I come to the floor today to voice my strong support for a good rule, for a good bill, H.R. 2559, the Agricultural Risk Protection Act.

I want to thank the gentleman from Texas (Chairman COMBEST) the gentleman from Illinois (Mr. EWING) and others for the work that they and the staff have done with Members, farm constituents, and agricultural associations to put together this thoughtful, far-sighted crop insurance bill which is covered by this rule.

Over the past several months, I have traveled around my district, the 8th of North Carolina, and spent dozens of hours listening to farmers and ranchers telling me about the state of the farm economy.

In February, I, with the help of the gentleman from Illinois (Mr. EWING) and the Committee on Agriculture, hosted a field hearing in Laurinburg, North Carolina, to learn farmers' concern about the current crop insurance program and what changes they felt needed to be implemented to achieve meaningful reform.

The Committee on Agriculture took the comments of my farmers and the comments of other farmers around the country and passed a bill which addresses their concerns and strengthens crop insurance and provides better risk management tools for farmers and ranchers. Crop insurance is just one recent example of how the Committee on Agriculture takes a grass roots approach to learning about a problem and then, with a bipartisan effort, efficiently works to solve it. We are now looking to our colleagues here in the full House and the Senate to help us implement this reform and pass this rule.

H.R. 2559 is a good bill created, for the most part, by our own farmers. This bill will provide long-term assistance badly needed. I urge my colleagues to vote in favor of this rule and the bill.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman from Dallas, Texas (Mr. SESSIONS) for yielding me the time.

Mr. Speaker, this is a modified, open rule. It is a good rule. It allows us to discuss federal agricultural policy as we deal with dramatic changes in agriculture.

Last February, I served on the Committee on the Budget as well as the Committee on Agriculture, and last February we decided in the Committee on the Budget that we were going to include in the budget $6 billion from the year 2001 to 2004. The Budget Resolution funding would be to help farmers adjust to the challenges of survival that Americans now face. The 1996 Freedom to Farm legislation provides a phaseout of the old Government programs.

The challenges now facing farmers, include subsidies to farmers in other countries that put our farmers at a disadvantage, reduced exports and Washington's lack of efforts to be more aggressive in expanding our trade. Certainly the greatest challenge this year are record-low prices that farmers receive for their commodities. So farmers today are receiving record low prices. For example, soybean price is the lowest in the last 30 years. Corn lower than the last 15 years.

This bill helps farmers adjust.

□ 1100

What we are suggesting in this legislation is that insurance be more available to farmers that would add to their tools of reducing risk. This insurance covers two areas: One, insurance for some commodity price protection. Secondly, is what I call sunshine insurance, insurance to cover those farmers against loss in case of natural disasters.

I think the challenge before us, as we revisit federal agricultural policy is how do we make sure that we keep a strong agricultural industry in the United States? If consumers want to continue with the high quality, low cost that they now pay for food in this country, if we want to continue to know the food is safe because we know how it was produced, then we are going to have to save and maintain and make sure we keep strong, stable agriculture in the United States.

We'll examine some other ways that we can help farmers in the future years. Crop insurance deserves taxpayer support because we do not know what the risks are, because those people that are selling that insurance do not have the experience. It is appropriate, it is proper, it is necessary that government support some of those premiums as we get more experience as we encourage farmers to take out crop insurance in the new freedom to farm environment.

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

Mr. Speaker, like my other colleagues who have spoken, I have spent a great deal of time visiting with the farmers and ranchers in my district down through central Texas in recent months. Clearly there needs to be a long-term solution to the crop insurance situation. The gentleman from Texas (Mr. STENHOLM) has an amendment which he may or may not offer today, it has been made in order by the Committee on Rules, but the gentleman from Texas as the ranking member on the Committee on Agriculture will be offering a long-term approach to this situation in the months ahead. While today's bill will offer some short-term relief to farmers, there will need to be a more comprehensive approach down the road which the gentleman from Texas will offer at the appropriate time.

Mr. Speaker, I urge adoption of the rule so that we may proceed to consideration of this legislation today.

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

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

As my colleague the gentleman from Texas (Mr. FROST) has suggested, I would like to thank the participants from the Committee on Agriculture, including the gentleman from Texas (Mr. COMBEST) and also the gentleman from Texas (Mr. STENHOLM) not only for their leadership but for their care and consideration of the men and women who are involved in agribusiness.

Mr. Speaker, I support this rule. I am asking for each one of our Members to support this bipartisan rule and piece of legislation.

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 (Mr. NUSSLE). 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.

This 15-minute vote will be followed by a 5-minute vote on the question of the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 422, nays 1, not voting 10, as follows:

[Roll No. 458]

YEAS—422

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
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 (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
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
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
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
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—1

Vento

NOT VOTING—10

Dixon
Hill (IN)
Istook
Jefferson
Nadler
Scarborough
Spratt
Thomas
Watts (OK)
Wu

□ 1124

Mr. HILLIARD and Mr. RAMSTAD changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. THOMAS. Mr. Speaker, on rollcall No. 458, had I been present, I would have voted "yea."

THE JOURNAL

The SPEAKER pro tempore (Mr. NUSSLE). Pursuant to clause 8, 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.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 375, nays 43, not voting 15, as follows:

[Roll No. 459]

YEAS—375

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Bachus
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
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
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Davis (FL)
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Evans
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Ryan (WI)
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Sanders
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Sawyer
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Weiner
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Weygand
Whitfield
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LoBiondo
Markey
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Nadler
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Phelps
Scarborough
Thomas
Wu

□ 1133

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. THOMAS. Mr. Speaker, on rollcall No. 459, had I been present, I would have voted "yea."

AGRICULTURAL RISK PROTECTION ACT OF 1999

The SPEAKER pro tempore (Mr. NUSSLE). Pursuant to House Resolution 308 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. 2559.

□ 1135

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. 2559) to amend the Federal Crop Insurance Act, to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improve protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes, with Mr. LATOURETTE 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 Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. COMBEST).

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

Mr. Chairman, today we consider H.R. 2559, the Agriculture Risk Protection Act of 1999. This important legislation was approved by a voice vote in the subcommittee and the full committee and enjoys broad bipartisan support from colleagues representing farmers and ranchers from all regions of the country. Equally important, I am pleased to report that this bill fully complies within the budget resolution approved by the Congress earlier this year.

As my colleagues know, this country's farmers and ranchers are not experiencing the prosperity that other Americans enjoy today. Confronted by adverse weather and low prices, they are facing a second year of extreme economic crisis.

Mr. Chairman, there are two ways a farmer or rancher can lose money. That is where a strong farm safety net is needed. The culprits are low prices and lost production, and, sadly, both of these culprits are at work again this year.

On the price side of the equation, just as examples, cotton is expected to receive the lowest price in 13 years; wheat the lowest in 22 years; and soybeans the lowest in a quarter century. Fortunately, in an effort to avert a financial disaster in farm country, the House and Senate are working together to provide an emergency farm relief package.

Mr. Chairman, I believe the short-term assistance provided in the fiscal year 2000 agricultural appropriations bill is urgently needed and will bring our Nation's farmers and ranchers at least some peace of mind. But make no mistake, ad hoc relief of any kind will not bring about a long-term solution to chronic problems. That is why I have announced the committee's intention to convene a series of hearings early next year to evaluate current and future American farm policy. By providing our farmers and ranchers an opportunity to fully participate in this process, we will steer clear of the kind of fixes in farm policy that are made in haste and ultimately do more harm than good.

On the other side of the equation, there is something Congress can do now about severe crop losses that each year rob farmers and ranchers of their livelihood. After more than 8 months of input from farmers and ranchers on the problems with crop insurance, Congress is in a position to act.

The Federal crop insurance program was created in 1938, but it was not a case where the government intruded on the private sector thinking it could do better. Instead, the program came about because countless private sector attempts at crop insurance had failed miserably. Without a Federal commitment, the widespread losses associated with natural disasters would make something as fundamental as insurance protection simply unavailable to our farmers.

Unfortunately, during its 61 years of existence, this critical program has been both underfunded and seriously undermined by ad hoc disaster. This dual policy has fueled a vicious cycle that has not saved taxpayers money but cost them countless billions. By underfunding the crop insurance program, farmer-paid premiums have been unaffordable, leading to a Nation of underinsured farmers at best and uninsured farmers at worst.

For years, the practical effect of this policy has been that farmers who do not buy crop insurance or buy too little leave Congress little choice but to enact ad hoc disaster bills; and in the following year, farmers who had insured their crops the year before decide not to, trusting that Congress will once again come through.

This vicious cycle has seriously undermined the crop insurance program. It has eroded program participation and fueled the need for Congress to

pass costly, unbudgeted ad hoc disaster in every year but three since 1985, at a cost totaling more than $30 billion.

Mr. Chairman, while this is by no stretch a desired effect, it is totally understandable when you consider that many of America's farmers just cannot afford crop insurance.

Mr. Chairman, reducing the need for ad hoc assistance and putting an end to this vicious cycle is my aim with respect to all of Federal farm policy. With respect to crop loss assistance that is exactly what H.R. 2559 sets out to do.

Three provisions of H.R. 2559 alone go a long way in effectively reducing the future need for ad hoc disaster. These provisions simply allow farmers who already buy crop insurance to buy better coverage and encourages those who have usually relied on the government for help to instead rely on themselves.

First, H.R. 2559 makes across-the-board reductions in farmer-paid premiums. In fact, without passage of this bill, crop insurance premiums for every farmer in America will automatically increase by 30 percent.

Second, the bill makes insurance that protects price as well as production more affordable to our farmers.

Third, the bill helps farmers who are hit hard by multiyear disasters to insure more of the yield that they have proven that they can grow. These are obvious but important changes that farmers from all regions, growing all crops, have said that they need.

But H.R. 2559 also recognizes that no matter what amount of premium assistance the government provides, if the insurance policy itself does not work for a farmer, the Federal crop insurance program is flawed. H.R. 2559 responds to calls from farmers from all regions to increase the number of crops that are served by crop insurance and to improve the quality of coverage to crops that are already being served.

By promoting new policy research and development, by expediting the policy approval process, and by helping farmers buy these new policies H.R. 2559 works to ensure that all farmers can count on crop insurance.

There are many other provisions contained in this bill that give committee members reason to be proud. The bill provides risk management assistance to livestock producers for the first time ever and eliminates an agency-imposed black dirt policy that has prevented farmers from planting perfectly good ground. I am particularly pleased with the farmers who came forward and helped us write tough antifraud and antiwaste and abuse provisions that crack down on those who would dare to farm this program.

Mr. Chairman, in short, H.R. 2559 is a fiscally sound bill that is in keeping with the commitment of this Congress to safeguard our balanced budget while strengthening the safety net for our Nation's farmers and ranchers.

I would call to the attention of my colleagues, Mr. Chairman, and at the appropriate time would ask for inclusion into the RECORD, of a variety of letters from many, many farm groups and commodity groups that I will have for the Members to review in support of the efforts of the committee and in support of the bill on the floor.

I would urge my colleagues to support H.R. 2559.

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

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

Mr. Chairman, I rise in support of H.R. 2559. I want to thank the chairman for the work that he has put in to this bill and for the inclusion of the minority and all members of the committee in the development of its provisions. The gentleman from Texas (Chairman COMBEST); the gentleman from Illinois (Chairman EWING), the subcommittee chairman; and the gentleman from California (Mr. CONDIT), the ranking Democrat on the subcommittee; are all to be commended for their efforts.

Mr. Chairman, this bill succeeds in spending the funds that were allotted in the fiscal year 2000 budget. While it was the will of our committee that these funds should be dedicated to improvements in our current crop insurance program, the Congressional budget resolution made funds available for the broader purposes of income assistance and for risk management and, in so doing, provided a level of flexibility that would permit nearly any kind of agricultural assistance.

The bill before us today, however, does not recognize that flexibility. In a rare moment, at a time when the congressional budget actually allows us to increase the amount spent on farm programs without having to offset them, the bill spends all of its money on yield insurance and ignores the many other needs facing agriculture.

□ 1145

Mr. Chairman, these budgeted funds came on the heels of last year's $6 billion in emergency agricultural spending. Even as we speak, appropriators in conference are finalizing a proposal to designated over $8 billion as emergency spending to compensate for economic circumstances that were entirely foreseeable. The fact that 2 years in a row we are compensating producers for low prices seems to me to be a stark admission that our basic farm program is not working, just as yield disaster aid shows that crop insurance is not working.

Increases in the budget were a clear signal by our colleagues that these problems, income reductions as well as yield reductions, need to be addressed. Our Nation deserves a long-term, reliable farm policy. Taxpayers and agricultural producers alike should be able to know up front what kind of assistance they can expect and what the rules will be for distributing it.

In terms of yield insurance, this bill makes some progress. Higher subsidy rates, for example, will lead to higher levels of participation in crop insurance and better indemnity performance for the producers who participate.

Absent from the bill, Mr. Chairman, is the other half of the picture. Last year, our programs left producers overexposed to price and weather disasters. This bill makes progress toward addressing yield disaster. But what about price disaster? How much more will our Government spend on ad hoc, supplemental AMTA payments before we realize that a more rational, predictable policy needs to be in force?

Mr. Chairman, I intended to offer an amendment that addresses the total revenue picture for program crops. Because the score from CBO came in at a higher level than expected, I will not offer it at this time. However, I am committed to exploring all avenues in order to provide this type of assistance in a budgetarily responsible manner.

I will describe it now in the hope of encouraging my colleagues to give it their consideration as we continue to debate long-term farm policy.

My proposal would establish a system that would allow for supplemental income payments, SIP. Producers who planted crop would receive a payment for a crop year if national revenue for the crop falls significantly below the most recent 5-year average. Payouts would occur if national prices are low or if a national production is low. A supplemental income program can work for our producers and for taxpayers as well. It is a simple program under which payments would go directly to actual producers in time of need.

It is the kind of long-term approach we should be using to address agriculture's cyclical problems. H.R. 2559 does increase the subsidy provided to the current revenue products that address price drops within a crop year. However, it does nothing to protect producers from severe downturns in income from year to year.

The supplemental income program would complement existing farm programs and the changes made to the crop insurance program by providing a complete risk-management package.

Mr. Chairman, once again I want to commend the gentleman from Texas (Mr. COMBEST) and all members of the Committee on Agriculture for their work on this bill thus far. Going into this process, we agreed that short-term changes in crop insurance this year would pave the way for a broad look at the entire program in the years ahead. I look forward to working with my colleagues in developing a crop insurance program that works better and a farm revenue program that meets producer and taxpayer needs.

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

Mr. COMBEST. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. EVERETT), who is a very valuable member of our committee.

Mr. EVERETT. Mr. Chairman, I rise in strong support of H.R. 2559, the Agricultural Risk Protection Act of 1999. It is a great first step to help our struggling farmers, and I would like for my complete statement to be made a part of the RECORD at this point.

Mr. Chairman, this bill is the culmination of months of work by the Agriculture Committee in trying to form policy that would give producers from all regions of the country a better way to manage risk.

Producers have to manage two types of risk, price fluctuation and weather related disasters. I believe this bill reforms the federal crop insurance program to more adequately address the risk management needs of agricultural producers when it comes to protecting yield.

One of the problems with the current system was the program was being underutilized. Producers chose not to participate because crop insurance was too expensive for too little coverage. H.R. 2559 makes coverage more affordable by building upon the additional premium assistance that was provided by the Omnibus Appropriations bill of 1998. By increasing the government's share of the premium's cost, we can dramatically increase participation in this crucial program.

In addition, the bill provides assistance for innovative policies that protect against lost revenue or rising costs of production. Right now, current law prevents federal assistance on that portion of the policy, making these policies too costly for most farmers.

A viable crop insurance program must achieve broad-based participation across all potential production risk levels. Crop insurance participation is lower among so-called low risk producers because it is not cost effective for a producer to have insurance if he never files a claim. This bill changes that by allowing performance based discounts for those low risk producers.

The bill also addresses the need for adjustment in Actual Production History to assist farmers affected by disasters. Actual Production History serves as a guide for determining how much protection a producer can receive. Producers are currently punished two fold by natural disasters. One being the actual crop loss and two the permanent damage to a producer's production history making it harder for a producer to get adequate coverage for his crop.

One provision that is especially crucial to Southern producers is the provision that revokes the prevented planting policy. Currently, if a producer collects an indemnity because he is unable to get a crop into the ground, he is prevented from planting a second crop, possibly one with a shorter growing season. This bill strikes that language, but also provides safeguards against manipulation of the system.

In addition, the committee found far too many cases of fraud and abuse of the crop insurance program. To improve program compliance, the bill increases the punishment for fraud, including assessing a fine up to the value of the false claim or $10,000, whichever is higher, and a producer would be banned from all farm programs for five years.

Mr. Chairman, this bill addresses many of the inadequacies of the current program, making crop insurance more attractive to many more producers, but more must be done. This is a step in the right direction of letting farmers effectively manage their production risk. I ask all my colleagues to support this important legislation.

Mr. COMBEST. Mr. Chairman, what time did I consume, and how much time do I have remaining?

The CHAIRMAN. The gentleman from Texas (Mr. COMBEST) consumed 7 minutes and has 23 minutes remaining.

Mr. COMBEST. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. EWING), a very valuable member of the committee, the subcommittee chair with jurisdiction over this subject, and cosponsor of the bill on crop insurance.

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

Mr. EWING. Mr. Chairman, it seems that ever since I have been in Congress and been a part of the Committee on Agriculture, which has been five terms, we have been working on crop insurance. I know this is not the first bill that we have passed on crop insurance in those five terms, but I think it is the best bill; and I think we have made continued progress over the years. So I rise today in very strong support of H.R. 2559, the Agricultural Risk Protection Act of 1999.

As chairman of the Subcommittee on Risk Management, Research, and Specialty Crops, which has jurisdiction over the Federal crop insurance program, improving Federal crop insurance has long been a priority for me. H.R. 2559 is the result of many hours of work to try and give farmers better and more affordable coverage.

We also intend to make USDA more efficient in administering the program, while at the same time cutting down on fraud and abuse. Finally, we hope to give producers, producer organizations, insurance companies, and universities the ability to work together to create better, more workable crop insurance policies.

The subcommittee conducted a series of hearings all over the country last year and the year before that were designed to gather information from producers as to what was wrong with our crop insurance program.

We had hearings in western Michigan; Sioux Falls, South Dakota; Perry and Douglas, Georgia; Laurinburg, North Carolina; and Lexington, Kentucky. Many ideas were presented to us and many of these ideas eventually were incorporated in this bill before us today.

Crop insurance has become a vital link to the soundness and prosperity of American agricultural producers. It is a safety net that assists the producer in managing risk on the farm. It allows the producer, not the Government, to decide how to manage this risk, be it financial, market or legal risk. By no means has the program been perfect, and it is unrealistic to expect the same program to always work well in every part of the country.

In the past, crop insurance has worked well in many regions, but in other areas, such as California, Florida and Maine, the program has not worked as well.

During our meetings and hearings, some producers advocated complete elimination of the program. Some advocated elimination of the actuarial soundness standard. Some supported retaining the program but believed improvements, including increased premium subsidies, modified rating practices, modified APH determination, and the development of a cost-of-production crop insurance policy were needed.

What we did do that is very important in this bill is we provided higher premium support to allow more farmers to afford the purchase of this improved crop insurance policy. We also addressed the problem of yield averages to allow farmers to eliminate those bad years in their average so that they can actually purchase insurance to cover what they normally can produce.

The improved policies also allow producers to buy income protection, a much needed improvement in the safety net. The committee has stated all along that it was on a two-track approach toward improving risk management. The first track was to make improvements in the Federal crop insurance program, and that is H.R. 2559.

It has and will be combined with further efforts to bring about a full examination of our safety net and to examine the crop insurance program to find the best way to provide the best crop insurance and the best safety net for all of our farmers. I want to thank the leadership, who made the extra money possible so that we could be here today with this improved bill.

I want to thank my staff on the subcommittee who worked so hard, and I want to thank the gentleman from Texas (Mr. COMBEST), the ranking member, the gentleman from Texas (Mr. STENHOLM), the subcommittee ranking member (Mr. CONDIT), and all of those who have worked to make this bill what it is today. It is a good bill. It is an improved bill, and we ought to pass this bill resoundingly and send it to our colleagues in the Senate.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, I rise first to commend the leadership of the gentleman from Texas (Mr. COMBEST) in bringing this bill to the floor today. The chairman has proven himself, in his time so far as the Committee on Agriculture chairman, to be a square shooter. He is also dealing substantively with the issues and dealing with them in a bipartisan way.

I think his comments even on the floor today, his stated intention to hold hearings in the new year on the farm bill to assess its failings, shows that he will honestly follow the facts and not get tied up in partisan positioning; asking the questions that need to be asked, why is this farm bill failing so poorly?

Another example of the constructive leadership of the chairman is the bill before us. He represents the southern plains. I represent the northern plains. He is a Republican. I am a Democrat. This bill reflects a consensus product that leaves me very, very enthused about extending the protection to the farmers I represent, as well as farmers throughout the country. I deeply appreciate the bipartisan, constructive leadership he has provided in bringing this bill together.

Quickly, let me tell of the importance of crop insurance to farmers. Family farming involves the exposure of a significant amount of capital, literally hundred of thousands of dollars each year; and yet there are risks the farmers cannot control, the risk of production loss and the risk of price collapse. We are passing a disaster bill now, responding in part to the fact that we do not have a farm program responding to price collapse. We need to build that in as part of the farm program in the future.

This crop insurance, however, responds to the other risk, production loss, and it does so very meaningfully in three important ways.

First, it makes adequate coverage levels affordable to family farmers. Right now, quite frankly, the premiums to put in place the coverage levels that begin to protect the financial investment are simply out of reach for America's family farmers. This makes those premiums more affordable and therefore will greatly help people get the coverage that they depend upon.

Secondly, it helps farmers plagued with several years of losses continue to have a production history that produces adequate coverage and adequate coverage opportunity. Right now, through no fault of the farmer, if they have a loss, another loss the next year, another loss the next year, pretty soon no matter what they do, no matter how much they want to pay, they cannot get adequate coverage back in place anymore. This deals with that problem.

Thirdly, right now we essentially do not provide adequate coverage at all for farmers that haul their grain to the elevator, and only at the elevator realize a very severe price discount due to quality problems in the grain. That is an uncovered exposure under the present system. This affords the opportunity to the Risk Management Agency to address that problem.

This bill goes an awful long way to making permanent changes in crop insurance that will help farmers deal with the risk-of-production loss. It is an excellent starting point to the full breadth of action required by this Congress to rural America, the next step being, of course, a permanent provision for protecting farmers when prices collapse.

I thank the chairman and urge support of this legislation.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. BARRETT), the vice chairman of the full committee.

Mr. BARRETT of Nebraska. Mr. Chairman, I thank the gentleman from Texas (Mr. COMBEST) for yielding me this time.

Mr. Chairman, I do rise in support of H.R. 2559, and I too want to commend the gentleman from Texas (Mr. COMBEST) and the ranking member, the gentleman from Texas (Mr. STENHOLM), for their leadership on this issue and their hard work on the bill and certainly a word of appreciation to the subcommittee chairman, the gentleman from Nebraska (Mr. EWING), and the ranking member, the gentleman from California (Mr. CONDIT), for their leadership in bringing the bill to the point that we have reached here today.

Mr. Chairman, H.R. 2559 strengthens the farm safety net by making crop insurance more accessible and certainly more affordable for our producers. Most importantly, the bill will help reduce the need for unbudgeted ad hoc disaster assistance just as we are preparing to provide that assistance again this year.

□ 1200

I believe the livestock coverage pilot program included in the bill will prove to be very, very beneficial. It will allow livestock producers to participate in the Federal insurance program for the first time to help them better manage low market prices.

The bill also rewards producers who have above average production and insurance history, that is very, very positive, by authorizing some premium discounts for exceptional performance in the program.

Mr. Chairman, our American farmers and ranchers borrow more money each and every year than most of us borrow in a lifetime just to plant a crop so that the world can eat. Borrowing that kind of money is an incredible gamble because markets may or may not provide farmers enough to pay back their loans or to cover the cost of their production. Worse yet, adverse weather, of course, can rob them of their crop and their income completely.

I think it is absolutely essential that we pass H.R. 2559 as our farmers prepare for the upcoming crop year. I urge my colleagues to join me and support this timely and very, very important measure.

Mr. STENHOLM. Mr. Chairman, I yield 2½ minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Chairman, I wish to thank the gentleman from Texas (Mr. STENHOLM) for his leadership on this issue and bringing this about and working with the gentleman from Texas (Chairman COMBEST) and the committee as we move this legislation forward.

Mr. Chairman, this is going to provide the new national safety net. We have seen that, with the disasters in both drought and other circumstances, that our farmers need additional assistance in order to provide for a safety net.

I have enjoyed working with the committee to make sure that it includes policies which will be a benefit to, not only Maine, but to Northeast, in particular the development of new policies and the expansion of the specialty crops and the special recognition of expanding to cover more of those specialty crops like potatoes.

I want to again urge the chairman and would like to be able to work with the chairman and the gentleman from Texas (Mr. STENHOLM), the ranking member, as we look to try to reduce to smaller units and rate increases that are no greater than any other class to make sure that we can further incorporate more and more of the farmers, especially in Maine and in the Northeast, as we try to get more of them engaged on a national scale in terms of this new national safety net.

I would like to be able to work with the chairman and the ranking member in conference as we work on this particular issue.

Mr. Chairman, I yield to the gentleman from Texas (Mr. COMBEST) for comments.

Mr. COMBEST. Mr. Chairman, I appreciate very much the productive efforts of the gentleman from Maine (Mr. BALDACCI) throughout this process. Part of what he is suggesting is, a part of the whole concept behind this, is to look at new types of programs that can be available for coverage that does not exist today, look at the growing habits and conditions that farmers may have, and to encourage the associations that represent the people who grow those commodities to be involved in the product so that it is a very workable product.

We will be happy to work with the gentleman in any way that I might through the conference to assure that his concerns and interests are taken care of.

Mr. BALDACCI. Mr. Chairman, I yield to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I, too, look forward to working with the gentleman from Maine. I appreciate him bringing it to the attention of the full body, bringing this, not necessarily unique problem, but it is one which is clearly made possible in the legislation that we consider today, these concerns to be met.

I look forward to working with the gentleman from Maine (Mr. BALDACCI) and the gentleman from Texas (Mr. COMBEST) and seeing that, in the final conference report, that this be achieved.

Mr. COMBEST. Mr. Chairman, I am very pleased to yield 3 minutes to the gentleman from Georgia (Mr. CHAMBLISS), the Vice Chairman of the Committee on the Budget and a member of the House Committee on Agriculture and who I would say more than any other Member is responsible for the additional money that was in the budget for crop insurance.

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

Mr. CHAMBLISS. Mr. Chairman, I just want to say, like my other colleagues, how much I appreciate the strong leadership, both to the chairman of the committee and also to the ranking member. The gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) have come together in a strong bipartisan way to ensure that farmers in America have been treated fairly. Also to the gentleman from Illinois (Mr. EWING), my subcommittee chairman, and the gentleman from California (Mr. CONDIT), the ranking member. Again, we have shown how things in this body ought to work in a bipartisan way.

Agriculture is the backbone of the economy of this country. It always has been and, frankly, always will be. But today agriculture all across the United States is in trouble. We are taking some short-term measures to shore up the current deficit in prices for commodities across the country, and that is very well needed.

But even though we have heard a lot of fingerpointing in the last 4 years now, almost since we passed the 1996 farm bill, as to what the cause of the problems are in agriculture country today, when we passed the 1996 farm bill, there were several legs to the table that were going to be necessary to require agriculture country to stabilize for years to come.

One of those legs was regulatory relief. Frankly, in this House, we passed any number of regulatory relief measures that would give our farmers more flexibility to operate their farms and improve their bottom line. Some of those measures have been enacted into law and are in the process now of being tweaked to benefit our farmers. Some of them never got beyond passage in this House.

Another leg was providing tax relief to the American farmer. We passed a real tax relief package not too long ago that would have been a huge benefit to the American farmer and has recently been vetoed.

Another leg to that table is crop insurance. The one thing that I think we agree on across agriculture country in the United States is that the current crop insurance program we have in place does not work and does not provide any sort of safety net to our farmers.

We did have hearings down in my district and all across the country. The gentleman from Illinois (Mr. EWING) was gracious enough to come down and visit with the gentleman from Georgia (Mr. BISHOP) and myself. The gentleman from Texas (Chairman COMBEST) came down and heard the interest of my farmers.

There were a couple of things in particular that we heard. One was we need flexibility. We need flexibility and a crop insurance program that will provide for a cost to production policy that will ensure our financial benefactors to be able to know that we will get some sort of return in disastrous years. That flexibility is provided in this bill.

A second thing that he heard, that both these gentleman heard from our farmers, was that, in our part of the country, we have a real distinction between irrigated and nonirrigated crops. We need crop insurance policies that will allow the insurance of irrigated crops versus nonirrigated crops so that our farmers who are making good, rational business decisions to invest in irrigation will be able to provide the risk management tool that they need to cover those irrigated versus nonirrigated crops.

Those are some of the major issues that are covered here. It is a good bill. I, again, thank our leadership and urge the passage of this bill.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Chairman, I thank the ranking member for yielding me the time. I thank him for his leadership.

I also want to thank the gentleman from Texas (Mr. COMBEST), chairman of the Committee on Agriculture, for his leadership in bringing this bill to the floor and his attitude and his openness to be inclusive of a variety of ideas.

I think this is a terrific step forward, and I think it is the right way to go. I do not think it is the complete step, however. I think it is a process that will allow us to get to a desired place where most farmers will be better protected.

We certainly know that the safety net that this bill speaks to will enable a lot of farmers to have the assurance that the risks that they need to manage, it will be greatly enhanced.

I am still hopeful that the whole issue that the gentleman from Texas (Mr. STENHOLM) is talking about, income, can be looked at. I think that is something that the chairman has at least been open to discuss.

I want to raise the issue of the whole safety net for smaller farmers. In my neck of the woods, smaller farmers have complained that they have not had the opportunity to have the same recovery from the risk management in crop insurance. This, I think, begins to open that process.

At least I want to have that intention when I vote for it, that it does not inherently put into place to enable the larger farmer over the smaller farmer; that, structurally, we are trying to make it open that all farmers have equal access in the base of their production and their year rather than to have it skewed to the larger farmer.

Finally, I would say that this risk management will go a long ways because, in many of my areas, Hurricane Floyd has added to that whole risk, and we certainly need it.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT), a very hard working member of the committee.

Mr. GUTKNECHT. Mr. Chairman, I rise in support of H.R. 2559. I, too, want to congratulate the leadership and the staff for all the work that went into this bill.

It does not go as far as I would like to see us go in terms of the area of revenue protection. H.R. 2559 marks a major step toward the kind of revenue protection program that I believe will be necessary to provide our farmers with a shock absorber, a shock absorber against the vagaries of weather and volatile commodity prices.

The past couple of years demonstrate now more than ever that our farmers need more affordable protection in times of declining prices and natural disasters. Without these changes, we are likely to face the prospect of even more costly and more unbudgeted ad hoc annual disaster programs.

Putting aside the emergency assistance package that is being prepared, the RMA estimates that $1.8 billion will be paid this year to farmers who have suffered major crop losses. Even with lower commodity prices, these payments, I am told, parallel a 17 percent jump in crop insurance protection for farmers, from $28 billion in 1998 to a projected $33 billion in 1999.

Let us not lose sight of the fact that we can save precious dollars tomorrow by a smart investment today. I urge my colleagues to support these much-needed reforms. Support the Agriculture Risk Protection Act.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Chairman, I want to thank the gentleman from Texas (Chairman COMBEST) and the gentleman from Texas (Mr. STENHOLM), the ranking member, for their leadership on this issue.

I rise today in support of the Agriculture Risk Protection Act. This bill makes the Federal crop insurance program a better risk management tool for America's farmers.

Farmers will pay less for crop insurance at every level as a result of this bill. By offering increased premium subsidies, this bill encourages farmers to purchase crop insurance and protect themselves against low yields and weather disasters.

Crop insurance should be like automobile insurance. If one gets a discount on automobile insurance for having a good driving record, one should get a discount on crop insurance for having a good production history. This bill does this by establishing premium discounts for producers who have a good production history.

This legislation also imposes different penalties on those who defraud the program. Anyone who intentionally submits false information will be disqualified from all farm programs for up to 5 years. This is an excellent step towards making sure a good crop insurance program is available for honest farmers.

This legislation improves the way a farmer's actual production history is calculated to allow producers sufficient yields to provide adequate coverage.

It enhances Farm Services Agency's roll in record keeping, yield estimates, and product approval by forming a new record-keeping system through cooperation between the Farmer Service Administration State committees and the Federal Commodity Insurance Corporation.

This system will provide more accurate information for the crop insurance program. This legislation improves oversight of companies and the Risk Management Agency by establishing an office to oversee policy development and broadens membership and oversight authority of the board of directors of the Federal Crop Insurance Corporation.

It increases coverage for fruits and vegetables by expanding and improving NAP program to benefit fruit and vegetable farmers.

The bill allows producers who are prevented from planting a crop to receive the indemnity on that crop and still make use of the land by preventing an uninsured crop. This provision is especially important for cotton producers across the country who are often prevented from getting their crop in the ground.

Mr. Chairman, this is a good bill. I urge my colleagues to vote for a better crop insurance program and pass the Agriculture Risk Protection Act.

Mr. COMBEST. Mr. Chairman, may I have an accounting of the time.

The CHAIRMAN. The gentleman from Texas (Mr. COMBEST) has 11½ minutes and the gentleman from Texas (Mr. STENHOLM) has 15½ minutes.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. LAHOOD), a very hard-working member of the committee.

Mr. LAHOOD. Mr. Chairman, I rise in strong support of this very important bill and to congratulate the two distinguished Members from Texas who have worked so well together in a bipartisan way to help hard-hit farmers solve some very important problems.

There are two things in the bill that I want to point out. One is an amendment that was adopted by the committee during consideration which allows for electronic availability for producers and agents to file electronically crop insurance paperwork.

It is a shorter version or a revised version of a bill that I have been pushing to allow for electronic filing for any number of forms and programs within the department of USDA.

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And I am glad this provision was included as an amendment. I think it is a good first step, and I hope it will allow us in the future to pass the entire bill that we have held hearings on in our subcommittee.

I also will be offering an amendment, along with the gentleman from Iowa (Mr. BOSWELL), to set up a couple of pilot projects for livestock producers around the country. And in particular I think it is interesting to note that these pilot projects are very timely, given the disasters that have taken place as a result of hurricanes, particularly in the Carolinas. I believe these pilot projects will go a long way to helping livestock producers.

I appreciate the fact that the chairman has agreed to accept our amendment and look forward to working with him as we go to conference on this bill so that these important provisions can be a part of a final bill that passes the Senate and, hopefully, turns into a conference report that both the House and Senate will pass and that the President will sign.

This is important legislation for hard-hit agriculture; and, again, I compliment both of the gentlemen from Texas for the work that they do on behalf of farmers all over America.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Chairman, I would like to thank the ranking member for yielding me this time, and I rise in support of the legislation.

This crop insurance reform proposal has been worked on now for many months. It represents an effort on the part of many commodity groups and farm organizations to come together and identify key reforms that are necessary in our program, ways to strengthen the program, and the financial support that is necessary to make this program successful and effective in the farming community.

One of the problems that we continue to face is concern on behalf of farmers that crop insurance is a very expensive tool to manage risk, and that the benefits that they receive from crop insurance are not adequate to compensate them for the tremendous losses and risks that they face in their agricultural endeavors. I hope that with the additional infusion of cash here for the Federal crop insurance program that farmers will see that this is still a better value and that they will be able to use it and that it will provide the type of countercyclical government assistance that is needed for America's farmers to continue to compete in the global economy.

I am particularly pleased that we are now moving in the direction of whole-farm revenue assurance. This bill certainly does not accomplish that, but it enables us to pursue pilot studies, pilot projects, and offer to some of the farmers that have livestock operations an opportunity to ensure the revenue stream with respect to their livestock operations and, similarly, to enable crop farmers to assure their revenue stream.

This is an important distinction from the insurance program that we have had traditionally. Traditionally, crop insurance has been keyed to productivity, to yield loss. And a multi-peril crop insurance has meant, whether it is hail, insect infestation, drought, flooding, or some other cause, that they have protection against that yield loss. But as we see here in 1998 and 1999, the farmer faces a risk of price loss that is every bit as severe as the yield loss.

When I was home in my area of Minnesota last weekend and saw the combines starting to roll and heard from some of the farmers that the yields are perhaps the best that they have ever experienced in certain parts of the State but that, still, they cannot break even because the price collapse haunts them, it reminded me even more of the importance of expanding the crop insurance concept to include this total revenue stream, to include the price risk.

So as we move ahead with this debate and consideration of the bill, I urge that we continue to focus on how this can be the most effective tool possible for farmers.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. RILEY), a very valuable member of the committee.

Mr. RILEY. Mr. Chairman, things are bleak in farm country these days. Commodity prices are at their lowest levels since the Great Depression. Each morning, far too many families in Alabama and across the Nation wake up to the haunting realization that their farm may not be around next year; that they may have to change their way of life.

Mr. Chairman, there has always been weather-related disasters and difficult economic times in agriculture, but there is something different about today's economic climate. In my own State of Alabama, farmers are suffering through some of the toughest climate and economic conditions in years.

For years, crop insurance has been the primary risk-management tool for farmers. But every time I go home, farmers tell me that insurance premiums under the current program are just too expensive and too complicated to make the program useful. H.R. 2559 will solve this problem by reducing the expensive out-of-pocket crop insurance cost to farmers by making across-the-board cuts in farmer-paid premiums. As a result, more farmers in my State and across the Nation will be able to participate in this program.

Finally, Mr. Chairman, I am pleased that this bill lifts unfair restrictions, like the so-called ''black dirt policy,'' that prohibits farmers who double crop, like many of my cotton growers, from planting a second crop in a year when they make a prevented planting claim.

Mr. Chairman, overall, H.R. 2559 is a good bill and I urge my colleagues to support it.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL).

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

Mr. BOSWELL. Mr. Chairman, I thank the gentleman from Texas for yielding me this time to speak on this matter. It is very important. And I want to thank also our chairman, as others have, the gentleman from Texas (Mr. COMBEST) for his keen interest in trying to provide a better safety net for our producers.

Farmers need the insurance. But if they cannot afford it, they are not going to use it. And they have proven that to us. So this will be a big step, an incentive, to get this going. And again I want to thank the gentleman from Texas (Mr. COMBEST) for taking this on.

As has been said several times, and I will not spend a lot of time repeating it, but the lowest commodity prices in years and years and years are facing farmers today.

I am also looking forward, and I appreciate again the statement of the chairman in committee that the supplemental income language that the gentleman from Texas (Mr. STENHOLM) has prepared will be discussed at a future time. So I thank him for that. I am looking forward to that. I think that is a step forward in the right direction.

So I am very enthusiastic to support this bill today, and I look forward to the discussions we will have starting in the new year with the hearings that we are going to have on the farm bill. I think this is very important, and the farmers across this land are expecting this and looking forward to it.

So I rise in strong support of what we are doing here today and thank again the chairman and the ranking member for their good work.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. LATHAM), a former member of our committee and still-hardworking member of the Committee on Appropriations.

Mr. LATHAM. Mr. Chairman, I thank the gentleman for yielding me this time, and I just wanted to take this opportunity to congratulate the Committee on Agriculture, which, as the chairman mentioned, I was a former member of. But the gentleman from Texas (Mr. COMBEST) and the ranking member, the gentleman from Texas (Mr. STENHOLM), have really done an outstanding job on this bill, and also the subcommittee of jurisdiction I think has done an outstanding job.

I just wanted to make a couple of comments. We have had a pilot project, or pilot plan, in Iowa for the past several years, using the revenue assurance model. And the farmers that have used the program have found it extremely beneficial in managing their risk.

And when we talk about weather-related problems, such as an individual farm hail storm, a lot of times emergency bills do not cover an isolated area that has either some small flooding or hail storms. This allows the individual farmer to manage his risk. And, also, with the revenue assurance, it allows that individual to manage the price risk.

As we all know, we are going through right now an emergency supplemental for agriculture, which is very much needed, but in the long run we have to find ways for farmers to manage their risk, both price and production risk. This is what this bill is all about. It is extraordinarily positive.

There are problems in areas where they have had disasters over a number of years that they have not been able to purchase insurance. It has been too expensive to justify purchasing the insurance. And I believe this bill will go a long ways towards solving those problems, making revenue assurance available for all producers throughout this Nation.

It is an extremely positive step forward, and I just want to compliment everyone on the committee for their great work.

(Mr. WELDON of Pennsylvania asked and was given permission to speak out of order.)

INTERNATIONAL ASSOCIATION OF FIREFIGHTERS SPONSORING VISIT OF CHILDREN WHO ARE BURN VICTIMS

Mr. WELDON of Florida. Mr. Chairman, I thank my colleagues for yielding and for indulging.

Mr. Chairman, I rise to announce to my colleagues that at present, in the basement of the Rayburn Building, we have 45 young children from all over the country who are the victims of terrible tragedies in their homes who have been burned.

These youngsters were brought here by the International Association of Firefighters. It is part of a week-long camp to help them get reoriented into their lives. I would ask Members, if they have some time, to stop by B369 in the Rayburn Building to say hello to these children and to see the tragic consequences of what fire does to young people, but also to see the spirit of these young people as they press forward, working with the IAFF to rebuild their lives.

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

Mr. COMBEST. Mr. Chairman, I yield myself such time as I may consume and, in closing, I would only thank my colleague and friend and neighbor, the ranking member of the committee, the gentleman from Texas (Mr. STENHOLM), for his bipartisan work and support.

The gentleman from California (Mr. CONDIT) is the ranking member of the Subcommittee on Risk Management, Research, and Specialty Crops, and even though he has left the floor, a special thanks to him; and to the gentleman from Illinois (Mr. EWING), the subcommittee chairman, who not only has spent a great deal of time and a lot of hard work in a lot of hearings, and probably understands crop insurance as well as anyone. I thank him for his efforts in moving this bill forward. He did a great job, and I certainly could not give him over-acclaim. He did a very good job on the bill, and I thank him very much.

Mr. BRYANT. Mr. Chairman, I rise today in strong support of this legislation.

The continuing dry weather in Tennessee has left our farmers facing devastating crop losses for the second year in a row. The harsh conditions have dried up thousands of acres of crops and left Tennessee farmers with low commodity prices and unstable market conditions for those crops which have survived the harsh drought conditions.

Rainfall has been very sparse throughout west Tennessee. National Weather Service statistics show that Jackson, Tennessee, received less than 3 inches of rain for July, which is indicative for the rest of the region. Memphis rainfall totaled less than 4 inches for 3 months in a row so far this summer. The entire west Tennessee region is more than 7 inches below the normal precipitation levels this year.

Because of the lack of significant rainfall, conditions of specific crops have suffered dramatically over the past several months. Cotton farmers, whose crops are mostly located in southwest Tennessee in the Fayette County area, reported just last month that more than 34 percent of their crops are in poor to very poor condition. Soybean farmers, who make up the largest percentage of farmers in Tennessee, reported last month that 49 percent of their crops are in poor to very poor condition.

Livestock farmers are also being forced to use their own winter feed reserves because of the crop devastation around the State. In fact, some of the livestock producers in Montgomery County have begun to sell off a portion of their herd because of the high price for feed and the unstable conditions in the area.

There can be no better time for crop insurance reform than now. The farming industry, which is solely dependent on the weather, has producers across the country contacting their Representatives asking for a more responsive crop insurance program. Their need is to have availability to insurance plans or policies for both crop and livestock risk management.

Farmers who have suffered year after year in either drought or flood conditions are having a difficult time obtaining insurance at an affordable rate. Under this bill, the Federal Government provides better assistance for buying coverage for farmers, who have been plagued by multiple disasters each year. It also provides the development of pilot programs for livestock risk management plans.

The bill also tightens the accountability of the Federal crop insurance program. It requires the Secretary of Agriculture to work with the Farm Service Agency to monitor and audit the Federal crop insurance program in the field. There are also increased sanctions for reporting false information and new requirements for record keeping and reporting of crop acreage, acreage yields and production.

Tennessee's 95 counties were declared a Federal disaster area on September 10th. This was welcome news for our farmers who have been through the worst of conditions over the past several years, and whose crops are dwindling to dust. But so far, the assistance has been slow. Many of our farmers have not received any information concerning the disaster funds available and are left wondering when the assistance will come and will it be on time to help with the financial losses they're suffering.

Comprehensive crop insurance reform is desperately needed for our farmers across the country. Future disasters will happen, and when they do, our farmers will need to have a plan they can rely on that offers accountability, premium assistance and affordable coverage to keep their industry going.

Mr. CONDIT. Mr. Chairman, I rise today in support of H.R. 2559, The Agricultural Risk Protection Act. I would like to take this opportunity to commend the chairman and ranking minority member of the committee and my subcommittee chairman, Mr. EWING for their efforts in developing this important bill.

H.R. 2559 serves the interests of farmers and ranchers by providing more choices and the tools needed to manage the risk inherent in farming. This is especially important to my constituents in the central valley of California, who rely on little Federal support or programs. Instead, these producers rely on other risk management tools, such as diversified farming, irrigation, and responding to market signals to make their decisions. However, even these practices may not be enough for producers to protect themselves from factors beyond their control. New challenges are being faced in light of the growing global marketplace and the increasing regulatory and social pressures to reduce farming inputs.

I would like to point out there are currently over 300 specialty crop producers who do not have the choice to purchase insurance products—there are simply none available. Even worse, current specialty crop insurance policies are either unusable or too costly because of high input and sales value of specialty crops. While ad hoc disaster relief seems inevitable this year to assist U.S. Agriculture, Congress cannot continue to use taxpayer money and break budgetary caps. At the same time, Congress cannot turn its back on those producers who are not eligible for Federal crop insurance and have had to rely on other forms of disaster relief protection.

Not only is there a need to develop more risk management tools, farmers need to be aware which financial, marketing, and production tools are available, both on and off the farm. I believe that H.R. 2559 provides the necessary resources and direction. This bill makes more management options available to underserved commodities in the following ways: increasing premium subsidies, increasing research and education funds, expedited product approval, expanded pilot program authority, producer and industry-wide input on policies, allowing farmers to join together through their cooperatives and associations to obtain crop insurance.

In these ways, the Risk Management Agency along with public and private inputs can better address the unique challenges associated with the planting, growing, and harvesting of specialty crops.

I thank Chairman COMBEST and his staff for all of their efforts to bring this bill to the floor. I urge my colleagues to vote for its passage.

Mr. JOHN. Mr. Chairman, I would first like to thank the chairman and the ranking minority member of the full committee, Mr. COMBEST and Mr. STENHOLM, and the chairman and ranking minority member of the subcommittee, Mr. EWING and Mr. CONDIT, for their leadership in crop insurance reform this year. Having served on the subcommittee of jurisdiction, I have been vested in this crop insurance reform effort for many months. I am pleased to say that I rise in support of H.R. 2559 and that it addresses most of the needs of my constituents in south Louisiana. Moreover, it is a tremendous improvement from the current program.

As you know, Mr. Chairman, many of my farmers are rice producers. Most rice producers have traditionally not participated in the Federal crop insurance program because premiums have been viewed as too expensive relative to the minimal coverage the program offers. For example, during the 1998 crop year only 43 percent of the 3 million rice acres planted was covered by catastrophic (CAT) policies while another 20 percent of the acreage was covered by buy-up policies. The 20 percent level of participation in the buy-up option for rice is significantly lower than the 47 percent for wheat, 44 percent for corn and cotton and 37 percent for soybeans during the 1998 crop year. In general, the low level of participation by U.S. rice farmers has occurred because: (1) coverage for CAT policies is low and premiums for buy-up policies are too high given the level of coverage; (2) serious problems exist with the actuarial data used to calculate both premiums and coverage, and (3) rice producers, due to a relative low level of yield variability, want price/revenue protection versus traditional yield insurance.

With the risk management challenges facing the rice farmer listed above, H.R. 2559 goes a long way toward addressing them. First and foremost, this crop insurance reform bill does not replace the current farm program. With respect to addressing the low level of participation in the program, H.R. 2559 makes CAT or similar policies more attractive. Though the structure of the current CAT program does not change in H.R. 2559, a Group Risk Plan (GRP) policy may provide a higher yield and price protection on a uniform national basis, which a producer can choose as an alternative to CAT. The actuarial soundness of the program is addressed in H.R. 2559 by requiring the Federal Crop Insurance Corporation to adjust rates by the 2000 crop year if they are found to be excessive. In addition, rice producers will benefit from H.R. 2559 because revenue and price coverage is strengthened in this bill. Policies protecting production and/or revenue would receive an equal percentage of assistance on total premiums as MPCI policies. Finally, the FCIC Board of Directors is expanded to include additional producer participation that reflects different crop growing regions.

With all this in mind, I believe H.R. 2559 is a good first step toward addressing the problems in farm country. However, Mr. Chairman, this bill does not solve the larger problems associated with the lack of a safety net for America's farmers, but is an important component of a comprehensive solution. There are many farmers in my district that can not secure financing for next year's crop because we have yet to address the farm crisis. In fact, I've heard from just as many community bankers as I have farmers about this crisis. There are many farmers who will not benefit from the advancements made in H.R. 2559 because they will not be farming next year unless this Congress acts soon to address the ongoing crisis. Let us pass H.R. 2559 and let us immediately address the Agriculture appropriations bill that includes emergency disaster assistance from our country's farmers.

Mr. SMITH of Michigan. Mr. Chairman, I rise in support of H.R. 2559, the Agricultural Risk Protection Act of 1999.

Mr. Chairman, American agriculture is in a serious situation right now. While the rest of the economy is booming, American farmers and ranchers are hurting and asking for our help. Commodity prices are at record lows, export markets are weak, and no relief is expected any time soon. This crop insurance bill helps protect farmers against low commodity prices and farm income by making insurance levels more affordable for crop losses, declining prices and total farm revenue loss. Under the current crop insurance program, my farmers in Michigan have very little incentive to purchase any level of insurance beyond the CAT coverage. It doesn't pay off for them to do so. In Michigan, like a lot of areas in the United States, we get hit by a disaster about every 10 years. They don't need sunshine insurance. One of my amendments adopted in the Agriculture Committee helps correct this problem. This provision adjusts the premium farmers pay by area according to frequency of disaster. Another important provision this bill contains regards revenue coverage. Plans will be developed designed to enable producers to take maximum advantage of fluctuations in market prices which will maximize revenue from the sale of a crop.

H.R. 2559 increases premium assistance to farmers at every coverage level so they can protect more of what they produce. This is why I am a cosponsor of this bill. Farmers will have across-the-board premium cuts. The little money farmers have in their pockets will stay there and not be spent on overpriced premiums. I urge all my colleagues to join with me in supporting H.R. 2559.

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

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, modified by the amendments printed in House Report 106–346, shall be considered as an original bill for the purpose of amendment under the 5-minute rule by title, and each title shall be considered read.

No amendment to that amendment shall be in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose and pro forma amendments for the purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee, shall be considered read, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Agricultural Risk Protection Act of 1999''.

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

Sec. 1. Short title; table of contents.

TITLE I—STRENGTHENING THE FARM SAFETY NET

Sec. 101. Premium schedule for additional coverage.
Sec. 102. Premium schedule for other plans of insurance.
Sec. 103. Adjustment in actual production history to establish insurable yields.
Sec. 104. Review and adjustment in rating methodologies.
Sec. 105. Conduct of pilot programs, including livestock.
Sec. 106. Cost of production as a price election.
Sec. 107. Premium discounts for good performance.
Sec. 108. Options for catastrophic risk protection.
Sec. 109. Authority for nonprofit associations to pay fees on behalf of producers.
Sec. 110. Elections regarding prevented planting coverage.
Sec. 111. Limitations under noninsured crop disaster assistance program.
Sec. 112. Quality grade loss adjustment.
Sec. 113. Application of amendments.

TITLE II—IMPROVING PROGRAM INTEGRITY

Sec. 201. Limitation on double insurance.
Sec. 202. Improving program compliance and integrity.
Sec. 203. Sanctions for false information.
Sec. 204. Protection of confidential information.
Sec. 205. Records and reporting.
Sec. 206. Compliance with State licensing requirements.

TITLE III—ADMINISTRATION

Sec. 301. Board of Directors of Corporation.
Sec. 302. Promotion of submission of policies and related materials.
Sec. 303. Research and development, including contracts regarding underserved commodities.
Sec. 304. Funding for reimbursement and research and development.
Sec. 305. Board consideration of submitted policies and materials.
Sec. 306. Contracting for rating of plans of insurance.
Sec. 307. Electronic availability of crop insurance information.
Sec. 308. Fees for use of new policies and plans of insurance.
Sec. 309. Clarification of producer requirement to follow good farming practices.
Sec. 310. Reimbursements and negotiation of standard reinsurance agreement.

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate title I.

The text of title I is as follows:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Agricultural Risk Protection Act of 1999''.

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

Sec. 1. Short title; table of contents.

TITLE I—STRENGTHENING THE FARM SAFETY NET

Sec. 101. Premium schedule for additional coverage.
Sec. 102. Premium schedule for other plans of insurance.
Sec. 103. Adjustment in actual production history to establish insurable yields.
Sec. 104. Review and adjustment in rating methodologies.
Sec. 105. Conduct of pilot programs, including livestock.
Sec. 106. Cost of production as a price election.
Sec. 107. Premium discounts for good performance.
Sec. 108. Options for catastrophic risk protection.
Sec. 109. Authority for nonprofit associations to pay fees on behalf of producers.
Sec. 110. Elections regarding prevented planting coverage.
Sec. 111. Limitations under noninsured crop disaster assistance program.
Sec. 112. Quality grade loss adjustment.
Sec. 113. Application of amendments.

TITLE II—IMPROVING PROGRAM INTEGRITY

Sec. 201. Limitation on double insurance.
Sec. 202. Improving program compliance and integrity.
Sec. 203. Sanctions for false information.
Sec. 204. Protection of confidential information.
Sec. 205. Records and reporting.
Sec. 206. Compliance with State licensing requirements.

TITLE III—ADMINISTRATION

Sec. 301. Board of Directors of Corporation.
Sec. 302. Promotion of submission of policies and related materials.
Sec. 303. Research and development, including contracts regarding underserved commodities.
Sec. 304. Funding for reimbursement and research and development.
Sec. 305. Board consideration of submitted policies and materials.
Sec. 306. Contracting for rating of plans of insurance.
Sec. 307. Electronic availability of crop insurance information.
Sec. 308. Fees for use of new policies and plans of insurance.
Sec. 309. Clarification of producer requirement to follow good farming practices.
Sec. 310. Reimbursements and negotiation of standard reinsurance agreement.

TITLE I—STRENGTHENING THE FARM SAFETY NET

SEC. 101. PREMIUM SCHEDULE FOR ADDITIONAL COVERAGE.

(a) PREMIUM AMOUNTS.—Section 508(d)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)(2)) is amended by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

''(B) In the case of additional coverage equal to or greater than 50 percent of the recorded or appraised average yield indemnified at not greater than 100 percent of the expected market price, or an equivalent coverage, the amount of the premium shall—

''(i) be sufficient to cover anticipated losses and a reasonable reserve; and

''(ii) include an amount for operating and administrative expenses, as determined by the Corporation, on an industry-wide basis as a percentage of the amount of the premium used to define loss ratio.''.

(b) PAYMENT SCHEDULE.—Section 508(e)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(2)) is amended by striking subparagraphs (B) and (C) and inserting the following new subparagraphs:

''(B) In the case of additional coverage equal to or greater than 50 percent, but less than 55 percent, of the recorded or appraised average yield indemnified at not greater than 100 percent of the expected market price, or an equivalent coverage, the amount shall be equal to the sum of—

''(i) 67 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

''(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

''(C) In the case of additional coverage equal to or greater than 55 percent, but less than 65 percent, of the recorded or appraised average yield indemnified at not greater than 100 percent of the expected market price, or an equivalent coverage, the amount shall be equal to the sum of—

''(i) 64 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

''(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

''(D) In the case of additional coverage equal to or greater than 65 percent, but less than 75 percent, of the recorded or appraised average yield indemnified at not greater than 100 percent of the expected market price, or an equivalent coverage, the amount shall be equal to the sum of—

''(i) 59 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

''(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

''(E) In the case of additional coverage equal to or greater than 75 percent, but less than 80 percent, of the recorded or appraised average yield indemnified at not greater than 100 percent of the expected market price, or an equivalent coverage, the amount shall be equal to the sum of—

''(i) 54 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

''(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

''(F) In the case of additional coverage equal to or greater than 80 percent, but less than 85 percent, of the recorded or appraised average yield indemnified at not greater than 100 percent of the expected market price, or an equivalent coverage, the amount shall be equal to the sum of—

''(i) 40.6 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

''(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

''(G) Subject to subsection (c)(4), in the case of additional coverage equal to or greater than 85 percent of the recorded or appraised average yield indemnified at not greater than 100 percent of the expected market price, or an equivalent coverage, the amount shall be equal to the sum of—

''(i) 30.6 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

''(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.''.

(c) PREMIUM PAYMENT DISCLOSURE.—Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended by adding at the end the following new paragraph:

''(5) PREMIUM PAYMENT DISCLOSURE.—Each policy or plan of insurance under this title shall prominently indicate the dollar amount of the portion of the premium paid by the Corporation under this subsection or subsection (h)(2).''.

SEC. 102. PREMIUM SCHEDULE FOR OTHER PLANS OF INSURANCE.

Section 508(h)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)(2)) is amended—

(1) by striking ''A policy'' and inserting the following:

''(A) PREPARATION.—A policy'';

(2) by striking the second sentence; and

(3) by adding at the end the following new subparagraph:

''(B) PREMIUM SCHEDULE.—In the case of a policy offered under this subsection (except paragraph (10)) or subsection (m)(4), the Corporation shall pay a portion of the premium of the policy that shall be equal to—

''(i) the percentage, specified in subsection (e) for a similar level of coverage, of the total amount of the premium used to define loss ratio; and

''(ii) the dollar amount of the administrative and operating expenses that would be paid by the Corporation under subsection (e) for a similar level of coverage.''.

SEC. 103. ADJUSTMENT IN ACTUAL PRODUCTION HISTORY TO ESTABLISH INSURABLE YIELDS.

(a) USE OF PERCENTAGE OF TRANSITIONAL YIELD.—Section 508(g) of the Federal Crop Insurance Act (7 U.S.C. 1508(g)) is amended by adding at the end the following new paragraph:

''(4) ADJUSTMENT IN ACTUAL PRODUCTION HISTORY TO ESTABLISH INSURABLE YIELDS.—

''(A) APPLICATION.—This paragraph shall apply whenever the Corporation uses the actual production history of the producer to establish insurable yields for an agricultural commodity for the 2001 and subsequent crop years.

''(B) ELECTION TO USE PERCENTAGE OF TRANSITIONAL YIELD.—If, for one or more of the crop years used to establish the producer's actual production history of an agricultural commodity, the producer's recorded or appraised yield of the commodity was less than 60 percent of the applicable transitional yield, as determined by the Corporation, the Corporation shall, at the election of the producer—

''(i) exclude any of such recorded or appraised yield; and

''(ii) replace each excluded yield with a yield equal to 60 percent of the applicable transitional yield.''.

(b) APH ADJUSTMENT TO REFLECT PARTICIPATION IN MAJOR PEST CONTROL EFFORTS.—Section 508(g) of the Federal Crop Insurance Act (7 U.S.C. 1508(g)) is amended by inserting after paragraph (4), as added by subsection (a), the following new paragraph:

''(5) ADJUSTMENT TO REFLECT INCREASED YIELDS FROM SUCCESSFUL PEST CONTROL EFFORTS.—

''(A) SITUATIONS JUSTIFYING ADJUSTMENT.—The Corporation shall develop a methodology for adjusting the actual production history of a producer when each of the following apply:

''(i) The producer's farm is located in an area where systematic, area-wide efforts have been undertaken using certain operations or measures, or the producer's farm is a location at which certain operations or measures have been undertaken, to detect, eradicate, suppress, or control, or at least to prevent or retard the spread of, a plant disease or plant pest, including a plant pest covered by the definition in section 102 of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 147a).

''(ii) The presence of the plant disease or plant pest has been found to adversely affect the yield of the agricultural commodity for which the producer is applying for insurance.

''(iii) The efforts described in clause (i) have been effective.

''(B) ADJUSTMENT AMOUNT.—The amount by which the Corporation adjusts the actual production history of a producer of an agricultural commodity shall reflect the degree to which the success of the systematic, area-wide efforts described in paragraph (1)(A), on average, increases the yield of the commodity on the producer's farm, as determined by the Corporation.''.

SEC. 104. REVIEW AND ADJUSTMENT IN RATING METHODOLOGIES.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) is amended by adding at the end the following:

''(7) REVIEW AND ADJUSTMENT OF RATES.—

''(A) REVIEW REQUIRED.—To maximize participation in the Federal crop insurance program and to ensure equity for producers, the Corporation shall periodically review the methodologies employed for rating plans of insurance under this title consistent with section 507(c)(2).

''(B) PREMIUM ADJUSTMENT.—The Corporation shall analyze the rating and loss history of approved policies and plans of insurance for agricultural commodities by area. If the Corporation makes a determination that premium rates are excessive for an agricultural commodity in an area relative to the requirements of subsection (d)(2)(B) for that area, then, in the 2000 crop year or as soon as practicable after the determination is made, the Corporation shall make appropriate adjustments in the premium rates for that area for that agricultural commodity.''.

SEC. 105. CONDUCT OF PILOT PROGRAMS, INCLUDING LIVESTOCK.

(a) REPEAL OF OBSOLETE PILOT PROGRAMS.—Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended by striking paragraphs (6) and (8).

(b) GENERAL REQUIREMENTS.—Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended by inserting after paragraph (7) the following new paragraph:

''(8) GENERAL REQUIREMENTS APPLICABLE TO PILOT PROGRAMS.—In conducting any pilot program of insurance or reinsurance authorized or required by this title, the Corporation—

''(A) may offer the pilot program on a regional, whole State, or national basis after considering the interests of affected producers and the interests of and risks to the Corporation;

''(B) may operate the pilot program, including any modifications thereof, for a period of up to 3 years; and

''(C) may extend the time period for the pilot program for additional periods, as determined appropriate by the Corporation.''.

(c) EXPEDITED CONSIDERATION.—Section 508(h)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)(4)) is amended—

(1) by redesignating subparagraphs (A), (B), (C), and (D) as clauses (i), (ii), (iii), and (iv), respectively;

(2) by moving the text of the clauses (as so designated) 2 ems to the right;

(3) by striking ''The Corporation'' in the first sentence and inserting the following:

''(A) GUIDELINES REQUIRED.—Not later than 180 days after the date of the enactment of the Agricultural Risk Protection Act of 1999, the Corporation''; and

(4) by adding at the end the following new subparagraph:

''(B) EXPEDITED CONSIDERATION OF PROPOSED PILOT PROGRAMS.—The regulations required by subparagraph (A) shall include streamlined guidelines for the submission, and Board review, of pilot programs that the Board determines are limited in scope and duration and involve a reduced level of liability to the Federal Government, and an increased level of risk to approved insurance providers participating in the pilot program, relative to other policies or materials submitted under this subsection. The streamlined guidelines shall be consistent with the guidelines established under subparagraph (A), except as follows:

''(i) Not later than 60 days after submission of the proposed pilot program, the Corporation shall provide an applicant with notification of its intent to recommend disapproval of the proposal to the Board.

''(ii) Not later than 90 days after the proposed pilot program is submitted to the Board, the Board shall make a determination to approve or disapprove the pilot program. Any determination by the Board to disapprove the pilot program shall be accompanied by a complete explanation of the reasons for the Board's decision to deny approval. In the event the Board fails to make a determination within the prescribed time period, the pilot program submitted shall be deemed approved by the Board for the initial reinsurance year designated for the pilot program, except in the case where the Board and the applicant agree to an extension.''.

(d) LIVESTOCK PILOT PROGRAMS.—

(1) PROGRAMS REQUIRED.—Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended by striking paragraph (10) and inserting the following new paragraph:

''(10) LIVESTOCK PILOT PROGRAMS.—

''(A) PROGRAMS REQUIRED.—The Corporation shall conduct one or more pilot programs to evaluate the effectiveness of risk management tools for livestock producers, including the use of futures and options contracts and policies and plans of insurance that provide livestock producers with reasonable protection from the financial risks of price or income fluctuations inherent in the production and marketing of livestock, provide protection for production losses, and otherwise protect the interests of livestock producers. To the maximum extent practicable, the Corporation shall evaluate the greatest number and variety of such programs to determine which of the offered risk management tools are best suited to protect livestock producers from the financial risks associated with the production and marketing of livestock.

''(B) IMPLEMENTATION; ASSISTANCE.—The Corporation shall begin conducting livestock pilot programs under this paragraph during fiscal year 2001, and any policy or plan of insurance offered under this paragraph may be prepared without regard to the limitations contained in this title. As part of such a pilot program, the Corporation may provide assistance to producers to purchase futures and options contracts or policies and plans of insurance offered under that pilot program. However, no action may be undertaken with respect to a risk under this paragraph if the Corporation determines that insurance protection for livestock producers against the risk is generally available from private companies.

''(C) LOCATION.—The Corporation shall conduct the livestock pilot programs under this paragraph in a number of counties that is determined by the Corporation to be adequate to provide a comprehensive evaluation of the feasibility, effectiveness, and demand among producers for the risk management tools evaluated in the pilot programs.

''(D) ELIGIBLE PRODUCERS; LIVESTOCK.—Any producer of a type of livestock covered by a pilot program under this paragraph who owns or operates a farm or ranch in a county selected as a location for that pilot program shall be eligible to participate in that pilot program. In this paragraph, the term 'livestock' means cattle, sheep, swine, goats, and poultry.

''(E) RELATION TO OTHER LAWS.—The terms and conditions of any policy or plan of insurance offered under this paragraph that is reinsured by the Corporation is not subject to the jurisdiction of the Commodity Futures Trading Commission or the Securities and Exchange Commission or considered as accounts, agreements (including any transaction which is of the character of, or is commonly known to the trade as, an 'option', 'privilege', 'indemnity', 'bid', 'offer', 'put', 'call', 'advance guaranty', or 'decline guaranty'), or transactions involving contracts of sale of a commodity for future delivery, traded or executed on a contract market for the purposes of the Commodity Exchange Act (7 U.S.C. 1 et seq.). Nothing in this subparagraph is intended to affect the jurisdiction of the Commodity Futures Trading Commission or the applicability of the Commodity Exchange Act to any transaction conducted on a designated contract market (as that term is used in such Act) by an approved insurance provider to offset the provider's risk under a plan or policy of insurance under this paragraph.

''(F) LIMITATION ON EXPENDITURES.—The Corporation shall conduct all livestock programs under this title so that, to the maximum extent practicable, all costs associated with conducting the livestock programs (other than research and

development costs covered by paragraph (6) or subsection (m)(4)) are not expected to exceed the following:

''(i) $20,000,000 for fiscal year 2001.

''(ii) $30,000,000 for fiscal year 2002.

''(iii) $40,000,000 for fiscal year 2003.

''(iv) $55,000,000 for fiscal year 2004 and each subsequent fiscal year.''.

(2) CONFORMING AMENDMENT TO DEFINITION OF AGRICULTURAL COMMODITY.—Section 518 of the Federal Crop Insurance Act (7 U.S.C. 1518) is amended by striking ''livestock and'' after ''commodity, excluding''.

(e) FUNDING OF LIVESTOCK PILOT PROGRAMS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 516(a)(2) of the Federal Crop Insurance Act (7 U.S.C. 1516(a)(2)) is amended—

(A) by striking ''years—'' and inserting ''years the following:'';

(B) by capitalizing the first letter of the first word of each subparagraph;

(C) by striking ''; and'' at the end of subparagraph (A) and inserting a period; and

(D) by adding at the end the following new subparagraph:

''(C) Costs associated with the conduct of livestock pilot programs carried out under section 508(h)(10), subject to subparagraph (F) of such section.''.

(2) USE OF INSURANCE FUND.—Section 516(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1516(b)(1)) is amended—

(A) by striking ''including—'' and inserting ''including the following:'';

(B) by capitalizing the first letter of the first word of each subparagraph;

(C) by striking the semicolon at the end of subparagraph (A) and inserting a period;

(D) by striking ''; and'' at the end of subparagraph (B) and inserting a period; and

(E) by adding at the end the following new subparagraph:

''(D) Costs associated with the conduct of livestock pilot programs carried out under section 508(h)(10), subject to subparagraph (F) of such section.''.

SEC. 106. COST OF PRODUCTION AS A PRICE ELECTION.

Section 508(c)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(5)) is amended—

(1) by striking ''The Corporation shall establish a price'' in the matter preceding subparagraph (A) and inserting ''For purposes of this title, the Corporation shall establish or approve a price'';

(2) by striking ''or'' at the end of subparagraph (A);

(3) by striking the period at the end of subparagraph (B) and inserting ''; or''; and

(4) by adding at the end the following—

''(C) in the case of cost of production or similar plans of insurance, shall be the projected cost of producing the agricultural commodity (as determined by the Corporation).''.

SEC. 107. PREMIUM DISCOUNTS FOR GOOD PERFORMANCE.

Section 508(d) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)) is amended by adding at the end the following new paragraph:

''(3) PREMIUM DISCOUNTS.—

''(A) PERFORMANCE-BASED DISCOUNT.—The Corporation may provide a performance-based premium discount for a producer of an agricultural commodity who has good insurance or production experience relative to other producers of that agricultural commodity in the same area, as determined by the Corporation.

''(B) DISCOUNT FOR REDUCED PRICE FOR CERTAIN COMMODITIES.—A producer who insured wheat, barley, oats, or rye during at least 2 of the 1995 through 1999 crop years may be eligible to receive an additional 20 percent premium discount on the producer-paid premium for any 2000 crop policy if the producer demonstrates that the producer's wheat, barley, oats, or rye crop was subjected to a discounted price due to Scab or Vomitoxin damage, or both, during any 2 years of that period. The 2000 insured crop or crops need not be wheat, barley, oats, or rye to qualify for the discount under this subparagraph. The 2 years of insurance and the 2 years of discounted prices need not be the same.''.

SEC. 108. OPTIONS FOR CATASTROPHIC RISK PROTECTION.

Section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)) is amended by striking paragraph (3) and inserting the following new paragraph:

''(3) ALTERNATIVE CATASTROPHIC COVERAGE.—Beginning with the 2000 crop year, the Corporation shall offer producers of an agricultural commodity the option of selecting either of the following:

''(A) The catastrophic risk protection coverage available under paragraph (2)(A).

''(B) An alternative catastrophic risk protection coverage that—

''(i) indemnifies the producer on an area yield and loss basis if such a plan of insurance is offered for the agricultural commodity in the county in which the farm is located;

''(ii) provides, on a uniform national basis, a higher combination of yield and price protection than the coverage available under paragraph (2)(A); and

''(iii) the Corporation determines is comparable to the coverage available under paragraph (2)(A) for purposes of subsection (e)(2)(A).''.

SEC. 109. AUTHORITY FOR NONPROFIT ASSOCIATIONS TO PAY FEES ON BEHALF OF PRODUCERS.

Section 508(b)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(5)) is amended by adding at the end the following new subparagraph:

''(F) PAYMENT OF FEES ON BEHALF OF PRODUCERS.—

''(i) PAYMENT AUTHORIZED.—Notwithstanding any other subparagraph of this paragraph, a cooperative association of agricultural producers or a nonprofit trade association may pay to the Corporation, on behalf of a member of the association who consents to be insured under such an arrangement, all or a portion of the fees imposed under subparagraphs (A) and (B) for catastrophic risk protection.

''(ii) TREATMENT OF LICENSING FEES.—A licensing fee or other payment made by the insurance provider to the cooperative association or trade association in connection with the issuance of catastrophic risk protection or additional coverage under this section to members of the cooperative association or trade association shall not be considered to be a rebate to the members if the members are informed in advance of the fee or payment.

''(iii) SELECTION OF PROVIDER; DELIVERY.—Nothing in this subparagraph shall be construed so as to limit the ability of a producer to choose the licensed insurance agent or other approved insurance provider from whom the member will purchase a policy or plan of insurance or to refuse coverage for which a payment is offered to be made under clause (i). A policy or plan of insurance for which a payment is made under clause (i) shall be delivered by a licensed insurance agent or other approved insurance provider.

''(iv) ADDITIONAL COVERAGE ENCOURAGED.—Cooperatives and trade associations and any approved insurance provider with whom a licensing fee or other arrangement under this subparagraph is made shall encourage producer members to purchase appropriate levels of additional coverage in order to meet the risk management needs of such member producers.''.

SEC. 110. ELECTIONS REGARDING PREVENTED PLANTING COVERAGE.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) is amended by inserting after paragraph (7), as added by section 104, the following new paragraph:

''(8) PREVENTED PLANTING COVERAGE.—

''(A) ELECTION NOT TO RECEIVE COVERAGE.—

''(i) ELECTION.—A producer may elect not to receive coverage for prevented planting of an agricultural commodity.

''(ii) REDUCTION.—In the case of an election under clause (i), the Corporation shall provide a reduction in the premium payable by the producer for a plan of insurance in an amount equal to the premium for the prevented planting coverage, as determined by the Corporation.

''(B) EQUAL COVERAGE.—For each agricultural commodity for which prevented planting coverage is available, the Corporation shall offer an equal percentage level of prevented planting coverage.

''(C) AREA CONDITIONS REQUIRED FOR PAYMENT.—The Corporation shall limit prevented planting payments to producers to those situations in which producers in the area in which the farm is located are generally affected by the conditions that prevent an agricultural commodity from being planted.

''(D) SUBSTITUTE COMMODITY.—

''(i) AUTHORITY TO PLANT.—Subject to clause (iv), a producer who has prevented planting coverage and who is eligible to receive an indemnity under such coverage may plant an agricultural commodity, other than the commodity covered by the prevented planting coverage, on the acreage originally prevented from being planted.

''(ii) NONAVAILABILITY OF INSURANCE.—A substitute agricultural commodity planted as authorized by clause (i) for harvest in the same crop year shall not be eligible for coverage under a policy or plan of insurance under this title or for noninsured crop disaster assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333). For purposes of subsection (b)(7) only, the substitute commodity shall be deemed to have at least catastrophic risk protection so as to satisfy the requirements of that subsection.

''(iii) EFFECT ON ACTUAL PRODUCTION HISTORY.—If a producer plants a substitute agricultural commodity as authorized by clause (i) for a crop year, the Corporation shall assign the producer a recorded yield, for that crop year for the commodity that was prevented from being planting, equal to 60 percent of the producer's actual production history for such commodity for purposes of determining the producer's actual production history for subsequent crop years.

''(iv) EFFECT ON PREVENTED PLANTING PAYMENT.—If a producer plants a substitute agricultural commodity as authorized by clause (i) before the latest planting date established by the Corporation for the agricultural commodity prevented from being planted, the Corporation shall not make a prevented planting payment with regard to the commodity prevented from being planted.''.

SEC. 111. LIMITATIONS UNDER NONINSURED CROP DISASTER ASSISTANCE PROGRAM.

(b) LIMITATION.—Section 196(i) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(i)) is amended—

(1) in paragraph (1)(B)—

(A) by striking ''GROSS REVENUES'' in the subparagraph heading and inserting ''ADJUSTED GROSS INCOME''; and

(B) by striking ''gross revenue'' and ''gross revenues'' each place they appear and inserting ''adjusted gross income''; and

(2) by striking paragraph (4) and inserting the following new paragraph:

''(4) LIMITATION.—A person who has qualifying adjusted gross income in excess of $2,000,000 during the taxable year shall not be eligible to receive any noninsured crop disaster assistance payment under this section.''.

SEC. 112. QUALITY GRADE LOSS ADJUSTMENT.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) is amended by inserting after paragraph (8), as added by section 110, the following new paragraph:

''(9) QUALITY GRADE LOSS ADJUSTMENT.—Consistent with subsection (m)(4), by the 2000 crop year, the Corporation shall enter into a contract to analyze its quality loss adjustment procedures and make such adjustments as may be necessary to more accurately reflect local quality discounts that are applied to agricultural commodities insured under this title, taking into consideration the actuarial soundness of the adjustment and the prevention of fraud, waste and abuse.''.

The CHAIRMAN. Are there amendments to title I?

□ 1230

AMENDMENT NO. 3 OFFERED BY MR. LAHOOD

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 Offered by Mr. LAHood: Page 16, strike lines 1 through 18, and insert the following:

''(A) PROGRAMS REQUIRED.—

''(i) NUMBER AND TYPES OF PROGRAMS.—The Corporation shall conduct two or more pilot programs to evaluate the effectiveness of risk management tools for livestock producers, including the use of—

''(I) futures and options contracts and policies and plans of insurance that provide livestock producers with reasonable protection from the financial risks of price or income fluctuations inherent in the production and marketing of livestock, provide protection for production losses, and otherwise protect the interests of livestock producers; and

''(II) policies and plans of insurance that, notwithstanding the second sentence of subsection (a)(1), and subject to the exclusions in subsection (a)(3), provide livestock producers with reasonable protection from liability to mitigate or compensate for adverse environmental impacts from producers' operations caused by natural disasters, unusual weather or climatic conditions, third-party acts, or other forces or occurrences beyond the producers' control, and with coverage to satisfy obligations established by law for closure of producers' operations.

''(ii) PURPOSE OF PROGRAMS.—To the maximum extent practicable, the Corporation shall evaluate the greatest number and varieity of pilot programs described in clause (i) to determine which of the offered risk management tools are best suited to protect livestock producers from the financial risks associated with the production and marketing of livestock.

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

Mr. LAHOOD. Mr. Chairman, I rise today, along with the gentleman from Iowa (Mr. BOSWELL), to offer an amendment to the bill that, in keeping with the spirit of this bill, creates an equal partnership between farmers, ranchers, and the Federal Government by closing a giant gap in the farm income safety net, a gap created by the consequences of unforeseen, uncontrollable, and unforgiving natural events.

Our amendment would create, as I indicated earlier, a pilot project for two or three places around the country that would include livestock producers.

I believe that farmers and ranchers want to do the right thing. We need to help them.

My amendment allows us to live up to our commitment to our country's food producers by giving them the risk management tools to cope with disasters, weather shifts, and other natural acts beyond their control without fear that the cost of doing the right thing will put them out of business.

Mr. BOSWELL. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, first off, I again want to thank my colleague and neighbor the gentleman from Illinois (Mr. LAHOOD) for his good work, and also the committee, as I have already mentioned earlier.

I have been a long-time crop farmer and livestock farmer and, of course, associate with those kind of folks a lot. We have often tried very hard to respond to the needs of the crop farmers, as we should, and we should continue to do that. But we have overlooked livestock time and again.

So I rise to support this amendment. It gets right to the point of why the business of agriculture is unlike any other business in the world. Most business people have some degree of control over many of the factors that affect their bottom line. And although weather affects everyone, we can make a case that farming is greatly threatened by natural disasters such as floods, tornadoes, hurricanes, damaging droughts, which severely affect a farmer's ability to stay in business.

Now, granted that other businesses are threatened with those, too. But remember, a farmer's business stretches over many acres of land and, therefore, is a different situation. Cleanup after one of these natural disasters, like Floyd, and we are still trying to assess that impact, cost the family farmer thousands upon thousands of dollars. And in these times of disastrously low commodity prices, any kind of unforeseen cost could be a factor that finally puts the farmer out of business for good.

Farmers cannot control the weather, but they certainly must deal with it. This amendment would simply direct USDA to use its new livestock insurance pilot program to give producers a useful risk management tool against the ill effects of Mother Nature's force and other factors beyond their control. And for farmers who are barely making ends meet, every opportunity to mitigate unforeseen costs is extremely useful.

Mr. Chairman, this amendment simply moves to protect livestock producers from costs associated with incidents beyond their control. It is an amendment that will help the producer better manage the risks associated with farming. It is a common-sense amendment and it makes H.R. 2559 a better bill.

Again, I thank the gentleman from Illinois (Mr. LAHOOD), the chairman and the ranking member.

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

Mr. Chairman, I appreciate the work of the author of the amendment, the gentleman from Illinois (Mr. LAHOOD), and the cosponsor of the amendment, the gentleman from Iowa (Mr. BOSWELL).

We have discussed the amendment. There are some questions I think that at some point will need to be answered and resolved. I think this is certainly within the spirit of the direction of the bill that is before the House today, and I would certainly support the amendment and accept the amendment.

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

Mr. COMBEST. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I too commend the gentleman from Illinois (Mr. LAHOOD) and the gentleman from Iowa (Mr. BOSWELL) for offering this amendment. I think it does fit certainly within the spirit of the recognition that, as the gentleman from Iowa (Mr. BOSWELL) pointed out, we have traditionally been in the crop insurance business.

This bill is intended to expand into the livestock and crop. And I think the spirit of this, particularly in the environmental side, is something that we should accept today and that we should work expeditiously to be made part of the final legislation that ultimately is signed by the President.

Mr. COMBEST. Mr. Chairman, I suggest passage of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. LAHOOD).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

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

Mr. Chairman, I too want to add this morning to what has already been said about how important this issue is to producers across this country and to say that agriculture has been hit by an unprecedented set of issues, the lowest prices in decades, loss of foreign markets, unprecedented levels of concentration within the industry itself. These are all issues, many of them over which producers do not have control; and those are things that I hope as we move forward in our discussion in agricultural policy in Congress, that we can begin to address.

There is tremendous room for improvement in many of these areas. I certainly hope that, as a member of the Committee on Agriculture, that I know our chairman is focused on these issues; and we intend to move forward and try to create an environment with respect to our producers to have an opportunity to make a living and to compete in the world marketplace.

But we had a series of hearings on this subject. I credit the gentleman from Illinois (Mr. EWING) the chairman of our subcommittee for allowing us to have a hearing in Sioux Falls about 10 months ago where we heard from a number of producer groups across South Dakota as to what the problems

with the current crop insurance program are and how we can fix those.

I believe that the bill that we are discussing today takes us in a direction that addresses those concerns and, hopefully, comes up with a system and a program that is more workable for the producers.

A couple of suggestions that came out of that were that we need to address the premium schedule so that there is an incentive in the program for producers to buy up to the next level of coverage. If this program is going to work, we have to have that. We have addressed that in this bill.

We also have had a number that were concerned about how the actual production history is used in a calculation of what is insurable in a loss, and that has been addressed, as well. There are those areas of the country like my own where we have seen year to year successive repeated losses, and the multiple-year loss issue is something that is addressed as well in this bill. So I believe that this is an important step forward.

I want to credit the chairman of our committee, the gentleman from Texas (Mr. COMBEST), and the gentleman from Illinois (Mr. EWING), the chairman of the subcommittee, and the gentleman from Texas (Mr. STENHOLM) and others on the other side of the aisle who have worked together. This really is an issue which should take the politics out of where we should work in a bipartisan way to try and address what is a very important issue to the future of this country and that is our food supply and how we compete in the international marketplace.

Our producers need as many risk management tools as they can possibly have in order to be competitive out there, and a crop insurance program that is workable is certainly one of those tools and one of the things in their arsenal in what we hope will be an array of tools that will help them to better compete.

So I, this morning, rise in support of this legislation. I hope that we can get action in the other body, in the Senate, as well and get the President to sign it into law. It is long overdue, and it is something I hope that will start us down the road toward returning some level of profitability to agriculture and also helping us insure against those things over which producers many times have no control, such as the weather.

So this is, again, a first step. And I hope, again, that we will have an opportunity to address some of the other issues that are affecting the ag sector today.

My State of South Dakota is going through tremendous economic stress on the farm, and I believe that many of the things that we are working on that, hopefully, will make their way through the body later on this year and next year will take us farther down the road towards addressing what are the very serious concerns about agriculture.

Again, I want to thank the leadership of this committee and the House for moving this forward and taking a bill which I think is a very balanced, reasonable approach and will better make improvements in this bill to make it better, to make it a more useful tool to producers across this country.

So I urge all Members in the House to vote ''yes'' when we come to final passage.

AMENDMENT NO. 4 OFFERED BY MR. UPTON

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. UPTON: Add at the end of title I the following new section:

SEC. . CORRECTION OF ERRONEOUS PRICE ELECTION, MICHIGAN FRESH MARKET PEACHES.

(a) ADDITIIONAL PAYMENT BASED ON CORRECTED PRICE.—Using funds available to carry out the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), the Secretary of Agriculture shall make a payment to each producer of fresh market peaches in Michigan who purchased a crop insurance policy for the 1999 fresh market peaches crop and received a payment under the policy. The amount of the additional payment shall be equal to the difference between—

(1) the amount the producer would have received under the policy had the correct price election for the 1999 crop of $11.00 per bushel been used; and

(2) the amount the producer actually received under the policy using the erroneous price election of $6.25 per bushel.

(b) PREMIUM DEDUCTION.—The amount determined under subsection (a) for a producer shall be reduced by an amount equal to the additional premium (if any) that the producer would have paid for a policy for the 1999 fresh market peaches crop that used the correct price election.

Mr. UPTON. Mr. Chairman, I am here today on behalf of peach growers in my State who may lose their farms, their livelihoods, unfortunately, because of a bureaucratic mistake.

Last January, much of the Michigan peach crop was devastated by a cold snap when temperatures plummeted to 15 degrees below 0. That was the high for a number of days. We knew then that the entire peach crop was going to be gone, literally dead on the branches, would not recover in the spring. But when the farmers turned to USDA for help, there was even more bad news.

The Risk Management Agency miscalculated our farmers' reimbursements providing them, yes, with relief but well below the amount that they deserved, expected, and what they need, in fact, to recover. In fact, we learned later on that when the disaster payments went out this summer, the same peaches in other States under this program were getting nearly twice as much per bushel. That is not right.

Now, there is some good news. The USDA admitted that they had made a mistake and, in fact, they wanted to make amends and they recalculated with a new formula to determine what the disaster payment really ought to be. But, unfortunately, those new payments will not affect the disaster program for peaches until next year, which means that this year our farmers are out.

What this amendment would have done is it would have provided a retroactive payment to Michigan peach farmers based on the correct information because we would feel that it is not fair to make peach farmers pay a price for an error by USDA.

Now, because a point of order could have been made against this amendment, I will ask unanimous consent to withdraw it. But I would like to note that I am working with the Committee on Appropriations members and they have given me a pretty good assurance that they plan to include this language as part of the agriculture appropriations conference report.

I have discussed it with a number of folks at the Department of Agriculture, including the Secretary of Agriculture earlier today, and they know of the problems that we have and would like to work with us to make sure that our peach farmers, in fact, are not discriminated against.

Mr. Chairman, I have talked to the gentleman from Texas (Mr. COMBEST), chairman of the House Committee on Agriculture, and I yield to him.

Mr. COMBEST. Mr. Chairman, I appreciate the gentleman yielding and would certainly encourage the USDA to see if there is some way they could rectify this problem.

The gentleman has been very strongly representative of his people in his district, recognizing there was an initial problem, and I appreciate his tenacity.

It is also my understanding that the report language in the appropriations conference report will also address this subject. I appreciate the willingness of the gentleman to withdraw his amendment.

Mr. UPTON. Mr. Chairman, again, I appreciate the comments of the chairman.

I also want to commend our fellow Michigander on the Committee on Agriculture, who asked some pretty tough questions and asked us to deliver a better peach price with Gus Schumacher, representative of the USDA.

Mr. Chairman, I yield briefly to my friend and colleague, the gentleman from Michigan (Mr. SMITH) who helped carry the ball in the committee.

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman very much for yielding.

Mr. Chairman, it was simply a mistake. They made a mistake on the crop insurance. They put the wrong price down. And who ended up suffering, of course, is our farmers that bought that insurance with the mistake incorporated in that contract. So it does need to be corrected.

Mr. UPTON. Mr. Chairman, our peaches ought to be treated the same as peaches from other States no matter where they are.

Mr. UPTON. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

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

Mr. Chairman, let me congratulate not only the chairman of the committee but the ranking member and all the Members who worked in a very bipartisan way to bring this crop insurance bill to the floor today. It is an important piece of legislation that will, in fact, give our Nation's farmers greater risk management tools that they need given the new environment that we are all operating in.

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There has been a lot said on the floor today about our farm policy. Like my colleague from Georgia said, we need to remember the forgotten parts of the farm policy that we put in place some 3 years ago. We knew then as we began to move agriculture to more market orientation that it was going to be essential that we work with the agriculture community to provide more risk management tools. That is what we are doing today: This extra money for crop insurance, the program is more flexible, it will work for more farmers, an essential part of what we need to do to make the farm policy that we have work more efficiently.

Secondly, we talked about the need to have regulatory reform, so that we bring some common sense to the regulations the farmers have to deal with that do nothing more, in some cases, other than drive up costs for farmers, making them less and less profitable. There is certainly an awful lot of room for improvement that we all need to be paying attention to. But we all know that the real cause of the current crisis in agriculture is what happened in Southeast Asia some 2 years ago when the bottom fell out of their markets, when their currencies were devalued and they were unable to continue buying our commodities at the rate that they were. But an important part of our farm policy was to make sure that we were out there opening new markets for our crops. About 40 percent of what we raise and produce in this country, we export somewhere around the world. If we are not exporting that product, it is going to lay here in our markets and drive down prices. That is exactly what has happened.

Not only do we see now some strengthening in Southeast Asia but I think what this House and this Congress and this administration need to get to work on is providing fast track authority to our U.S. trade rep so that we in this country can go out and begin to open markets for our farmers. Until we open markets for our farmers, we are going to have excess production. It is going to lay over the markets and drive down prices. The only other answer is to go back to what we did for 60 years, and that is to get back into this business of the Federal Government telling farmers how much they can plant, how much they can harvest and try to have some type of supply management program run by Washington, D.C. Farmers do not want that, most Members of Congress do not want that. And so if we are going to avoid that, what we need to do is to get out there and open those markets and help our farmers. But what we are doing today is an important part of making that farm policy work, providing these risk management tools to our farmers so that they can better ensure their own success down the road.

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

Mr. BOEHNER. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding. I want to associate myself with his remarks. I hope that this might prove what I hear is happening on the agriculture appropriations to be unfounded. We have an opportunity to drop the sanctions language. One of the things that has hurt agriculture time and time again is when we have had sanctions on other countries applied that have a devastating effect on our agriculture producers. And so I hope that we will be able to deal in a very responsible way on the agriculture appropriations bill in eliminating these sanctions and the resulting lack of market opportunities for our producers.

Mr. BOEHNER. Reclaiming my time, I also want to congratulate the chairman of the committee and the ranking member who have announced that we are going to have a set of hearings early next year to look at our farm policy. I think it is an appropriate time to take an honest and a thorough look as to what is working in our farm policy, what is not, and what we as Members of Congress can do to improve it.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the last word.

Mr. Chairman, American agriculture is in a very serious situation right now. While the rest of the economy is experiencing strong profits and strong employment and good income, farmers are at the lowest level of net profits that they have been in many years. That comes from two consequences: One is the natural disaster of the weather that for a lot of farmers has substantially reduced their yields all the way to almost zero in some cases; and the other problem is the commodity prices. The commodity prices are the lowest, record low commodity prices. For example, in soybeans, lower price than there has been in soybeans in 30 years, corn, rice, cotton, livestock production especially in the area of hog production, the kind of commodity prices that are devastating farmers.

I spoke last week to a fourth-generation hog producer in my area of Michigan, where his great grandfather and his grandfather and his father all were successful in running that operation. Now he is threatened with bankruptcy, a very serious situation. But it is not just the farmers. It is not just the 1.5 percent of our population in this country that are out there on the farm working their 16 hours a day or 18 hours a day. It is also the consumers. Because if we do not move ahead with this kind of legislation, if we do not move ahead in ways that we help assure that our farmers in America are not put at a competitive disadvantage with farmers in other countries because of how those other countries are subsidizing their farmers plus how they are keeping our products out of their markets, then we are going to lose our agriculture industry in this country. I think we have got to be very conscious of what the consequences are of losing our ability to produce food and fiber in this country for our consumers. I think it deserves a reminder that the American public buys food at a lower percentage of their take-home income and buy the highest quality food in the world. And so we need to maintain those kind of provisions for the consumers in our country. That is why everybody in this Chamber needs to be concerned with the future of agriculture. This bill moves us along the route of helping assure that our farmers can survive.

As I met with my farmers in Michigan, they told me that it is silly for them to buy this crop insurance because they only have a disaster once every 14 years, or 16 years, or 18 years. And so the higher priced premium that has been charged to accommodate all areas of the country, even those areas, of course, with the higher frequency of disaster, makes it not worthwhile for our farmers to buy that kind of insurance.

So the amendment that the committee adopted and those that are in this bill account in two ways to look at premiums based on how often there are disasters in particular regions, and to change those premiums to reflect the frequency of those disasters. Also, we incorporated language in this bill that says that we will work on developing insurance that has a more targeted consideration of the price of the commodity. Right now this bill is mostly sunshine insurance, or natural disaster insurance, with a small provision on helping assure that the price is either in the winter months or in the fall months, there is that option of the higher price. But this bill says to look and explore other avenues to add to the tools that a farmer has to be risk management tools to help assure that they can run their business the way anybody else runs their business. And as we continue to be in a free market system, as we continue to let the marketplace help influence that farmer on how much of what crop to plant, this kind of insurance help from the Federal Government is reasonable and it is necessary.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—IMPROVING PROGRAM EFFICIENCIES

SEC. 201. LIMITATION ON DOUBLE INSURANCE.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) is amended by inserting after paragraph (9), as added by section 112, the following new paragraph:

''(10) LIMITATION ON DOUBLE INSURANCE.—

''(A) RESTRICTED TO CATASTROPHIC RISK PROTECTION.—Except for situations covered by subparagraph (B), no policy or plan of insurance may be offered under this title for more than one agricultural commodity planted on the same acreage in the same crop year unless the coverage for the additional crop is limited to catastrophic risk protection available under subsection (b).

''(B) EXCEPTION FOR DOUBLE-CROPPING.—A policy or plan of insurance may be offered under this title for an agricultural commodity and for an additional agricultural commodity when both agricultural commodities are normally harvested within the same crop year on the same acreage if the following conditions are met:

''(i) There is an established practice of double-cropping in the area and the additional agricultural commodity is customarily double-cropped in the area with the first agricultural commodity, as determined by the Corporation.

''(ii) A policy or plan of insurance for the first agricultural commodity and the additional agricultural commodity is available under this title.

''(iii) The additional commodity is planted on or before the final planting date or late planting date for that additional commodity, as established by the Corporation.''.

SEC. 202. IMPROVING PROGRAM COMPLIANCE AND INTEGRITY.

(a) ADDITIONAL METHODS.—Section 506(q) of the Federal Crop Insurance Act (7 U.S.C. 1506(q)) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3);

(2) by inserting after the subsection heading the following new paragraph (1):

''(1) PURPOSE.—The purpose of this subsection is to improve compliance with the Federal crop insurance program and to improve program integrity.''; and

(3) by adding at the end the following new paragraphs:

''(4) RECONCILING PRODUCER INFORMATION.—The Secretary shall develop and implement a coordinated plan for the Corporation and the Administrator of the Farm Service Agency to reconcile all relevant information received by the Corporation or the Farm Service Agency from a producer who obtains crop insurance coverage under this title. Beginning with the 2000 crop year, the Secretary shall require that the Corporation and the Farm Service Agency reconcile such producer-derived information on at least an annual basis in order to identify and address any discrepancies.

''(5) IDENTIFICATION AND ELIMINATION OF FRAUD, WASTE, AND ABUSE.—

''(A) FSA MONITORING PROGRAM.—The Secretary shall develop and implement a coordinated plan for the Farm Service Agency to assist the Corporation in the ongoing monitoring of programs carried out under this title, including—

''(i) conducting fact finding relative to allegations of program fraud, waste, and abuse, both at the request of the Corporation or on its own initiative after consultation with the Corporation;

''(ii) reporting any allegation of fraud, waste, and abuse or identified program vulnerabilities to the Corporation in a timely manner; and

''(iii) assisting the Corporation and approved insurance providers in auditing a statistically appropriate number of claims made under any policy or plan of insurance under this title.

''(B) USE OF FIELD INFRASTRUCTURE.—The plan required by this paragraph shall use the field infrastructure of the Farm Service Agency, and the Secretary shall ensure that relevant Farm Service Agency personnel are appropriately trained for any responsibilities assigned to them under the plan. At a minimum, such personnel shall receive the same level of training and pass the same basic competency tests as required of loss adjusters of approved insurance providers.

''(C) MAINTENANCE OF PROVIDER EFFORT; COOPERATION.—The activities of the Farm Service Agency under this paragraph do not affect the responsibility of approved insurance providers to conduct any audits of claims or other program reviews required by the Corporation. If an insurance provider reports to the Corporation that it suspects intentional misrepresentation, fraud, waste, or abuse, the Corporation shall make a determination and provide a written response within 90 days after receiving the report. The insurance provider and the Corporation shall take coordinated action in any case where misrepresentation, fraud, waste, or abuse has occurred.

''(6) CONSULTATION WITH STATE COMMITTEES.—The Corporation shall establish a mechanism under which State committees of the Farm Service Agency are consulted concerning policies and plans of insurance offered in a State under this title.

''(7) ANNUAL REPORT ON COMPLIANCE EFFORTS.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report containing findings relative to the efforts undertaken pursuant to paragraphs (4) and (5). The report shall identify specific occurrences of waste, fraud, and abuse and contain an outline of actions that have been or are being taken to eliminate the identified waste, fraud, and abuse.''.

(b) TECHNICAL CORRECTION.—Paragraph (3) of section 506(q) of the Federal Crop Insurance Act (7 U.S.C. 1506(q)), as redesignated by subsection (a), is amended by striking ''this subsection'' and inserting ''this paragraph''.

SEC. 203. SANCTIONS FOR FALSE INFORMATION.

(a) AUTHORIZED SANCTIONS.—Section 506(n) of the Federal Crop Insurance Act (7 U.S.C. 1506(n)) is amended—

(1) in the subsection heading, by striking ''PENALTIES'' and inserting ''SANCTIONS FOR VIOLATIONS'';

(2) by redesignating paragraph (2) as paragraph (3) and, in such paragraph, by striking ''PENALTY'' and ''assessing penalties'' and inserting ''SANCTION'' and ''imposing a sanction'', respectively; and

(3) by striking paragraph (1) and inserting the following new paragraphs:

''(1) FALSE INFORMATION.—If a producer, an agent, a loss adjuster, an approved insurance provider, or any other person willfully and intentionally provides any false or inaccurate information to the Corporation or to an approved insurance provider with respect to a policy or plan of insurance under this title, the Corporation may, after notice and an opportunity for a hearing on the record, impose one or more of the sanctions specified in paragraph (2).

''(2) AUTHORIZED SANCTIONS.—The following sanctions may be imposed for a violation under paragraph (1):

''(A) The Corporation may impose a civil fine for each violation not to exceed the greater of—

''(i) the amount of the pecuniary gain obtained as a result of the false or inaccurate information provided; or

''(ii) $10,000.

''(B) If the violation is committed by a producer, the producer may be disqualified for a period of up to 5 years from—

''(i) participating in, or receiving any benefit provided under this title, the noninsured crop disaster assistance program under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333), the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.), the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), or the Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.);

''(ii) receiving any loan made, insured, or guaranteed under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et. seq.);

''(iii) receiving any benefit provided, or indemnity made available, under any other law to assist a producer of an agricultural commodity due to a crop loss or a decline in commodity prices; or

''(iv) receiving any cost share assistance for conservation or any other assistance provided under title XII of the Food Security Act (16 U.S.C. 3801 et seq.).

''(C) If the violation is committed by an agent, loss adjuster, approved insurance provider, or any other person (other than a producer), the violator may be disqualified for a period of up to 5 years from participating in, or receiving any benefit provided under this title.

''(D) If the violation is committed by a producer, the Corporation may require the producer to forfeit any premium owed under the policy, notwithstanding a denial of claim or collection of an overpayment, if the false or inaccurate information was material.''.

(b) DISCLOSURE OF SANCTIONS.—Section 506(n) of the Federal Crop Insurance Act (7 U.S.C. 1506(n)) is amended by adding at the end the following new paragraph:

''(4) DISCLOSURE OF SANCTIONS.—Each policy or plan of insurance under this title shall prominently indicate the sanctions prescribed under paragraph (2) for willfully and intentionally providing false or inaccurate information to the Corporation or to an approved insurance provider.''.

SEC. 204. PROTECTION OF CONFIDENTIAL INFORMATION.

Section 502 of the Federal Crop Insurance Act (7 U.S.C. 1502) is amended by adding at the end the following new subsection:

''(c) PROTECTION OF CONFIDENTIAL INFORMATION.—

''(1) AUTHORIZED DISCLOSURE.—In the case of information furnished by a producer to participate in or receive any benefit under this title, the Secretary, any other officer or employee of the Department or an agency thereof, an approved insurance provider and its employees and contractors, and any other person may not disclose the information to the public, unless the information has been transformed into a statistical or aggregate form that does not allow the identification of the person who supplied particular information.

''(2) VIOLATIONS; PENALTIES.—Subsection (c) of section 1770 of the Food Security Act of 1985 (7 U.S.C. 2276) shall apply with respect to the release of information collected in any manner or for any purpose prohibited by paragraph (1).''.

SEC. 205. RECORDS AND REPORTING.

(a) CONDITION OF OBTAINING COVERAGE.—Section 508(f)(3)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(f)(3)(A)) is amended by striking ''provide, to the extent required by the Corporation, records acceptable to the Corporation of historical acreage and production of the crops for which the insurance is sought'' and inserting ''provide annually records acceptable to the Secretary regarding crop acreage, acreage yields, and production for each agricultural commodity insured under this title''.

(b) COORDINATION OF RECORDS.—Section 506(h) of the Federal Crop Insurance Act (7 U.S.C. 1506(h)) is amended—

(1) by striking ''The Corporation'' and inserting the following:

''(1) IN GENERAL.—The Corporation''; and

(2) by adding at the end the following new paragraph:

''(2) COORDINATION AND USE OF RECORDS.—

''(A) COORDINATION BETWEEN AGENCIES.—The Secretary shall ensure that recordkeeping and reporting requirements under this title and section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) are coordinated by the Corporation and the Farm Service Agency to avoid duplication of such records, to streamline procedures involved with the submission of such records, and to enhance the accuracy of such records.

''(B) USE OF RECORDS.—Notwithstanding section 502(c), records submitted in accordance with this title and section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) shall be available to agencies and local offices of the Department, appropriate State and Federal agencies and divisions, and approved insurance providers for use in carrying out this title and such section 196 as well as other agricultural programs and related responsibilities.''.

(c) NONINSURED CROP DISASTER ASSISTANCE PROGRAM.—Section 196(b) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(b)) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) RECORDS.—To be eligible for assistance under this section, a producer shall provide annually to the Secretary, acting through the Agency, records of crop acreage, acreage yields, and production for each eligible crop.''; and

(2) in paragraph (3), by inserting ''annual'' after ''shall provide''.

SEC. 206. COMPLIANCE WITH STATE LICENSING REQUIREMENTS.

Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended by adding at the end the following new subsection:

''(o) COMPLIANCE WITH STATE LICENSING REQUIREMENTS.—Any person who sells or solicits the purchase of a policy or plan of insurance under this title, including catastrophic risk protection, in any State shall be licensed and otherwise qualified to do business in that State.''.

The CHAIRMAN. Are there amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—ADMINISTRATION

SEC. 301. BOARD OF DIRECTORS OF CORPORATION.

(a) CHANGE IN COMPOSITION.—Section 505 of the Federal Crop Insurance Act (7 U.S.C. 1505) is amended by striking the section heading, ''SEC. 505.'', and subsection (a) and inserting the following:

''SEC. 505. MANAGEMENT OF CORPORATION.

''(a) BOARD OF DIRECTORS.—

''(1) ESTABLISHMENT.—The management of the Corporation shall be vested in a Board of Directors subject to the general supervision of the Secretary.

''(2) COMPOSITION.—The Board shall consist of only the following members:

''(A) The manager of the Corporation, who shall serve as a nonvoting ex officio member.

''(B) The Under Secretary of Agriculture responsible for the Federal crop insurance program.

''(C) One additional Under Secretary of Agriculture (as designated by the Secretary).

''(D) The Chief Economist of the Department of Agriculture.

''(E) One person experienced in the crop insurance business.

''(F) One person experienced in the regulation of insurance.

''(G) Four active producers who are policy holders, are from different geographic areas of the United States, and represent a cross-section of agricultural commodities grown in the United States. At least one of the four shall be a specialty crop producer.

''(3) APPOINTMENT OF PRIVATE SECTOR MEMBERS.—The members of the Board described in subparagraphs (E), (F), and (G) of paragraph (2)—

''(A) shall be appointed by, and hold office at the pleasure of, the Secretary; and

''(B) shall not be otherwise employed by the Federal Government.

''(4) CHAIRPERSON.—The Board shall select a member of the Board to serve as Chairperson.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 30 days after the date of the enactment of this Act.

(c) EFFECT ON EXISTING BOARD.—A member of the Board of Directors of the Federal Crop Insurance Corporation on the effective date specified in subsection (b) may continue to serve as a member of the Board until the earlier of the following:

(1) The date the replacement Board is appointed.

(2) The end of the 180-day period beginning on the effective date specified in subsection (b).

SEC. 302. PROMOTION OF SUBMISSION OF POLICIES AND RELATED MATERIALS.

(a) REIMBURSEMENT AUTHORITY.—Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)), as amended by section 105(a) of this Act, is amended by inserting after paragraph (5) the following new paragraph:

''(6) REIMBURSEMENT OF RESEARCH, DEVELOPMENT, AND MAINTENANCE COSTS.—

''(A) REIMBURSEMENT PROVIDED.—Subject to the conditions of this paragraph, the Corporation shall provide a payment to reimburse an applicant for research, development, and maintenance costs directly related to a policy or other material that is—

''(i) submitted to, and approved by, the Board under this subsection for reinsurance; and

''(ii) if applicable, offered for sale to producers.

''(B) DURATION.—Payments under subparagraph (A) may be made available beginning in fiscal year 2001. Payments with respect to the maintenance of an approved policy or other material may be provided for a period of not more than 4 reinsurance years following Board approval. Upon the expiration of that 4-year period, or earlier upon the agreement of the Corporation and the person receiving the payment, the Corporation shall assume responsibility for maintenance of a successful policy, as determined by the Corporation based on the market share attained by the policy, the total number of policies sold, the total amount of premium paid, and the performance of the policy in the States where the policy is sold.

''(C) TREATMENT OF PAYMENT.—Payments made under subparagraph (A) for a policy or other material shall be considered as payment in full for the research and development conducted with regard to the policy or material and any property rights to the policy or material.

''(D) REIMBURSEMENT AMOUNT.—The Corporation shall determine the amount of the payment under subparagraph (A) for an approved policy or other material based on the complexity of the policy or material and the size of the area in which the policy or material is expected to be used.''.

(b) ISSUANCE OF REGULATIONS.—Not later than October 1, 2000, the Corporation shall issue final regulations to carry out the amendment made by subsection (a).

SEC. 303. RESEARCH AND DEVELOPMENT, INCLUDING CONTRACTS REGARDING UNDERSERVED COMMODITIES.

(a) SUPPORT FOR PRIVATE RESEARCH AND DEVELOPMENT.—Section 508(m) of the Federal Crop Insurance Act (7 U.S.C. 1508(m)) is amended by adding at the end the following new paragraph:

''(4) PRIVATE RESEARCH AND DEVELOPMENT OF POLICIES AND OTHER MATERIALS.—

''(A) USE OF REIMBURSEMENT AUTHORITY.—To encourage and promote the necessary research and development for policies, plans of insurance, and related materials, including policies, plans, and materials under the livestock pilot programs under subsection (h)(10), the Corporation shall make full use of private resources by providing payment for research and development for approved policies and plans of insurance, and related materials, pursuant to subsection (h)(6).

''(B) CONTRACTS FOR UNDERSERVED COMMODITIES.—

''(i) DEVELOPMENT OF PRODUCTS AND RELATED MATERIALS.—In the event the Corporation determines that an agricultural commodity, including a specialty crop, is not adequately served by policies and plans of insurance and related materials submitted under subsection (h) or any other provision of this title, the Corporation may enter into a contract, under procedures prescribed by the Corporation, directly with any person or entity with experience in crop insurance or farm or ranch risk management, including universities, providers of crop insurance, and trade and research organizations, to carry out research and development for policies and plans of insurance and related materials for that agricultural commodity without regard to the limitations contained in this title.

''(ii) TYPES OF CONTRACTS.—A contract under this subparagraph may provide for research and development regarding new or expanded policies and plans of insurance and related materials, including policies based on adjusted gross income, cost-of-production, quality losses, and an intermediate base program with a higher coverage and cost than catastrophic risk protection.

''(iii) DELAYED EFFECTIVE DATE FOR CONTRACTS.—A contract entered into under this subparagraph may not take effect before October 1, 2000.

''(iv) USE OF RESULTING POLICIES AND PLANS.—The Corporation may offer any policy or plan of insurance developed under this subparagraph that is approved by the Board.

''(C) CONTRACT FOR REVENUE COVERAGE PLAN.—The Corporation shall enter into a contract for research and development regarding one or more revenue coverage plans designed to enable producers to take maximum advantage of fluctuations in market prices and thereby maximize revenue realized from the sale of a crop. Such a plan may include market instruments currently available or may involve the development of new instruments to achieve this goal. Not later than 15 months after the date of the enactment of this paragraph, the Corporation shall submit to Congress a report containing the results of the contract.''.

(b) RELIANCE ON PRIVATE DEVELOPMENT OF NEW POLICIES.—Section 508(m)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(m)(2)) is amended—

(1) by striking ''EXCEPTION.—No action'' and inserting—

''(2) EXCEPTIONS.—

''(A) PRIVATE AVAILABILITY.—No action''; and

(2) by adding at the end the following new subparagraph:

''(B) PROHIBITED RESEARCH AND DEVELOPMENT BY CORPORATION.—Notwithstanding paragraphs (1) and (5), on and after October 1, 2000, the Corporation shall not conduct research and development for any new policy or plan of insurance for an agricultural commodity offered under this title. Any policy or plan of insurance developed by the Corporation under this title before that date shall, at the discretion of the Corporation, continue to be offered for sale to producers.''.

(c) PARTNERSHIPS FOR RISK MANAGEMENT DEVELOPMENT AND IMPLEMENTATION.—Section 508(m) of the Federal Crop Insurance Act (7 U.S.C. 1508(m)) is amended by inserting after paragraph (4), as added by subsection (a), the following new paragraph:

''(5) PARTNERSHIPS FOR RISK MANAGEMENT DEVELOPMENT AND IMPLEMENTATION.—

''(A) PURPOSE.—The purpose of this paragraph is to authorize the Corporation to enter

into partnerships with public and private entities for the purpose of increasing the availability of loss mitigation, financial, and other risk management tools for crop producers, with priority given to risk management tools for producers of agricultural commodities covered by section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) and specialty and underserved commodity producers.

''(B) AUTHORITY.—Subject to subparagraphs (D) and (E), the Corporation may enter into partnerships with the Cooperative State Research, Education, and Extension Service, the Agricultural Research Service, the National Oceanic Atmospheric Administration, and other appropriate public and private entities with demonstrated capabilities in developing and implementing risk management and marketing options for specialty crops and underserved commodities.

''(C) OBJECTIVES.—The Corporation may enter into a partnership under subparagraph (B)—

''(i) to enhance the notice and timeliness of notice of weather conditions that could negatively affect crop yields, quality, and final product use in order to allow producers to take preventive actions to increase end-product profitability and marketability and to reduce the possibility of crop insurance claims;

''(ii) to develop a multifaceted approach to pest management and fertilization to decrease inputs, decrease environmental exposure, and increase application efficiency;

''(iii) to develop or improve techniques for planning, breeding, planting, growing, maintaining, harvesting, storing, shipping, and marketing that will address quality and quantity challenges associated with year-to-year and regional variations;

''(iv) to clarify labor requirements and assist producers in complying with requirements to better meet the physically intense and time-compressed planting, tending, and harvesting requirements associated with the production of specialty crops and underserved commodities;

''(v) to provide assistance to State foresters or equivalent officials for the prescribed use of burning on private forest land for the prevention, control, and suppression of fire;

''(vi) to provide producers with training and informational opportunities so that they will be better able to use financial management, crop insurance, marketing contracts, and other existing and emerging risk management tools; and

''(vii) to develop other risk management tools to further increase economic and production stability.

''(D) FUNDING SOURCE.—If the Corporation determines that the entire amount available to provide reimbursement payments under subsection (h) and contract payments under paragraph (4) (in this subparagraph referred to as 'reimbursement and contract payments') for a fiscal year is not needed for such purposes, the Corporation may use a portion of the excess amount to carry out this paragraph, subject to the following:

''(i) During fiscal years 2001 through 2004, amounts available for reimbursement and contract payments may be used to carry out this paragraph only if the total amount to be used for reimbursement and contract payments is less than $44,000,000 for fiscal year 2001, $47,000,000 for fiscal year 2002, $50,000,000 for fiscal year 2003, and $52,000,000 for fiscal year 2004.

''(ii) During fiscal years 2001 through 2004, the total amount used to carry out this paragraph for a fiscal year may not exceed the difference between the amount specified in clause (i) for that fiscal year and the amount actually used for reimbursement and contract payments.

''(E) DELAYED AUTHORITY.—The Corporation may not enter into a partnership under the authority of this paragraph before October 1, 2000.''.

SEC. 304. FUNDING FOR REIMBURSEMENT AND RESEARCH AND DEVELOPMENT.

(a) EXPENDITURES.—Section 508(h)(6) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)(6)), as added by section 302(a) of this Act, is amended by adding at the end the following new subparagraph:

''(E) EXPENDITURES.—

''(i) SPECIALTY CROPS.—Of the total amount made available to provide payments under this paragraph and subsection (m)(4)(B) for a fiscal year, $25,000,000 shall be reserved for research and development contracts under subsection (m)(4)(B). The Corporation may use a portion of the reserved amount for other purposes under this paragraph, with priority given to underserved commodities, if the Corporation determines that the entire amount is not needed for such contracts. If the reserved amount is insufficient for a fiscal year, the Corporation may use amounts in excess of the reserved amount for such contracts.

''(ii) LIMITATION.—In providing payments under this paragraph and subsection (m)(4)(B), the Corporation shall not obligate or expend more than $55,000,000 during any fiscal year.''.

(b) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 516(a)(2) of the Federal Crop Insurance Act (7 U.S.C. 1516(a)(2)) is amended by adding at the end the following new subparagraph:

''(D) Costs associated with the reimbursement for research, development, and maintenance costs of approved policies and other materials provided under section 508(h)(6) and contracting for research and development under section 508(m)(4)(B).''.

(2) USE OF INSURANCE FUND.—Section 516(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1516(b)(1)) is amended by adding at the end the following new subparagraph:

''(E) Reimbursement for research, development, and maintenance costs of approved policies and other materials provided under section 508(h)(6) and contracting for research and development under section 508(m)(4)(B).''.

SEC. 305. BOARD CONSIDERATION OF SUBMITTED POLICIES AND MATERIALS.

(a) PERSONS AUTHORIZED TO SUBMIT.—Section 508(h)(1) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)(1)) is amended by inserting after ''a person'' the following: ''(including an approved insurance provider, a college or university, a cooperative or trade association, or any other person)''.

(b) SALE BY APPROVED INSURANCE PROVIDERS.—Section 508(h)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)(3)) is amended by inserting after ''for sale'' the following: ''by approved insurance providers''.

(c) TIME PERIODS FOR APPROVAL OR DISAPPROVAL.—Section 508(h)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)(4)(A)), as amended by section 105(c), is amended—

(1) in clause (iii), as redesignated by section 105(c), by striking ''of the applicant.'' and all that follows through the end of the clause and inserting

'', and such application, as modified, shall be considered by the Board in the manner provided in clause (iv) within the 30-day period beginning on the date the modified application is submitted. Any notification of intent to disapprove a policy or other material submitted under this subsection shall be accompanied by a complete explanation as to the reasons for the Board's intention to deny approval.''; and

(2) by striking clause (iv), as redesignated by section 105(c), and inserting the following new clause:

''(iv) Not later than 120 days after a policy or other material is submitted under this subsection, the Board shall make a determination to approve or disapprove such policy or material. Any determination by the Board to disapprove any policy or other material shall be accompanied by a complete explanation of the reasons for the Board's decision to deny approval. In the event the Board fails to make a determination within the prescribed time period, the submitted policy or other material shall be deemed approved by the Board for the initial reinsurance year designated for the policy or material, except in the case where the Board and the applicant agree to an extension.''.

(d) FUNDING TO EXPEDITE CONSIDERATION.—Effective October 1, 2000, section 516(b)(2) of the Federal Crop Insurance Act (7 U.S.C. 1516(b)(2)) is amended—

(1) by striking ''RESEARCH AND DEVELOPMENT EXPENSES.—'' and inserting ''POLICY CONSIDERATION EXPENSES.—''; and

(2) in subparagraph (A), by striking ''research and development expenses of the Corporation'' and inserting ''costs associated with considering for approval or disapproval policies and other materials under subsections (h) and (m)(4) of section 508, costs associated with implementing such subsection (m)(4), and costs to contract out for assistance in considering such policies and other materials''.

SEC. 306. CONTRACTING FOR RATING OF PLANS OF INSURANCE.

Section 507(c)(2) of the Federal Crop Insurance Act (7 U.S.C. 1507(c)(2)) is amended—

(1) by striking ''actuarial, loss adjustment,'' and inserting ''actuarial services, services relating to loss adjustment and rating plans of insurance,''; and

(2) by inserting after ''private sector'' the following: ''and to enable the Corporation to concentrate on regulating the provision of insurance under this title and evaluating new products and materials submitted under section 508(h)''.

SEC. 307. ELECTRONIC AVAILABILITY OF CROP INSURANCE INFORMATION.

Section 508(a)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(5)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii) and moving such clauses 2 ems to the right;

(2) by striking ''The Corporation'' and inserting the following:

''(A) AVAILABLE INFORMATION.—The Corporation''; and

(3) by adding at the end the following new subparagraph:

''(B) USE OF ELECTRONIC METHODS.—The Corporation shall make the information described in subparagraph (A) available electronically to producers and approved insurance providers. To the maximum extent practicable, the Corporation shall also allow producers and approved insurance providers to use electronic methods to submit information required by the Corporation.''.

SEC. 308. FEES FOR USE OF NEW POLICIES AND PLANS OF INSURANCE.

Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended by adding at the end the following new paragraph:

''(11) FEES FOR NEW POLICIES AND PLANS OF INSURANCE.—

''(A) AUTHORITY TO IMPOSE FEE.—Effective beginning with fiscal year 2001, if a person develops a new policy or plan of insurance and does not apply for reimbursement of research, development, and maintenance costs under paragraph (6), the person shall have the right to receive a fee from any approved insurance provider that elects to sell the new policy or plan of insurance. Notwithstanding paragraph (5), once the right to collect a fee is asserted with respect to a new policy or plan of insurance, no approved insurance provider may offer the new policy or plan of insurance in the absence of a fee agreement with the person who developed the policy or plan.

''(B) DEFINITION.—For purposes of this paragraph only, the term 'new policy or plan of insurance' means a policy or plan of insurance that was approved by the Board on or after October 1, 2000, and was not available at the time the policy or plan of insurance was approved by the Board.

''(C) AMOUNT.—The amount of the fee that is payable by an approved insurance provider to offer a new policy or a plan of insurance under

subparagraph (A) shall be an amount that is determined by the person that developed the new policy or plan of insurance, subject to the approval of the Board under subparagraph (D).

''(D) APPROVAL.—The Board shall approve the amount of a fee determined under subparagraph (C) for a new policy or plan of insurance unless the Board can demonstrate that the fee amount—

''(i) is unreasonable in relation to the research and development costs associated with the new policy or plan of insurance; and

''(ii) unnecessarily inhibits the use of the new policy or plan of insurance.''.

SEC. 309. CLARIFICATION OF PRODUCER REQUIREMENT TO FOLLOW GOOD FARMING PRACTICES.

Section 508(a)(3)(C) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(3)(C)) is amended by inserting after ''good farming practices'' the following: '', including scientifically sound sustainable and organic farming practices''.

SEC. 310. REIMBURSEMENTS AND RENEGOTIATION OF STANDARD REINSURANCE AGREEMENT.

(a) REIMBURSEMENT RATE CHANGES.—

(1) CAT LOSS ADJUSTMENT.—Section 508(b)(11) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(11)) is amended by striking ''11 percent'' and inserting ''8 percent''.

(2) REIMBURSEMENT FOR ADMINISTRATIVE AND OPERATING COSTS.—Section 508(k)(4)(A)(ii) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)(A)(ii)) is amended by striking ''24.5 percent'' and inserting ''24 percent''.

(3) APPLICATION OF AMENDMENTS.—The amendments made by this subsection shall apply with respect to the 2001 and subsequent reinsurance years.

(b) RENEGOTIATION.—Effective for the 2002 reinsurance year, the Federal Crop Insurance Corporation may renegotiate the Standard Reinsurance Agreement.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON-LEE OF TEXAS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. JACKSON-LEE of Texas:

Add at the end of title III the following new section:

SEC. . SENSE OF CONGRESS REGARDING PARTICIPATION OF MINORITY AND LIMITED-RESOURCE PRODUCERS IN CROP INSURANCE PROGRAMS.

It is the Sense of Congress that the Secretary of Agriculture should ensure the full participation of minority and limited-resource farmers and ranchers in the programs operating under the Federal Crop Insurance Act, as amended by this Act.

Ms. JACKSON-LEE of Texas. Mr. Chairman, my amendment specifically to H.R. 2559 provides for a sense of Congress for the full participation of minority and limited resource farmers and ranchers in programs operating under the Federal Crop Insurance Act as amended by the Agriculture Risk Protection Act of 1999.

First of all, let me thank the chairman and ranking member, both from Texas, for their cooperation in this sense of Congress. Many of them are aware that all of us as members of the Congressional Black Caucus have been working over the years with African-American farmers. In particular, those of us who live in urban or inner city communities have found ourselves more and more educated about the plight of the black farmer, in particular because many who have lost their land have moved into our cities or in fact some of our residents who live in our district still retain farming connections, as we call it, in the country. In fact, one of the sites for the black farmers meeting was Houston. Another site is Detroit, Michigan; both urban centers.

H.R. 2559, in particular, provides viable risk management tools which are imperative for producers. Crop insurance is a critical tool in a producer's risk management tool box, one which must be more affordable, equitable and more broadly available.

While farming and ranching has been declining in our country, minority and limited resource farmers have faced a severe loss of their farms over the last 70 years. According to the most recent census of agriculture, the number of all minority farms have fallen from 950,000 in 1920 to 60,000 in 1992. For African Americans, the number fell from 925,000, 14 percent of all farms in 1920, to only 18,000, 1 percent of all farms in 1992. Although the number of farms owned by other minorities has increased in recent years, particularly among Hispanics, the total acres of land farmed by these groups have actually declined. Only women have seen an increase in both the number of farms and acreage farmed.

H.R. 2559 goes a long way in ensuring that all farmers and ranchers have access to crop insurance. We need to particularly be mindful of our minority and limited resource farmers and ranchers. And so this amendment puts the sunlight and the highlight on our minority and limited resource farmers and ranchers to ensure that the programs operating under the Federal Crop Insurance Act do reach out to them. This measure is an important first step toward meeting this goal. I urge my colleagues to support not only this particular legislation but the amendment.

Mr. Chairman, today I rise to support H.R. 2559, the Agriculture Risk Protection Act of 1999. This legislation would enact needed improvements to the current crop insurance program for farmers and ranchers. H.R. 2559 provides substantial improvements that will strengthen program performance and participation across all commodities and regions of the country.

Viable risk management tools are imperative for producers. Crop insurance is a critical tool in a producer's ''risk management tool box''—one which must be more affordable, equitable and more broadly available.

H.R. 2559 amends the Federal Crop Insurance Act to strengthen the safety net for agriculture producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program.

While farming and ranching has been declining in our country, minority and limited-resource farmers have faced a severe loss of their farms over the last 70 years. According to the most recent Census of Agriculture, the number of all minority farms has fallen—from 950,000 in 1920 to around 60,000 in 1992. For African-Americans, the number fell from 925,000, 14 percent of all farms in 1920, to only 18,000, 1 percent of all farms in 1992. Although the number of farms owned by other minorities has increased in recent years, particularly among Hispanics, the total acres of land farmed by these groups has actually declined. Only women have seen an increase in both number of farms and acres farmed.

H.R. 2559 goes a long way in ensuring that all farmers and ranchers have access to crop insurance. We need to be particularly mindful of our minority and limited-resource farmers and ranchers. This measure is an important first step toward meeting this goal. I urge my colleagues to do the right thing and support H.R. 2559 in a bipartisan manner.

Mr. COMBEST. Mr. Chairman, I rise in support of the amendment.

I would say to the gentlewoman that the crop insurance program obviously is a voluntary program which should be open and we would always want it to be open to any individual who qualifies as a farmer. And that the intent of this bill is to create an additional menu of insurance options that are available to hopefully be able to reach and to meet the specific needs that some farmers may have that may not fit into a bigger box. That is the whole purpose, to create new programs available. Certainly without singling out or giving a priority to anyone, I just want to make sure the record is clear that this program is available voluntarily to any farmer who wishes to participate who does qualify.

With that in mind, Mr. Chairman, I would rise in support and urge the adoption of the gentlewoman's amendment.

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

I want to say that it certainly was the full intent of the Committee on Agriculture that all farmers be allowed full participation in this. I appreciate the gentlewoman from Texas with the sense of Congress resolution that she offers today which will highlight the full intent of that. I commend her for bringing this, and I urge support of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title III?

If not, the Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—EFFECTIVE DATE AND IMPLEMENTATION

SEC. 401. EFFECTIVE DATE.

Except as provided in sections 301(b) and 305(d), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act. The actual implementation by the Secretary of Agriculture and the Federal Crop Insurance Corporation of an amendment made by this Act shall depend on the terms of the amendment or, in the absence of an express implementation date in the amendment, the special rules specified in section 402.

SEC. 402. SPECIAL RULES REGARDING IMPLEMENTATION OF CERTAIN AMENDMENTS.

(a) IMPLEMENTATION FOR 2000 CROP YEAR.—The amendments made by the following sections of this Act shall apply beginning with the 2000 crop year:

(1) Section 104, relating to review and adjustment in rating methodologies.

(2) Section 106, relating to cost of production as a price election.

(3) Section 107, relating to premium discounts for good performance.

(4) Section 202, relating to improving program compliance and integrity.

(5) Section 203, relating to sanctions for false information.

(6) Section 204, relating to protection of confidential information.

(7) Section 205, relating to records and reporting.

(8) Section 206, relating to compliance with State licensing requirements.

(9) Section 309, relating to requirement to follow good farming practices.

(b) IMPLEMENTATION FOR FISCAL YEAR 2000.—The amendments made by the following sections of this Act shall apply beginning with fiscal year 2000:

(1) Section 105(a), relating to repeal of obsolete pilot programs.

(2) Subsections (a), (b), and (c) and section 305, relating to Board consideration of submitted policies and materials.

(3) Section 306, relating to contracting for rating plans of insurance.

(4) Section 307, relating to electronic availability of crop insurance information.

(c) IMPLEMENATION FOR 2001 CROP YEAR.—The amendments made by the following sections of this Act shall apply beginning with the 2001 crop year:

(1) Section 101, relating to premium schedule for additional coverage.

(2) Section 102, relating to premium schedule for other plans of insurance.

(3) Section 103(b), relating to adjustment in production history to reflect pest control.

(4) Section 109, relating to authority for nonprofit associations to pay fees on behalf of producers.

(5) Section 110, relating to elections regarding prevented planting coverage.

(6) Section 111, relating to limitations under noninsured crop disaster assistance program.

(7) Section 201, relating to limitation on double insurance.

(d) IMPLEMENTATION FOR FISCAL YEAR 2001.—The amendments made by the following sections of this Act shall apply beginning with fiscal year 2001:

(1) Section 105(b), relating to general requirements applicable to pilot programs.

(2) Section 304, relating to funding for reimbursement and research and development.

SEC. 403. SAVINGS CLAUSE.

The Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) and section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333), as in effect on day before the date of the enactment of this Act, shall continue to apply with respect to the 1999 crop year and shall apply with respect to the 2000 crop year, to the extent the application of an amendment made by this Act is delayed under section 402 or by the terms of the amendment.

The CHAIRMAN. Are there further amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

□ 1300

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCHUGH) having assumed the chair, Mr. LATOURETTE, 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. 2559) to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes, pursuant to House Resolution 308, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the Committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2559, the bill just passed.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2559, AGRICULTURAL RISK PROTECTION ACT OF 1999

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 2559, the Clerk be authorized to correct section numbers, punctuation, citations, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Without prejudice to the resumption of regular legislative business, 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 Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

(Mr. LIPINSKI 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 Kentucky (Mr. FLETCHER) is recognized for 5 minutes.

(Mr. FLETCHER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent to proceed with my 5-minute special order at this time.

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

There was no objection.

WE SHOULD NOT SPEND SOCIAL SECURITY SURPLUS MONEY ON OTHER GOVERNMENT PROGRAMS

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

Mr. SMITH of Michigan. Mr. Speaker, we have significant challenges before this legislature, possibly more than any of the 7 years that I have served in Congress. That challenge is to hold the line on spending. The question before this body is should we spend the Social Security surplus money for other government programs.

And, Mr. Speaker, everybody should understand that when Congress spends more money, most often they are more likely to be reelected. They take home pork barrel projects, they do more things for more people with taxpayers' money, and they end up on the front page of the paper or end up on television cutting the ribbons; and so part of the problem is that there is a lot of Members of Congress supported by a lot of bureaucrats that work within Federal Government, all of whom would very much like to spend more money and have a bigger government.

The challenge facing us this year is a budget resolution decision not to spend

the Social Security surplus funds coming in. We are now approaching the new fiscal year. Day after tomorrow the new fiscal year starts for the United States Government. In that budget we now anticipate $148 billion coming in surplus from the FICA tax, from the Social Security tax. We now estimate approximately $14 billion coming in surplus from the on-budget surplus or, if you will, from the income tax.

In our budget resolution we said we were not going to spend the Social Security surplus. We passed what was called a lockbox bill on the floor that says that we are going to put all of the Social Security surplus into a lockbox and not use it for anything except Social Security.

Now we have got a lot of individuals, including the President, suggesting that we should have more spending; but everybody needs to understand that more spending means that we use the Social Security surplus money. The President suggested that we take 66 percent of the Social Security surplus and set that aside and do not spend it, but that we go ahead and we spend one-third of the Social Security surplus. This side of the aisle, the Republicans, said, no, let us try to do a little better than that, let us put a hundred percent of the Social Security surplus, trust fund surplus, aside and make sure that we do not spend it for other government programs.

I mean it is tough. We have not done this before. It would be history making if we are able to do this. Before the Republicans took the majority in 1995, for the 40 years before that the Democrats had the majority in this chamber for most every one of those years. Any time there was a surplus coming in from Social Security, it was spent for other government programs.

I chair a bipartisan task force of the Committee on the Budget on Social Security. In those hearings we learned that the Social Security Administration may be very well underestimating life span, especially how long an individual is expected to live after they reach the age of 65. Futurist medical experts were guessing that within 25 years anybody that wanted to live to be a hundred years old could make that decision to do so, and they guess that maybe within 35 years anybody that wanted to live to be 120 years old, it was within a realistic realm of possibility that they could live that long, Mr. Speaker.

See the huge consequences this will mean for any pension programs, for any government program, whether it is Social Security or Medicare or whether it is Medicaid with a huge cost, increasing cost, of nursing home care if individuals are going to live that long, because what we are faced with is a declining number of workers paying their tax in that immediately is spent out in benefits.

I mean Social Security has been a pay-as-you-go program ever since it started in 1935. In other words, current workers pay in their taxes to pay the benefits of current retirees. When we started in 1935 and up through the 1940s, we had about 41 people working, paying in their taxes, for every one retiree. Today there is three people working paying in their taxes for every one retiree. By 2030 we are expecting that there is only going to be two people working. That means that those two people have to earn enough to provide for their families plus one retiree.

Huge challenges. Let us be careful. Let us rededicate ourselves not to spend the Social Security surplus. It is a good start.

STATE OF THE FARM ECONOMY IN AMERICA

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

Mr. NETHERCUTT. Mr. Speaker, it is my pleasure to talk for a few minutes today about the state of the farm economy in America. I have listened with interest over the last hour or so to a number of Members come to the floor and speak passionately about the problems that exist in our agriculture sector of our economy across this Nation.

I am proud to hail from the east side of the State of Washington, a location which grows abundant crops, lots of grains, wheat, oats, peas and lentils and other commodities, most of which are exported overseas. When the farm bill policy of our country was adopted back in 1996, it was met, I think, with general acceptance in my part of the country, that this is a good policy change for our farmers, that they would farm for the market and not just for the Government, and the continual subsidies that had been in existence for many, many years under long-term farm policy in this country would see a change.

There would be a reduction over a period of time in the subsidies that had been provided, a marked transition payment assistance program that ultimately would get our farmers into a world market condition where the market would meet the needs, the income needs, of the farmer and not to have the farmer necessarily turn to the Government repeatedly year after year.

This was a good change. I think it was a positive change. For those of us in Congress who feel that the free market is the best way to go, a free market economy is the best, it in many respects caused some problems for our farmers because while on the one hand the Federal Government would say we are going to adopt a free market economy in agriculture, but yet we are not going to provide markets overseas for our farmers to market to, which brings me to the point that I want to make this evening:

That is that in order for our farmers to survive, those in eastern Washington as well as other parts of the country, we must have open markets. Currently our country has a policy of putting embargoes on countries with whom we disagree government to government. I happen to be proudly a member of the Committee on Appropriations, the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, which now has before it an issue regarding sanctions relief as part of the evolving policy to assist our farmers across this country.

I think our policy as a general proposition ought to be that we lift sanctions on food and medicine to countries around the world, not providing assistance government to government, but providing assistance to the people of the countries with whom we disagree and their leadership with whom we disagree, providing assistance to those countries in a market-oriented system that allows them to buy our farm products, to purchase them, not to give them, not for us to assist terrorist governments. That is not the intent of anybody in my judgment who supports lifting of sanctions, but to provide assistance to American farmers who are shut out of markets around the world that other countries are not shut out of.

So what happens is that a farmer, the government of Australia or Canada or the European Union has the ability to go into markets that we are frozen out of, American farmers are frozen out of, and underbid prices to sell products, commodities, to those countries; and then in those countries with which they can compete with us, they will undercut us even more. They will raise the prices in the sanctioned countries to get the sale, they will lower the prices in the competing countries in order to beat us out of a sale.

□ 1315

Iran is a prime example. I disagree absolutely with the government of Iran and their policies of terrorism around the world and oppression, but they are buying wheat from Canada, Australia, and the European Union. Americans are getting nothing from nor realizing any sales to this country.

So my argument is that before the Committee on Appropriations, Subcommittee on Agriculture, we have the issue of sanctions relief. I think we ought to have sanctions relief in this bill. It is an opportunity for us to say we are not going to use food and medicine as a weapon of foreign policy.

Iran cannot shoot grain back at us, but they can sure buy our grain and help our agriculture community in eastern Washington and around the country that want to sell to this country.

I know there is a problem with Cuba, and I understand that issue. And I am willing as one Member of the House to address that issue and discuss it and try to come to some reasonable solution about it, given the political consequences of some Members of the

House. But I think as a general proposition, Mr. Speaker, we ought to raise sanctions, lift them, so that our agriculture community can survive in a free market system in the years ahead.

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

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. JONES 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 Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TAXPAYER FUNDING FOR OFFENSIVE ART

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

Mr. MCINNIS. Mr. Speaker, I do not know how many Members have been keeping track of what is going on in New York City, but I think the repercussions of what is going on in New York City really sweep across the entire country, especially when it pertains to two different groups, one, the taxpayers, and, two, the art community.

Let me start at the beginning of my comments to let you know that I have supported the art community. I have in the past voted for the NEA to support their art with taxpayer dollars. I have, however, on a number of occasions cautioned the arts community, do not go spending this money on careless or offensive art. If you have careless or offensive art, what you need to do to fund that is to go out and raise the money privately or have the individuals do it on their own in a display somewhere else.

That is not a violation of the Constitution or a violation of freedom of speech, to go to an individual who is an artist and say, look, your piece of work is too offensive. We are not going to pay for it with taxpayer dollars. That is not to say that you are banned in the United States from displaying your art. You do have freedom of speech; you may display your art. It is just that the taxpayers are not going to pay for it.

So what happens in New York City? Do you think the art community, especially some of the prima donnas in the art community, listen to that kind of advice? Of course they do not. They decide to draw the line in the sand.

Do you know what kind of line they are drawing? They say, look, we have a picture, a portrait of the Virgin Mary, and it has elephant dung, in my country it is known as crap, elephant crap, thrown on the portrait of the Virgin Mary. That is where they decide they should draw the line. They want that to be continued to be funded by taxpayer dollars.

Mayor Giuliani comes out and says this is offensive. Of course it is offensive. I wonder what the black community would do if Martin Luther King's portrait was there and had crap thrown on it. I wonder what those of us who are concerned about AIDS in this country would do if they put an AIDS blanket on there and threw crap on it.

Of course it is offensive. Those communities would not tolerate it. They would probably take down the building. But I guess it is okay for the arts community in New York City, or at least the leadership of the prima donnas, to say it is all right to offend the Catholic religion and to offend Christians throughout the country.

Let me tell you, the Jewish community could be next. For all I know, this museum might put on the swastika and say it is beautiful art and should be paid for by the taxpayer dollars.

I am urging the art community, Mayor Giuliani is right in this case, and you know he is right. Those are taxpayer dollars. Do not offend the taxpayer, do not offend religions across this world, by allowing the Virgin Mary display in your museum at taxpayer expense.

You have plenty of patrons, plenty of rich patrons that support the arts community. Go to your patrons and say look, will you fund this offensive display? By the way, I would be surprised if you have many that do. But will you fund this display of the Virgin Mary with crap thrown all over it? Will you fund it somewhere else, so we do not have to go to the taxpayer?

It is amazing to me. Even the New York Times ran an editorial today, and they say what a courageous stand this art museum is taking by standing up and saying we have the right at taxpayers' expense to display a portrait of the Virgin Mary with crap thrown on it.

I wonder where the New York Times would be if that was an AIDS blanket. I wonder where the New York Times would be if that was a portrait of Martin Luther King or a symbol of the Jewish religion.

It is amazing to me that the art community defies common sense every opportunity they seem to have. I am telling you in New York City and my colleagues that represent New York City, let me tell you, you are hurting the arts community across the United States.

One other point I want to make, if you do think in New York City that this art and that what you have done here does not extend across the country, I am getting calls in my district, the 3rd Congressional District of Colorado. That is the mountains. It is a long ways away from New York City. But I have got constituents, rightfully so, very, very upset about the fact that you in New York City in that arts community, the prima donnas, are funding with taxpayer dollars that picture, that portrait of the Virgin Mary with dung thrown on it, and stand up and have the gall to defend it.

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

Mr. MCINNIS. I yield to the gentleman from California.

Mr. ROHRABACHER. Recently we have, of course, seen a terrible situation where young Christians were murdered and attacked by someone down in Texas. Does the gentleman believe that perhaps some of this vitriol he is talking about could have resulted in that type of violence against Christians? We will leave that for the public.

REFINEMENTS TO THE BALANCED BUDGET ACT

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

Mr. RAMSTAD. Mr. Speaker, today I rise in frustration, frustration with the government agency that may even be more unpopular than the IRS, if you can believe it. My friends on the Health Subcommittee of Ways and Means and many other colleagues on both sides of the aisle know exactly who I am talking about, the Healthcare Financing Administration, or HCFA.

Mr. Speaker, on Friday of this week our Health Subcommittee will be holding a hearing on refinements to the Balanced Budget Amendment, or BBA. As we plan for this hearing, I hope the administration will not appear before us again in the subcommittee and insult our intelligence. I will be asking some tough questions about their handling of the Medicare program recently, and I hope I do not hear that the agency is unable to address the concerns we are hearing about from seniors across the Nation, and also from Medicare providers, because the agency's hands are completely tied by prescriptive BBA language. That is the constant refrain we get from HCFA, the agency's hands are completely tied by prescriptive BBA language.

We hear these lines about prescriptive language and Congressional intent when the administration does not want to do things, but when it does want to act, when it does want to do something, it is perfectly comfortable with

ignoring bill language or Congressional intent.

Some of the problems we are hearing about in Medicare from health care providers are all results of actual BBA language. Yes, they are. The Health Subcommittee is planning to provide relief in those areas. But, as Senator ROTH and Chairman THOMAS have said recently, there is also a lot HCFA can do.

The BBA gives HCFA significant power over how things are implemented. The risk adjuster for Medicare+Choice payments is a perfect example. Many of my colleagues and I have heard concerns about the risk adjuster the administration has designed. One very important concern is how this risk adjuster will impact some very special programs, especially innovative programs that seniors want and that the frail elderly seniors need so desperately.

HCFA obviously understands the grave impact the interim risk adjuster will have on these programs. In fact, HCFA exempted them from the risk adjuster for the first year. But the argument which compelled the agency to exempt them for one year remains the same and just as powerful for all the years under the interim risk adjuster.

Now, I might be just a plain Norwegian from Lake Woebegone, Mr. Speaker, but even I cannot understand why the agency is not exempting them for the entire interim period. That just makes good common Governor Jessie Ventura sense. If they have the authority to do it for 1 year, it seems they have the authority to do it for multiple years. Conversely, if they do not have authority for all the years, then how do they have the authority to do it for one?

I see nothing in the BBA which prohibits the agency from exempting them for more than 1 year. Even if I were to accept HCFA's claim that only Congressional action allows a multiple-year exemption, that still would not allow me to understand why HCFA is not supporting the bill I introduced to provide the multiple exemption. They tell providers, well, we need Congress to pass a bill. So I introduced one. Then they come up with the multiple weak arguments against the bill.

Mr. Speaker, I am offering to address any substantive concerns in a reasonable way, in a reasonable commonsense way, and I hope we will be having such an exchange on Friday in the Health Subcommittee. I invite the administration to join me for the sake of frail, eligible, elderly beneficiaries in Minnesota and across this Nation.

UNITED STATES-CHINA MILITARY EXCHANGES

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

Mr. ROHRABACHER. Mr. Speaker, 2 days ago, the U.S. Secretary of Defense, William Cohen, told reporters that he hopes the U.S. military will resume contacts with the Communist Chinese military. At the very same time that Secretary Cohen was speaking, in Shanghai, Chinese dictator Jiang Zemin was speaking to a gathering of elite U.S. corporate chairmen who were in China to help celebrate the 50th anniversary of the communist takeover of the mainland of China.

Jiang Zemin blatantly renewed threats by the communist regime to conquer Taiwan by force, and then he threatened the United States. ''We will not allow any foreign force to create or support Taiwanese independence.''

I have in my possession, Mr. Chairman, Pentagon documents detailing the Clinton Administration's exchange program between the United States and Communist China. It is a military exchange program. This program of military exchanges has, in effect, assisted the Communist Chinese Air Force in improving its capabilities to conduct bombing raids on Taiwan.

The May 1999 Air Force exchange, and this was an exchange in May of 1999, this year, introduced the Communist Chinese, and these are military leaders in the Communist Chinese military, to our most advanced Air Force capabilities. This may eventually cause the death of Americans serving in any U.S. air or naval forces that would attempt to defend Taiwan against communist attack.

This is mind boggling. I pray that those people who are listening to this or reading it in the CONGRESSIONAL RECORD or my colleagues will please pay attention. We are talking about training Communist Chinese military people in ways that will result in the death of thousands, if not tens of thousands, of American military personnel. It is outrageous. It is incredible. What can you say? What can we do to draw attention to this absolute outrage?

The Chinese Communist People's Liberation Air Force and government air traffic control delegation visited the United States between May 9 and May 20 of this year. Air traffic control certainly sounds harmless. The Pentagon documents used to brief these Chinese visitors show that they observed or participated in advanced combat Air Force exercises with the U.S. 389th Fighter Squadron at Luke Air Force Base in Arizona. They also observed fighter bomber operations at Edwards Air Force Base test center in California.

At these exercises, they experienced the real or simulated flights of bombing runs and strafing runs by our most sophisticated military aircraft. Especially useful for the Communist Chinese in their potential attack by the Communist Chinese on Taiwan was the briefing they got, and these DOD documents verify this, that they were shown how the military can use civilian airfields to conduct military operations.

What we see by these DOD documents is that our government, our Defense Department, showed the Communist Chinese how we would use our radar systems for air traffic control of fighter bombers at remote airfields.

□ 1330

We showed the Communists how to use AWACs in coordinating bombing campaigns. We showed the Communists how we coordinate our AWACS with inflight refueling for long-range missions.

Mr. Speaker, earlier in this session, when I discovered this military exchange program and made it public, the Congress appealed to the Defense Department and passed legislation to end military exchanges that would benefit the warfighting skills of the Chinese military.

These DOD documents prove that the Pentagon has ignored the will of Congress. Instead, they have not only jeopardized the 24 million people who live on Democratic Taiwan but this administration is in effect teaching the Communist Chinese how to improve their ability to kill America's defenders.

Again, this is bizarre. It is almost surrealistic. I beg my colleagues to pay attention to this. I beg the administration to come to their senses, quit trying to treat the world's worst human rights abuser, a regime that constantly reminds us that they do not believe in anything that America believes in, hates everything America stands for. I beg them to quit trying to call these people our strategic partners and training them how to do their military.

I stand ready to give my colleagues all of these documents upon request.

The SPEAKER pro tempore (Mr. LATOURETTE). Under a previous order of the House, the gentlewoman from Florida (Ms. BROWN) is recognized for 5 minutes.

(Ms. BROWN of Florida 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 gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

(Ms. WATERS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO BRADLEY CURRY, A GREAT AMERICAN

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, in the days ahead we will debate the final actions that we will take on the budget. We have already tried to bring tax relief to the American people, and we in this Congress day in and day out are fortunate enough to be the governors of a great country that is the freest, safest, and richest country in the world.

There are Americans day in and day out, as we cast these debates and cast our votes, who back home are working to pay the taxes that finance this government, volunteering their time in civic activities to make their community better, and day in and day out do the work of this country.

I rise here today for just a moment to join many Americans who will next week in Washington, D.C. pay tribute to a great American, to a great Georgian, and to a personal friend of mine, Mr. Bradley Curry, a great businessman who built a company with his employees and his partners known as Rock-Tenn, a national, if not world leader, in packaging and in box board.

While he did that, he raised a wonderful family, committed his time to civic activities for the best of our community, whether helping to solve the problems of our public hospital, Grady Memorial, work in a voluntary think-tank called Research Atlanta, or join with hundreds of other Atlantans to make a dream come true to bring the Olympic Games, the Centennial Olympic Games, to our city in 1996.

Above all else, Brad Curry is a dedicated American. His partisanship is red, white, and blue. He works for the best of our country and business, the best in mankind in our community and, most importantly of all, for the continuing foundation of our freedom that we enjoy.

So for this moment on this floor, I rise to pay tribute to Bradley Curry, who will retire at the end of this year from the Rock-Tenn Corporation, but will not retire from his tireless efforts on behalf of his city, his State and his country. I ask all in this Congress to join me in paying their highest respects to Bradley Curry of Atlanta, Georgia, upon his retirement from the Rock-Tenn Corporation.

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

(Mr. EHLERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

RELIGIOUS BIGOTRY IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. ARMEY) is recognized for 60 minutes.

Mr. ARMEY. Mr. Speaker, today America is at a crossroads. Our people head into the 21st century having witnessed remarkable events all across the globe. We have seen the rise and we have seen the fall of tyranny, Nazism and Communism, with Americans being instrumental in the destruction of both.

We have seen technological and scientific developments unparalleled in history. America itself is more prosperous than it has been at any time in its existence. The United States is now recognized as the unchallenged superpower in the world.

Mr. Speaker, at the same time that our Nation has seen so many achievements, we must admit that there are some areas where we are not making the progress that we should. Today, Mr. Speaker, I regret to say that in one area where we are losing ground is our treatment of religious believers. We are witnessing a rising level of bigotry against people of faith, especially Christians.

Mr. Speaker, let me talk about some of the most recent examples that I have seen. The first three followed after the tragic shootings in Littleton, Colorado, and Fort Worth, Texas.

After the memorial service for the families and victims of Littleton, Colorado, on May 1, the May 1 issue of the Denver Post editorialized against what it called, ''the disenfranchising nature of this memorial service.''

According to the editorial page writers, ''While the service deftly satisfied the needs of fundamentalist Christians, it estranged too many others who came in search of healing and due to the fact that the primary entertainment was by Christian singers Amy Grant and Michael W. Smith, and the key speech was by the Reverend Franklin Graham, son of Billy Graham, it drove away a sizable number of people who had come to mourn the deaths.'' The editorial went on to say, ''We urge State officials to learn from the error and plan future events to be inclusive, not divisive.''

In other words, Mr. Speaker, the editors of the Denver Post objected to the families and victims turning to their faith in this terrible time of grief.

According to the May 18 edition of the Washington Times, plans to create a memorial for the family and victims of the Columbine shootings at the Foothill Parks and Recreational District near the high school were scrapped after the Freedom From Religion Foundation threatened legal action. The spokesman for the group said that the memorial would make non-Christians feel unwelcome at that park.

The day after the tragic shootings in Fort Worth this month, the Washington Times reported that Attorney General Janet Reno was asked the next day whether she thought that these shootings had anything to do with hatred or religious bigotry. Attorney General Janet Reno warned reporters that it was too early to characterize the Fort Worth shooting as a hate crime.

This reticence was in stark contrast to other cases of bigotry. For instance, last year the Justice Department offered its resources to help prosecutors prove racial bias in another Texas case involving the dragging death of James Byrd within days of that tragic killing.

It has been 2 weeks since the shootings in Fort Worth, and we are still waiting for the Attorney General.

Mr. Speaker, there are still other examples. Whether we wish to admit it or not, Christians are now subject to ridicule, mistreatment and bigotry, pure and simple.

The television show ''Nothing Sacred'' lived up to its billing by trying to develop storylines with ministers of the cloth engaging in immoral activity or finding ways to belittle people of faith altogether. According to the New York Post which ran in March 1998, ''Nothing Sacred'' set an all-time low for viewership last year on a major network with 94 percent of the available market bypassing the program.

Hollywood is not any better. Movies such as this summer's release of Stigmata attack the Catholic Church, accusing it of being on a millennium-long crusade to stamp out the true teachings of Christ.

Mr. Speaker, there is more evidence that our society, rather than protecting religious freedom, is discouraging religious expression. According to the Associated Press, the ACLU sued the City of Republic, Missouri, on behalf of Jean Webb, a Wiccan witch, to have its city seal altered to remove the fish symbol.

The May 6 article stated that the ACLU planned to also argue that since the symbol is often found in Christian establishments, not non-Christian ones, and that most of the people who wrote letters supporting the fish symbol identified it as a Christian symbol, the ACLU had plenty of evidence that the city's support of keeping the fish symbol constituted an establishment of religion.

The Chicago Tribune reported that the ACLU this year sued the Chicago Public Schools because of its activities with the Boy Scouts of America. Why? The April 26 news story indicated that it was because the Boy Scout oath pledges that a good scout will obey God. By the ACLU's reasoning, such an oath, because it mentions God, makes the Boy Scouts a religious organization which should not be allowed on school property.

The USA Today ran a story last week announcing that the Augusta, Kansas, school board has revoked a policy that allowed students to lead classmates in prayer over the school intercom after the American Civil Liberties Union challenged the policy as unconstitutional.

On the May 21 broadcast of CNN's Crossfire, Barry Lynn, the executive director of Americans United for the Separation of Church and State, went so far as to criticize the acclaim given to Cassie Bernall, the young girl who was shot at Columbine High because she would not renounce her faith.

He said, I think that what we have done here is to take this one victim, turn it into an example of martyrdom, and then use it to become the springboard for even more exploitation of this tragedy by people with a religious political agenda.

Such insensitivity would have been denounced if he had said the same

about John F. Kennedy, Martin Luther King or even, for that matter, Rodney King.

The District of Columbia public school system was sued this summer for allowing a church to use an abandoned park as a parking lot in exchange for providing after-school services for the neighborhood children. The September 17 story, as reported in the Washington Post, revealed that members of the Metropolitan Baptist Church have been parking about 300 cars on the field on Sundays for more than 10 years. Reverend Hicks agreed to cancel the contract rather than force the city to defend the suit. Reverend Hicks, pastor of the 5,000-member Metropolitan Baptist Church of Washington, D.C. got my attention with his statement when announcing plans to terminate the contract, saying there has been a shift in culture, he said. We have reached the point where God no longer has a place in our communities.

Mr. Speaker, imagine that. A simple contract between the city and the church, where the city says to the church they can use this parking lot on Sundays that would otherwise be vacant and unused if they will provide an after-school service, an opportunity for these children; and somebody challenges that because of their fear of religion and the city is forced to submit.

The Hagerstown Suns, a Single-A affiliate of the major league Toronto Blue Jays, is being sued by the ACLU because they ran a promotion for the past 6 years that reduced ticket prices on Sundays for anyone coming to the stadium with a church bulletin.

According to the Baltimore Sun in their June 29 edition, the ACLU believes this discount is a form of discrimination against the nonreligious.

Jeff Jacoby complains in his August 19 column in the Boston Globe of a blatant case of anti-religious bias involving an inner city Boston church. On July 15, the City of Boston sent a letter to Mason Cathedral warning the church center, which receives taxpayer subsidies to help wayward youth, not to involve its teenage counselors in religious activities, including but not limited to the following: praying, reading Bible stories, drawing Bible pictures, and cleaning in the areas of the church where there are religious symbols. All religious activities must cease immediately.

Jeff Jacoby interviewed the pastor: ''For 5 years, they have been saying I do good work,'' says Reverend Thomas Cross. ''This year, everything has changed.''

Conversely, if anyone stood up and said that the groups like the National Organization of Women and the National Abortion Rights League should not be allowed to operate shelters for battered, homeless women because they cannot separate out their political agenda, they would be laughed right off the stage.

Amazingly, our own Federal Office of Juvenile Justice Delinquency Prevention even funds the middle school curriculum ''healing the hate.'' Get this, Mr. Speaker, our own Federal Office of Juvenile Justice Delinquency Prevention even funds a middle school curriculum entitled ''healing the hate'' that suggests that among the warning signs for school counselors that a child may be dangerous is if he or she grows up in a very religious home.

□ 1345

Mr. Speaker, I know of no religion, I know of no religion that preaches hate, violence, or even, for that matter, disrespect for other people. Yet, we have a Federal Government office that puts together a program that says that, if one identifies a child of faith, one should see that child as a threat to his companion children.

Mr. Speaker, this is done without any shred of evidence showing any linkage whatsoever between Christians and any of these terrible acts of violence that our Nation has faced. Imagine saying that a warning sign that a child may be dangerous or a threat to other classmates was the skin color or sexual orientation of that child's home. Such a statement would be declared outrageous or condemned in every quarter of the land.

In case after case, people of faith are told to mind their own business, keep to themselves, and stay out of the affairs of the rest of society. People of faith are called the extremists, labeled out and out threats to our Nation, and generally find ''Not Welcome Here'' signs all over the place.

Law-abiding people who regularly attend church, try to live their lives as examples to their children and their community are lampooned and mocked. Priests, ministers, and the laymen who support them are expected to sit at the back of the bus when it comes to participating in the public square.

As my colleagues have seen from my examples, when the rights of people of faith are trampled, newspapers and other leaders in our Nation are either silent or complicit. Why is this? What about the rights of people of faith?

Bigotry of any kind, Mr. Speaker, should be confronted. It is always irrational, and it is always unjustified. Madmen who kill at a synagogue deserve our most stinging disapprobation. The tragic death of James Byrd was worthy of the national condemnation. But just as we should be eternally vigilant against racial bigotry, we must also protect the rights of people of faith.

People of faith, Mr. Speaker, are decent, loving, and patriotic. They work hard to provide for their families and are tireless advocates for improving our communities across the Nation. Let us join together and condemn those who would deny freedom and opportunity for every American.

Mr. Speaker, let us have the simple common American decency to respect each and every person who feels within their heart the need to express their faith and respect of other people. We must deal with these circumstances, Mr. Speaker, honestly and assertively.

We are a great Nation. We are a Nation that has been declared in the past to be a good Nation, a Nation of good people. No matter what our prosperity, no matter what our power, we cannot be that if we cannot be a Nation that has the decency to respect the faith of our citizens. We are failing in that regard, and we must turn it around.

MANAGED CARE REFORM

The SPEAKER pro tempore (Mr. LATOURETTE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 45 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, I thank the Majority Leader for yielding me the balance of his time.

One can never say that the floor of Congress is a dull place. So this afternoon we have heard about art exhibits showing the blessed virgin with elephant dung on them. We had a 5-minute speech from the gentleman from Minnesota (Mr. RAMSTAD) who had told us that he lives in Lake Woebegone. So I am going to speak about managed care.

I just thought I would ask the Majority Leader a question. I was wondering if the Majority Leader, in the spirit of a little levity, could tell me the difference between a PPO, an HMO, and the PLO.

Mr. ARMEY. Mr. Speaker, if the gentleman will yield, I will rise to debate. Let me say to the gentleman, though, I am sorry I cannot tell him the difference between a PPO, an HMO, and a PLO.

Mr. GANSKE. Well, Mr. Speaker, one can negotiate with the PLO.

Mr. Speaker, I am going to use the balance of the time to discuss managed care reform legislation that we are going to be debating here on the floor next week. I appreciate the Majority Leader and the Speaker of the House for setting up this debate for next week.

The rumors are that we will be using the bipartisan consensus managed care bill as the base bill. That is the bill that I support. It is a strong managed care reform bill.

We are uncertain at this time as to what type of rule we will have. I would request that we have a clean rule; in other words, a rule that is limited to patient protection legislation and does not involve tax matters for which one could then get into discussions about offsets and other difficult problems.

Well, Mr. Speaker, humor sometimes shows that the public is aware of a problem. I remember, a few years ago, my wife and I went to the movie ''As Good As It Gets.'' Many people saw this movie. It featured Helen Hunt and Mr. Nicholson.

It was about a waitress played by Helen Hunt. She had a young son who

had asthma. In one of the lines of the movie, which I cannot repeat here on the floor, Helen Hunt, with expletive waste language described her HMO as preventing her son who had asthma from getting the type of care that he needed. The forcefulness of her statement caused audiences, not just to laugh, but in many instances to stand up and clap and cheer, as occurred in the movie theater that my wife and I attended this movie, indicating that the public understands that there is a problem in the delivery of health care by HMOs.

It is not so funny when we look at real life cases. We have headlines, and this probably is directly related to the humor or at least the understanding of the statement by Helen Hunt in the movie ''As Good As It Gets.'' We have a headline here from the New York Post: ''HMO's cruel rules leave her dying for the Doc she needs.'' Just like the HMO's cruel rules would not allow Helen Hunt's son in the movie to get the asthma care that he needed, so he was also ending up in the emergency room.

How about this headline from the New York post: ''What his parents did not know about HMOs may have killed this baby.''

Which brings us to an issue in HMO reform that we have been working on which deals with an issue that started this debate several years ago.

Now, before I came to Congress, I was a reconstructive surgeon in Des Moines, Iowa. I still go overseas and do charitable surgery. So I am still involved with the practice of medicine in some respects.

But a few years ago, it became known that HMOs were writing contracts in which they said that, before a physician could tell a patient all of their treatment options, they would first have to get an okay from the HMO. These are called gag rules. That then spawned a number of cartoons.

Here we have one, and I will read this for my colleagues because it is hard to see. We have a physician sitting at his desk, and he says: ''Your best option is cremation, $359, fully insured.'' The patient is sitting there saying, ''This is one of those HMO gag rules, isn't it, doctor?''

Or how about this one. The physician is sitting, talking to his patient. The physician says, ''I will have to check my contract before I answer that question.''

Now, think of that. Now say one is a woman, one has a lump in one's breast, and one goes in to see one's doctor, he takes one's history, does one's physical exam. Then he says, ''Excuse me. I have to leave the room.'' He goes out in the hallway. He has to get on the phone, phone the HMO, and says, ''Mrs. So-and-So has a lump in her breast. She has three treatment options, one of which may be expensive. Is it okay if I tell her about all three treatment options.''

Is that bizarre? Is that ridiculous? Does that strike at the heart of a patient having confidence that his physician is going to tell him all of his treatment options.

Well, it was not such a funny story for a real life patient. This woman in the middle of this picture is dead today because her HMO prevented her from knowing all of her treatment options. This story is fully documented in Time Magazine from about 2 years ago.

Or how about the problem that one has had with HMOs in delivering emergency care. Frequently, HMOs, if one has gone to an emergency room, will deny payment.

Let me give my colleagues an example. You wake up in the middle of the night. You have crushing chest pain. You are sweaty. You know that the American Heart Association says this could be a sign that you are having a heart attack. So you go to the emergency room right away like you should, because if you delay, you may be dead. You have the tests run, and the electrocardiogram shows it is normal. But, instead, you have severe inflammation of your stomach or your esophagus.

So the HMO, ex post facto, says, ''See, the EKG was normal. You were not having a heart attack. You are stuck with the bill, man, because you did not need to go.''

Next time somebody thinks about that and then delays going to the emergency room when they should under what a common layperson would say is truly an emergency, they may not get a second chance.

So here you have a cartoon that sort of deals with this. You have a medical reviewer saying, ''Cuddly Care HMO. My name is Joan. How may I help you? You are at the emergency room, and your husband needs approval for treatment? He is gasping, writhing, eyes rolled back in his head? Does not sound all that serious to me.'', the medical reviewer at the HMO says.

Then she says, ''Clutching his throat? Turning purple? Uh-huh? Have you tried an inhaler? He is dead? Well, then, he certainly does not need treatment, does he?''

Then the medical reviewer from the HMO turns to us and says, ''Gee, people are always trying to rip us off.''

That is black humor. That is black humor, I will tell my colleagues. But that rings a bell with a lot of people who have trouble with their HMOs.

Here you have a picture from a TV show a long time ago. You have a nurse here. She is on the phone, and she is saying, ''Chest pains? Let me find the emergency room preapproval forms.''

How about a real life example of an HMO patient having significant problems with their HMO during an emergency. This young woman who is strapped to a board was hiking not too far from Washington. She fell off a 40-foot cliff. She was lying at the base of the cliff, semi-comatose with a fractured skull, a broken arm, and a broken pelvis.

Fortunately, her boyfriend had a cellular phone, and they got her airlifted into an emergency room. She was in the ICU on morphine drip for a long time, but she is doing okay now. But then she got a refusal of payment from her HMO. They would not pay for her hospitalization. Do my colleagues know why? They said, well, she did not phone ahead for preauthorization.

I mean, think of that. She was supposed to know that she was going to fall off the cliff, break her skull, break her arm, fracture her pelvis. Maybe her HMO thought that, as she was laying at the bottom of the cliff, she should wake up, with her nonbroken arm, pull a cellular phone out, dial a 1–800 number, and say, ''Hello. I just fell off a cliff. I broke my pelvis. I need to go to the emergency room.''

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And then when she was in the hospital on a morphine drip in the ICU, after it became silly, when the HMO was confronted with their denial, they said, well, she was in the hospital and she did not notify us in the first couple of days, so now we are not going to pay for it on that reason.

Well, she was finally able to get some help from her State ombudsman, but many people who have health insurance, particularly through their employers, would not have that option. So what we have in the bill that we are talking about, the patient protection bill, the bipartisan consensus managed-care reform bill, is a provision that says, look, if an average person has what they would say truly is an emergency, they get to go to the emergency room and the HMO has to pay.

How about some of these plan guidelines the HMOs use to determine medical necessity. Remember these? Remember when the HMOs were talking about drive-through delivery of babies or mandating only 24-hour stays in the hospital? Boy, they were embarrassed by that. But under Federal law, they can define medical necessity anyway they want to. And even if a patient suffers an jury, they have no recourse under Federal law.

Here we have a cartoon with Dr. Welby, and he is saying, ''She had her baby 45 minutes ago. Discharge her.'' I mean, imagine that line on that program years ago. People would have thought that was absolutely crazy, and yet that is what the HMOs have mandated in some cases.

Here we have a cartoon that says maternity hospital, and then we have the drive-through window with the caption, ''Now only 6-minute stays for new moms.'' And the person at the window says, ''Congratulations, would you like fries with that?'' And look at the mother. Her hair is all out like this; the baby is crying. And then there is a little thing that says, ''Looking a little like scalding coffee situation,'' in the corner.

Now, this may be a little bit funny, but it was not funny to a woman by the name of Florence Corcoran, whose baby was sent home within the mandated 24

hours. The baby ended up dying of an infection that would have been discovered had the baby been allowed to stay in the hospital just a little bit longer.

I was talking a little bit about the HMO's ability under Federal law for employer plans to define medical necessity any way they want to. Well, I have taken care of a lot of children with this birth defect, a cleft lip and a cleft palate. There are some HMOs out there that are defining medical necessity as the ''cheapest, least expensive care.'' Think of that for a minute. They can deny any treatment that is not the cheapest, least expensive care.

So for this child with this birth defect, instead of authorizing a surgical correction of the roof of this child's mouth that would enable the child to be able to learn to speak correctly, not to mention not having food go out of his nose, that HMO, under Federal law as it currently exists, could say, no, that is not the cheapest care. We are going to prescribe a little piece of plastic to shove up in that hole in the roof of the mouth, what is called an obturator. Of course, will the child be able to learn to speak properly with that? No. But quality does not matter to the HMOs when they are defining care as the cheapest, least expensive care. And under Federal law they could do that with impunity. We need to fix that.

Here we have another cartoon. We have the operating table. We have the doctors, the HMO bean counters, and anesthesiologist at the head of the table. And the doctor says, scalpel. The HMO bean counter says, pocketknife. The doctor says, suture. The HMO bean counter says, Band-Aid. The doctor says, let us get him to intensive care. And the HMO bean counter says, call a cab.

They can do that under current Federal law, because they can define medical necessity as the cheapest, least expensive care.

Here is a cartoon that says, ''Remember the old days, when we took refresher courses in medical procedures?,'' one doctor is saying to a colleague as they walk in the HMO medical school. And the course directory in the HMO medical school is: First floor, basic bookkeeping and accounting; second floor, advanced bookkeeping and accounting; third floor, graduate bookkeeping and accounting.

Now, look, I think some HMOs do a reasonable job, and they should be a choice for people to have. And some HMOs are truly trying to do an ethical job as well. But the HMO field is very competitive, particularly on prices, and there are some bad apples out there that are cutting corners too close. And they are able to do that because this Federal law that I was talking about that passed 25 years ago put nothing in place of State insurance oversight. It took the oversight on quality away from the States. Not a very Republican idea. It took it away from the States, put it in the Federal arena, but then placed nothing in its place in terms of some standard rules on fairness to patients or on quality.

Here we have another cartoon that says, ''the HMO bedside manner.'' ''Time is money'' is the sign on the edge of the bed. ''Bed space is loss. Turnover is profit.'' And the health care provider is saying, ''After consulting my colleague in accounting, we have concluded you're well enough. Now, go home.'' And here we have a patient with his arms in traction looking like he has a fractured face with his jaw in traction.

The bottom line should not be the bottom line if it is going to interfere with quality health care.

Here we have another cartoon where the patient is saying to the HMO physician, ''Do you make more money if you give patients less care?'' The HMO spokesperson says, ''That's absurd, crazy, delusional.'' The patient then says, ''Are you saying I'm paranoid?'' And the answer is, ''Yes, but we can treat it in three visits.''

It reminds me of the well-known joke about the three physicians who died and went to heaven. One of them was a neurosurgeon, and he said to Saint Peter, You know, I fixed people who were in accidents and had blood clots on their brains and I saved their lives. And Saint Peter said, Enter my son. The next person is an obstetrician, and she says to Saint Peter, I have delivered hundreds of thousands of babies, and I have given a lot of free care. And Saint Peter says, Enter, my daughter. And the last one is an HMO medical director who says, Well, Saint Peter, I was able to save millions of dollars by denying care and getting people out of the hospital earlier. And Saint Peter says, Enter, my son, for 3 days.

Here we have a cartoon that is the HMO claims department, and the HMO bureaucrat says, ''No, we don't authorize that specialist.'' Then she says, ''No, we don't cover that operation.'' And then she says, ''No, we don't pay for that medication.'' And then, apparently, there is some strong language or something as she is listening, and then she looks rather cross and says, ''No, we don't consider this assisted suicide.''

Now, look, if all of this seems a little off the wall, let me just say that it has real-life consequences when HMOs are not accountable for their medical decisions. And is there anyone that doubts that HMOs are making medical decisions every day? Not by the hundreds, not by the thousands, but by the tens of thousands every day they are making medical decisions. And under Federal law they are not liable for the bad results, the negligent results of those decisions that could result in loss of life or limb.

Now, if an insurance company sells a policy as an individual, and they are under State insurance oversight, that insurance company does not have that kind of legal liability shield. But under this antiquated Federal law, it is the only group in this country, other than foreign diplomats, that have legal immunity for the decisions that they are making. The automobile manufacturers do not have that kind of legal immunity, the airplane manufacturers or the airlines do not. Only the group that provides health care for employers is totally immune from the consequences or responsibility of their decisions.

So let me tell my colleagues about a case where this makes a real difference, where an HMO made a medical decision. I have here a picture of a little boy who is tugging his sister's sleeve. He is about 6 months old. A few weeks after this picture was taken he is awake at about 3 in the morning with a temperature of about 105, and he is sick. And as a mother can tell, he is really sick and he needs to go to the emergency room.

So Mom does what she should do. She phones that 1–800 number for that HMO and says, My baby, Jimmy, is sick. He has a temperature of 104, 105, and he needs to go to the emergency room. And this voice from some distant place, certainly not familiar with her State, says, Well, all right. I will authorize you to take little Jimmy to this hospital. And Mom says, Well, where is it? And the reply from the medical bureaucrat is, Well, I don't know. Find a map.

Well, it turns out that it is a long ways away. But Mom and Dad know that if they take little Jimmy to a different hospital, then their HMO is not going to cover any of the cost. So they wrap up little Jimmy and start the trek. Halfway through the trip they pass three emergency rooms with pediatric care facilities that could have taken care of little Jimmy, but they cannot stop. They are not medical professionals, but they do know if they stop at those unauthorized hospitals they would be stuck with potentially a huge bill. So they keep driving.

Before they get to the hospital that has been designated, little Jimmy has a cardiac arrest and he stops breathing, and his heart stops beating. Imagine that, while Mom and Dad are driving, Mom is trying to keep this beautiful little boy alive.

They come screeching finally into the emergency room. Mom leaps out screaming, Help me, help me, help my baby. A nurse runs out and does mouth-to-mouth resuscitation. They start IVs, they give him medicines, they pound his chest, and they get him back alive. But because of that medical decision that that HMO made, they do not get him back whole. Because of that circulatory arrest, he ends up with gangrene of both hands and both feet. And they have to be amputated.

Here is little Jimmy after his HMO treatment, sans hands and sans feet. Under Federal law, the HMO which made this medically negligent decision is liable for nothing, zero, nada, because they have already paid for his amputations, and that is all they are liable for.

Is that fairness? Is that justice?

This little boy will never play basketball. I would remind the Speaker of

the House that this little boy will never wrestle. I would remind my colleagues that some day when he grows up and he gets married he will never be able to caress the cheek of the woman that he loves with his hand. I would remind the HMO people who always say do not legislate on the basis of anecdotes like little Jimmy Adams that this little boy, if he had a hand and you pricked his finger, it would bleed.

We need justice. I am a Republican. I have stood on this floor and I have voted for responsibility for one's actions. If a murderer or a rapist is convicted, they should suffer the consequences. When we passed the welfare reform bill, we said it is your responsibility if you are able-bodied and you could work, it is your responsibility to get some education. We will help you with that, but you need to get out and get a job and support your family.

Republicans are big on responsibility. But look, are my fellow Republicans going to say to the HMOs when they are responsible for a little boy losing his hands and feet that that HMO should not be responsible? And furthermore, we Republicans have said, you know what, we should devolve power back to the States. Let us get these things back to the States. This was a Federal law that took this oversight away from the States.

In the name of justice, we should say that if an HMO makes this type of decision that results in this type of injury, they should be responsible for that. That is only fair.

I will tell my colleagues what: Those bottom-line HMOs that are cutting the corners too close will be much more careful so we will not see injuries like this. A judge reviewed this case. The judge, in reviewing the HMO's decision making on this, said that their margin of safety was ''razor thin.'' I would add to that, as razor thin as the scalpel that had to cut off little Jimmy's hands and feet.

What we are talking about next week when we have this debate is an issue that has a lot of importance to people every day around the country. We will have an opportunity to correct a wrong, to right a wrong. The bill, as it was written in ERISA 25 years ago, did not anticipate the changes that we have seen in the management of health care by HMOs where they are now managing medical decisions.

I am a physician. I would never argue that if I had made a negligent decision that had resulted in an injury like this that I, as a physician, should be immune from the consequences. I do not know any physicians who would make that argument.

I do not know an airplane manufacturer that, if it is negligent and a plane goes down and 200 people are killed, would make an argument on this floor that anyone would vote for that would give them legal immunity for their negligent actions. I just do not see it.

Well, Mr. Speaker, we are going to have an opportunity to debate several bills next week. There is a difference in those bills. There is a bill that my good friends, the gentleman from Oklahoma (Mr. COBURN) and the gentleman from Arizona (Mr. SHADEGG), have introduced.

I would point out that the Health Insurance Association of America does not think that that is a very good bill because of the liability provisions that it has in it. But I would say that there are some problems with that bill.

Let me give my colleagues an example. They have a provision in the bill that requires the exhaustion of all remedies and the internal and external review procedures in order to permit a cause of action against an HMO that would make this type of decision. I think that is a problem.

For example, a patient like little Jimmy Adams could have already suffered an injury or he could have died before he ever went through an appeals process. Or, for instance, a patient might not discover an injury that is a result of an HMO decision until after the time period in which administrative remedies of internal and external review could have been used.

There are some significant problems in the way that liability provisions are written, and I would encourage my colleagues to not support it.

We are going to debate on the floor possibly a medical access bill. I think that bill should be handled on a separate bill. We will have to deal with that issue in the rule. But when it comes to the floor, I would encourage my friends to be very careful about the Talent-Hastert bill.

Let me just read to my colleagues a press release that was put out by the Health Insurance Association of America. This is the insurance folks. On this issue I think they are correct.

They say, there are two provisions in the plan announced by the gentleman from Illinois (Mr. HASTERT) that are cause for concern. ''HIAA opposes the plan's call for Association Health Plans and HealthMarts because they would hurt many small employers who provide coverage to their employees.'' Let me repeat that. This is the insurance industry talking about a bill to increase access. They oppose Association Health Plans and HealthMarts because they would hurt many small employers who provide coverage to their employees. ''This, in turn, will cause many of these employers to drop their coverage because it will become too costly.''

A press release from the same organization speaks about a similar provision in the bill of the gentleman from Ohio (Mr. BOEHNER). His bill ''contains expensive mandates and problematic Association Health Plans and HealthMarts.''

Then we have a press release that says, ''These bills,'' referring to bills that have Association Health Plans and HealthMarts, ''could destroy employer-sponsored health insurance.''

I have a memo from the Blue Cross-Blue Shield Association entitled ''Association Health Plans: The Unraveling of State Insurance Reforms.''

I have another memo from Blue Cross-Blue Shield Association Health Plans. ''Association Health Plan legislation would require billions in Federal regulatory spending.''

Here is another memo from the Blue Cross-Blue Shield plan. Association Health Plan legislation would reduce insurance coverage. I have another memo from the Blue Cross-Blue Shield Association Health Plan. ''Study claims coverage would increase under Association Health Plan legislation is fundamentally flawed.''

I am pointing this out because of this bill that I support, the bipartisan consensus managed care bill, we do not have Association Health Plans in it.

Here is another memo from Blue Cross-Blue Shield. ''Association Health Plan legislation would increase administrative costs for small businesses.''

Here is another memo from Blue Cross-Blue Shield Association Health Plan. ''National survey finds that small businesses reject this type of legislation.''

Mr. Speaker, we will soon have, hopefully, a full debate on the floor on patient protection legislation. There is one bill that has generated the endorsement of over 300 organizations around the country. We have not seen this type of coalition since the days of the civil rights bills. These are all of the patient advocacy groups, the consumer groups, the professional provider groups on board, the American Cancer Society, the American Heart Association, the American Lung Association. You could go down the list. They support one bill. And that is H.R. 2723, the bipartisan consensus managed care improvement act of 1999.

This is a bill that has reached across the aisle. It has come to a reasonable compromise on the liability issue. It says that an employer is not liable if an employer has not entered into the decision making that the contracted HMO has made.

I have a clear legal brief that says our language is rock solid on that protection for employers. It says that if there is a dispute, a patient can then take that denial of care from the HMO and take it to an independent panel in order to get that reversed by the HMO. But, in fairness to the HMO, if they follow independent panel's recommendation, then the HMO is no longer liable for any punitive liability.

This is a fair compromise, and it applies across the board not just to group health plans but to all plans. This would apply to insurers who are in the individual market, as well. That would be a good thing. That would be not leading to lawsuits but preventing injuries so that you do not end up with a little boy who has lost his hands and his feet.

This is a fair compromise, Mr. Speaker. Let us gather together. Let us get past the $100 million that the HMO industry is spending to defeat this legislation. Let us do something right. Let

us agree with the American public that says, by an 85 percent margin, we think Congress should pass Federal legislation to protect patients from HMO abuses like this one.

Mr. Speaker, next week we will have a historic opportunity to show whether we, as individual Members of Congress, are on the side of patients or on the side of the HMO bureaucrats. Support H.R. 2723.

Mr. Speaker, I include the aforementioned articles for the RECORD:

AHP/MEWA STUDY: NATIONAL SURVEY FINDS THAT SMALL BUSINESSES REJECT MEWA LEGISLATION

Performed by: American Viewpoint, Inc.; Sponsor: BCBSA; April 15, 1998.

American Viewpoint, Inc., conducted a national survey of small business owners and employees in order to assess their views on proposed regulatory reforms regarding Multiple Employer Welfare Arrangements (MEWAs) and Association Health Plans (AHPs). A total of 500 interviews were conducted with small business owners and 300 interviews were conducted with employees of small businesses. Interviews were conducted by telephone between March 20 and April 15, 1998.

SUMMARY AND CONCLUSIONS

After arguments on both sides of the debate are presented, small business rejects this proposal by 42%–26%. That is, 42% say Congress should not pass it and just 26% support passage.

By 54%–21% small business owners and employees say their state insurance commissioner is better able than the U.S. Department of Labor to regulate health insurance in their state.

In fact, there is very little confidence in the U.S. Department of Labor's ability to enforce the law without a major increase in the size of the bureaucracy. Only 17% think the Labor Department could enforce the law while 68% say it cannot.

Overall, anti-federal government sentiment is a major factor in the opposition to proposed legislation on MEWAs and AHPs. In all, 63% are less favorable and only 26% are more favorable toward the legislation when they learn that these plans would be regulated only by the federal government—not by the states.

SMALL BUSINESS DOES NOT FAVOR THE USE OF FEDERAL LEGISLATION TO AVOID STATE LAWS

63% are less favorable toward the legislation, and 20% are more favorable, in response to the argument that this legislation ''creates a large loophole through which healthy small employers and certain individuals could exit the state regulated markets, leaving only the sickest remaining in these insurance pools.''

59% are less favorable and 26% more favorable toward the legislation when they learn that plans would be exempt from other state laws such as limits on out-of-pocket expenditures and requirements to include certain specialists.

A majority (55%) are less favorable toward the legislation when they learn that it would exempt affected small group health plans from more than 1,000 consumer protection laws at the state level. Only 24% are more favorable.

54% are less favorable (31% are more favorable) toward the legislation because it would allow health plans to operate without having to comply with each state's laws on premiums, benefits, and financial standards.

Fairness is also an issue. A majority (54%) say it is not fair that exempting these groups from state regulations would allow them to escape the cost of state assessments for programs to help low-income and high-risk individuals who are unable to find affordable health coverage.

A majority (52%) say that federally-regulated group health plans should not be allowed to have lower financial standards than those now required by the states. Only 23% say they should be allowed to have lower standards.

Small employers are very sensitive to price. A 55% majority say they would not be able to continue offering insurance if their premiums went up by 20%. One in three say they would be unable to continue offering insurance to their employees if premiums rose by 10%.

Clearly, anti-federal government sentiment is a major factor in small businesses' rejection of the AHP legislation. However, several other factors are also important considerations. First, they think the bill is unfair to those with a less healthy work force. Second, they think it would lower standards for exempted plans and expose them to health and financial risks from which they are now protected under state law. Third, only one in three think the bill would have a positive impact on their ability to provide health insurance.

In short, although small business may agree with the motivations for this legislation, they realize that the bill itself threatens their ability to provide health insurance to employees, the quality of their coverage, the security of the state-regulated insurance pools, and the quality of insurance regulatory oversight. As a result, a plurality (35%) would be less likely to vote for a Member of Congress who supports this legislation and just 27% are more likely. 22% say it depends.

Note: The margin of error for a random sample of N=800 is ±3.5 percentage points at 95% confidence. The margin of error for N=500 is ±4.5 percentage points and the margin for N=300 is ±5.8 points.

AHP/MEWA STUDY: ASSOCIATION HEALTH PLAN LEGISLATION WOULD INCREASE ADMINISTRATIVE COSTS FOR SMALL BUSINESSES

Performed by: William M. Mercer, Inc.; Sponsor: BCBSA; March 22, 1999.

An analysis by the benefits consulting firm of William M. Mercer found that AHPs/MEWAs have unique administrative costs, such as royalties and membership dues, that make it more expensive for small firms to purchase coverage through these groups. Moreover, Mercer found that general administrative costs for AHPs/MEWAs are similar to insurance companies and that this legislation provides no opportunity for AHPs to reduce administrative costs for small firms.

KEY FINDINGS:

Associations often require additional administrative loads: According to a 1995 survey of associations, 80% of group health insurance programs sponsored by associations produce revenue for the association. Association revenue comes from marketing fees, administrative fees, and royalties and licensing fees. Association-specific fees can be substantial. According to one survey, association administrative fees averaged 3.8%, while royalties (i.e., licensing fees charged to insurers) average 2.2% of premiums for national plans.

Association membership fees can add to the cost of coverage: Association membership fees are an additional cost that must be borne by small firms that purchase health coverage through an AHP. ''As a result of the fees required to join an association, firms and individuals may face higher total costs in the association market than they would if they purchased coverage directly from a health insurance company without joining an association.''

AHPs and insurers have similar administrative costs: ''Administrative costs borne in the small group market would generally apply to federally certified AHPs as well.'' Sales commissions, employer billing, and underwriting expenses tend to be higher for small employers as compared to those for large employers. However, offering small group health plans through AHPs does not eliminate these costs.

AHPs would not reduce administrative costs: ''Based on our review, this legislation would provide no material opportunity for AHPs to reduce health insurance administrative costs for small businesses.'' AHPs could assume responsibility for administrative activities. ''However, it is unlikely that AHPs could perform these activities at lower cost than insurers. Negotiating prices with vendors that are below the insurers' costs would be equally unlikely.''

Mercer concludes that, ''. . . for small group health plans offered by AHPs, the potential administrative cost increases typically would exceed the potential administrative cost savings. We estimate that the additional costs for small firms who buy AHP coverage typically would range from 1.5% to 5% of premiums.''

AHP/MEWA STUDY: STUDY CLAIMING COVERAGE WOULD INCREASE UNDER ASSOCIATION HEALTH PLAN LEGISLATION IS FUNDAMENTALLY FLAWED

Performed by: Barents Group/KPMG; Sponsor: BCBSA; February 12, 1999.

A recent analysis by the Barents Group/KPMG found that a National Federation of Independent Business (NFIB) funded study that asserted that AHP legislation would help solve the uninsured problem contains serious deficiencies that undermine its credibility. Moreover, the NFIB study, performed by CONSAD Research Corp., neglects the primary problem with this proposal: that it would undermine state reforms, thus reducing access for many small employers.

The Barents Group's review of the NFIB study found problems that ''. . . raise serious concerns regarding the accuracy of the estimates.'' Given these problems, Barents concluded that ''. . . the report fails to provide an adequate justification for the assertion that coverage would increase under the proposed association health plan (AHP) legislation.'' Flaws identified include:

Unsubstantiated claims of AHP savings: The projected increase in coverage is based on assumed savings for AHPs of between 5 and 20 percent. According to Barents, ''. . . these assumptions . . . are not based on any evidence that such savings would actually exist. In fact, other studies have shown that AHPs would actually increase costs for many small firms by skimming off employers with healthy workers and undermining state reforms.''

Unrealistic assumptions: Barents found the results of the NFIB study to be ''. . . implausible because they are inconsistent with the existing body of literature on working health insurance coverage.'' For example, the study inflates the estimates by assuming that people are three to six times more likely to buy coverage than one would expect based on the academic literature.

Use of inflated numbers: The base population used for the estimate is ''inflated, which results in overestimation of the number of people who would obtain coverage.'' For example, it appears that individuals covered by Medicare, Medicaid and other public programs may also be in this base, despite the fact that they would typically not participate in AHPs.

Neglecting the effects of income on the decision to purchase insurance: The report fails to account for the fact that low-wage workers would be less likely to obtain coverage. ''The net effect of not accounting for affordability is to overestimate the number of workers that would obtain coverage,'' according to the Barents analysis.

The Barents analysis supports BCBSA's position that the principal effect of this legislation would be to force employers to move from the small group insurance market to AHPs—not increase the number of people with insurance. As the Barents analysis points out, ''. . . if AHPs are successful in reducing costs by attracting a healthier risk-pool, any increase in coverage could be offset by reductions in coverage for the rest of the small group market.''

AHP/MEWA STUDY: ASSOCIATION HEALTH PLAN LEGISLATION WOULD REDUCE INSURANCE COVERAGE

Performed by: Len Nichols, Ph.D., of the Urban Institute; June 16, 1999.

Although association health plans are touted as a ''solution'' for the uninsured, preliminary results of an Urban Institute study indicate that AHP legislation would actually *reduce* overall health insurance coverage. The results of this study, which were outlined in testimony by Len Nichols, Ph.D. before the House Commerce Health Subcommittee, reaffirm concerns raised by numerous groups regarding the potential for this legislation to undermine state reforms and make coverage more expensive for firms and individuals with greater health care needs.

KEY FINDINGS

AHPs will be most attractive to healthy individuals: According to Nichols, ''. . . our research simulations suggest that by far the most important factor determining the attractiveness of various health insurance options is the pool with whom the firm's workers will be joined for premium rating purposes. AHPs and Health Marts . . . will be more attractive to the good risks and less attractive to high risks in search of more heterogeneous pools.''

AHPs would undermine pooling in the insurance market: AHPs will appeal to good risks since they can practice more segmented premium rating practices than the commercial insurance industry. . . . This segmentation increases the chances that firms will be pooled only with firms with similar cost structures.'' In other words, AHPs will fragment the insurance market into smaller and smaller pools, rather than increasing pooling as proponents claim.

AHPs will pull people from existing insurance arrangements, rather than attract the uninsured into the market. Nichols found that ''. . . extremely few new firms are enticed to offer health insurance which did not offer [coverage] before the reform options were made available. The net effect would be a lot of churning of insurance policies, but few uninsured would gain coverage and some firms with insurance would drop coverage.

AHPs will result in more uninsured Americans. Nichols said his projections indicate that ''net coverage is reduced because the commercial and [existing] MEWA pools lose some of their best risks to the AHPs, and thus their pools deteriorate. Because of this risk pool deterioration, some firms drop coverage rather than pay the new higher prices that go with this deteriorating risk pool. These firms do not join the AHPs . . . because that risk pool is too segmented for their taste and risk profiles.''

These preliminary results are part of a growing body of literature that refutes claims that AHP legislation would reduce costs for small firms or help the uninsured. BCBSA believes that AHP/MEWA legislation would raise costs for many small firms without making any progress toward solving the uninsured problem.

AHP/MEWA STUDY: AHP LEGISLATION WOULD REQUIRE BILLIONS IN FEDERAL REGULATORY SPENDING

Performed by: Bill Custer, Ph.D. and Martin Grace, Ph.D., Georgia State University; Sponsor: BCBSA; June 2, 1999.

In this update of a 1996 study of MEWA regulatory costs, Georgia State University researchers Bill Custer and Martin Grace conclude that AHP legislation would create a significant regulatory burden for the federal government. They estimate that billions of dollars in federal regulatory outlays would be needed to oversee AHPs. Moreover, they conclude that provisions that allow federal officials to cede regulation of certain AHPs back to the states would require the creation of a duplicative regulatory system that would actually increase overall regulatory costs.

KEY FINDINGS

The proposal requires major new regulatory outlays: Custer and Martin estimate that regulatory costs would increase by between $431 million and $3.2 billion over a seven-year budget period. Federal regulatory costs could be as high as $2.4 billion over seven years, while state regulatory costs could exceed $1.1 billion.

The AHP proposal creates new federal bureaucracy: The legislation requires federal officials to create a new regulatory bureaucracy to regulate AHPs, which are now overseen by the states. ''Although the federal government already has regulatory responsibility for ERISA plans, AHP regulation should result in significantly higher federal regulatory costs. The Department of Labor (DOL) has testified that they have the resources to review each ERISA health plan once every 300 years. This level of oversight will not be adequate for AHPs, which are much more like insurers than single-employer health plans.''

The proposal creates costly dual regulation scheme: Custer and Grace dismiss proponents' claims that allowing states to enforce certain federal standards will limit regulatory outlays. ''In fact, the most costly regulatory model is one in which the federal and state governments take an equal role in regulating AHPs, which is the most likely regulatory model under this legislation. This is because dual regulation would require both the federal government and the states to develop and maintain duplicative and costly regulatory systems.''

Undermines state insurance laws: Many states have passed reforms that limit insurers' ability to compete on the basis of risk. Although the legislation attempts to limit the ability of AHPs to exclude groups on the basis of claims experience, ''. . . the primary factor in deciding to form one of these groups will be risk. . . . As such, both insured and self-funded AHPs would pull better risks out of the small group market, increasing premiums for those who remain in the state-regulated market or are without access to the association plan.''

[Blue Cross Blue Shield Association, Washington, DC, September, 1995]

AHPS/MEWAS: THE UNRAVELING OF STATE INSURANCE REFORMS

As Congress considers federal health care reform, Congress should reject proposals to exempt Association Health Plans (AHPs) and Multiple Employer Welfare Arrangements (MEWAs) from state law and regulation. These proposals would unravel insurance reforms that most every state has enacted to assure access to health insurance for small firms and their workers.

Rather than enhancing the ''pooling'' of small firms, as claimed by AHP/MEWA proponents, this legislation would lead to smaller and smaller insurance pools as healthy groups leave the state market. The result will be large premium increases for many firms and more uninsured.

WHAT ARE AHPS/MEWAS?

Association Health Plans are health plans sponsored by business and professional groups. Many AHPs exist today under state regulation and can play a valuable role in providing health coverage to their members. Associations and other business groups that provide health benefits to two or more employers are generally called Multiple Employer Welfare Arrangements (MEWAs).

MEWAs can self-fund or purchase insurance from health plans that are regulated by the states. States currently have authority to regulate MEWAs and require self-funded MEWAs to comply with state insurance standards because they are risk-bearing entities and operate like insurers.

IMPACT OF CONGRESSIONAL PROPOSALS TO PREEMPT STATE LAW FOR AHPS/MEWAS

Congressional AHP proposals would exempt self-funded AHPs/MEWAs from state law and transfer oversight to the Department of Labor (DOL). These entities would be exempt from numerous state standards, including solvency requirements, managed care rules, benefit mandates and certain rating laws. Minimal federal standards would replace state rules. This change would:

Allow AHPs/MEWAs to ''Cherry-Pick'': Exemption from state mandated benefits would allow MEWAs to avoid offering benefits that attract sick individuals (such as autologous bone marrow transplants). This proposal also would allow AHPs/MEWAs to be experience rated, rather than pooled with other small groups for rating purposes, as required in many states. Despite certain rules against discrimination in the proposal, AHPs/MEWAs could be designed and marketed in a manner that would attract members with lower expected health care costs.

Destroy State Insurance Reforms and Increase Premiums: Preemption of self-funded AHPs/MEWAs from state regulation would allow a large segment of the health insurance market to escape state regulation. The movement of healthy individuals into self-funded arrangements would leave high risk individuals in the insured pool, but reduce the number of enrollees over which to spread costs. The resulting premium increases would drive away more healthy individuals and ignite another round of premium increases. States would be unable to stabilize rates because such a large portion of individuals would be outside their authority.

Increase the Number of Uninsured: Rather than being a solution for the uninsured, a recent Urban Institute analysis found that AHP legislation would actually reduce overall health insurance rates. According to testimony by Dr. Len Nichols of the Urban Institute, net coverage is reduced because the state-regulated pools lose some of their best risks to the AHPs, and thus the pools deteriorate. Because of this risk pool deterioration, firms drop coverage rather than pay the new higher prices that go with this deteriorating risk pool.

Transfer Insurance Regulation to the Federal Government: This proposal would allow large numbers of AHPs to avoid state rules through self-funding. The number of plans regulated by DOL would increase dramatically, requiring a significant increase in federal regulatory capacity. Under the current

staffing structure, DOL could review each AHP only once every three hundred years, which is inadequate for these new federally licensed insurance arrangements. The regulatory burden for these AHPs could be up to $3.2 billion over 7 years, according to a recent analysis by researchers at Georgia State University.

Expose Federal Government to Monumental Regulatory Responsibilities: by transferring regulatory authority to the federal government, DOL would become responsible for regulating the solvency of hundreds of AHPs/MEWAs across the country. MEWAs have a history of fraud and have left thousands of consumers and providers facing millions of dollars in unpaid medical claims. The National Governors' Association, the National Conference of State Legislatures and the National Association of Insurance Commissioners have stated that solvency standards in the proposal remain inadequate to protect consumers.

BCBSA also opposes proposals to apply special rules (i.e., ratings and exemption from mandated benefits) to insured AHPs/MEWAs. These rules would allow insured AHPs to be experience rated instead of pooled with other small groups and individuals. This provides an opportunity for segmentation of the market. The end result: higher premiums, an unstable market and states that are powerless to address the problem because federal law has overridden their authority.

BCBSA RECOMMENDATION

BCBSA believes that the federal government should allow states to retain the authority to regulate the health insurance market. States are the most appropriate decision-makers to craft legislation that expand across without disrupting insurance markets. However, the federal government should take an active role in encouraging small firms to provide health coverage though targeted tax incentives, such as the small employer tax proposal that BCBSA unveiled in February of this year.

[Press Release—Health Insurance Association of America, September 29, 1999]

NEW ''PATIENT PROTECTION'' BILLS COULD DESTROY EMPLOYER-SPONSORED HEALTH INSURANCE

WASHINGTON, DC.—Despite the assertions of Congressional sponsors, new so-called ''patient protection'' legislation would allow employers to be sued over health benefits voluntarily provided to their employees, and could destroy the employer-based health insurance system, according to a new legal opinion released today by the Health Insurance Association of America (HIAA).

The new HIAA legal opinion demonstrates that the Shadegg-Coburn bill introduced last week—as well as the ''Dingwood'' bill introduced last month—expressly authorize lawsuits against any employer shown to exercise any oversight over its health coverage. The opinion also states that the ''shield'' in both bills—which the bills' sponsors claim would protect employers against lawsuits—would apply only if an employer gives up any involvement with any coverage decision.

Under these bills, even an employer's simple act of choosing health coverage for employees would be considered exercising oversight over health coverage, thereby exposing the employer to the possibility of a lawsuit.

''This legal opinion shows how both bills offer employers who sponsor health coverage a 'Hobson's choice' between the horrific and the horrendous,'' remarked HIAA President Chip Kahn. ''Employers either could pay for higher cost coverage that they cannot control, or retain control and expose themselves to costly lawsuits. Given these choices, many employers are likely to throw in the towel and simply drop coverage altogether, leaving millions more Americans uninsured.''

HIAA's new legal opinion was prepared by Washington, D.C.-based attorney William G. Schiffbauer.

HIAA is the nation's most prominent trade association representing the private health care system. Its members provide health, long-term care, disability, and supplemental coverage to more than 115 million Americans.

[Press Release—Health Insurance Association of America, September 29, 1999]

BOEHNER ''CARE'' BILL A MIXED BAG

The following statement was released today by Chip Kahn, President of the Health Insurance Association of America (HIAA):

Consumers and employers can take some solace that the ''Comprehensive Access and Responsibility in Health Care (CARE) Act,'' offered today by Rep. John Boehner (R-OH), would not saddle them with higher premiums due to expanded liability. Our nation's health care dollars should go toward providing coverage for Americans, and for improving quality-not for lining the gilded pockets of trial attorneys.

Although Rep. Boehner's bill prudently lacks liability, it does contain certain costly mandates and a problematic provision calling for ''Association Health Plans'' and ''HealthMarts.'' HIAA opposes Association Health Plans and HealthMarts because they would undermine-not enhance-the small employer market by increasing premiums for many, and causing many of them to drop their coverage because it will become too costly.

On the one hand, Rep. Boehner's bill lacks liability, and would make coverage more affordable because it calls for an immediate, above-the-line deduction for the purchase of individual health and long-term care insurance. On the other hand, Rep. Boehner's bill contains expensive mandates and problematic Association Health Plans and HealthMarts. All told, Rep. Boehner's bill becomes a mixed bag of pluses and minuses for American consumers and employers.

[Press Release—Health Insurance Association of America, September 29, 1999]

WELL-INTENDED HASTERT PLAN HAS PLUSES AND MINUSES

The following statement was released today by Chip Kahn, President of the Health Insurance Association of America (HIAA):

Speaker Dennis Hastert (R–IL), along with Reps. Jim Talent (R–MO) and John Shadegg (R–AZ), clearly recognize the need for increasing the number of Americans with health insurance. The proposal that they released today is a step in the right direction because it would allow a 100 percent tax deduction for individuals and for self-employed Americans. Also, it would provide a similar deduction for private long-term care insurance, and allow people to set up Medical Savings Accounts (MSAs).

In this respect, their proposal is similar to HIAA's ''InsureUSA'' proposal. HIAA also commends the Speaker and Reps. Talent and Shadegg for recognizing that expanding liability provisions undoubtedly will increase costs and force employers to drop coverage for their employees.

Two provisions in the plan announced by Speaker Hastert are well-intended, but are cause for concern. HIAA opposes the plan's call for Association Health Plans and HealthMarts because they would hurt many small employers who provide coverage to their employees. This, in turn, will cause many of these employers to drop their coverage because it will become too costly.

OZONE POLLUTION IN MAINE

The SPEAKER pro tempore (Mr. LATOURETTE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Maine (Mr. BALDACCI) is recognized for 60 minutes as the designee of the minority leader.

Mr. BALDACCI. Mr. Speaker, the issue that I and other Members in the chamber are going to be talking about tonight is ozone pollution. Primarily it is pollution coming in from the Midwest from utilities and smoke-stack emissions that is, through the weather patterns, ending up turning Maine into the tailpipe, so to speak, for the Nation, and where you are sitting there at Acadia National Park, one of the most beautiful national monuments, and watching the lighthouses and lobster boats and recognizing that this past summer we had 12 days where there was an ozone problem and we have no industries, no industrial manufacturing of any kind, but it is coming in because of this ozone transport from utilities that are burning coal to generate power and going along in a weather pattern and pollution created all throughout that region.

Now, this issue had been addressed in the Clean Air amendments that were passed in 1992 and these utilities were given exemptions because they were told at that particular time that they would be no longer in business. But because of improvements that they have been able to make in terms of their longevity, they are still going on and they are still polluting the air.

Not only is this something that further undermines the competition for the region, because in the Northeast and in our State of Maine we have made the improvements to the industrial manufacturing sector and they have reduced the amount of pollution that the industries within our State and within our region make, but at the same time, because we have had to expend that money to clean up our air and our water and the region in the Midwest has not had to go through that where they have an economic competitive advantage.

On top of that, the pollution that is created from this ozone transport is damaging the young people and their lungs, older people with asthmatic conditions. It is damaging our agricultural crops.

The other ways that these emissions can harm our environment is that the nitrogen deposit into watershed contributes to the over fertilization of coastal and estuary water systems. Too much nitrogen in these water bodies result in increased algae growth, which limits the oxygen available to sustain fish and other aquatic life.

Although contributions from the years vary from place to place, according to the EPA's Great Waters Report, an estimated 27 percent of nitrogen entering into the Chesapeake Bay can be attributed to air emissions. These nitrogen deposits over-fertilize the land; and when this happens, nitrogen can no

longer be stored in the soil and used by plants.

□ 1430

Instead, it leaches into the ground and surface waters, potentially contributing to elevated nitrogen levels in drinking waters. So we are seeing where it not only affects the health of young children, where it affects the health of people suffering from respiratory and asthmatic conditions, but it is also impacting upon our watersheds and environmentally impacting on our agricultural lands and action must be taken.

EPA has the authority, it has been challenged in court in terms of their abilities, but still the underlying law has not been challenged and they have the ability under the 1-hour transport rule to be able to enforce these States, these industries that are not cleaning up their act and that are polluting our waterways and polluting our airways and further hampering the abilities of not just Maine but the Northeast, their business opportunities from being able to compete on a level playing field with industries wherever those industries may happen to be. This is the impact.

So EPA has the authority under the existing laws and we are asking them through a Dear Colleague signed by Members of this body to the EPA to do their job. They have done a good job, we want to pat them on the back, but at the same time we want to make sure that they continue to do their job because people's lives and health depend on them enforcing this law. This is not something that we can wait until next year or the year after or until another Congress or until another executive is in office. It is something that needs to be done now. The people of Maine are suffering because of nothing that they have done, it is just that the weather patterns move from west to east, and the ozone that travels through those tall smokestacks have emitted into the Northeast and have created ozone conditions where, as I referred to, Acadia National Park in Maine has had pollution levels this year on par with Philadelphia. The Jersey shore and industrial Newark have had the same number of bad air days so far this year. Cape Cod's national seashore has had higher pollution levels and more bad air days than Boston and Indiana Dunes National Lakeshore, the remote Door County in Wisconsin and the Great Smokey Mountains National Park. This is a problem that has to be confronted.

There was a negotiation that was going on between governors in the Northeast, and that has fallen apart, because the compromises that were being put forward were too compromising and pollution was not going to be able to be greatly impacted. So now what we are confronted with is basically having EPA do its job, enforce its laws and the regulations that it already has on the books.

I recognize a colleague of mine, my good friend the gentleman from Maine (Mr. ALLEN) who has addressed many national issues in his terms in Congress and been a very effective Member of this body, has also sponsored legislation to get at this particular issue and other issues to make sure that our environment, our air and our water are cleaner, because the real determination and the real judgement that is placed on each of us as stewards is to make sure that the Earth and the resources that we have are in better condition for the next generation than they were for us, and I would ask him to make comments in regards to this legislation.

I was reading a book that was provided by Richard Wilson and a few other editors, it is called ''Particles in the Air.'' In it, it talked about our first environmental stewardship that had taken place. It actually had taken place, it is not anything new and it is not anything radical, but it actually had taken place in 1272 when Edward I, who was an early environmentalist, banned the use of carbon from London because of the problem that the carbon pollution was having on the community in London. And then Edward II and the early history of the sea coals that were being burned to generate a fuel which was causing pollution.

And so pollution control and cleanup is not something new, it has been something that has been going on for well over 400 or 500 years. There have always been these attempts to make sure that the air and water are cleaner because of the health impact, because of the impact on our natural resources, and to make sure as far as equity, making sure that we are not being treated any worse than any other region and our industrial manufacturers have an opportunity to compete, and they are being asked to clean up and they have cleaned up. They are asking to compete, and they have had to install environmental equipment, pollution equipment and other industries in other parts, the Midwest in particular, have not had to do this. It has put us at an economic disadvantage.

I yield to my colleague who is here from Maine, a very effective Member of this body.

Mr. ALLEN. I thank the gentleman for yielding. I really appreciate the gentleman from Maine calling this special order and giving us a chance to talk about what is an extraordinarily difficult and complicated problem for not just those of us in Maine but the entire Northeast.

Basically to go over a little history which he may already have touched on, but in November of 1997, the Environmental Protection Agency proposed a rule to control the interstate transport of nitrogen oxides, which are a precursor to ozone smog. This call for State implementation plans, usually referred to as the NO_X SIP call, was based upon the recommendations of the Ozone Transport Assessment Group which consisted of the 37 easternmost States and the District of Columbia. So that this proposal is not just New England or the Northeast but the 37 easternmost States and the District. The SIP call required the 22 downwind States to submit State implementation plans to reduce nitrogen oxide emissions. Maine was not one of the States that was covered, but our governor pledged to achieve the same reduction of nitrogen oxides as required in the SIP call States.

In May of 1999, the D.C. Circuit Court struck down the NO_X SIP call, if we can continue to speak in some jargon, by ruling that the Environmental Protection Agency did not have the authority to issue the regulations. But the Court cited a doctrine, described as the nondelegation doctrine, which had been dormant for almost 60 years. That is why I think there is good ground to believe that this decision could be overturned on appeal to the U.S. Supreme Court.

Negotiations between the Northeast States and the Midwest States to find a compromise in lieu of the NO_X SIP call have broken down without an agreement.

Now, in Maine we know that smog is not just an urban problem. We know that in the State of Maine, we are a rural State, we are not heavily developed, we only have 1.2 million people. We are as large as the rest of New England combined. Millions of tourists visit Maine every year, and we welcome them, and most of them come to enjoy our pristine natural resources. They come to hike, fish, boat and simply take in the majestic views of the Appalachian Trail or Acadia National Park. Imagine their surprise when on occasion they go to Acadia National Park and find the air is dirtier than what they left behind in the city.

During the summer ozone season, southern Maine often exceeds EPA's health standard for ozone smog. In fact, this past summer, the 3 million visitors to Acadia National Park would occasionally find that pollution levels there were on a par with those in the city of Philadelphia. And further down the Gulf of Maine, the Cape Cod National Seashore had twice the number of days where the ozone level exceeded standards as did the city of Boston.

So what we have got here is an environmental issue but also an economic issue and a public health issue, because smog increases the instances of asthma in children and severely affects all people with respiratory problems. Even highly conditioned athletes experience a 25 percent reduction in lung function on days that do not meet EPA's health standards for ozone. Some studies have shown that emergency room visits for respiratory problems double on bad ozone days, creating a greatly increased burden on our health care system.

Now, the wind blows west to east. It always has, it always will. That is really why the pollution technology that is

adopted in the Midwest and the South affects those of us in the Northeast. As long as the wind blows west to east, New England will have an enormous stake in the smog that is created in the South and in the Midwest. If there is any area where we know that State action is not enough, it has to do with air pollution. We have no way of controlling the air that comes across our borders. Maine is doing everything it can to clean up its own air and water and make sure that on mercury, for example, where the State has taken action, but there is only so much we can do. This is a national problem. It calls for a nationwide approach to controlling air pollution.

Mr. BALDACCI. Mr. Speaker, the gentleman is so accurate in terms of information and why this is a national issue, and to further reinforce that issue, when we talk about the prevailing winds and the emissions from unregulated power plants in the Midwest and South, it is estimated that they are responsible for approximately 30 to 40 percent of New England's background pollution. So we end up having to clean up our own industries, spending our own taxpayers' resources to make sure that we are in compliance, and then we end up having to shoulder the load that we are not even responsible for. So we end up getting punished more than twice in terms of health, the natural resource impact and the impact on the competitiveness of our industries because of this issue and because of its national nature.

We are also putting forward a Dear Colleague to have the EPA do its work. The gentleman has legislation because this is a national issue. Maybe he wants to explain that legislation.

Mr. ALLEN. I would be glad to do that. Again, I believe the gentleman is right. We have to encourage the EPA to take action. We have to encourage the Northeastern States and the Midwest States to continue to try to come together. But we also need a change in law.

I have become convinced that it is irresponsible of this Congress to leave this critical environmental, economic and public health issue to be decided by these long dormant legal doctrines, long battles in court, battles in the EPA over the extent of its authority. Congress can and should deal with this issue now.

Tomorrow, I am going to introduce legislation that I believe will take a major step forward. It is called the Clean Power Plant Act of 1999. It deals directly with the largest source of industrial air pollution in the country, fossil fuel-fired power plants. In the Northeast, States have taken steps to reduce pollution from electric utilities, but nationwide the problem of utility pollution is overwhelming.

Nearly three out of every four power plants in the U.S. are grandfathered from having to comply with the full standards of the Clean Air Act. These plants legally pollute at four to 10 times the rates that are required for new plants. When Congress passed the Clean Air Act 30 years ago, and then the Clear Air Act Amendments 10 years ago, it assumed that these grandfathered plants would be replaced, that they would become obsolete and new plants would be constructed that would be covered by clean air regulations. Well, it has not happened. What has happened is this: Because those plants do not have to meet new source performance standards, because they can pollute more than other plants, they have an economic incentive to stay in business, to keep running.

Dirty power is often cheap power, and the economic advantage gained by these grandfathered plants has allowed them to survive much longer than Congress ever expected. Most of the power plants in the U.S. began operation in the 1960s or before, which is hardly surprising when we consider that their operating costs are often half as much as the cost of running a new, clean plant.

If we are going to control air pollution, whether it is smog, mercury emissions, acid rain or greenhouse gases, we must close the grandfather loophole that allows these ancient plants to continue polluting.

Tomorrow, I will introduce the Clean Power Plant Act of 1999, a bill that will set uniform standards for all utilities no matter when they began operation. It aims to replace or upgrade the oldest and dirtiest plants in the country and level the economic playing field so that new, clean generation can compete in a deregulated electricity market.

My bill sets the same emission standards for nitrogen oxides that EPA included in its SIP call.

□ 1445

It covers four pollutants:

Nitrogen oxides, sulfur dioxides, carbon dioxide, which is a major greenhouse gas and which we need to contain over time, and it is setting no higher standard there than was accepted by the Bush administration in the Rio negotiation; and finally, it covers mercury. Mercury is a pollutant, a heavy metal which is emitted into the air. It comes down hundreds of miles away from the source and has very serious effects on our fish, fresh water fish, and wildlife that consume fish; and so there are now 40 States in this country which have mercury advisories primarily advising pregnant women and children not to eat fresh water fish.

Mr. Speaker, it is a looming crisis. We need to do something about it, and the legislation I am introducing tomorrow will be a major step forward. I want to thank my friend and colleague, the gentleman from Maine (Mr. BALDACCI), for being a cosponsor of that legislation and for all that he is doing to try to make sure that we have a sensible national clean air policy that adapts to the situation we find ourselves in today, which is that these old grandfathered plans have stayed in practice, stayed in operation, much longer than we ever expected and are now contributing enormously to pollution in local areas around the country, but particularly in the Northeast where, as I say, Mr. Speaker, the wind blows all those emissions to.

Mr. BALDACCI. Mr. Speaker, I want to thank the gentleman for offering the legislation, comprehensive legislation that is being offered and that will be made available tomorrow and encourage all our Members of this body to sign on to that legislation and at the same time encouraging the courts and the EPA to continue on in the Dear Colleague letters that have been going through the Senate and the House.

This is going to require sort of an effort in all quarters, and I think that we will be able to recognize that what we are talking about is we are talking about smoke stacks, utilities that are burning in an inefficient way coal; that because of the tall smoke stacks and because of the way weather travels, especially what is happening now with the heat in the summertime and creating an ozone condition, and that is primarily the prime ingredient of pollution and smog in our cities and towns; and what we need to work on to reduce its impact on children, respiratory conditions, asthmatic conditions of many people in talking about what is happening to our watersheds and to our agricultural lands.

I was just looking at a report that was put forward by the New England Council, and in the New England Council's report they recognize that today, to illustrate the point, that all power plants in the Northeast are approximately 2.6 pounds per megawatt hour in terms of their emission while the emission rate from power plants in the Midwest is approximately 6.6 pounds per megawatt hour, nearly three times as much.

You recognize that from the New England Council, business industry group recognizing that its industries in its areas that have made the improvements are being hampered in an unfair competition with industries that have not had to make the changes to clean up the environment. So it is good for business, it is good for the environment, and I believe it is good for the country to recognize that we have got to have comprehensive legislation. We have got to have Members signing on to the dear colleague letter, and we have got to say to the EPA: you have been doing a good job, but we need you to keep doing that job and recognizing that this is an important area issue for a lot more than just Maine, a lot more than the Northeast, but for the entire country. It is in the entire country's interest.

As we talked about it before, in terms of the parks that have been impacted, the health effects that have gone on and to citing in Maine with a population of 1.2 million, one of the most sparsely populated States in the East, and Acadia with the pollution on

par with Philadelphia and in Rhode Island, coastal town of Narragansett, there are 8 dirty days, three times as many as there were in Providence, and even upstate Vermont have not escaped the dirty air this year.

And it is showing impact into areas and communities and into the lives of children and families in that we need to make sure that the legislation that my colleague is offering, is co-sponsored by other Members and that Members are signing this Dear Colleague, that it is going to the EPA and to the administration to do their job and to recognize that they still have the authority in regards to this action as it pertains to the 1-hour rule that was not overruled by the court and to continue to require that these States be brought into conformance and that Maine not end up being the tail pipe for these kinds of inefficient, harmful pollutional industries that have been going on throughout the Midwest in particularly.

Mr. Speaker, I yield to my colleague, the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, we have been talking so much about the Northeast because, after all, as my colleagues know, the wind, as I say, does blow west to east, so the Northeast is impacted. But it is worth pointing out, I think, that in many local areas where these grandfathered plants are in existence the local smog, the ozone, is a real health concern, and that can be true in the Midwest, in the South and in the West itself.

Mr. Speaker, the reason for that is that many of these plants have been allowed to engage in what is called the ''cap-and-trade approach''; that is, they can effectively buy clean air credits without cleaning up their own plant, and they still get by and meet the existing standards. What I am trying to say in this legislation is that with respect to nitrogen oxides and sulfur dioxides, which produce ozone, smog and acid rain, there would not be any provision for capping and trading; so the result will be that many of the dirtiest plants scattered in the Midwest, in the South and the West itself, will have to be cleaned up. That will be an enormous advantage to people who live in those local areas.

And so this is not just a Northeastern bill; this is a national bill. And I trust that many Members from around the country will be willing to support it, and I thank the gentleman for yielding.

Mr. BALDACCI. Mr. Speaker, I thank the gentleman for pointing that out because pollution is a national issue, requires a national solution, and its impact and benefits will be on a national basis. And to be able to make that point, I was just reading where the national parks, the millions of people that visit these particular parks that have been impacted by the ozone transport and increased smog and pollution and health risk, not just Acadia National Park in Maine, but Cape Cod, the Great Smoky National Park, Shenandoah National Park, Indiana's National Lakeshore Recreation Area, many other of these national parks and outdoor places where 2.7 million, 4.9 million, 9.3 million, a million and a half people, each one has been able to go to those facilities to enjoy the outdoors and that quality of life.

And Tennessee, the cradle of blues, rock and roll, and country music makes tourists in the Smoky Mountains sing a sad song about the smog they thought they left behind; in historic Virginia, George Washington's Mt. Vernon home as well as Colonial Williamsburg are suffering with pollution levels as great as our Nation's capital. Other Southern tourist destinations did not fare much better, Shenandoah's National Park and even remote Mt. Mitchell, and no relation I do not assume, but Mt. Mitchell in North Carolina have had unhealthy levels of ozone.

So those are within the Southeast, within the West. They are talking about Salt Lake City, surrounded by mountains, has been trapped in pollution for 3 days this year. Houston, second only to L.A. in population in the West, also home to chemical and refining industries. It is not geared just to the Northeast, it is the Southeast, it is the West, it is the Midwest, the Midwest home to small town U.S.A., but in addition to agriculture areas is dotted with major industrial cities. Many folks in the upper Midwest spend their spare time recreating in these areas.

So it is reinforcing my colleague's point about the national impact of this legislation, and I yield back to my colleague from Maine.

Mr. ALLEN. As we are having this conversation, I was looking at a recent report, and there is something here that is directly on point. I thought I would mention it.

Within the Ohio River Valley, this report says, there is a large and persistent area of high ozone during the summer months compared to air in other parts of the country, and in this region winds intermingle ozone pollution from different power plant fumes, as well as from other sources. Somewhat surprisingly, people living in the Ohio River Valley are exposed to higher average smog levels over a more prolonged period of time than people living in Chicago or Boston, and that goes back to what we have been talking about, that this is not just about the Northeast. If the smog in the Ohio River Valley, where a number of these plants are located is higher on average than the smog in Boston and Chicago, it is pretty clear we have got a national problem and it needs a national solution.

Mr. BALDACCI. Mr. Speaker, if I can, just to reinforce the impacts of what we are talking about, children are most at risk. Children breathe even more air per pound of body weight than adults because children's respiratory systems are still developing; they are more susceptible than adults to environmental threats. Ground ozone is a summertime problem because of the heat and the combination of the pollution creating this, and children are outside playing and exercising during the summer months. Asthma is a growing threat to children. Children make up 25 percent of the population, and 40 percent of the cases of asthma are here. We are talking about 14 Americans dying every day from asthma, a rate three times greater than just 20 years ago.

So we are talking about the pollution impacts, the impacts to individuals and communities. And I want to thank my colleague from Maine for introducing his comprehensive legislation and encouraging Members to sign onto it, and signing onto the Dear Colleague and making sure that the administration does its work, the courts do their work and that we do our work.

TEACHING HOSPITALS IMPACTED AS RESULT OF PASSAGE OF THE BALANCED BUDGET ACT

The SPEAKER pro tempore (Mr. COOKSEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Illinois (Mr. DAVIS) is recognized for 60 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, during the last several months we have had a tremendous amount of discussion about managed care, patients' bill of rights, different kinds of indicators of disease and problems with our health care delivery system, trying to find a way and trying to find solutions, answers, to many of these problems. Group of us come this afternoon because we want to talk about another problem, and that is a problem facing the hospitals in the State of Illinois and especially facing tertiary care teaching hospitals as a result of our passage of the Balanced Budget Act.

Health care, as all of us would agree, is one of the essential elements of a great society, and unless people have access, have the ability, unless people have the assurances of knowing that they can find the care that they need in times of stress and difficulty and in times of physical pain and disability, then that society is missing something.

As a member of the Illinois delegation, I am going to share some concerns about the fate of Illinois' teaching hospitals and academic medical centers unless we get some form of relief from reimbursement cuts authorized in the 1997 Balanced Budget Act.

While we all recognize that cost containment, trying to manage the cost of health care, is important, all of us recognize the concerns that have been expressed over the years about unregulated, unbridled, unchecked cost overrunning our ability to pay; and so while we recognize that certain sacrifices must be made in order to achieve Balanced Budget Act objectives, we strongly believe that the unintended consequences of the Balanced

Budget Act threaten the viability of these valuable health care resources.

As envisioned, the Balanced Budget Act was intended to cut $104 billion from Medicare reimbursement to hospitals.

□ 1500

However, the Balanced Budget Act, if implemented as enacted, will result in nearly $200 billion in reductions.

Now, the people of Illinois have come to expect, and they have every right to do so, the high quality medical care delivered by our teaching hospitals and academic medical centers. The benefits derived by residents of every region of our State are incalculable. These teaching hospitals and academic medical centers are the primary providers of complex medical care and high risk specialty services, such as trauma care, burn care, organ transplants and prenatal care to all patients, regardless of their ability to pay. In fact, the 65 tertiary care teaching hospitals in Illinois provide approximately 63 percent of all hospital charity care in the state.

Aggressive Balanced Budget Act cuts are jeopardizing their ability to fulfill their vital mission of maintaining state-of-the-art medical care and technology, providing quality learning and research environments, and serving as a safety net for those unable to pay.

Not only do these institutions enhance our health and physical well-being, they are also some of our largest employers and consumers. As a matter of fact, they are an integral part of our overall economy. In total, our Illinois teaching hospitals and academic medical centers employ more than 56,000 of our constituents and add almost $3 billion to the State's economy in salaries and benefits alone. Yet, despite the great benefits that Illinois residents derive from our teaching hospitals and academic medical centers, these institutions suffer disproportionately under the Balanced Budget Act.

In total, Illinois teaching hospitals face 5-year reductions of more than $2.5 billion. I will say that again. In total, Illinois teaching hospitals face 5-year reductions of more than $2.5 billion. Consequently, while teaching facilities comprise 27 percent of Illinois hospitals, they will bear the brunt of 59 percent of the Balanced Budget Act reductions. These cuts are compounded by increasing fiscal pressures from managed care companies and inadequate Medicaid reimbursements on the State level. We believe that we must act now, that we really cannot wait.

I represent a district that has 22 hospitals in it. I have four academic medical centers, four of the best in the Nation, in my district. Not only do they provide greatly needed care, but they are also the primary trainers of medical personnel, not only for Illinois, but all over America. I have three Veterans Administration hospitals in my district that are linked to these medical schools.

So not only are we looking at the provision of greatly needed care, but we are also looking at the overall economic impact on a community if the individuals cannot work, if they have no place to go. Then, obviously, the status of health for the community worsens, worsens, and worsens.

Also with me this afternoon, one that I know is greatly interested in this problem and this issue and has concerns not only about the ability of hospitals to serve but the ability of our society to function as it is intended to do, it pleases me to yield to the gentlewoman from the 9th District in the State of Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I want to thank the gentleman from Illinois for organizing this special order tonight and for yielding time. His commitment to providing quality health care in Illinois and across the Nation is unparalleled.

There is probably not a Member in this House that is not committed to and has not talked about protecting Medicare, but that means more than just the benefits under the Medicare program. That means that we have a strong and vibrant delivery system in place. That is what we need, one that is available to meet the needs of Medicare beneficiaries.

Unfortunately, the payment cuts required under the Balanced Budget Act threaten that delivery system. Inadequate payment levels are jeopardizing quality care at nursing homes, in hospices, for home care services, and the subject of tonight's special order, hospitals.

Now, my mother-in-law in Shreveport, Louisiana, Adelaide Creamer, was director of volunteer services at the large university hospital there; and she knows, as good as volunteers are, this is one issue where we are going to need far more than that in order to meet the needs of our Medicare patients.

We need to understand as policymakers and as consumers that payment cuts and inadequate reimbursement levels are patient issues. Patients will suffer if we do not act now to correct the problems created by the Balanced Budget Act.

The Balanced Budget Act, when it was passed, was supposed to cut hospital rates by $53 billion, but the actual cuts are now estimated to be $71 billion. As the gentleman from Illinois has said, cuts in Illinois would be close to $3 billion, and, in my Congressional District alone, the cuts could approach $270 million over 5 years. Because the size of the cuts grows every year, the longer we wait to correct this problem, the greater the impact on patients and healthcare quality.

I want to emphasize that we are not talking here about slowing the growth rate in hospital payments in the coming years. Without a correction in the Balanced Budget Act provision, Illinois hospitals will face actual reductions below existing payment levels. That is why the Honorable John Stroger, President of the Cook County Board, and Robert Maldonado, County Commissioner, and many of the members of the Cook County board, introduced and passed a resolution that calls on the President and the Members of the 106th Congress to refrain from enacting additional Medicare reductions in addition to those contained in the Balanced Budget Act of 1997, and to use at least a portion of the Federal budget surplus to address the negative impact caused by these reductions.

Obviously, as the cost of healthcare rises, cuts of these magnitudes will mean that hospitals will face horrible decisions, whether to cut back on staffing, turn away patients, shut down services such as trauma care, delay elective surgery, impose cutbacks on clinics and outpatient services.

In February, I wrote to President Clinton endorsing his proposal to use 15 percent of the budget surplus for Medicare and encouraging him to place a moratorium on any further BBA, Balanced Budget Act, payment reductions. Recognizing the problems being created already by the Balanced Budget Act, we simply cannot allow it to continue in place.

We need to take additional steps as well. I particularly am concerned about the impact of cuts on disproportionate share hospitals, hospitals that serve a large number of uninsured and underinsured patients.

We have heard a lot this week from the Republican leadership expressing their concern about the 44 million uninsured Americans. Disproportionate share hospitals care for those uninsured persons. They are the only source of care for many children and adults.

According to the Illinois Hospital Association, 30 percent of these disproportionate share hospitals had negative margins before the Balanced Budget Act was enacted. By 2002, if we do not act to stop further reductions, two out of every three of these hospitals serving low-income people will have negative margins.

In Illinois, these DSH hospitals, is what we call them, will lose $1.7 billion. $1.7 billion. These cuts are simply not sustainable. As the number of uninsured rises, DSH providers should be getting more resources, not suffer the cutbacks required under the balanced budget amendment.

Patients who rely on teaching hospitals would also suffer. The $1.1 billion in projected cuts to Illinois teaching hospitals threaten their ability to train medical professionals and serve patients.

Tertiary teaching hospitals in Illinois provide over half of all charity care in the State, even though they represent only 13 percent of hospitals. That care too would be threatened. Finally, teaching hospitals provide critical specialty services, trauma centers, organ transplants, specialized AIDS care, and other critical services.

Teaching hospitals are pioneers in training medical professionals and providing complex and innovative medical

technologies to patients. We should make it a priority to ensure that they have adequate resources to continue to do so. As less and less services are performed on an inpatient basis and more and more in hospital outpatient departments, we need to take action to stop drastic cuts for outpatient services.

Finally, I hope that we will act to repeal the annual $1,500 per patient cap on rehabilitation therapy payments. This arbitrary cap is preventing patients from getting adequate care to maintain, restore, and improve their functioning. We need to protect and increase payments to disproportionate share hospitals and payments for teaching hospitals. We need to protect against drastic cuts in outpatient hospital care. If we fail to do so, the real victims will not be the providers, they will be the patients who rely on their hospitals for quality, compassionate, and timely care.

Again, I thank the gentleman for the time.

Mr. DAVIS of Illinois. Let me thank the gentlewoman from Illinois for her comments. As I was listening, I was just sure that not only are the people of the 9th District in Illinois pleased that you are here working on their behalf, but citizens from all over the State of Illinois are pleased to know that they have you as a Member of Congress fighting for their rights and for their communities. So I thank you so very much.

The gentlewoman that I would like to next yield time to is not from the State of Illinois, but any time that she would want to come she is always welcome, and especially would she be welcome in the 7th District. But I would like to yield to the gentlewoman from the State of North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for his time and gracious comments, and I appreciate him allowing me to say a few words during his designated special order on the impact of the 1997 budget on hospitals as it relates to hospitals, particularly in urban areas.

I come from rural North Carolina. I am here to talk about another issue, which I will do later, but I could not pass up the opportunity of reaffirming how important the subject you are talking about is, how the 1997 Balanced Budget Act affects hospitals, and to also share with you that the implication is even more severe for those of us who live in rural America.

Just think that if indeed you think about the delivery system or the infrastructure for health care being at peril in urban areas, think of rural areas of having already a severe shortage of providers and institutions and heavily dependent on Medicare reimbursement and Medicaid reimbursement, and, therefore, having private insurance to pay for most of their care is not a part of the equation in supporting rural hospitals or nursing homes or home health services or hospice services. They are heavily dependent on the participation of the Federal budget.

So your raising this issue for us helps us to join with you from rural America to say that this is a nationwide project, it is a nationwide problem. It is a challenge for those of us who live in rural America, because we serve a disproportionate number of senior citizens who are very much dependent on Medicare.

The teaching hospital that is in my district, for their interns and their fellows, it is supported in the main by the Medicare payments that are made to the individual institution.

□ 1515

We talk about DSH. Most of our hospitals are actually disproportionately hospitals in rural areas so we are on the verge of losing hospitals in our area if, indeed, we pursue with this gradual sliding below to the lowest common denominator, Balanced Budget Act projection, given just what the last speaker spoke of. Actually we have exceeded those projections where the intent was to have 53 percent.

Now we have exceeded those. So just think, that means we are going to have to make decisions about cutting outpatient, making decisions about cutting AIDS programs, of all of those extra programs that hospitals were beginning to equip themselves for, so they would not have to keep patients in their hospitals in beds. They had outpatient, they had therapy, they had rehabilitation programs. All of those are threatened under the 1997 Balanced Budget Act.

It is not the act itself. It is the implementation. So we really do need to do two things. There needs to be two tracks. We need to make a case to the administration in the finance mechanism that they need to adjust where they have authority to adjust so they can make that relief that hospitals need right now.

Secondly, we need to make some amendments in our budgetary process to allow for us to not have the year 2000 as structured as we had proposed in 1997.

I thank the gentleman for allowing me to participate and just would say finally that rural hospitals also are appreciative of the efforts of the gentleman to raise this issue for Members of Congress so that we can take the appropriate action.

Mr. DAVIS of Illinois. Mr. Speaker, let me just thank the gentlewoman and commend the gentlewoman again for the tremendous advocacy that she displays consistently on the part of rural America, and especially as she crusades right now to try and find relief for that part of North Carolina and for all of those thousands and thousands of people who have been uprooted by recent Hurricane Floyd.

Certainly, our hopes, our prayers, and our thoughts are with the gentlewoman and all of the people in North Carolina as they try to work their way out of this disaster.

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

Mr. DAVIS of Illinois. I yield to the gentleman from Illinois, who represents a district that certainly has one of the most outstanding hospitals and academic medical centers in the Nation in it, the University of Chicago.

Mr. RUSH. Mr. Speaker, I want to thank the gentleman from Illinois (Mr. DAVIS), Congressman from the 7th Congressional District, for holding this special order. This special order is important to the hospitals in my district, the hospitals in urban America and, as the previous speaker indicated, the hospitals in rural America.

I want to say to my colleague from the 7th Congressional District that, again, he is on point. We served in the Chicago city council together. He was a leader on health care issues in the city council. He was a leader on health care issues when he was a member of the Cook County Board of Commissioners and now in the Congress he is a leader on health care issues, and I want to applaud him for his leadership and again thank him for holding this important special order.

To the gentlewoman from North Carolina (Mrs. CLAYTON), I want to join with my colleague from the 7th Congressional District in indicating my support for her, my support for those distressed constituents in her district, those individuals who are experiencing hardship now because of Hurricane Floyd. I want her to know that any time she wants to visit her son, who is a constituent of mine in the 1st Congressional District, she certainly can come in; and we will roll out the red carpet for her, as we have done in the past.

The Balanced Budget Act, Mr. Speaker, is causing real pain for hospitals, for patients, and the communities that they serve. The BBA has produced an unintended financial burden on Chicago teaching hospitals, on rural hospitals, on skilled nursing facilities, and on home health providers. The issue is important, to me and to others, because Illinois ranks fifth in the Nation in the number of teaching hospitals.

Teaching hospitals not only provide training to our Nation's future doctors but they also provide uncompensated care to underserved communities. In my State, the State of Illinois, these teaching hospitals provide 59 percent of the State's charity care. Additionally, in teaching hospitals in Illinois and in academic medical centers in Illinois, there are at least 80,000 Illinoisans statewide who are employed by these hospitals.

As a matter of fact, Illinois teaching hospitals and academic medical centers are one of Illinois' largest employers. They add more than $3 billion in salaries and benefits to the Illinois economy.

Because of these BBA cuts, these hospitals will lose $1.678 billion between

fiscal year 1998 and fiscal year 2002. $1.678 billion the hospitals in Illinois will lose between fiscal year 1998 and fiscal year 2002. These cuts would be atrocious, these cuts will undeniably deny many low-income patients adequate and much-needed health care.

This year this Congress passed a budget resolution that would have allowed for $792 billion in tax breaks, mostly to millionaires and billionaires, those who are living the good life, but not one red cent to fix the damage to Medicare from the BBA.

Ironically, today in this Congress we are seeing that Members who voted for the BBA 2 years ago, they are now switching. They are now reversing their positions. They are now supportive of fixes to Medicare.

Mr. Speaker, the Members on both sides of the aisle, this Congress, the Republicans particularly, this Congress must fess up and admit that it made a mistake; and it must do the right thing by funding for substantial increases in Medicare reimbursements.

Mr. DAVIS of Illinois. Mr. Speaker, let me just thank the gentleman from Illinois (Mr. RUSH) for the comments that he has made because what he has said actually is the same thing that I am hearing from constituents of mine each and every day.

In my hand and in my office are actually thousands of cards that I have received from constituents of my district asking that we provide for them some relief. They are very active people who understand what is going on, who recognize when they hurt that they need to cry, and who recognize that if they do not cry chances are nobody will even know that they are hurting.

I can say that the people of the 7th District are crying. They are crying out for relief from the Balanced Budget Act. They are crying out to make sure that their hospitals, that their health centers, that their skilled nursing homes, can continue to exist and provide for them the greatly needed services that they so richly and rightly deserve.

So I thank the gentleman for being where the people are, and I appreciate his comments.

Not only, though, are we saying it, I mean the Members of Congress are saying it, but also I am looking at editorials, and I would put these entered into the RECORD at this point, Mr. Speaker.

[From the Peoria Star Journal, Aug. 31, 1999]

MEDICARE REDUCTIONS THREATENING HOSPITALS

If these are the good years, then why are hospitals administrators so blue? The answer is that they're seeing red.

Medicare cuts being implemented now are ''the most serious reductions in the history of the program,'' says Ken Robbins, president of the Illinois Hospitals and Health Systems Association.

Hospitals operating on a slim margin, or dependent on Medicare for almost all of their revenues, will close, he says. Those which stay in business will cut staff, eliminate unprofitable programs and increase prices charged paying patients, forcing insurance rates up.

Teaching hospitals, which will lose more assistance than most, will cut residency slots. That will threaten medical specialities and charitable care, which depends heavily on resident physicians. Already OSF St. Francis has trimmed seven positions and is considering eliminating an entire residency program. In the 26 years he's been looking Robbins says he's never seen a more critical threat.

It seems peculiar that hospitals are ringing this alarm as congressman fan out across the land to tell of a federal treasury overstuffed with surplus dollar bills. The timing is not accidental.

The federal surplus owes its existence not just to a booming economy but to the domestic spending cuts mandated by the Balanced Budget Act of 1997. About half of them will come from Medicare and Medicaid. The American Hospital Association anticipates that by 2002, hospitals will lose $71 billion, a little more than one of every 10 Medicare dollars they take in.

OSF St. Francis figures it will give up $27.6 million; Methodist, $22.6 million; Proctor, $18.2 million. To appreciate the size of the losses, and the steps necessary to compensate, consider that Methodist and Proctor derive 50 percent of their income from Medicare, while St. Francis gets 40 percent. By the end of 2002, Robbins says Illinois hospitals will be treating more Medicare-dependent patients for fewer inflation-factored dollars than they get now. He says everybody who needs hospital care will feel the effects.

The hospital association wants legislation that will restore $25 billion, a little more than a third of what hospitals lost. To get the money, it will have to fight off those who would spend the surplus on tax cuts and those who would pay down the federal debt.

Members of both camps say they want to make sure the anticipated surplus isn't used to increase spending. That is an understandable goal but an inaccurate description of the alternative. The third choice in the surplus arguments is not whether to expand federal programs with the extra money but whether to maintain the present level of service.

Permitting spending to grow at the rate of inflation would cost nearly $750 billion, or three-fourths of the predicted 10-year non-Social Security surplus. Assuming that defense spending will not be reduced, the Balanced Budget Act will require domestic spending cuts of about 20 percent over five years. If Congress boosts military spending, as it has indicated it would like to do, then bigger reductions in domestic spending will be necessary.

The hospital lobbyists would seem to be at vanguard of those who will feel the pinch. Earlier this month Peoria officials said they anticipated a 10 percent cut in Community Development Block Grant funds for neighborhood-based programs. Housing and Urban Development Secretary Andrew Cuomo warned last week of budget cuts that would leave 156,000 people without affordable housing. The nation's parkland preservation program is due to be reduced to one-tenth of its 1978 level. Congress has put out feelers about taking back from the states $4.2 billion in welfare reform money.

Cuts of this magnitude may have made sense when the nation was battling to control deficit spending and the threats it posed. The case for them is not as strong now that it's been declared the post-deficit era on Capitol Hill.

Certainly maintaining Head Start participation and national park dollars and environmental enforcement at present levels, rather than slashing them, deserves an equal platform with tax cuts and debt reduction as decisions are made. So do the hospitals' concerns.

It is particularly irksome that the facts of the issue have been so poorly laid out and that the budget cuts which lie ahead have claimed so small a stage in the national debate. Perhaps the hospital lobbyists will help.

[From the St. Louis Post-Dispatch, August 4, 1999]

WHEN HOSPITALS GET SICK

The nation's teaching hospitals, the backbone of the country's health care system, are getting sick. Squeezed on one side by managed care's demand for lower costs and shorter stays and on the other by federal cuts in Medicare reimbursements, the average teaching hospital will have lost $43 million between 1997 and 2002. That will leave nearly 40 percent of the facilities operating in the red.

Similar dire figures are projected for facilities here. By the end of this year, St. Louis-area teaching hospitals will have seen their revenues reduced by $70 million. The reduction for all the state's teaching hospitals will be about $126 million. By 2002, the figure will have climbed to over $100 million in St. Louis and $214 million for Missouri. Barnes-Jewish Hospital has gone from generating $30 million a year to just $4 million this year.

Those figures are much more than just numbers on a balance sheet. Teaching hospitals, particularly in St. Louis and Missouri, are unique, vital cogs in the health care network. Though they represent only 4 percent of all of the nation's hospitals, they treat 44 percent of the uninsured patients. Meanwhile, they provide expensive, highly specialized programs, such as the organ transplant, bone marrow transplant and trauma programs operating at St. Louis University Hospital and Barnes-Jewish Hospital.

In St. Louis and Missouri, this continued financial hemorrhaging could hurt the local economy. Barnes-Jewish Hospital, with over 8,000 employees, is the largest private employer in the city of St. Louis. Its network, BJC Health System, is Missouri's single largest private employer.

Sen Daniel Patrick Moynihan, D–N.Y., and Rep. Charles Rangel, D–New York, have an answer for the current mess. Mr. Moynihan has introduced a bill to freeze the reductions in Medicare reimbursements for the next two years. The New York Democrats have proposed the establishment of a Medical Education Trust Fund that would be financed by a 1.5 percent assessment on private health insurance premiums and funding from Medicare and Medicaid.

Congress' desire to rein in rising medical costs is commendable, but the 1997 Balanced Budget Act, which cut the Medicare reimbursements for teaching hospitals, produced serious unintended consequences. The nation must not sacrifice the great institution of the teaching hospital to the budgetary scalpel.

[From the Chicago Tribune, July 9, 1999]

UIC TO CUT HOSPITAL JOBS, SEEK MERGER

(By Bruce Jaspen)

In a rare move that highlights the deepening financial crisis of one of the city's biggest teaching hospitals, the University of Illinois said Thursday it will turn over management of its West Side academic medical center to a Florida consulting firm.

At the same time, the university reassigned the hospital's director, announced that more than 10 percent of the hospital's employees will lose their jobs and said it will seek a merger with another health-care firm.

The dire measure for the University of Illinois at Chicago Medical Center were recommended by The Hunter Group of St. Petersburg, Fla., in the wake of millions of dollars in losses, blamed in large part on drastic reductions in Medicare spending growth as a result of the Balanced Budget Act of 1997.

As part of the government's effort to slow the growth in spending for Medicare, the federal health insurance for the disabled and the booming elderly population, the Balanced Budget Act is taking $33.5 million in projected revenue from the UIC's budget over a five-year period, and thus far has contributed to an $8 million deficit in the hospital's second quarter. As recently as 1997, UIC had income of $6.1 million on a budget of nearly $300 million.

UIC has also been vulnerable to an intensely competitive health-care marketplace in Chicago, where one in three hospital beds remains empty and managed-care companies and developments in science are keeping patients out of the hospital.

''We are struggling with making ends meet,'' said Dieter Haussmann, vice chancellor for health services at UIC. ''Unless things change, you will see fewer teaching hospitals in the next decade.''

Like all academic medical centers, UIC is particularly vulnerable to managed care, which emphasizes low-cost outpatient care.

Contracts with teaching hospitals are less attractive to managed-care insurers because the costs of training the nation's future doctors and conducting cutting-edge research typically make services at teaching hospitals 20 to 25 percent higher than at community hospitals.

To keep the UIC's teaching mission of educating doctors viable, The Hunter Group will begin looking for potential partners, possibly leading to a merger or sale to one of any number of possible buyers. Haussmann speculated about one scenario involving the UIC forming some partnership with Rush-Presbyterian-St. Luke's Medical Center or Cook County Hospital, both within a block of the UIC on Chicago's West Side.

''Without some sort of partnership, we are going to have serious difficulties being viable,'' Haussmann said.

Rush executives Thursday seemed open to the idea. ''The University of Illinois is a major institution within the Illinois Medical Center District, and therefore it would be logical for Rush and Cook County to pursue mutually beneficial discussions with the University of Illinois,'' said Rush's senior vice president, Avery Miller.

UIC officials, however, said they would be exploring all options.

''Anything is possible,'' Haussmann said. ''We won't leave any stones unturned from the outset.''

Thursday's decision by the university's board of trustees follows a 14-week study by the Hunter Group, which was paid $1.2 million for its work and will now manage the hospital for $140,000 a month over a period officials expect will be less than a year.

Sidney Mitchell, the hospital's executive director for the last several years, will be reassigned for the time being within the university, Haussmann said. Mitchell was unavailable Thursday for comment.

About 275 of the hospital's 2,600 full-time employees will lose their jobs as part of The Hunter Group's recommendations, but it remains unclear exactly when the cuts will take effect and who will be affected.

Officials hope most of those employees, mainly clerical workers and support staff, will be able to find jobs within the university system, but negotiations on those positions will also take place with some unions.

Earlier this year, the UJC implemented a hiring freeze and eliminated 250 positions, and most of those workers were placed elsewhere, university officials said.

Meanwhile, the proposed changes will also mean a different employment arrangement for more than 300 physicians who are either full- or part-time faculty at the University of Illinois at Chicago College of Medicine and do clinical work at the hospital. They will become more independent, with employment contracts, much like doctors at other academic medical centers where the physicians work for affiliated practices.

Thus, doctors will be forced to build up a base of patients and referrals for the hospital rather than relying largely on the hospital's contracts with insurance companies.

''The idea that the board is looking at is, can these physicians take on more responsibility for their actions?'' said David Hunter, chief executive of The Hunter Group, which will officially take over management sometime next month, once its contract is made final. ''Can physicians take more control over their lives and their practice, and therefore be more productive?''

Physicians appeared to support the changes. ''I'm very positive, and I believe the physicians will be, too,'' said Dr. Gerald Moss, a surgeon and dean of the medical school. ''We believe with these changes the hospital will return to profitability.''

The hospital is also going to streamline billing and collection systems and reduce supply expenses, aiming to save more than $6 million by 2002.

UIC ANNOUNCES CHANGES

University of Illinois at Chicago Medical Center said Thursday it will implement changes for improving hospital operations.

Major recommendations include: Reduce staffing by about 275; Implement supply expense reduction program; Streamline patient registration, billing and collection systems; and Seek a merger or sale.

[From Crain's Chicago Business, June 21, 1999]

DEEP MEDICARE CUTS DRAW BLOOD AT TEACHING HOSPITALS—TOP MED CENTERS TAKE LARGEST HIT; SURVIVAL OF FITTEST

(By Meera Somasundaram)

Chicago's academic medical centers, known for treating the most challenging cases and training the nation's top doctors, are facing some tough medicine of their own.

Already struggling with pressures from managed care, rising drug costs and a surplus of local hospital capacity, they now are bracing for one of the sharpest cutbacks ever in Medicare payments to hospitals.

And the prognosis isn't good. Some top hospitals are already in the red. Others have seen operating income fall sharply. The most pessimistic observers question whether, long term, the region can support all of its high-end medical centers.

In Chicago, which has an unusually high concentration of such facilities—five major academic medical centers and seven medical schools—the effects of the statewide $2.5-billion retrenchment will be staggering: The five academic medical centers together will lose about $350 million over five years.

Two of the five—University of Illinois at Chicago Medical Center and Rush-Presbyterian-St. Luke's Medical Center—already are feeling the pinch, having reported operating losses in fiscal 1998.

Two that were in the black—Northwestern Memorial Hospital and University of Chicago Hospitals—reported sharp downturns from 1997. Loyola University Medical Center posted operating income after a loss in 1997.

''Clearly, we are in for some difficult times for academic medical centers over the next few years,'' says health care consultant David Anderson of Health Care Futures L.P. in Itasca.

The downward spiral is expected to worsen over the next few years because the cuts—mandated under the Balanced Budget Act of 1997 and phased in from fiscal 1998 to fiscal 2002—widen each year. Some of the current losses have been offset by a robust stock market, which has helped hospitals stay in the black. But that can't continue forever.

HOW MUCH THEY'LL LOSE

Medicare payments are the lifeblood of many teaching hospitals—accounting for 20% to 40% of total revenues.

In addition to receiving payments from Medicare for treating elderly patients, the hospitals also are paid through Medicare for training physicians in residency programs. The larger a hospital's Medicare population and the larger its residency program, the larger its Medicare payment.

Rush-Presbyterian and the University of Chicago Hospitals will lose the most because of their greater dependence on public aid and larger residency programs: Rush will see $104 million in cuts over five years, and U of C will lose $95 million.

As for the other three. Northwestern Memorial will lost $65 million; Loyola, about $50 million, and UIC, $33.5 million, according to Ralph W. Muller, president and CEO of U of C Hospitals and chairman-elect of the Assn. of American Medical Colleges, which is lobbying Congress to restore the cuts.

The fallout from the cuts could drastically change the hospital landscape in Chicago.

The Illinois Hospital and Health-Systems Assn. (IHAA) has predicted that some smaller area hospitals will be forced to close. Others will turn to layoffs, cutbacks in programs or consolidation. In addition, the loss of funds could put a squeeze on research programs and bolster unionization efforts among physicians and nurses seeking job security amid the turmoil.

Notes Jonathan Kaplan, director of the Midwest health care consulting division in Chicago at Ernst & Young LLP: ''As you erode the revenue side, they're going to have to dramatically redesign their business to make sure they can survive.''

Already, U of C says it won't fill 115 positions this year, and UIC is eliminating 250 positions and has initiated a hiring freeze. Experts say more layoffs are likely.

''What's going to happen is, we'll see cutbacks in programs,'' says U of C's Mr. Muller. ''If you cut back programs, then patients stop coming and doctors stop using you. That's not in anyone's interest.''

Rush-Presbyterian, which includes expenses for Rush University and faculty practices in its financial results, posted an operating loss of $18.7 million on revenues of $520.4 million in the fiscal year ended last June 30, on top of an operating loss of $235,000 the previous year. Losses at the university and the faculty practices more than offset operating income of $8.3 million at the hospital—down from $28.7 million in 1997—according to President and CEO Leo M. Henikoff. He cites eroding Medicare revenues as the reason for the decline.

In fact, Rush kicked off an aggressive three-year cost-cutting program in 1997, aimed at saving $120 million, in anticipation of Medicare cuts in 1998.

''A number of people thought that was overkill,'' says Dr. Henikoff. ''It turns out it was underkill.''

Rush is also taking steps to boost growth, including plans to buy or build 24-hour ambulatory surgery centers in the suburbs, and to expand Rush System for Health, a network of six hospitals with Rush-Presbyterian as a tertiary hub. He also says the recent recruitment of Dr. Leonard Cerullo to head

Rush's neurosurgery department will attract more patients.

U OF C VULNERABLE

While Rush tries to increase patient volume, competitors are undertaking changes of their own.

University of Chicago, whose operating income dropped a whopping 72% to $6.3 million last year from 1997, also is particularly vulnerable to federal cutbacks.

If losses associated with its Medicaid managed care plan and a now-divested Meyer Medical Group and other affiliates are included, the medical center posted a consolidated operating loss of $32.6 million last year.

Even though the losses are steep, observers say U of C is taking steps in the right direction, including selling money-losing ventures.

Still, U of C has a high dependence on Medicaid, receiving 26% of revenues from the federal-state health insurance program for low-income patients, while Loyola receives 14%; Rush, 13%, and Northwestern, 11%, according to IHHA.

Northwestern Memorial Hospital, located in the affluent Streeterville neighborhood, is perhaps the best-positioned to withstand the Medicare cuts. Although it reported a 35% drop in operating income to $35 million last year, it has significant investments in marketable securities, as well as a desirable payer mix. However, the hospital must absorb depreciation costs and risks associated with its new, $580-million building, which it funded with debt and cash. Hospital officials say the new facility is more efficient and will save costs in the long run.

A RUSH-UIC MERGER?

Loyola University Medical Center, which posted operating income of $6.2 million in 1998, after a loss of $4.2 million in 1997, is trying to shore up operations at its 19 outpatient care clinics.

UIC earlier this year hired a consulting group to help improve operations. In the first nine months of fiscal 1999 ended March 31, the medical center reported a $5.8-million operating loss, following a loss of $7.1 million in fiscal 1998 due to a drop in revenues and patient volume.

In response, UIC could turn to mergers or affiliations, including a potential merger with its nearby competitor, Rush.

Although Dieter Haussmann, vice-chancellor for health services at UIC, says he's not in formal talks with Rush, he doesn't rule out the option. The most difficult task for any academic medical center would be the melding of medical schools, he adds.

''It's clear that, ultimately, there have to be fewer academic medical centers,'' says Mr. Haussmann, ''How we get there is the big question.''

Observers say UIC would have more to gain from a Rush-UIC combination than Rush because UIC could gain patients from Rush's network. Dr. Henikoff agrees with that assessment, and says a merger with another teaching hospital wouldn't make sense for Rush.

FINANCE-DRIVEN OUTCOME

''When you end up with two hospitals, you don't save money,'' says Dr. Heinkoff. ''You would get saddled with another infrastructure. The last thing I want is an infrastructure that isn't utilized.''

Still, if Congress doesn't reverse the cutbacks, mergers here may be inevitable.

Says consultant Mr. Anderson: ''Financial pressures are going to drive very serious evaluations by boards of hospitals about whether the enemy across the street now needs to be their friend.''

MEDICARE FLU—OPERATING INCOME (LOSSES) FOR CHICAGO'S FIVE ACADEMIC MEDICAL CENTERS

[In millions]

	1998	1997
University of Chicago Hospitals	$6.3	22.7
Northwestern Memorial Hospital	35.0	53.9
Rush-Presbyterian-St. Luke's Medical Center, including Rush University and faculty practices	(18.7)	(0.2)
Loyola University Medical Center	6.2	(4.2)
University of Illinois at Chicago Medical Center	(7.1)	2.7

Source: Hospitals' financial statements.

[From the New York Times, May 31, 1999]

TEACHING HOSPITALS IN TROUBLE

The nation's teaching hospitals are facing deep financial trouble, brought on by the growth of managed care and cost-cutting measures in government health programs. Congress can help by restoring some cuts made to Medicare funding in 1997 that squeezed these institutions severely. But their long-term financial health will depend on new ways of financing their special missions. They also should be required to live by reasonable cost controls.

All hospitals are facing the same pressures, chiefly cuts in government payments and managed care's demand for lower hospital fees and shorter hospital stays. Most have responded by reducing staff and merging with other institutions. Teaching hospitals have also taken these steps, but their problems are compounded by the extra obligations that teaching hospitals have long assumed—training new doctors, conducting medical research and providing charity care for the poor. These functions have traditionally been indirectly underwritten in part by the private sector.

Managed care has changed that by making it much harder to pass along charity care and education costs through higher fees. At the same time, these hospitals have been especially hard hit by government cuts because they derive much of their revenue from Medicaid and Medicare patients. These pressures are especially severe in New York City, which has the nation's largest concentration of teaching hospitals. City hospitals have cut their staffs by 10 percent since 1993. Still, Gov. George Pataki has proposed trimming roughly $150 million in state Medicaid payments to hospitals in the new fiscal year, and Clinton Administration is also proposing further Medicare cuts.

But the worst blow comes from the 1997 Balanced Budget Act. That law has produced the welcome and unexpected result of actually cutting Medicare expenditures in the first half of this fiscal year. But it also had a disproportionate impact on teaching hospitals. Among other cost controls, the law sharply cut the Federal subsidy for graduate medical education that is financed as part of Medicare. By 2002, when all the cuts are fully phased in, New York State hospitals will have lost $5 billion in Federal revenue, with $3 billion of that squeezed out of the metropolitan area hospitals.

Senator Daniel Patrick Moynihan introduced legislation that would reduce some of the damage. One bill would freeze the graduate medical education subsidy, rather than allow further annual reductions for the next two years, as required under the 1997 law. That would save teaching hospitals $3 billion in losses over five years. Another bill would take the Federal subsidies for serving low-income patients that are included in payments to Medicare managed-care plans and redirect the money to the hospitals that provide the care. In theory, Medicare H.M.O.'s pass on the subsidy to the hospitals, but in practice they often do not. A similar bill would redirect the subsidy for training nurses from Medicare H.M.O.'s to teaching hospitals.

Congress should make these adjustments without unraveling other cost-containment measures of the 1997 law. Mr. Moynihan has also proposed broader legislation that would spread the burden of paying for medical education. His plan would establish a separate Medical Education Trust Fund that would be financed by a fee levied on private health insurance premiums, as well as contributions from Medicaid and Medicare. The bill calls for an advisory commission to debate alternative approaches.

Something has to be done to shore up this key part of the nation's biomedical infrastructure. Simply plugging holes in the current patchwork of funding will not insure stability for the future.

[From the New York Times, May 6, 1999]

TEACHING HOSPITALS, BATTLING CUTBACKS IN MEDICARE MONEY

(By Carey Goldberg)

BOSTON, May 5.—Normally, the great teaching hospitals of this medical Mecca carry an air of white-coated, best-in-the-world arrogance, the kind of arrogance that comes of collecting Nobels, of snaring more Federal money for medical research than hospitals anywhere else, of attracting patients from the four corners of the earth.

But not lately. Lately, their chief executives carry an air of pleading and alarm. They tend to cross the edges of their palms in an X that symbolizes the crossing of rising costs and dropping payments, especially Medicare payments. And to say they simply cannot go on losing money this way and remain the academic cream of American medicine.

The teaching hospitals here and elsewhere have never been immune from the turbulent change sweeping American health care—from the expansion of managed care to spiraling drug prices to the fierce fights for survival and shotgun marriages between hospitals with empty beds and flabby management.

But they are contending that suddenly, in recent weeks, a Federal cutback in Medicare spending has begun putting such a financial squeeze on them that it threatens their ability to fulfill their special missions: to handle the sickest patients, to act as incubators for new cures, to treat poor people and to train budding doctors.

The budget hemorrhaging has hit at scattered teaching hospitals across the country, from San Francisco to Philadelphia. New York's clusters of teaching hospitals are among the biggest and hardest hit, the Greater New York Hospital Association says. It predicts that Medicare cuts will cost the state's hospitals $5 billion through 2002 and force the closing of money-losing departments and whole hospitals.

Often, analysts say, hospital cut-backs closings and mergers make good economic sense, and some dislocation and pain are only to be expected, for all the hospitals' tendency to moan about them. Some critics say the hospitals are partly to fault, that for all their glittery research and credentials, they have not always been efficiently managed.

''A lot of teaching hospitals have engaged in what might be called self-sanctification—'We're the greatest hospitals in the world and no one can do it better or for less'—and that may or may not be true,'' said Alan Sager, a health-care finance expert at the Boston University School of Public Health.

But the hospital chiefs argue that they have virtually no fat left to cut, and warn that their financial problems may mean that the smartest edge of American medicine will get dumbed down.

With that message, they have been lobbying in Congress in recent weeks to reconsider the cuts that they say have turned

their financial straits from tough to intolerable.

Hospital chiefs and doctors also argue that a teaching hospital and its affiliated university are a delicate ecosystem whose production of critical research is at risk.

''The grand institutions in Boston that are venerated are characterized by a wildflower approach to invention and the generation of new knowledge,'' said Dr. James Reinertsen, the chief executive of Caregroup, which owns Beth Israel Deaconess Medical Center. ''We don't run our institutions like agribusiness, a massively efficient operation where we direct research and harvest it. It's unplanned to a great extent, and that chaotic fermenting environment is part of what makes the academic health centers what they are.''

Federal financing for research is plentiful of late, hospital heads acknowledge. But they point out that the Government expects hospitals to subsidize 10 percent or 15 percent of that research, and that they must also provide important support for researchers still too junior to win grants.

A similar argument for slack in the system comes in connection with teaching. Teaching hospitals are pressing their faculties to take on more patients to bring in more money, said Dr. Daniel D. Federman, dean for medical education of Harvard Medical School. A doctor under pressure to spend time in a billable way, Dr. Federman said, has less time to spend teaching.

Whatever the causes, said Dr. Stuart Altman, professor of national health policy at Brandeis University and past chairman for 12 years of the committee that advised the Government on Medicare prices, ''the concern is very real.''

''What's happened to them is that all of the cards have fallen the wrong way at the same time,'' Dr. Altman said. ''I believe their screams of woe are legitimate.''

Among the cards that fell wrong, begin with managed care. Massachusetts has an unusually large quotient of patients in managed-care plans. Managed-care companies, themselves strapped, have gotten increasingly tough about how much they will pay.

But the back-breaking straw, hospital chiefs say, came with Medicare cuts, enacted under the 1997 balanced-budget law, that will cut more each year through 2002. The Association of American Medical Colleges estimates that by then the losses for teaching hospitals could reach $14.7 billion, and that major teaching hospitals will lose about $150 million each. Nearly 100 teaching hospitals are expected to be running in the red by then, the association said last month.

For years, teaching hospitals have been more dependent than any others on Medicare. Unlike some other payers, Medicare has compensated them for their special missions—training, sicker patients, indigent care—by paying them extra.

For reasons yet to be determined, Dr. Altman and others say the Medicare cuts seem to be taking an even greater toll on the teaching hospitals than had been expected. Much has changed since the 1996 numbers on which the cuts are based, hospital chiefs say; and the cuts particularly singled out teaching hospitals, whose profit margins used to look fat.

Frightening the hospitals still further, President Clinton's next budget proposes even more Medicare cuts.

Not everyone sympathizes, though. Complaints from hospitals that financial pinching hurts have become familiar refrains over recent years, gaining them a reputation for crying wolf. Critics say the Boston hospitals are whining for more money when the only real fix is broad health-care reform.

Some propose that the rational solution is to analyze which aspects of the teaching hospitals' work society is willing to pay for, and then abandon the Byzantine Medicare cross-subsidies and pay for them straight out, perhaps through a new tax.

Others question the numbers.

Whenever hospitals face cuts, Alan Sager of Boston University said, ''they claim it will be teaching and research and free care of the uninsured that are cut first.''

If the hospitals want more money, Mr. Sager argued, they should allow in independent auditors to check their books rather than asking Congress to rely on a ''scream test.''

For many doctors at the teaching hospitals, however, the screaming is preventive medicine, meant to save their institutions from becoming ordinary.

Medical care is an applied science, said Dr. Allan Ropper, chief of neurology at St. Elizabeth's Hospital, and strong teaching hospitals, with their cadres of doctors willing to spend often-unreimbursed time on teaching and research, are essential to helping move it forward.

''There's no getting away from a patient and their illness,'' Dr. Ropper said, ''but if all you do is fix the watch, nobody ever builds a better watch. It's a very subtle thing, but precisely because it's so subtle, it's very easy to disrupt.''

[From the Chicago Tribune, Apr. 25, 1999]

MEDICARE CUTS HIT BIG CENTERS

TEACHING COSTS LOWER IMMUNITY

(By Bruce Japsen)

For years Dieter Haussmann has been far from the tremors of managed care, but the government's effort to drastically slow Medicare spending growth is quickly pushing him toward the epicenter.

As vice chancellor for health services at the University of Illinois at Chicago Medical Center, Haussmann was forced to disclose recently a deficit of $8 million that will result in a hiring freeze and the elimination of more than 250 jobs at the West Side academic medical center.

Although UIC said the shortfall was ''unexpected,'' the changing economic landscape made it bound to happen sooner or later.

Like all academic medical centers, UIC is more vulnerable than community hospitals to managed care, which emphasizes low-cost outpatient care. Teaching hospital costs are traditionally higher because such hospitals also train the nation's future doctors and conduct cutting-edge research.

Until federal spending began slowing under the Balanced Budget Act of 1997, Chicago teaching hospitals seemed largely immune to financial forces squeezing hospitals elsewhere. Health maintenance organizations—the most restrictive form of managed-care insurance when it comes to paying medical-care providers fixed rates—insure only one in four Chicago-area consumers and the insurance industry is largely fragmented.

''Maybe we are late compared to other academic medical centers,'' Haussmann said.

Now, with HMOs gaining more leverage here through consolidation and with Medicare slicing millions from hospitals' projected revenues, everything from more job cuts to mergers may be in store for Chicago's five major academic medical centers, analysts say.

A substantial number of the more than 22,000 workers at UIC, Rush-Presbyterian-St. Luke's Medical Center, University of Chicago Hospitals, Northwestern Memorial Hospital and Loyola University Medical Center could be affected.

This trend has already passed through other markets, where storied teaching hospitals have merged and been forced to make deep cuts in their workforces.

For example, Massachusetts General Hospital in Boston said it will eliminate 130 positions in the wake of a $5 million loss in its first quarter.

The hospitals' plight has been made worse by the Balanced Budget Act of 1997, which seeks to drastically hold down spending.

''The crunch is coming,'' said Haussmann, who concedes that consultants recently hired by the university may recommend a merger. ''We need to develop a strategic partnership with somebody.''

Indeed, without the pressure from managed care to keep Chicago consumers out of hospitals, acute-care hospitals here have remained bloated with beds and staffing. Much like at the rest of Chicago hospitals, one in three beds at UIC lies empty on any given day.

In fact, Chicago has more acute-care capacity than practically every major metropolitan area in the country, according to a Dartmouth Medical School study published last week by the Chicago-based American Hospital Association.

The Chicago area had 4.4 acute-care beds and 21.9 acute-care employees per 1,000 residents in 1996, compared with a national average of 2.8 beds and 13.2 employees per 1,000, the Dartmouth study said.

Even New York, Boston and Philadelphia—cities where academic medicine is also a hallmark of health-care service—ranked lower than Chicago in the study.

''If we have a higher utilization than New York, then that is a problem,'' said Ralph Muller, president and chief executive of University of Chicago Hospitals. ''We need to bring that down to be in line with national averages.''

With five major stand-alone academic medical centers, analysts say, excess capacity here is costing consumers and employers more than elsewhere. That's because consumers here aren't encouraged to use wellness programs and other outpatient services designed to keep people out of the hospital.

''There seems to be a great under-use of preventative services in some of the lesser managed-care areas,'' said Carol Schadelbauer, a spokeswoman for the American Hospital Association.

''It's a tremendous waste,'' said Larry Boress, executive director of the Chicago Business Group on Health, a business coalition that includes 65 employers that represent $1.5 billion in health-care spending. ''I don't think there is any doubt this is costing us. You have beds sitting empty and yet it's coming out of the budget [of the hospitals] to maintain those.''

But teaching hospitals here are now beginning to make serious efforts to reduce the size of their workforces. Last week, Michael Reese Hospital and Medical Center said it would lay off 400 full-time employees, while Muller said the University of Chicago ''will not fill well over 115 positions this year . . . and the number may get higher.''

The UIC has pared 200 hospital positions through attrition or retirements since the beginning of the year, and is looking to eliminate 50 more by next month.

''It's a long, slow struggle,'' Haussmann said. ''We aren't getting paid as much as we used to. The managed-care market is becoming much tougher.''

Chicago's other academic medical centers, too, saw their operating income drop last year when it came to operations. University of Chicago's operating income dropped by $10 million last year to $6 million.

Even cash-rich Northwestern Memorial Hospital saw its net operating income fall 35 percent last year to $34.9 million from $53.9 million in 1997. ''Medicare reimbursements were part of the decrease,'' said Northwestern Memorial spokeswoman Paula Poda.

Northwestern and University of Chicago are each getting more than $60 million less

from Medicare through 2002 than earlier projected. The UIC is amid a five year hit of $33.5 million out of a projected $334.5 million.

Most of Chicago's academic medical centers have remained well in the black, however, because of multimillion-dollar gains on their investment income. University of Chicago Hospitals, for example, made $50 million on stocks, real estate and other investments last year.

The UIC medical center's balance sheet would be in even worse shape if the hospital didn't get state support. Through the University of Illinois, the state provides the hospital a $45 million subsidy per year and another $32 million directly from the state for hospital employees' fringe benefits.

''In some ways, among the academic medical centers, we may be the first to come to grips because we don't have a big endowment that we can sort of exist on for awhile,'' Haussmann said. ''We have to go back to the state treasury . . . and that's not a very likely prospect.''

With UIC already losing money, the hospital's only recourse may be to form a partnership or enter into a merger with another hospital or academic medical center.

Over the last two decades, UIC has talked merger at various time, but negotiations have never come to anything, including talks with its neighbor across Polk Street, Rush-Presbyterian-St. Luke's Medical Center.

''Just because we tried in the past doesn't mean we wouldn't try again.'' Haussmann said of Rush. ''Circumstances are different for both of us.''

As operating margins here sink, U. of C.'s Muller said, it's only a matter of time before academic medical centers here will be swimming in red ink like those in other parts of the country.

''This is going to start putting hospitals like us in difficulty,'' Muller said. ''When you do that, you start weakening the regional health system.

[From The New York Times, Apr. 15, 1999]

HOSPITALS IN CRISIS

A deep financial crisis is spreading like a virus through the nation's teaching hospitals. It is undermining their honorable and historic mission, which has been to train new generations of physicians, to conduct critically important medical research and to provide treatment for, among others, the poor.

A devastating combination of financial pressures ''has produced a situation in which our best hospitals are now essentially all losing money,'' said Dr. Joseph Martin, dean of the Harvard Medical School. He was referring to hospitals in the Boston area, but similar pressures are being felt at teaching hospitals across the country.

The teaching hospitals (or, more accurately, academic medical centers) have been hammered by the Medicare cuts that were part of the Balanced Budget Act of 1997. As teaching hospitals are the key providers of the nation's charitable care, they are affected disproportionately by cuts in government funding. At the same time, they are being squeezed by the drastic reductions in payments that have resulted from the changeover to managed care in recent years.

Meanwhile, the cost of delivering care continues to rise. The bottom line has been an explosion of red ink that threatens not just the mission but the very existence of some of the finest teaching institutions.

''The only payers who help balance the books have been those who pay through private insurance, and the payments for that are declining as well,'' said Dr. Martin.

In California, the medical center known as UCSF Stanford Health Care expects operating losses of $50 million this year. Layoff notices have already been sent to 250 employees, and officials said 2,000 of the center's 12,000 staff members would probably be let go over the next year and a half.

Without the layoffs, UCSF Stanford would see an operating loss of $135 million next year, according to the center's chief executive, Peter Van Etten.

Inevitably the center's mission will be diminished. Said Mr. Van Etten: ''I have to say the services we will provide can't be of the same quality that we would provide with 2,000 more people.''

You cannot overstate the importance of teaching hospitals to the health care system in the U.S. They offer the most advanced and sophisticated treatment in the nation. They are essential to the health of the poor, providing nearly 40 percent of the nation's charitable care. They are also the places, as Neil Rudenstine, the president of Harvard, noted, ''where physicians get educated,'' where they get their first, carefully guided exposure to the connection between scientific study and the real world of clinical treatment.

And they are medical research centers, the places where cures are found, treatments developed, miracles realized.

Toying with the future of such a system is as dangerous as Russian roulette.

When asked yesterday how much of a threat the financial problems pose to the mission of the teaching hospitals, Mr. Rudenstine replied: ''It's a total crisis, a complete crisis. I think anybody who would call it less than that would really just not know what's going on. I'm not quite sure what the cumulative deficit of our four or five closely related hospitals is, but it's certainly well over $100 million so far, and we haven't even finished the year yet.''

The outlook is not good. The cutbacks in Medicare funding, the single biggest source of revenues for teaching hospitals, will accelerate over the next few years. This is not a case of administrators crying wolf. The situation is dire. The University of Pennsylvania Health System lost $90 million last year and the Temple University system lost nearly $25 million.

When he mentioned the financial losses at Harvard's affiliated hospitals, Mr. Rudenstine said: ''Two or three more years like that and you're going to see either some people go out of business or become for-profit institutions, which means they will drop the research and teaching components because those things don't make any money. They'll become perfectly good hospitals up to a certain level, but not up to the level at which we now treat disease, and not up to the level where you can actually train the best physicians.''

Teaching hospitals and academic medical centers are the primary sources for complex care. Continued failure to support these institutions threatens their long-term viability.

''Illinois' teaching hospitals need adequate funding to remain viable for people like . . .'' Vanessa Blaida, Age 21, Children's Memorial Hospital, Asthma Study.

''I was known as the girl who didn't have asthma,'' Vanessa Blaida explains about growing up with asthma. ''I would pretend I didn't have it, because I didn't want it.'' Instead, she played volleyball every fall, and softball every spring. She also missed weeks of school and spent days in the hospital.

Throughout college, Vanessa's illness grew worse. Though she continued to participate in sports, she was getting sicker and sicker. ''It was frustrating. I would be rushed to the local emergency room and the nurses would tell me I was just hyperventilating. I wasn't hyperventilating, I was having an asthma attack.''

In August of 1998, Vanessa became part of a year-long asthma study. Children's Memorial Hospital is one of only seven hospitals nationwide participating in the study to decrease the level of asthmatic morbidity.

Under careful supervision, Vanessa is trying a new experimental inhaler designed to prevent future asthma attacks, long-term.

Doctors monitor Vanessa's health with a Peak Flow Meter. Every morning she blows into the device which determines the level of her condition, and alerts her if she's getting sick. ''It's great because it gives the patient control over the illness. You can tell when you are getting sick and you know what to do to help yourself,'' she said.

Since she began using the experimental inhaler, Vanessa's condition has dramatically improved. ''Usually fall and spring are my worst times. I didn't get sick at all in the fall. I got a little sick in the spring, but I haven't had to go to the hospital at all. That's unusual for me.''

Vanessa graduated from St. Xavier University in May, with a degree in psychology. She hopes to become a counselor for chronically ill children. ''The thing that's so great about Children's Memorial is no matter what's wrong with you, they don't ignore you. They don't make you feel like an outsider. They're working to give children a normal life.''

''Illinois' teaching hospitals need adequate funding to remain viable for people like . . .'' Heather Marker, Age 27, Northwestern Memorial Hospital, Robert H. Lurie Comprehensive Cancer Center.

For 14 years, Heather Markel has struggled against systemic lupus. Systemic lupus is a devastating, chronic disease in which the immune system attacks normal tissue. It can cause joint inflammation, severe pain and permanent damage to internal organs.

During the spring of 1997, Heather's life changed. As a patient at Northwestern Memorial Hospital, Heather had access to one of the most cutting-edge treatments for lupus.

Northwestern Memorial Hospital is participating in the first comprehensive research program to develop techniques—traditionally used to treat cancer—to treat autoimmune diseases such as lupus, rheumatoid arthritis and multiple sclerosis.

Heather's treatment for lupus included chemotherapy and transplanted blood stem cells. Within ten days of the procedure Heather's immune system began to rebuild itself. For the first time in 14 years, Heather was free of the disease she had struggled with since childhood. She is currently planning on returning to medical school and hopes to fulfill her lifelong dream of becoming a physician.

The procedure was discovered through research at the Robert H. Lurie Comprehensive Cancer Center of Northwestern University. Northwestern Memorial Hospital's connection to Northwestern University, and its status as a teaching hospital, provides patients with cutting-edge technology and experimental treatments based on University research. To date Northwestern Memorial Hospital's program is one of the few in the country using this procedure.

Heather was the first person to receive the treatment, and doctors are optimistic about her condition.

''Illinois' teaching hospitals need adequate funding to remain viable for people like . . .'' Philip Gattone, Age 12, Rush-Presbyterian St. Luke's Medical Center, Rush Epilepsy Center.

Phil and Jill Gattone's son Philip began having seizures as a baby. Doctors diagnosed

Philip with intractable epilepsy. The disease interfered with Philip's development so much that by age six he still couldn't speak in full sentences.

An estimated 2.3 million Americans suffer from epilepsy. While about 75 percent find medications or other treatments to control their seizures, the other 25 percent, like Philip, try everything available to alleviate their seizures, but find no relief.

The Gattone's search for help from specialists around the country ended at the Rush Epilepsy Center. Rush-Presbyterian is one of the few hospitals in the nation that offers advanced treatment options and research capabilities for people with epilepsy.

Philip went through various tests at Rush to diagnose his condition and to discover the right way to treat his particular form of the disease. During the test period, Philip was videotaped 24-hours-a-day so doctors could identify his type of epilepsy, recording certain symptoms including facial expressions and unusual or abnormal behavior.

Doctors experimented with a variety of medications, but Philip's seizures persisted. His IQ was dropping, and he was losing critical cognitive abilities. His father, Philip Sr. said, ''We knew we had to do something.''

Doctors agreed that surgery was the only option. ''If you can stop epileptic activity at its original site, you can stop the spread,'' said Thomas Hoeppner, PhD., a Rush neuroscientist.

In 1993, Philip underwent the first of two surgeries designed to prevent epileptic activity in areas of the brain critical to speech, movement and sensation.

Philip, now 12, has been seizure-free for the last five years. His parents are thrilled to see their dark haired, bright-eyed son doing so well. ''This is what happens when research, dedication and commitment come together,'' said his father.

TERTIARY CARE IN ILLINOIS: A RESOURCE AT RISK

REQUEST

Because the costs associated with delivering more complex care limit the ability of these hospitals to compete on price in the health care marketplace, their continued ability to provide leading-edge technology and specialized care depends heavily on government reimbursement policies. Several bills that would give teaching hospitals and academic medical centers some relief from BBA cuts have been introduced in Congress. All deserve the support of our state's U.S. senators and representatives.

S. 1023/H.R. 1785, the Graduate Medical Education Payment Restoration Act of 1999, would freeze the IME payment reduction at its current level of 6.5%. It would restore nearly $90 million of Medicare funding to Illinois teaching hospitals and academic medical centers.

S. 1024/H.R. 1103, the Managed Care Fair Payment Act of 1999, would pay disproportionate-share hospitals (DSH) directly from Medicare for services provided to beneficiaries who are members of Medicare+Choice health plans.

S. 1025, the Nursing and Allied Health Payment Improvement Act of 1999, and H.R. 1483, the Medicare Nursing and Paramedical Education Act of 1999, would carve out funding for nurse and allied health training from payments to Medicare+Choice plans and pay the money directly to the hospitals that provide the training. Illinois Rep. Philip Crane (R-8th Dist.) is the sponsor of H.R. 1483.

Tertiary teaching hospitals and academic medical centers also support:

A halt in implementation of further DSH payment reductions.

Payment of 100% of their DME and IME costs in lieu of the current partial carve out under Medicare+Choice, beginning in FY 2000.

JULY 23, 1999.

DRAFT

As members of the Illinois Congressional Delegation, I am writing to share our concerns over the fate of Illinois teaching hospitals and academic medical centers absent some form of relief from reimbursement cuts authorized in the '97 Balanced Budget Act (BBA). While we recognize that all sectors of society must sacrifice to achieve BBA objectives, we strongly believe that the unintended consequences of BBA threaten the viability of these valuable health care resources. As envisioned, BBA was intended to cut $104 Billion from Medicare reimbursement to hospitals. However, BBA, if implemented as enacted, will result in nearly $200 Billion in reductions.

The people of the State of Illinois deserve and have come to expect the high-quality medical care delivered by our teaching hospitals and academic medical centers. The benefit derived by residents of every region of the state is incalculable. These teaching hospitals and academic medical centers are the primary providers of complex medical care and high-risk specialty services such as trauma care, burn care, organ transplants and prenatal care to all patients—regardless of ability to pay.

In fact, the 65 tertiary care teaching hospitals in Illinois provide approximately 63% of all hospital charity care in the state. Aggressive BBA cuts are jeopardizing their ability to fulfill their vital mission of maintaining state-of-the-art medical care and technology, providing quality learning and research environments, and serving as a safety net for those unable to pay.

Not only do these institutions enhance our health and physical well-being, they also are some of our largest employers and consumers and, as a result, are an integral part of our overall economy. In total, our Illinois teaching hospitals and academic medical centers employ more than 56,000 of our constituents and add almost $3 Billion to the state's economy in salaries and benefits alone.

Yet, despite the great benefits Illinois residents derive from our teaching hospitals and academic medical centers, these institutions suffer disproportionately under the BBA. In total, Illinois teaching hospitals face five-year reductions of more than $2.5 billion. Consequently, while teaching facilities comprise 27% of Illinois hospitals, they will bear the brunt of 59% of BBA reductions. These cuts are compounded by increasing fiscal pressures from managed care companies and inadequate Medicaid reimbursements on the state level.

We believe we must act now to prevent the unintended consequences of BBA from eroding the high quality medical care we in Illinois take for granted. We respectfully urge you to make relief for our teaching hospitals and academic medical centers a high priority in this legislative session.

Mr. Speaker, I am looking at an editorial from the Peoria Star Journal that says, ''Medicare Reductions Threatening Hospitals.''

I am looking at one from the St. Louis Post Dispatch that says, ''When Hospitals Get Sick,'' that hospitals can be sick if they are not being provided the necessary resources with which to operate.

I am looking at one from the Chicago Tribune which says, ''University of Illinois to cut hospital jobs, seek merger.''

I am looking at one from Crain's Chicago Business Magazine that says, ''Deep Medicare cuts draw blood at teaching hospitals,'' and they are not talking about the kind of blood that needs to analyzed. They are talking about the blood that is going to cause the institutions to hemorrhage; and, of course, if one does not stop a hemorrhage we know that institutions, as well as individuals, can die. If institutions die, then they threaten the life of communities.

I am looking at one from the New York Times that says, ''Teaching Hospitals in Trouble.''

Then one that says, ''Teaching Hospitals Battling Cutbacks in Medicare Money.'' Another editorial from the Chicago Tribune, ''Medicare Cuts Hit Big Centers.''

So all around America, both rural and urban, we are experiencing difficulties that unless there is relief we do not really know what to do about it. It is understandable if our economy was in bad shape, if we were on the verge of disaster, if we were on the verge of bankruptcy; but all of us continue to talk about how fortunate we have been that the economy has been holding steady, that we continue to experience economic growth. If we are experiencing economic growth, then it would seem foolhardy to allow institutions that provide the most needed of services to dissipate and perhaps even go under.

Now, there are some things that are being proposed. There are bills that have already been introduced that could provide some relief. One is Senate bill 1023 and House Resolution 1785. The Graduate Medical Education Payment Restoration Act of 1999 would freeze the IME payment reduction at its current level of 6.5 percent, and it would restore nearly $90 million of Medicare funding to Illinois teaching hospitals and academic medical centers. Obviously, we are asking people to support that legislation.

Senate bill 1024 and House Resolution 1103, the Managed Care Fair Payment Act of 1999, would pay a disproportionate share to hospitals directly from Medicare for services. So we would hope that these legislative initiatives would be seriously looked at by the Members of Congress and that we could move to provide the kind of relief that is necessary to keep our institutions alive, viable, healthy, and well.

□ 1530

HURRICANE FLOYD DISASTER IN NORTH CAROLINA

The SPEAKER pro tempore (Mr. COOKSEY). Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I come from North Carolina, and there is, indeed, trouble in the land where I come from. There is great devastation. In fact, we have suffered the greatest devastation that we have ever suffered in

the history of our State. Some are calling this the flood of the century. It exceeded the 500-year watermark.

So, indeed, when we think of Interstate 95 being closed, and we know Interstate 95 was built for certainly every eventuality for many hundreds of years, when we think of the great unexpected consequences that this flood has brought, we can understand the devastation that the people in eastern North Carolina indeed are facing.

In fact, Hurricane Floyd came on the back of Hurricane Dennis. Dennis had come and rained and had dumped approximately 20 inches from August 29 to September 9. So the grounds were already soaked.

Then as my colleagues recall, Floyd came back; and when he came, he came all the way up the coast from Florida all the way up to New York. The State of Florida was severely hit, not as much as North Carolina. But Virginia was also affected. The States of Pennsylvania, New Jersey, and New York, all of those were indeed affected. But the devastation in North Carolina is profound.

Over 49 individuals have been confirmed dead. There are six bodies unidentified. The waters now are still rising because, just yesterday, six more inches of water has been the result of the rain that has occurred, and we are expecting to get at least 4 more in that area.

We see on TV areas like Tarboro and Princeville or Greenville, North Carolina. The waters that came downstream from Princeville and Tarboro, the Tar River is flowing. As the river is flowing down towards the ocean, those communities living in the wake of that flow, indeed, have found themselves under stress.

Again, in Greenville, East Carolina University, the whole school, 12,000 students were, indeed, evacuated, and 5,000 of them right now without accommodations. The school began today, and they are trying to find temporary housing for a good many of the students.

We have more than 2,800 people still living in shelters. At one time, we had as many as 30,000 people living in shelters throughout. This is, indeed, a devastation of indescribable terms.

One wonders, when there is such suffering, is there some redemptive value in that. Well, one of the things I have seen in all of the suffering is the resilience and the hope and the kind of dogged determination of people that they will, indeed, come back. But I also have seen just the generosity of the American people or neighbors helping neighbors or churches helping churches, school districts lending mobile units to other school districts.

We have schools flooded. We have a whole town still under water. In fact, part of another town is still under water. Houses that are structurally so vulnerable that they probably all will be destroyed.

Certainly in the town of Princeville, environment damage has been caused as a result of that. More than 1,020 hogs were killed. More than 2.3 million chickens were killed. Five hundred turkeys were killed. Fertilizer, nitrate, chemicals.

On last Saturday, I visited Princeville service stations where they had dislodged the gasoline tanks, and one could smell the gasoline. Just the environmental impact in their water system. It is going to take an enormous amount of resources and time and effort and collaboration and work and patience to restore the vitality, the environmental nature of the community.

So I want to call my colleagues to understand the proportionality of the suffering. When any of us suffer, all of us suffer.

This is a vast amount of North Carolina farmland. More than one-third of our farmland is said to be nonproductive now as an effect of having Hurricane Floyd.

Hopefully, very soon, there will be a resolution on this floor that will say that this sense of House, we feel that, indeed, part of America is suffering; and this House, this body will have the fortitude to commit the resources that are needed to restore them.

This will not be easy. Indeed, it will not be easy, because floods do a lot of things that the wind does not do. In fact, it just threatens the integrity of roads and bridges and water systems and structures. Amazing to see such devastation.

Finally, Mr. Speaker, I just commend to the people who have helped us our gratitude from North Carolina. But I also, Mr. Speaker, urge the colleagues here to respond in the appropriate way, and the American way, and to provide the necessary resources to restore the lives of these communities.

CRITICAL HEALTH CARE ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

Mrs. CHRISTENSEN. Mr. Speaker, today, before I start, I want to say to the gentlewoman from North Carolina (Mrs. CLAYTON) and to the people of North Carolina that my heart and the heart of my constituents go out to them. We know what they are going through, although I think their situation is much worse than ours has ever been. We will stand by them and are ready to be of assistance in any way that we can to the people of North Carolina, Virginia, and the other States that are affected.

But today, Mr. Speaker, I come here to give a brief overview of some of the critical health care issues that are a priority to the Congressional Black Caucus and its health braintrust which I chair. Many of my colleagues and I will come back on subsequent days to elaborate on the dire statistics that have compelled us and some of our individual critical issues.

Last year, the Caucus was able to secure an unprecedented $156 million to fund a state of emergency or what was called a severe and ongoing crisis on HIV and AIDS and to target the needs of African Americans, Latinos, and other people of color with regard to this epidemic.

The dollars were to increase capacity, to help build infrastructure, to enable us to get grants, to administer them, and reach the population within our communities that until now have been hard to reach, mainly because we, the health care delivery system, have not been going about it in the right way.

Mr. Speaker, in communities of color, there are many barriers that must be overcome to bring effective messages of disease prevention and health promotion. They are language. They are culture. They are decades of mistrust. They are lack of education. There are other priorities that come from poverty, joblessness, and other social and economic factors.

These communities thus have severe disparities and health services and health status and are disproportionately affected in many diseases, but especially in HIV and AIDS. The health care delivery infrastructure is just not there. While we work on that, that cannot be built in 1 day, 365 days, 1 year or even several years.

In the meantime, we need to empower our communities through their indigenous community organizations to provide the prevention and intervention services that are needed. The people within the communities know their communities. They have the trust of their communities. They can do it best. What they do not have are the resources, and that is what the CBC initiative is all about.

We will soon be looking at the outcome of this past year's initiative. We have some doubts that it accomplished what we asked it to, but we must prepare to continue to improve and expand on that effort. We are, therefore, asking for an increase in the FY 2000 budget above the President's request of $171 million.

Because we are seeking to make sure that all communities of color receive the funding they need commensurate with the level of the epidemic and the infrastructure deficiencies that each one of us has, some greater than others, we are asking then for $349 million in the Labor HHS appropriation.

This funding is critical, as our other requests for $150 million for the President's disparity initiative, $55 million towards the international AIDS program, and AIDS in Africa.

Along with our requests with respect to the disparities, we are asking for the special funding to be set aside to train more providers of color, to provide Medicare and Medicaid outreach to our communities, and to increase our knowledge of and attention to HIV/AIDS and other health care issues in the Nation's prisons.

Mr. Speaker, there are other issues that are just as important to us as funding, though, and which actually costs us nothing but our commitment to reduce the disparities that exist for communities of color in this country.

They include the funding of the offices of minority health in the agencies of the Department of Health and Human Services, such as CDC, the Centers for Disease Control and Prevention, SAMHSA, and to Health and Substance Abuse, HRSA, and the Agency for Health Care Research, where although they are established, they are not funded.

It has been directed that up to 0.5 percent of the agencies' budget be allocated to fund them, and we want the committee to direct that this be done. With the best of intentions, the issue of people of color will not be adequately addressed unless these offices are empowered and are given some authority within their individual agencies.

The other important area is the Office of Minority Health Research at the National Institutes of Health which we are asking to be raised to the level of a center. That office, to be effective, and to fulfill its important role in ending a two-tiered system of health care in this country must have budget sign off. It must have accountability for the funds and the research it has done on behalf of the people it represents. We in the Caucus will fight for this as we will fight on the other issues until this becomes a reality.

We have many other challenges before this country, insuring the uninsured to name a major one. We can make a major step towards better health care in this country by supporting the initiatives of the Congressional Black Caucus. They are undertaken, not just on behalf of African Americans or Latinos, Asian Americans, Native Americans, Asian or Pacific Islanders, or Native Hawaiians or Native Alaskans, although those are our priority populations, but they are undertaken on behalf of all Americans.

Just like justice, health care delayed is health care denied. We have an obligation as the Representatives of all of the people of this country to bring health care, not just to some, but to each and every American.

RECESS

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

Accordingly (at 3 o'clock and 42 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1643

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 4 o'clock and 43 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2910, NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS ACT OF 1999

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 106–342) on the resolution (H. Res. 312) providing for consideration of the bill (H.R. 2910) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, and 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2436, UNBORN VICTIMS OF VIOLENCE ACT OF 1999

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 106–348) on the resolution (H. Res. 313) providing for consideration of the bill (H.R. 2436) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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. BOSWELL) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today;

Mr. PALLONE, for 5 minutes, today;

Mr. FILNER, for 5 minutes, today;

Mr. CUMMINGS, for 5 minutes, today;

Ms. BROWN of Florida, for 5 minutes, today;

Ms. WATERS, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. RAMSTAD, for 5 minutes, today;

Mr. BURTON of Indiana, for 5 minutes, October 6;

Mr. ROHRABACHER, for 5 minutes, today;

Mr. ISAKSON, for 5 minutes, today;

Mr. EHLERS, for 5 minutes, today;

Mr. SMITH of Michigan, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MCINNIS, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. NETHERCUTT, for 5 minutes, today.

ENROLLED JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 34. Joint resolution congratulating and commending the Veterans of Foreign Wars.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

On September 28, 1999:

H.R. 2605. Making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes.

H.J. Res. 68. Making continuing appropriations for the fiscal year 2000, and for other purposes.

ADJOURNMENT

Mrs. MYRICK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Thursday, September 30, 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:

4557. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the Volume of Small Red Seedless Grapefruit [Docket No. FV99–905–3 IFR] received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4558. A letter from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting notification that the Commander of Air Education and Training Command is initiating a Multiple Support Function comparison of the base operating support functions at Kessler Air Force Base (AFB), Mississippi, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

4559. A letter from the Acting Assistant Secretary, Department of Defense, transmitting a report on the Effectiveness and Cost of the Civilian Separation Incentive Program for Fiscal Year 1998; to the Committee on Armed Services.

4560. A letter from the Departments of the Army and the Air Force, transmitting a report on Enhancing the National Guard's Readiness to Support Emergency Responders in Domestic Chemical and Biological Terrorism Defense; to the Committee on Armed Services.

4561. A letter from the Secretary of Defense, transmitting a determination that it

is necessary to order the transportation of 16 Chemical Agent Identification Sets (CAIS) recently recovered in Guam and currently stored on Anderson Air Force Base, Gaum, to Johnston Atoll; to the Committee on Armed Services.

4562. A letter from the Secretary of Defense, transmitting a report specifing for each military treatment facility the amount collected from third-party payers during the preceeding fiscal year; to the Committee on Armed Services.

4563. A letter from the Board of Governors of the Federal Reserve System, transmitting the report on State member bank compliance with the national flood insurance program, pursuant to Public Law 103—325, section 529(a) (108 Stat. 2266); to the Committee on Banking and Financial Services.

4564. A letter from the Federal Deposit Insurance Corporation, Office of Thrift Supervision, Board of Governors of the Federal Reserve System, Comptroller of the Currency, transmitting a joint report, required by section 402 of the Credit Union Membership Access Act of 1998, detailing the progress of the Riegle Community Development and Regulatory Improvement Act of 1994 since the report of September 1996; to the Committee on Banking and Financial Services.

4565. A letter from the Federal Housing Finance Board, transmitting the Board's Annual Report on the Low-Income Housing and Community Development Activities of the Federal Home Loan Bank System for 1998, pursuant to 12 U.S.C. 1422b; to the Committee on Banking and Financial Services.

4566. A letter from the Office of Special Education and Rehabilitative Services, Department of Education, transmitting Final Funding Priorities for Fiscal Year (FY) 2000 and Subsequent Fiscal Years—Training of Interpreters for Individuals Who Are Deaf or Hard of Hearing and Individuals Who Are Deaf-Blind, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

4567. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–123, ''Condominium Amendment Act of 1999,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4568. A letter from the Director, Administration and Management, Department of Defense, transmitting a report of the Department of Air Force vacancy; to the Committee on Government Reform.

4569. A letter from the Secretary of the Interior, transmitting a report on the Government's helium program providing operating, statistical, and financial information for the fiscal year 1998, pursuant to 50 U.S.C. 167n; to the Committee on Resources.

4570. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule— Migratory Bird Hunting; Late Seasons and Bag Possession Limits for Certain Migratory Game Birds (RIN: 1018–AF24) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4571. A letter from the Secretary of Labor, transmitting the Secretary's annual report on employment and training programs, pursuant to 29 U.S.C. 1579(d); to the Committee on Veterans' Affairs.

4572. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule— Veterans Education: Montgomery GI Bill—Active Duty; Administrative Error (RIN: 2900–AJ70) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4573. A letter from the Executive Office of the President, transmitting a report on the Accession of the Republic of Georgia to the World Trade Organization; to the Committee on Ways and Means.

4574. A letter from the Executive Director, Office of Compliance, transmitting the Three Year Report of the Office of Compliance; jointly to the Committees on House Administration and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. CANADY: Committee on the Judiciary. H.R. 2436. A bill to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes; with an amendment (Rept. 106–332, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 312. Resolution providing for consideration of the bill (H.R. 2910) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, and 2002, and for other purposes (Rept. 106–347). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 313. Resolution providing for consideration of the bill (H.R. 2436) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes (Rept. 106–348). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X, the Committee on Armed Services discharged. H.R. 2436 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. COX (for himself, Mr. GILMAN, Mr. KUCINICH, Mr. PORTER, Ms. PELOSI, Mr. ROHRABACHER, Mr. MCGOVERN, Mr. PAUL, Mr. GUTIERREZ, Mr. LEWIS of Georgia, Mr. STARK, Ms. MCKINNEY, Mr. BROWN of Ohio, Ms. LEE, Mr. JACKSON of Illinois, Mr. LANTOS, Mr. UDALL of Colorado, and Mr. EVANS):

H.R. 2969. A bill to prevent United States funds from being used for environmentally destructive projects or projects involving involuntary resettlement funded by any institution of the World Bank Group; to the Committee on Banking and Financial Services.

By Mr. YOUNG of Alaska (for himself and Mr. GEORGE MILLER of California):

H.R. 2970. A bill to prescribe certain terms for the resettlement of the people of Rongelap Atoll due to conditions created at Rongelap during United States administration of the Trust Territory of the Pacific Islands, and for other purposes; to the Committee on Resources.

By Mr. ARMEY (for himself, Mr. BOEHNER, Mr. WATTS of Oklahoma, and Mr. SHAYS):

H.R. 2971. A bill to provide parents whose children attend an academic emergency school with education alternatives; to the Committee on Education and the Workforce.

By Mr. BERRY:

H.R. 2972. A bill to redesignate the Stuttgart National Aquaculture Research Center in the State of Arkansas as the Harry K. Dupree Stuttgart National Aquaculture Research Center; to the Committee on Agriculture.

By Mr. CAMP (for himself, Mr. EHLERS, Mr. HOEKSTRA, Mr. KNOLLENBERG, Mr. SMITH of Michigan, and Mr. UPTON):

H.R. 2973. A bill to impose a moratorium on the export of bulk fresh water from the Great Lakes Basin; to the Committee on International Relations.

By Mr. HILL of Montana:

H.R. 2974. A bill to convey the Lower Yellowstone Irrigation Project, the Savage Unit of the Pick-Sloan Missouri Basin Program, and the Intake Irrigation Project to the appurtenant irrigation districts; to the Committee on Resources.

By Ms. HOOLEY of Oregon:

H.R. 2975. A bill to establish grant programs to provide opportunities for adolescents, to establish training programs for teachers, and to establish job training courses at community colleges, to amend the Elementary and Secondary Education Act of 1965 to reduce class size, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PELOSI (for herself, Mr. BENTSEN, Mr. BERMAN, Mr. BLUMENAUER, Mr. BORSKI, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Mrs. CAPPS, Mr. CAPUANO, Mrs. CLAYTON, Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. DIXON, Mr. DOOLEY of California, Ms. ESHOO, Mr. FARR of California, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. KILDEE, Ms. KILPATRICK, Mr. LAMPSON, Mr. LANTOS, Ms. LEE, Ms. LOFGREN, Mr. MCGOVERN, Mr. MCHUGH, Mr. MATSUI, Mrs. MEEK of Florida, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. PASTOR, Mr. PAYNE, Ms. ROYBAL-ALLARD, Mr. SANDERS, Mr. SANDLIN, Mr. SCOTT, Mr. SHERMAN, Ms. SLAUGHTER, Ms. STABENOW, Mr. STARK, Mrs. TAUSCHER, Mr. THOMPSON of California, Mr. TIERNEY, Mr. UNDERWOOD, Ms. VELAZQUEZ, Ms. WATERS, Mr. WATT of North Carolina, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 2976. A bill to amend title XXI of the Social Security Act to permit children covered under a State child health plan (SCHIP) to continue to be eligible for benefits under the vaccine for children program; to the Committee on Commerce.

By Mr. KLECZKA:

H. Res. 314. A resolution expressing the sense of the House of Representatives that all parties involved in negotiating the compensation for the Nazi slave and forced labor victims should achieve a settlement that is fair and equitable to all claimants; to the Committee on International Relations.

By Mr. STARK:

H. Res. 315. A resolution supporting the goals and ideas, and commending the organizers, of ''National Unity Day''; to the Committee on Government Reform.

By Mr. TRAFICANT:

H. Res. 316. A resolution expressing the sense of the House of Representatives that a postage stamp should be issued honoring William Holmes McGuffey, author of the McGuffey Readers; to the Committee on Government Reform.

MEMORIALS

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

239. The SPEAKER presented a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 13 memorializing Congress and the President of the United States to enact legislation to transfer former military base property to local communities at no cost if the local communities use the property for job-generating economic development, and to forgive lease payments for communities that have already entered into agreements with the Department of Defense; to the Committee on Armed Services.

240. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 11 memorializing the President of the United States and the Congress of the United States to commend Staff Sergeant Andrew A. Ramirez, Staff Sergeant Christopher Stone, and Specialist Steven Gonzales; to the Committee on Armed Services.

241. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 9 memorializing the President and the Congress of the United States, the Secretary of Defense, the Chairpersons of the Joint Chiefs of Staff, the Chief of Naval Operations, and the Marine Commandant to take immediate action to authorize the continued operation of the commissary in Orange County after the closure of the United States Marine Corps Air Station at El Toro; to the Committee on Armed Services.

242. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 12 memorializing the President and Congress of the United States and the Department of Housing and Urban Development to establish policies and funding priorities that will ensure the preservation of the inventory of federally assisted housing in California; to the Committee on Banking and Financial Services.

243. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 10 memorializing the President and the Congress of the United States to enact legislation that would reauthorize the federal Older Americans Act of 1965; to the Committee on Education and the Workforce.

244. Also, a memorial of the Legislature of the State of California, relative to Senate Concurrent Resolution No. 7 memorializing that the Legislature hereby proclaim the month of October 1999, as Domestic Violence Awareness Month; to the Committee on Education and the Workforce.

245. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 4 memorializing the President of the United States and Congress to take the necessary action to ensure the rights of women and girls in Afghanistan are not systematically violated, and urges a peaceful resolution to the situation in Afghanistan that restores the human rights of Afghan women and girls; to the Committee on International Relations.

246. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 8 memorializing the President and the Congress of the United States to enact legislation to make available necessary funds to implement groundwater remediation in the Main San Gabriel Groundwater Basin; to the Committee on Resources.

247. Also, a memorial of the House of Representatives of the Commonwealth of The Mariana Islands, relative to House Resolution No. 11–179 memorializing Congress to adopt the proposed amendments as requested by President William J. Clinton, to reimburse, CNMI for the cost of detaining and repatriating the smuggled Chinese aliens; to the Committee on Resources.

248. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 257 memorializing the Congress of the United States to limit the appellate jurisdiction of the federal courts regarding the specific medical practice of partial-birth abortions; to the Committee on the Judiciary.

249. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 1 memorializing the President of the United States to declare the affected portions of California as a federal natural disaster area as a result of the cold storms and the consequent frost damage that occured in December 1998; to the Committee on Transportation and Infrastructure.

250. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 3 memorializing the President and the Congress of the United States, and the United States Coast Guard to continue the operation of the United States Coast Guard Training Facility Petaluma through the increased utilization of its facilites and more efficient use of the Coast Guard's east coast facilities; to the Committee on Transportation and Infrastructure.

251. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 6 memorializing the President and Congress of the United States to take action necessary to honor our country's moral obligation to provide Filipino veterans with the military benefits that they deserve, including but not limited to, holding related hearings, and acting favorably on legislation pertaining to granting full veterans' benefits to Filipino veterans of the United States Armed Forces; to the Committee on Veterans' Affairs.

252. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 1 memorializing the President of the United States to issue an Executive Order directing his administration to work closely and coordinate with California and other states to guide and assist Medicare enrollees who are abandoned by their HMOs to find new Medicare coveage, either in the form of another HMO that serves the abandoned region, or through Medigap coverage, until appropriate federal legislation is enacted to address permanently these types of dislocations that adversely affect Medicare patients; jointly to the Committees on Ways and Means and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mrs. TAUSCHER introduced a bill (H.R. 2977) for the relief of Bruce Watson Pairman and Daniele Paule Pairman; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 212: Mr. ETHERIDGE.

H.R. 303: Mr. LATHAM, Mr. KIND, Mr. ISTOOK, Mr. MARTINEZ, and Mr. SANDERS.

H.R. 306: Mr. FATTAH.

H.R. 348: Mr. INSLEE.

H.R. 354: Ms. BERKLEY.

H.R. 405: Mr. FARR of California.

H.R. 406: Mr. FARR of California.

H.R. 484: Mr. SESSIONS.

H.R. 583: Mr. WICKER.

H.R. 670: Mr. TRAFICANT, Mr. KIND, Mr. MATSUI, Mr. GORDON, Mr. TIERNEY, Mr. DELAHUNT, Ms. KILPATRICK, Mr. COYNE, Mr. OLVER, Mr. SKELTON, Mr. STUPAK, Ms. SLAUGHTER, and Mr. WAXMAN.

H.R. 764: Mr. WEXLER.

H.R. 783: Mr. GEJDENSON, Mrs. NORTHUP, and Mr. TERRY.

H.R. 804: Mr. STRICKLAND.

H.R. 904: Mr. SPRATT and Mr. VITTER.

H.R. 953: Mr. REYES, Mr. WU, and Ms. WOOLSEY.

H.R. 1090: Ms. ESHOO, Mr. ISAKSON, Mr. MALONEY of Connecticut, Mr. DEFAZIO, and Ms. STABENOW.

H.R. 1095: Mr. GUTIERREZ, Mr. EVANS, Mr. COSTELLO, Mr. FALEOMAVAEGA, Mr. ALLEN, Mr. MCDERMOTT, Mr. REYES, Mr. DAVIS of Virginia, Mr. UNDERWOOD, Mr. COOK, Mr. CLEMENT, and Mr. MCCRERY.

H.R. 1115: Ms. HOEFFEL, Ms. HOOLEY of Oregon, Mrs. TAUSCHER, Mr. PALLONE, Mr. PASCRELL, Ms. PELOSI, Mr. BLUMENAUER, Ms. LOFGREN, and Mrs. CHRISTENSEN.

H.R. 1139: Mr. MALONEY of Connecticut and Mrs. NAPOLITANO.

H.R. 1168: Mr. UDALL of Colorado, Mr. CALLAHAN, Ms. PELOSI, and Mr. FATTAH.

H.R. 1217: Mr. OWENS, Mr. LEWIS of Kentucky, Mr. HASTINGS of Florida, Mr. FRELINGHUYSEN, Mr. PASTOR, Mr. HUTCHINSON, Mr. MARTINEZ, Mr. HOUGHTON, Mr. KIND, Ms. BERKLEY, and Mrs. ROUKEMA.

H.R. 1246: Mr. WU.

H.R. 1304: Mrs. LOWEY, Mr. WELLER, and Mrs. ROUKEMA.

H.R. 1323: Mr. ROTHMAN and Mr. BRADY of Texas.

H.R. 1344: Mr. SCHAFFER, Mr. HAYWORTH, and Mr. RILEY.

H.R. 1363: Mr. CALVERT.

H.R. 1621: Mr. FROST and Mr. EVANS.

H.R. 1644: Mr. TERRY.

H.R. 1657: Mr. RAHALL.

H.R. 1732: Mr. BRADY of Pennsylvania and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1816: Mrs. MEEK of Florida, Ms. ROS-LEHTINEN, Mr. FLETCHER, Mr. CLAY, Ms. KAPTUR, and Mr. KUCINICH.

H.R. 1821: Mr. HINCHEY, Mr. SABO, Ms. PELOSI, Mr. COYNE, Mr. CROWLEY, Mr. MCGOVERN, Mr. BRADY of Pennsylvania, and Mr. BROWN of Ohio.

H.R. 1824: Mr. CANADY of Florida and Mr. BURTON of Indiana.

H.R. 1885: Mr. HINOJOSA and Ms. JACKSON-LEE of Texas.

H.R. 1932: Mr. CALVERT.

H.R. 1967: Mr. LEWIS of Georgia.

H.R. 1977: Mr. SOUDER.

H.R. 1990: Mr. INSLEE, Mr. DINGELL, Mr. PRICE of North Carolina, and Mr. ETHERIDGE.

H.R. 1997: Mr. WEXLER, Mr. SANDERS, Mr. GEJDENSON, and Mr. FROST.

H.R. 2004: Mr. TALENT.

H.R. 2086: Mr. WEINER, Mr. BOUCHER, Mrs. BIGGERT, and Ms. ESHOO.

H.R. 2106: Mr. SANFORD.

H.R. 2283: Mr. MARTINEZ.

H.R. 2319: Mr. MARTINEZ.

H.R. 2372: Mr. NUSSLE, Mr. DOYLE, Mr. ADERHOLT, Mr. EHRLICH, Mr. LATHAM, Mr. BILIRAKIS, Mr. LINDER, and Mr. KINGSTON.

H.R. 2401: Ms. SCHAKOWSKY and Mrs. MALONEY of New York.

H.R. 2436: Mr. WOLF.

H.R. 2441: Mr. RUSH.

H.R. 2442: Mr. MCCOLLUM.

H.R. 2546: Mr. CRAMER.

H.R. 2550: Mr. WATTS of Oklahoma, Mr. CALVERT, and Mr. PETERSON of Pennsylvania.

H.R. 2631: Mr. CONDIT.

H.R. 2711: Mr. MCHUGH.

H.R. 2722: Mr. MALONEY of Connecticut.

H.R. 2895: Ms. BALDWIN.

H.R. 2915: Mr. LARGENT, Mr. VENTO, Mr. PASTOR, and Mr. STUPAK.

H.R. 2929: Mrs. MINK of Hawaii, Ms. RIVERS, Mr. DIXON, Mr. PALLONE, Ms. ESHOO, Mr. WEXLER, and Mr. DEUTSCH.

H. Res. 268: Mr. TERRY.

H. Res. 278: Mr. BILIRAKIS, Mr. BALDACCI, Mrs. BONO, Mrs. CLAYTON, Mr. COOKSEY, Mr. EHLERS, Mr. FARR of California, Mr. FILNER, Mr. GILMAN, Mr. HALL of Ohio, Mr. BARTLETT of Maryland, Mr. BOYD, Mr. CAMPBELL, Mr. CARDIN, Mr. DIXON, Mr. GALLEGLY, Mr. GORDON, Mr. GREEN of Texas, Mr. HORN, Mr. HOUGHTON, Mr. LATOURETTE, Mr. MEEHAN, Mr. PAYNE, Mr. SAXTON, Mr. SHAYS, Mr. SCHAFFER, Ms. JACKSON-LEE of Texas, Mr. MCINTOSH, Mr. PALLONE, Mr. QUINN, Mr. SESSIONS, Mr. SMITH of Washington, Mr. WAXMAN, Ms. WOOLSEY, Mr. NETHERCUTT, Mr. WELDON of Pennsylvania, Mr. SUNUNU, Ms. SANCHEZ, Ms. STABENOW, Mr. LOBIONDO, Mr. SANDERS, Mr. BARRETT of Wisconsin, Mr. SWEENEY, Mr. BARCIA, Mr. FOSSELLA, Mr. PASCRELL, Mr. COSTELLO, Mr. LAFALCE, and Mr. CANADY of Florida.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

55. The SPEAKER presented a petition of Detroit City Council, relative to a Resolution petitioning the Detroit Delegation of the United States House of Representatives to support full funding for HUD programs; to the Committee on Banking and Financial Services.

56. Also, a petition of the Association of Pacific Island Legislatures, relative to Resolution No. 18–GA–14 resolving that the Association of Pacific Island Legislatures member jurisdictions give sound consideration and full respect to all Pacific Islanders in their adoption and implementation of immigration policies; to the Committee on International Relations.

57. Also, a petition of the Association of Pacific Island Legislatures, relative to Resolution No. 18–GA–01 petitioning the United States Congress to recognize and grant 200-mile Exclusive Economic Zone of waters surrounding the U.S. Territories of Guam and the Commonwealth of the Mariana Islands; to the Committee on Resources.

58. Also, a petition of the Association of Pacific Island Legislatures, relative to Resolution No. 18–GA–03, CD1 petitioning the U.S. Department of the Interior and the United States Congress to grant Micronesian employees of the former Trust Territory Government (TTG) the same pay rates given to the TTG on the island of Saipan from January 9, 1978 onward; to the Committee on the Judiciary.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2910

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 1: At the end of the bill, add the following:

SEC. 11. USE OF RECYCLED MATERIALS IN SURFACE TRANSPORTATION PROJECTS.

(a) STUDY.—The National Transportation Safety Board shall conduct a study on the safety and cost effectiveness of using recycled materials in the construction of surface transportation projects.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Board shall transmit to Congress a report on the results of the study conducted under subsection (a).

H.R. 2910

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 2: At the end of the bill, add the following:

SEC. 11. TRANSPORTATION OF INCINERATED SOLID WASTE.

(a) STUDY.—The National Transportation Safety Board shall conduct a study on risks to public safety related to the transportation of incinerated solid waste through populated areas.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Board shall transmit to Congress a report on the results of the study conducted under subsection (a).

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, WEDNESDAY, SEPTEMBER 29, 1999 No. 129

Senate

The Senate met at 10:01 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. The guest Chaplain, Father Paul Lavin, pastor, St. Joseph's Catholic Church on Capitol Hill, Washington, DC, will now lead us in prayer.

PRAYER

The guest Chaplain, Father Paul Lavin, offered the following prayer:

In the book of Tobit we hear:

Thank God! Give Him the praise and glory. Before all the living, acknowledge the many good things He has done for you, by blessing and extolling His name in song. Before all men, honor and proclaim God's deeds, and do not be slack in praising Him. A king's secret it is prudent to keep, but the works of God are to be declared and made known. Praise them with due honor. Do good, and evil will not find its way to you. Prayer and fasting are good, but better than either is almsgiving accompanied by righteousness. A little with righteousness is better than abundance with wickedness.

Let us Pray.

Blessed are You, Lord God of mercy. You have given us a marvelous example of charity and the great commandment of love for one another. Send down Your blessings on these Your servants in the United States Senate. May they generously devote themselves to the good of our Nation and to helping others. When they are called on in times of need, let them faithfully serve You and their neighbor.

We ask this through Christ our Lord. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROD GRAMS, a Senator from the State of Minnesota, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

THE PRESIDING OFFICER (Mr. GRAMS). The Senator from Pennsylvania.

THE PRESIDENT PRO TEMPORE

Mr. SPECTER. Mr. President, before our distinguished President pro tempore leaves the floor, I wish to make a comment or two about how good it is to see Senator THURMOND looking so well. He had a recent bout with the doctors. I had a bout with the doctors not too long ago myself. But notwithstanding that, Senator THURMOND, our distinguished President pro tempore, is here every morning to open the Senate. I know he was occupied yesterday in the early evening signing the continuing resolution and attended a Bible study group in my hideaway, presided over by a distinguished Biblical scholar. Senator THURMOND was there participating, and I just wanted to make a comment how sharp Senator THURMOND looks today and how good it is to see him opening the Senate.

Mr. THURMOND. Congratulations on your Bible study.

Mr. SPECTER. I thank the Senator.

SCHEDULE

Mr. SPECTER. Mr. President, on behalf of the leader, I have been asked to announce that today the Senate will immediately begin consideration of the Labor, Health and Human Services, and Education appropriations bill. Amendments to the bill are expected to be offered. Therefore, Senators may expect votes throughout the day and into the evening. Senators who intend to offer amendments should let us know as promptly as possible. Based on the number of amendments which are anticipated so far, it is possible we could finish action on the bill today. In any event, action on the bill must be finished before the close of Senate business tomorrow so that the Senate will have acted on all of the appropriations bills before the end of the fiscal year, September 30.

As always, Senators will be notified as early as possible as votes are scheduled. Senator LOTT has asked for notification that the Senate may also consider any conference reports available for action.

I thank my colleagues for their attention in this matter.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The PRESIDING OFFICER. Also, under the previous order, the motion to proceed to the consideration of S. 1650 is agreed to.

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1650) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

The Senate proceeded to consider the bill.

Mr. SPECTER. Mr. President, I ask unanimous consent to permit Dr. Jack Chow, Mr. Mark Laisch, and Jane MacDonald to be present in the Chamber during consideration of this bill.

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

Mr. SPECTER. Mr. President, the bill on which we are now proceeding allocates some $91.7 billion for the three Departments—the Department of Education, the Department of Health and Human Services, and the Department of Labor. It is an increase of $4 billion

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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over the program levels for fiscal year 1999. Most of that money is taken up by additional funding for the Department of Education, $2.3 billion, and an increase in the National Institutes of Health, $2 billion.

This bill is very close to the President's mark. It is within $1.4 billion of the President's mark. It contains advance funding for programs that are currently forward funded of some $16.46 billion.

Last year, the advance funding was $8.5 billion. The advance funding, of course, is a consistent, customary practice for the appropriations process. It is worth noting that the President's suggested mark had advance funding, forward funding, in excess of some $20 billion.

In reporting this bill out from the Appropriations Committee yesterday, I thanked our distinguished chairman, Senator STEVENS, and our distinguished ranking member, Senator BYRD, for the allocations which have enabled us to reach the floor. This appropriations bill is within the caps. My distinguished colleague, Senator TOM HARKIN, and I have cooperated on a partnership basis. Senator HARKIN and I have worked for more than a decade as chairman or ranking member, depending on which party is in power.

I learned a long time ago that if you want to get something done here in Washington, you have to be willing to cross party lines and work on a bipartisan basis. When we are dealing with the two top priorities of the country on the domestic scene—education and health care—in addition to the very important programs in the Department of Labor on worker safety and job training, a bipartisan approach is necessary. Senator HARKIN and I do present this budget in a bipartisan context.

It is our projection, as we move down the line, to present a bill to the President which will be signed. That is not an easy matter, given the budget constraints, given the many different views in the Senate, and, quite candidly, given the differing views in the House of Representatives where we will have to go to conference. But it is our hope that we will present to the President a bill which will be signed. That has not been accomplished in recent years. In fact, last year we didn't even get to bring the bill to the floor of the Senate.

I think it is generally recognized that the American people are fed up, really sick and tired of partisan political bickering in Washington. If we are able to have a bill which can be signed by President Clinton, who is a Democrat, presented to him by a Congress which is controlled, both Houses, by Republicans, it will be good for the country. It will be good for both parties. It will be good for everyone to be able to present a bill on these high priority items of education and health care which can be agreed to.

Just a few of the highlights of this bill: The bill is more than $500 million over the President's requests on education. We think that is a matter of great significance because education funding is a priority second to none. Head Start, which has been a very important program for everyone, but emphasized by the President—and I enumerate a number of items where we have acceded to the President's priority line but, in accordance with the constitutional authority to the Congress for appropriations, we have exercised our own judgments. Senator HARKIN will comment on this, as we have had a bipartisan approach, which is an approach with Democrats—not necessarily the President's approach, but an approach by the Democrats—as we have put in some of our own priorities, as they have been reflected in requests we have received from 100 Senators and from many in the private sector.

We have received over 1,000 letters from Senators requesting 2,188 report, bill, or number item changes. In addition, the subcommittee received over 1,000 requests from outside individuals and organizations. Many of those requests have come in air travel from Washington to Chicago and Des Moines, where Senator HARKIN has been importuned by his constituents, not only from Iowa but his constituents from the United States, because he is a United States Senator as well as a Senator from Iowa. Many of these requests have come on the Metroliner between Washington and Philadelphia, as people have approached me with their requests.

So that in coming to this proposal, it is a matter of establishing priorities. That is not easy to do. With a budget of nearly $1.8 trillion, the whole budget process is priorities. We have established what we think are appropriate lines of priorities. It is worthwhile to note that the President has emphasized Head Start; we have agreed with him. We have a Head Start Program in excess of $5 billion, with an increase of more than $600 million.

We have had requests from the President on an important program called GEAR UP, which is designed to help low-income elementary and secondary school children prepare for college. My distinguished colleague, CHAKA FATTAH, a Member of the House of Representatives from Philadelphia, originated this program. The President has embraced it, and we have funded it this year for $120 million. The President asked for an increase. Senator HARKIN and our subcommittee and the full committee have increased it by 50 percent to $180 million. I joined the President in one of his weekly radio announcements and talked to him afterward, as I listened to his interest in this on a priority basis. We have increased, as I say, funding there by some 50 percent.

Special education has been a matter of high priority. Now we have more than $6 billion, an increase of more than $900 million this year. I could go over quite a number of the other lists, but the President's priorities have been accorded very substantial consideration and approval.

The Ricky Ray Program now has $50 million to compensate hemophilia victims. On our Pell grants, in accordance, again, with the administration's request, we have put in an increase to bring them to $3,325 on the maximum Pell grant a year. Again, on an item of importance emphasized by the White House and many Senators, LIHEAP, Low-Income Home Energy Assistance, has been funded for $1.1 billion.

On the health line, the subcommittee included a mark of $2 billion, which was approved by the full committee. The National Institutes of Health, in my judgment, are the crown jewels of the Federal Government, perhaps the only jewels of the Federal Government. We are on the verge of phenomenal breakthroughs on many dreaded ailments.

Yesterday, we had a hearing on Parkinson's disease with Michael J. Fox coming in, putting a face on that human tragedy, a person who is well known and loved by so many millions of Americans as a television personality. It happens to be a fact of life that when Michael J. Fox comes in and testifies about his own trauma, a young man at the age of 39, with three children, facing a very uncertain medical future—medical experts testify that we may well be within 5 years of a cure for Parkinson's, Alzheimer's, cancer, heart ailments and a long list of very tragic ailments. One of the aspects of chairing the subcommittee has been to be the recipient of requests from people with strange and rare illnesses. We have tried to raise the level of funding at the National Institutes of Health so there can be maximum accommodation for research on so many lines. Even with this $2 billion increase, raising from $15.6 billion to $17.6 billion, there are many lines which we cannot fund totally.

We still have, out of every 10 doors of research, the possibility that 7 will remain unopened.

It is my personal view that with a national budget of $1.8 trillion we ought to fund all of the meritorious applications. That can't be done. Many people have looked at this $2 billion increase, and have said: How can we afford it? The response that Senator HARKIN, our subcommittee, and the full committee have given us is: How can we not afford it?

One item we ought to be mentioning is that the language on stem cell research, which would have eliminated certain restrictions from the National Institutes of Health, has been deleted. That was inserted on the initiative from the leadership of the subcommittee because the stem cell research has such enormous potential. The stem cell research can go forward now with private funding extracting the stem cells from embryos, and then the Federal funding coming in on the stem cells which have been extracted.

It is my personal view—and the view which Senator HARKIN expressed forcefully at the subcommittee yesterday—that some of the existing limitations ought to be eliminated from this bill. The embryos which are involved are not embryos which would create human life. They are embryos which have been discarded from in vitro fertilization. The bill's prohibition against research on embryos will stay intact.

But what we had originally contemplated was to allow Federal funding to NIH on extracting stem cells from the embryos. But that has been eliminated at the request of the majority leader, Senator LOTT, and the chairman of the committee, Senator STEVENS. We have eliminated that because we never could have finished this bill by the close of business tomorrow had it remained.

Senator LOTT has made a commitment that he will take up a freestanding bill in February, and our subcommittee will move forward to extensive hearings so that everybody may be informed.

There is a lack of information about the importance to medical research in these stem cells and the fact that does not really impinge upon embryos which could produce life.

There are many similarities between this debate and the debate on fetal tissue where for a long time fetal tissue could not be used in research because of a concern that it would promote abortions, and then the understanding was driven home that it would not promote abortions but would only use fetal tissues from abortions which had already been concluded.

To repeat, this will be taken up in February.

One other initiative which deserves attention is an initiative on school violence prevention. We have seen on a recurring basis the tragedies of school violence. The subcommittee undertook three active working sessions lasting about an hour and a half each where I presided in order to bring forward the experts on the working level. From that effort has come a program which is described on pages 6 to 14 of our report.

We brought together ranking officials and people very knowledgeable from the field, including the Deputy Attorney General, the Surgeon General, representatives of the Office of Management and Budget, representatives from elementary and secondary education, from the Department's units administering safe and drug-free schools, from special education, from the Administration for Children and Families, from the National Institute of Mental Health, from Mental Health Services, Substance Abuse, from the Centers for Disease Control and the Division of Violence Prevention, from the Office of the Victims of Crime, from employment and training programs from the Department of Labor, and from the Association of School Psychologists—all who have put together a comprehensive bill which essentially involves the reallocation of some $851 million. Not pointing the finger of blame in any direction but recognizing school violence as a national health problem, as suggested years ago by the Surgeon General, and putting it under the Surgeon General where we are coordinating with Bruce Reed from the White House Domestic Council—a program has been created which we believe has long range potential. Included in the funding, in addition, are important programs on worker safety.

In the interest of time, I will not delineate all of them. They have been set forth in some detail.

On a personal note, I have recused myself on the funding for the National Constitution Center, since my wife, Joan Specter, is director of fundraising for the National Constitution Center. Senator THAD COCHRAN, the senior Republican on the committee, has taken over.

I ask unanimous consent that a letter from me to Senator COCHRAN on this subject, dated September 17, be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, September 17, 1999.

Hon. THAD COCHRAN,
U.S. Senate,
Washington, DC.

DEAR THAD: As a precautionary matter, I think it is advisable for me to recuse myself on the issue of the appropriation for the National Constitution Center since my wife, Joan Specter, is director of fundraising.

I would very much appreciate it if you would substitute for me on that issue since you are the senior Republican on the Subcommittee for Labor, Health and Human Services and Education.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. Mr. President, this is an abbreviated statement of what the bill contains.

In the interest of moving us promptly as possible to the amendment from the Senator from Washington, Mrs. MURRAY, I am going to yield the floor at this time and yield to my distinguished colleague, Senator HARKIN, whom I again thank for his total cooperation and partnership and bipartisan approach to this important bill.

The PRESIDING OFFICER. The Senator from Iowa.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, before beginning my comments, I ask unanimous consent that Jane Daye, a member of my staff on detail from HHS, be afforded floor privileges during consideration of this bill.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that two of Senator INOUYE's staff, Andrew Peters and Patricia Boyle, be given floor privileges during the consideration of the bill now before us.

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

Mr. HARKIN. Mr. President, I again thank Senator SPECTER and his staff for all of their hard work in putting this bill together. Senator SPECTER has done, indeed, a commendable job. He has done so in a professional and bipartisan fashion under very difficult and trying circumstances. We all owe him a debt of gratitude for his patience, his good work, and, above all, his persistence.

Again, my good friend, Senator SPECTER, spoke of the bipartisan effort on this, and that he is hoping the President will sign this bill. I will have something to say about that in a moment. But I want to make it clear that in no way do we want to delay this bill. We ought to get it up and get it through. I am just sorry that we didn't get it up earlier this year. I still feel compelled to say that of the 13 appropriations bills, this is the last one. That should not be our priority. Education and Health and Human Services should not be the last priority. It should not be the last bill up for the fiscal year. It should have been the first bill and not the last bill. But we are here. The fiscal year is drawing to a close, and hopefully we can get this through.

But I want to point out that in my role as ranking member, while I will be supportive of Senator SPECTER in his efforts to get this bill through, I want to make sure that I protect the rights of Senators on this side of the aisle to offer amendments and to debate them in a timely fashion.

Before I say a few more words about the contents of the bill, I think it is important that I briefly talk about the funding of the bill and how it plays into the overall budget situation.

First, let me repeat what I said yesterday in our committee markup.

I am very pleased that the chairman of the full Appropriations Committee has worked to restore a more reasonable level of funding for this bill. Investments in education and health, labor, and other areas are key to our Nation's quality of life, our future, and our next generation of children.

I am concerned, however, that it now seems that the Republican leadership intends to simply shift the funds for the census and the Pentagon to our bill as emergency spending when clearly they are not emergencies. In other words, it looks as if the leadership is going to declare the funds for the census and the Pentagon—which have been shifted to fund our bill—as emergency spending—emergency for the census and emergency for the Pentagon. They are not emergencies. Even Thomas Jefferson could have told us there would be a census in the year 2000. That is no emergency. The Republican leadership is playing a shell game, and the loser may be Social Security.

Money is being moved from one bill to another to make it look as if we can fund all 13 appropriations bills with all

their priorities and still stay within the budget caps.

According to CBO, the Republican leadership has already spent the projected on-budget surplus for next year. About $14 billion of the non-Social Security budget surplus has already been spent. In addition, it looks as though there has already been about another $19 billion dig into Social Security.

Declaring the census and the Pentagon—which are clearly nonemergency items—emergency spending doesn't mean anything. It means the Republican leadership will dig that much further into the Social Security surplus in fiscal year 2000. Stay tuned for the next chapter because it looks as though Social Security is going to have a big bite taken out. It shouldn't be that way.

I have drafted legislation that imposes penalties on tobacco companies that fail to reduce teen smoking. CBO has scored my amendment as raising approximately $6 billion in fiscal year 2000. I think that is better than taking it out of Social Security.

Before the whole process is completed—I don't mean this bill; I mean the whole process this year—we will be looking for new sources of revenue to offset the costs of appropriations without tapping into Social Security. I believe getting this money from the tobacco companies that have already set their targets for reducing teen smoking and having them pay penalties is a much fairer and better way of meeting our goals in our appropriations bills than tapping Social Security.

Having said that, there are many excellent items in this bill. In particular, I commend the chairman for the $2 billion increase in NIH. Yesterday, as Senator SPECTER said, there was a hearing held on Parkinson's disease. This is a disease that causes untold human suffering, a disease that scientists believe may be cured within the next 10 years or drastically reduced and alleviated. Under Senator SPECTER's leadership, we are taking another step to realize that result.

The morning shows today were talking about the hearing yesterday. Michael J. Fox, the famous movie actor who testified, showed his trembling hands and how Parkinson's disease was affecting him. It was quite a poignant representation of the ravages of Parkinson's disease. Of course, those who had the privilege of serving with Congressman Mo Udall from Arizona know how that affected him and the suffering it caused him in his later years.

Most scientists believe one of the major steps that can be taken in finding the pathways to interventions and cures for Parkinson's disease is through adequate funding of stem cell research. We had it in this bill until it was taken out in committee yesterday on a split vote. I think it won by two votes, if I am not mistaken. It was a close vote.

The provisions on stem cell research were removed. That is a shame. People suffering from Parkinson's disease or spinal cord injuries, neurological problems, neurological diseases, and neurological accidents could have hope. For example, I think of Christopher Reeves, who has been so diligent and energetic in his efforts to push for more research in finding how to repair damaged spinal cords. Here is an avenue of research that could collapse the timeframe and lead to major breakthroughs on repairing neurological damage through stem cell research. Yet because of a handful of people in the Senate or the House—I don't know where, but it comes from the Republican leadership—we couldn't bring this bill out with that stem cell research provision. That is a shame.

I was talking to some Senators yesterday who started talking about partial-birth abortion and all that kind of stuff. I said, wait a minute. What does that have to do with stem cell research? Absolutely nothing. Again, as I stated in committee, and I will state again for the RECORD on the floor, we approve in this country—and I think all the major religions and ethicists all agree—in vitro fertilization is not only permissible and acceptable but a very good way for a woman who may have problems getting pregnant and bearing a child to do so. In vitro fertilization is a widely accepted practice where the egg is removed from the mother and mated to a sperm. These eggs are then frozen in nitrogen and one is implanted. If it takes, a baby results, a child results, and we have some very happy parents.

However, there are a lot of fertilized eggs still frozen in liquid nitrogen. That is what we are talking about. That is where they want to get the stem cells. It has nothing to do with partial-birth abortion or anything else. The Cell Biology Association says there are probably about 100,000 frozen fertilized eggs in the country. That is where the scientists get the stem cells. These fertilized eggs will be destroyed anyway. They are not going to keep them forever in liquid nitrogen; they will be destroyed. Scientists say, why not let scientists take the stem cells out to do the kind of stem cell research we need to find the cures for Parkinson's and spinal cord injury.

That is what was in our bill. Here are the restrictions we have placed in our bill. First, we say the stem cell research had to be conducted under ethical guidelines. Second, to use any of the fertilized eggs to extract the stem cells, scientists must have the informed consent of the donor. Third, we could only use stem cells from fertilized eggs that are the result of in vitro fertilization. We had all of these restrictions.

Why would we want to take that out of the bill? I understand the leadership says they want to take it out because it couldn't pass with it. Why? Because there are two or three people who have some hangup about this. Perhaps they don't understand. If we could debate it and fully flesh it out and get it out, perhaps then people would understand what we are trying to do. I think there is a lot of information being promoted and bandied about on stem cell research that is totally false. It prohibits Congress from doing what I think is in the best interests of morality, ethics, and science. So we do not have it in the bill. Now I hear the leadership says they are going to have hearings next year and bring up a separate bill in February. I will believe it when I see it because we cannot get it on this bill, and this is where it logically belongs. This is the bill with all biomedical research funded by the Federal Government, with a couple of exceptions in the Department of Defense. This is the proper place for it.

I cannot see why it is going to take a long time. We have had hearings on it. Senator SPECTER has had hearings on it. We have had hearings on it in other committees. How many more hearings do we need? How many more people have to come down with Parkinson's, die of Parkinson's? How many more people have to linger with spinal cord injuries and other neurological problems before we have the guts to do what is right around here and give the scientists the tools they need to do the research in stem cells?

So I am very upset that this was taken out—and taken out, I might add, at the behest of the leadership, not the chairman of the subcommittee nor the chairman of the full committee, as I understand it, but of the leadership of the Senate. I think it is wrong to do that, coming on the heels of this very powerful hearing yesterday, with all the national publicity coming out, even yet today, on Parkinson's disease, to say: Yes, but I am sorry, we are not going to permit nor fund the kind of research that would lead to a possible cure.

I want to make it clear, there is some stem cell research that will be conducted by NIH but only from two stem cell lines from the University of Wisconsin and Johns Hopkins. These are just from two sources. When you have 100,000 in the United States, you can get stem cell lines from a lot of different sources.

I am trying to think of an analogy here. This is akin to doing research on cancer but saying: But you can only do research on pancreatic cancer. You cannot do research on prostate or breast cancer or thyroid cancer or anything else, but you can do it on pancreatic. That is all. That is all we are going to allow. That is basically what we are saying on stem cell research: You can do this little bit of research, but you can't do the kind of broad research with which you open the doors and find some of the answers.

Again, I wanted to go on a bit on this because I think it is that vitally important. I think it is wrongheaded—I might even have stronger words than that but not appropriate for the Senate floor—for the Republican leadership to demand this be taken out of our bill. I

believe the votes would be here if the Republican leadership would stand up for it. Oh, we would probably have a few people, misinformed, not understanding the situation, who might vote against it. But I believe the provisions we had in this bill, carefully crafted to provide all the protections, would have garnered an overwhelming vote in the Senate—were it not for the leadership's position.

Again, I might add, as I said, there are a lot of good things in this bill for which Senator SPECTER has fought: A billion dollars for community health centers, a $100 million increase of vital importance for low-income people who do not have insurance coverage. In fact, it is probably the best bulwark we have for preventive health care, keeping healthy low-income people who do not have health care insurance. We have $400 million for afterschool programs; that is a $200 million increase.

Again, I compliment Senator SPECTER for the anti-school-violence bill he has put together, of which I am a cosponsor. As we pointed out, there is a lot of talk about school violence these days. The fact is, schools are the safest places for our kids. Less than 1 percent of the violence committed by or against kids is done in school—less than 1 percent. Most of the violence happens after school. That is why we need strong afterschool programs. We have all these school buildings around this country, we have put a lot of money in them, and at 3 o'clock in the afternoon they lock the doors. What is inside? There are gymnasiums, there are swimming pools, there are art rooms, there are computer rooms, basketball courts, weight rooms, music rooms—all behind locked doors at 3 o'clock in the afternoon. You have these kids on the street looking for something to do, and that is when the violence happens; that is when the drugs happen. What Senator SPECTER and I and others have done is increased by $200 million last year, up to $400 million, afterschool programs.

Obviously, if you are going to leave the doors of the school open, you have to pay. It costs money for heating, air conditioning; it costs money for supervision, for people to run the programs. If you have a music room, maybe kids want to take up music after school; maybe they want to take up theater. Maybe these young people would like to act a little bit, get into theater. You are going to have to have somebody there working with them. Better we pay the cost of an art teacher, a music teacher, a phys ed instructor or whatever for the 3 hours or 4 hours from after school until the time for dinner at home—better we pay that than we pay for the violence and the drugs and stuff that is happening on the streets. I hope this marks a steady increase this year, next year, and the year after that in afterschool programs.

We have $5.3 billion for Head Start, an increase of $608 million, again moving toward the target of making sure that, in America, every 4-year-old who is eligible is covered for Head Start. I am told that with this increase we are getting close to 80-percent coverage of all eligible 4-year-olds, so hopefully next year we can close that gap and get 100-percent coverage. We have increased the maximum Pell grants to $3,325, a $200 increase for low-income students to go to college. So there are some good things.

But there are some big holes in this bill that need to be filled. One of those, perhaps one of the most important—and it is critically important—is the provision the Senator from Washington State, Mrs. MURRAY, I am sure will shortly be talking about. That is the issue of class size reduction. Last year, we put in money for class size reduction. We put in $1.2 billion last year, and we hired 30,000 teachers around the country to reduce class size. This was a high priority of everyone. When you talk about bipartisanship, let me read what former Speaker Newt Gingrich said of the class size reduction program:

> A great victory for the American people. There will be more teachers, and that is good for all Americans.

The former Speaker, Newt Gingrich—not a Democrat.

House Majority Leader DICK ARMEY last year, on class size reduction, said:

> Good for America and good for the schoolchildren.

Finally, BILL GOODLING, chairman of the House Education Committee, said, referring, again, to the class size reduction program:

> It is a huge win for local educators and parents.

This year, the Republican leadership is saying we have to cancel the program, cancel it—$1.2 billion. We hired 30,000 teachers, and they are saying this year: Fire them all.

Oh, yes, they are going to say: We are going to put the $1.2 billion into some kind of block grant program, and then they can use it for this, use it for that, and all that stuff. The priority we have heard from teachers, principals, superintendents, and from parents around the country is that we need to reduce class size. I have heard, on the Republican side, talk that we need teacher qualification, teacher upgrading. I am all for that, but I do not care; you can give me the best qualified, best trained teacher in the world, and if he or she is teaching a second grade class that has 35 or 40 kids in it, I am sorry, they cannot handle it; I don't care how well trained they are.

We had a priority last year on the course of hiring an additional 100,000 teachers to reduce class size in this country, a goal that was shared by the former Speaker of the House, the House majority leader, and the Republican chairman of the House Education Committee.

This year, the Republican leadership says no; because President Clinton wants it, we are going to cut it out. Talk about bipartisanship. This was a bill that had broad-based support. I do not see it as a Republican or Democratic provision at all.

I have heard from parents in Iowa about reducing class size, and they did not say I am a Democrat or I am a Republican and here is what I want. They said: I am a parent and my kid is in a class with 30-some kids and it is too big.

I hear from teachers. They did not tell me if they were Republican or Democrat. I don't know. I did not ask. They complained to me about what it is like as a young teacher just out of college. They have their teaching certificate, and they are on their way. They want to be a good teacher. They want to make a good profession out of it, and they get stuck in a second-grade class with, I heard one of them say, 38 kids. Talk about teacher burnout. You can handle that for about 2 years and then you are out the door. That is why we are losing so many young bright teachers. They want to teach. They want to get to know their kids and to work with those kids. They cannot do it when they have 30 kids in a classroom.

What we have is a bill that basically disinvests the investment we started last year in reducing class size. If this bill were to go through as it is, 30,000 teachers hired last year will have to be let go this year. They say: We are going to put money in block grants if they want to do it. I am sorry, we decided we needed to reduce class sizes. Let's keep our eye on the prize. Let's keep our eye on the goal. Let's at least accomplish one goal for our kids that we set out to do, and that is to reduce class size.

They say they are going to provide $1.2 billion for a teacher assistance initiative. There are two problems with this approach. First, I do not know what the teacher assistance initiative is. Maybe someone can explain it. We have not had any hearings on it. We had lots of hearings on reducing class size. I do not know what a teacher assistance initiative is. Some fancy words.

Secondly, when is it going to be authorized? I also serve on the authorizing committee, and the bill to reauthorize the Elementary and Secondary Education Act has not even been written. We have had hearings. We are a long way from passing this major legislation. Under the existing law, even though the Elementary and Secondary Education Act expires this fiscal year—tomorrow—under the law, we are given a 1-year extension, a 1-year grace period. You know how the Congress is, Mr. President. If we get an extension, we will fill up the time. Quite frankly, the Elementary and Secondary Education Act is not going to be passed this year; it is going to be passed next year.

For some reason, the Republican leadership wants no part of the initiative to reduce class size, I guess because the President wants it. Well, big

deal. Last year, the Speaker of the House, the majority leader and the Republican chairman of the Education Committee wanted it, too. Why is it just because President Clinton wants it they do not want to go along with it? I do not understand that. I simply do not understand that.

Last night, President Clinton announced his intention to veto this bill if it comes to him in its current form. He will veto the bill because it does not guarantee we can continue the class size reduction program that we initiated last year.

I have a statement by the President. I will read it:

> Today the Senate Labor, Health and Human Services, and Education appropriations committee passed a spending bill that fails to invest in key initiatives to raise student achievement. While its funding levels are better than those of the House version, the Senate bill still falls short of what we need to strengthen America's schools. It does not guarantee a single dollar for our efforts to hire quality teachers and reduce class size in the early grades. It cuts funding for education technology and underfunds such efforts as GEAR UP and after-school programs. And it does not provide funding to turn around failing schools.
>
> To develop world-class schools, we need to invest more and demand more in return. We need accountability from our schools—and from our Congress, too. . . .
>
> If this bill were to come to me in its current form I would have to veto it. I believe, however, that we can avoid this course. I sent the Congress a budget for the programs covered by this bill that provided for essential investments in America's needs, and that was fully paid for. I look forward to working with Congress on a bipartisan basis to ensure that this bill strengthens public education and other important national priorities.

Mr. President, I ask unanimous consent that the President's statement be printed in the RECORD.

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

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
September 28, 1999.

STATEMENT BY THE PRESIDENT

> Today the Senate Labor, Health and Human Services, and Education appropriations committee passed a spending bill that fails to invest in key initiatives to raise student achievement. While its funding levels are better than those of the House version, the Senate bill still falls short of what we need to strengthen America's schools. It does not guarantee a single dollar for our efforts to hire quality teachers and reduce class size in the early grades. It cuts funding for education technology, and underfunds such efforts as GEAR UP and after-school programs. And it does not provide funding to turn around failing schools.
>
> To develop world-class schools, we need to invest more and demand more in return. We need accountability from our schools—and from our Congress too.
>
> In addition, the reduction in funding for the Social Services Block Grant could severely undermine state and local efforts to provide child care, child welfare programs, and services for the disabled. By failing to fund the Family Caregiver initiative, the bill also withholds critical aid to families caring for elderly or ill relatives. The legislation also shortchanges public health priorities in preventive and mental health, and underfunds programs that would give millions of Americans improved access to health care.
>
> If this bill were to come to me in its current form I would have to veto it. I believe, however, that we can avoid this course. I sent the Congress a budget for the programs covered by this bill that provided for essential investments in America's needs, and that was fully paid for. I look forward to working with Congress on a bipartisan basis to ensure that this bill strengthens public education and other important national priorities.

Mr. HARKIN. Mr. President, all I can say is, I wish they could put Senator SPECTER and me in a room. I think we would come up with a good bipartisan bill. We have already. Because of some outside influences, we are going to have some real problems. That is a shame.

I believe my colleague, Senator MURRAY, will be offering an amendment to authorize and fund the program as we did last year to reduce class size. This amendment will ensure that school districts across the country will not have to lay off almost 30,000 new teachers hired this fall. I urge my colleagues to support Senator MURRAY's amendment.

Again, before I close, I thank Senator SPECTER and his staff for all their work and their willingness to work together in a truly bipartisan fashion to get this bill to the floor.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my distinguished colleague, Senator HARKIN, for his generous remarks. There are one or two points about which I would like to comment.

With respect to the stem cell issue, on the merits and on the substance, I agree with what Senator HARKIN said, that ultimately we ought to reduce the limitations on the National Institutes of Health. I think it appropriate to say that I took the initiative in putting that language in the bill.

I also agree with Senator HARKIN that this is an issue which I think his position and mine can prevail when it is explained. But I disagree with him on one tiny point, and that is it would not take long to explain it. I think it is going to take a long time to explain it, and a lot of people are going to want to be heard on it.

That is our only point of disagreement, that I don't think it realistic to conclude this bill by the end of business tomorrow. I do not blame him for a healthy share of skepticism, and he will believe it when he sees it. I predict he will see it. He and I have worked together, and our predictions to each other have been accurate right down the line without exception.

Senator HARKIN commented on the statement from the President which I had not seen when I started my comments. I will be responding to that when we have a break in the action. We just received the statement this morning, and he has made a comment that the President said he will veto the bill in its current form, which surprised me on that abrupt challenge. I am prepared to work through that.

He also said in his statement—let me read the statement specifically:

> If this bill were to come to me in its current form I would have to veto it.

I was a little surprised to see that peremptory language without some preliminary consultation. But then he goes on to say:

> I look forward to working with Congress on a bipartisan basis to ensure that this bill strengthens public education and other important national priorities.

Our objectives are the same on strengthening public education and other important national priorities. I am instructing my staff to start to work now with the Secretaries.

We had a hearing. I have worked closely with Secretary Shalala, Health and Human Services; Secretary Riley, Education; and Secretary Herman, Labor. We are going to be working with them as this bill proceeds on the floor and also with the Office of Management and Budget to see if we cannot have a meeting of the minds as we work through the process.

I know the Senator from Washington is ready to offer her amendment, so at this time I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mr. SPECTER. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued to call the roll.

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

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

Mr. SPECTER. Mr. President, after conferring with the distinguished Senator from Iowa and others on the Democratic side, I ask unanimous consent that the Senate now proceed to debate until 12 noon, at which point we will take up the first amendment to be decided at that time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. REID. Will the Senator from Washington yield for a unanimous consent request?

Mrs. MURRAY. Yes.

Mr. REID. Mr. President, I say to the manager of the bill, so we don't have to wait around until 12, I would like the opportunity—whenever it is—to offer my amendment, so people don't have to continue coming down here waiting to offer amendments. I am ready to offer mine at 12.

Mr. SPECTER. Reserving the right to object, Mr. President, that is satisfactory with me. Senator MURRAY had been on the floor earlier, and if she is prepared to defer——

Mr. REID. If Senator MURRAY wants to offer hers at noon, that is fine with me, too.

Mrs. MURRAY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise to speak to the Labor-HHS appropriations bill that is currently on the floor. Our colleagues, Senator HARKIN and Senator SPECTER, have done a yeoman's job of trying to put together a bill under extremely difficult circumstances for sure. They have been left with their bill until last, and every other appropriations bill has taken funds from this appropriations item. We are now left with a bill that we actually don't know how it is going to be funded. I have heard a lot of funding schemes, from taking money from defense, forward funding, a 13th month, to declaring emergencies. Basically, we are left with funding education, funding health research with money that is not real, that we don't know from where it is coming.

We don't know what budget it is coming from or whether it is actually there. So I have a great concern about the reality of the funds for the most important funding we do in this body, that of educating our children, that for health care.

Again, we are debating the appropriations bill that funds some of the most important things in the lives of families across this country. Certainly education is a top priority of every family. They have said they want us to make sure the Federal Government does its part to assure that every child, no matter who they are or where they come from, what their background is, what school they are in, gets a good education.

We have fought hard in this body on the issues that make a difference in a child's classroom. Last year, 1 year ago, this body, in a bipartisan way, with the House agreed in the final appropriations bill, the omnibus bill, to reduce class size. It is a major priority of this Congress and of this country. We appropriated $1.2 billion to reduce class sizes in first, second, and third grades. That decision was applauded across this country by parents, by teachers, by business leaders, and by communities.

Today, those teachers, nearly 30,000 of them, are teaching in our public schools. I had the opportunity last Monday to visit one of the classrooms in Tacoma School District. Tacoma School District has taken the class size funds we allocated and, in 57 first grade classrooms, they have reduced the class size to 15. I had the opportunity to sit down with those 15 children in the first grade classroom and talk to their teacher. She was ecstatic. She said, compared to a class she had worked in before with 27 children: I didn't know all of the kids. I didn't have the opportunity on a daily basis to sit down with them to find out where they were. I didn't have the opportunity as I worked with them throughout the year to make sure every child was keeping up.

She said: Today, with 15 kids in my classroom, and only 10 days of classroom time at the beginning of the year, I know where every child is. I know what their skills are. I know what they need to work on, and I can guarantee as a teacher that by the end of this year every child in my classroom will be reading, will have the basic skills, and will be able to move on to second grade ready to learn.

That is the goal we set when we allocated those funds 1 year ago.

That is why I was so saddened to see, in the bill that comes before us, no money allocated to continue that program to reduce class size in first, second, and third grades; no money; zeroed out; no money to continue those teachers.

Essentially, this bill fires the nearly 30,000 teachers who have been hired since 1 year ago who work in our classrooms to educate our students. This is an incredible step backwards. We did agree 1 year ago that we need to focus on kids in the early grades, that we need to do what we can to make sure that they learn reading, that they learn math, that they learn those basic skills so they can be productive in the outyears.

We know from the studies that have been done that reducing class size in the first, second, and third grades works. We know students from small class sizes have enrolled in more college-bound courses such as foreign languages and advanced math and science. We know students in smaller class sizes have higher grade point averages. We know students in small classes have fewer discipline problems. We know students in small classes have lower dropout rates. It makes sense for us to continue to make sure that class sizes in first, second, and third grades are reduced, and that we continue the commitment we began 1 year ago.

Our initial commitment was $1.1 billion. We agreed that we would add $200 million to that—that is the President's request—so that we can continue to expand and hire 8,000 more teachers. But under the bill that is before us, there is no money to reduce class size. There is no commitment to continue to hire those teachers or to retain those teachers.

Essentially, the language as written in this bill says we will fire 30,000 teachers at the end of this school year. Not on my watch. Not on my watch are we going to go back on a commitment we made 1 year ago. Not on my watch are we going to send a message to young students that we no longer care about making sure they get the basic skills they need; that no longer is this Senate going to stand behind the dollars and the commitments we made 1 year ago; that no longer are we going to tell teachers they can count on us and they can count on our word when we tell them this is the commitment we are going to make to them.

I have had the opportunity to talk with many teachers around my State and around my country. These teachers have been hired. They are in our classrooms. Forty-three percent of the teachers we have hired are teaching in first grade. Their class sizes are going to be reduced from an average of 22.9 to an average of 17.6 students—from 22 down to 17. And every teacher will tell you that for one less student they have in the classroom, the more time they have to spend with each individual student. Twenty-three percent of the teachers are teaching in second grade, and class sizes in second grades across this country are being reduced an average of 23.2 to an average of 18.1. Twenty-four percent of the teachers are teaching in third grade, and class sizes will be reduced from an average of 23.5 to an average of 18.3 for third graders in classrooms across the country.

The money we allocated last year is being spent. We are getting overwhelming responses from teachers, parents, business leaders, and communities that have this class size money in place and are beginning to see the results of it. They are ecstatic. These teachers are in the classrooms. They are teaching. They are appalled that we are going to go back on our word; that this money is not going to continue to be there so that we continue the commitment we made 1 year ago.

I have numbers from many of our States across the country where class size dollars have been put into place and where teachers are beginning to see the real results of what we did 1 year ago. I think one of the things we haven't talked about is the fact that when we put this program in place, we said—unlike the block grants, unlike many other programs—we want to make sure administration and paperwork are not going to hamper these dollars actually going into the classroom.

The class size money that we put into place last year takes one form for a school district—one form, and a few minutes of an administrator's time. That is all it takes for the dollars we allocated, the $1.2 billion going directly to hire teachers. This is real money being used in real classrooms. Unlike block grants and other programs that we have, we can keep track of where this money is. We know the money is being used to hire teachers. We know that a portion of it is being used to train teachers to give them the skills they need. We know the real money is being used in a way that we can come back and test it and hold it accountable and show that our kids are learning because of something we did in the Senate.

As a result of the work we did a year ago, 1.7 million children are now benefiting from smaller class sizes this year. More than 29,000 teachers have been hired with that money. Forty-three percent of them are teaching in the first grade, twenty-three percent are teaching in the second grade, and twenty-four percent are teaching in the third grade.

In Anchorage, AK, very far from here, they received $1.8 million under our Class Size Reduction Program and lowered their average first grade class from 22 to 18 by hiring 40 new first grade teachers.

If the District loses its funding under this bill, the 40 recently hired teachers will be laid off, and they will return their class sizes back to 22 students. And, more importantly, if it ends next year, little will have been gained.

According to Bruce Johnson, Deputy Commissioner of the State Department of Education and Early Development in Anchorage, a 1-year project, he said, generally doesn't yield dramatic results. In Mesa, AR, the Mesa public schools serving 70,000 students received $1.1 million in class size reduction funds. Half of it was used to hire new full-time teachers to reduce their class sizes, and the other half was used to provide reading instruction, an important goal for small groups of children.

Without these continued funds, we are facing a real dilemma. Superintendents are under the gun to get their class sizes down. But at the same time they have this concern about what will happen if they hire new teachers and the Federal money runs out. That is a quota, according to the executive director of the Arizona school administrator.

San Francisco, CA, has been working very hard to reduce class size in the early grades for many years, and they requested a waiver. I say that all the school districts that have requested a waiver have received one. Because they already focused their money on the early grades, they were allowed the flexibility under the dollars we spent last year, and want to continue to spend this year, to reduce class sizes up to the eighth grade.

With these funds, San Francisco hired 37 teachers and reduced their class sizes from 33 to 22. In English and in math, they reduced their class sizes to 20, and they used the funds to provide training for teachers on how to work effectively in smaller classes.

Whenever I talk to young students who are in a high school math class, they tell me the most frustrating thing they do in a day is have their hand raised for an entire 50-minute period and never get their question answered.

California has already focused their class size reduction money on the early grades. They had the flexibility under our language to reduce class sizes to make gains in K through eighth. Now kids don't sit through a 50-minute period raising their hand, with no answer given, and they don't go home at the end of the day not understanding what happened that day. That is progress because of the work we did, because of the flexibility we offered in this bill, and because we said our national goal is to reduce class size because we know it works.

In Boise, ID, they received $547,000 to hire 11 teachers as a result of the Class Size Reduction Program. Some of the teachers will circulate through 10 schools giving students extra help. We have heard from districts that it is a problem because they don't have the classes available to reduce class size. We have allowed them the flexibility, as in Boise, ID, having teachers circulate through the schools so the students get more one-on-one with an adult. Other teachers in Boise were placed in schools with high numbers of low-income students to reduce class size. Boise school administrators will have to lay off the newly hired teachers if they do not receive targeted funding next year. Idaho superintendent Marilyn Howard said this returning of some of our Federal tax dollars to our schools will help support districts' efforts to create smaller classes in the critical early grades.

It is our hope this commitment will continue beyond the current year. These teachers are in place. They are working. They are looking to Congress to see whether what we did a year ago was just an empty promise or whether we really meant it when we said that in the United States of America we want our kids to get a better education and we believe an important role of the Federal Government is to provide the partnership and the dollars to reduce class size. It is a very important goal, one that is achievable, one in which we can help to make the commitment, and one to which we can be held accountable at the end of the day. We know where those funds go. We know they don't go to administration. We know they don't go to expensive bureaucratic work. We know they don't go to a lot of paperwork. We know they go to hire teachers to go directly into the classrooms.

This money is helping. But in the bill before the Senate today, there is no money for class size reduction, no money whatever. Mr. President, 30,000 teachers will be fired as a direct result of this bill now before the Senate. I cannot stand by and let that happen. I know a number of my colleagues will not stand by and let that happen.

In Boston, MA, home of Senator KENNEDY, the Boston public school district received $3.5 million in funding to reduce class size. In the first year, the school district has reduced class sizes in the first and second grades from 28 students to 25 by hiring 40 new teachers. If the Boston public schools were to lose funding targeted to class size reductions, they would not be able to further reduce class sizes to 18 in the first and second grades and they would not be able to reduce class sizes in third and fourth grades, their objective. They would have to lay off all 40 teachers or make deep cuts in other areas of education.

That is not a choice we ought to be giving them. We ought to fulfill the commitment we made 1 year ago: Put the money in class size reduction, make the commitment to continue to work to hire 100,000 teachers across the country, and keep the promise everyone made that education is a No. 1 priority and we are not going to underfund it.

I know there are other colleagues who want to do block grants. I commend them for their ideas, their passion, and their commitment. If there is a need for additional funds for schools in the form of block grants, I am happy to hear those proposals. Yes, let's provide that additional funding. However, let's not take away the commitment we have made to reduce class size in the first, second, and third grades. It is a national commitment on which we need to follow through.

I think what we should recognize is that only 1.6 percent of the entire Federal budget goes to fund education. To take away this $1.2 billion is not the right way to go. I know that my colleagues several years ago passed a sense of the Senate which said we would increase by 1 percent a year the amount of money going to fund education. We have not done that.

If some of my colleagues want to offer a block grant, offer additional funds to schools, that is great. However, let's not take away the commitment, let's not take away the promise, let's not take away the investment that is in place right now with teachers hired, with classes being reduced, with young students in early grades across our country now knowing they will be able to learn to read, write, and do math by the end of first and second grades because this Senate, this Congress, in a bipartisan manner, 1 year ago said: We are going to make this happen. Let's not renege on that promise.

Mr. DURBIN. Will the Senator yield?

Mrs. MURRAY. I am happy to yield to the Senator.

Mr. DURBIN. I am also a member of the Appropriations Committee, and, like the Senator, I was disappointed yesterday. We have a chance with this appropriations bill to define our priority and to say to the American people whether or not we think education is important. I was startled—I think the Senator from Washington, as a former classroom teacher, was surprised as well—when a successful program to reduce class size that put thousands of teachers in classrooms across America was not funded in this legislation.

In my home State of Illinois, we will lose up to 1,200 teachers; nationwide, 29,000 teachers. It strikes me as not only odd but maybe a little bit embarrassing that we are saying to the American people as we start this new century, the first thing we will do for education——

Mr. GREGG. Regular order. I do not think the Senator may be yielded to for a statement.

The PRESIDING OFFICER. The Senator from Washington may yield for a question.

Mr. DURBIN. I was reaching the interrogatory phase of this statement, and it was just about to come to me when the Senator reminded me of the Senate rules. I thank him for that.

Here is the question: Should we in the Senate be kicking off a new century by announcing to America, when it comes to education, we will lay off 1,200 teachers in Illinois?

I will ask another question: Should we announce to America that in terms of education as a priority in the new century, we will kick it off by laying off 29,000 teachers? Would the Senator from Washington respond to that question.

Mrs. MURRAY. The Senator from Illinois is asking the question that every Member ought to be asking. Are we, by our votes on the floor of the Senate today, going to lay off nearly 30,000 teachers nationwide to whom we made a commitment 1 year ago to put into our classrooms, who are working today, who are making a difference today, who are connecting with young children one on one today? Are we going to turn around and say to them: Sorry, you no longer have a job?

Mr. DURBIN. Will the Senator yield for a question?

Mrs. MURRAY. I yield.

Mr. DURBIN. The Senator is a former classroom teacher and follows the trends in education. The question I will ask her: Is the enrollment in schools in America declining so that we can get by with fewer teachers, even if we accept larger classrooms?

Mrs. MURRAY. To the contrary, in answer to the Senator from Illinois. In fact, projections say we will have 500,000 new students in our schools in the next year—500,000 new students. By firing 30,000 teachers, we will increase the classes most dramatically.

Mr. DURBIN. I ask the Senator from Washington: We are struggling to encourage people to become teachers because so many of our current teachers are retiring. Would it not be a disincentive if there were uncertainty about the commitment by the Federal Government for a program to reduce class size?

If the Republican appropriations bill on education passes and lays off 29,000 teachers, what kind of impact will that have on a young person who is trying to decide whether to take up teaching as a profession?

Mrs. MURRAY. I think the Senator from Illinois raises a valid point. We have a lot of young students today who would make outstanding teachers, who would be able to contribute to the future of this country in a very positive way by getting a teaching degree and being a teacher in one of our schools.

However, if we send the message today that teachers will be in an overcrowded classroom, they are not going to have the support, the backing of Congress and legislatures, and teachers will be sitting in overcrowded classrooms, my guess is, we will have a decreasing number of students willing to work in the public education system.

Mr. REID. Will the Senator from Washington yield for a question?

Mrs. MURRAY. I am happy to yield to the Senator.

Mr. REID. We are here now on the floor considering the Health-Education-Labor appropriations bill, a very important bill. The question I have for the Senator from Washington is this. It is my understanding what she wants is a vote, up or down, on whether or not this bill is going to allow the termination of 29,000 teachers or whether those teachers will have jobs. Is that the question we want to put before the Senate?

Mrs. MURRAY. Yes. The Senator from Nevada is absolutely correct. We want to be able to offer an amendment and have every Senator vote, up or down, whether or not they are going to continue to allow these teachers to be employed, to be working in our classrooms, or whether they are going to say: No, sorry; not on our watch.

Mr. REID. I ask a further question of the Senator from Washington. It is my understanding the Senator from Washington and the Senator from Massachusetts, who knows every rule of the Senate, and others who are on this side of the aisle are going to do everything within the procedural possibilities of this Senate to have an up-or-down vote on this amendment on this bill; is that true?

Mrs. MURRAY. Mr. President, in response to the Senator from Nevada, this issue is so important to me, it is so important to the children in our classrooms and the families of this country, that I will continue to offer this amendment every single hour until the Senate is out of session in November.

Mr. REID. I ask an additional question to my friend from Washington. We have been told by the leadership on the other side of the aisle, it is very important to move this legislation. In fact, they have set the date they want to complete it—by tomorrow night. As I understand the Senator from Washington, this legislation would move along very quickly if we had an up-or-down vote on her amendment. If we had an up-or-down vote on her amendment, we could go on and complete the bill very quickly; is that true?

Mrs. MURRAY. The Senator from Nevada is correct. To our colleagues who are wondering why we are debating and not offering the amendment, if I offer the amendment, it will be second-degreed and our colleagues will never have an opportunity to vote or make a statement whether or not they want to continue the funds to reduce class sizes. We are here to continue to talk about the bill. I am happy to do that. I have a lot to say. I know a number of my colleagues do as well.

Mr. REID. I have a last question to my friend from Washington. My friend from Washington speaks from her experience prior to coming to the Senate. It is true, is it not, she was a teacher?

Mrs. MURRAY. The Senator from Nevada is correct. I have been a preschool teacher. I have been a school board member. I have served in my State legislature, been on the education committee there, and I now serve on the Education Committee in the Senate. I have seen all sides of education. Probably most important, I have been a parent of two students in our public education system and participated in everything from PTA to all the activities that go along with being a parent.

Mr. REID. The question I ask to the Senator from Washington—I want to make sure everyone understands: We, the minority, are not stalling this bill. All we want is a simple up-or-down vote on whether or not we are going to lay off 29,000 teachers. We believe those teachers should have their jobs, should be able to keep their jobs. Is that the matter before the Senate?

Mrs. MURRAY. The Senator from Nevada is correct.

Mr. KENNEDY. I wonder if the Senator will yield for an additional question. As I understand, in the Senator's presentation, this concept and commitment to the smaller class size is not only based upon her own experience as a teacher and as a school board member but upon very important results of studies and evaluations of what they call the STARS Program in Tennessee. The results of that study indicate the impact on those children was rather dramatic in math and science, in reading, in reduction of disciplinary problems, and also the benefits of that experience actually carried on through the later grades, through the eighth grade, and actually were reflected in the increasing number of students who attended college.

The amendment of the Senator is based upon what I imagine is rather intuitive understanding of education, and that is, a teacher understanding the students and knowing their needs in a small class. But also, am I correct, this has been really one of the most important new results of various experiments that have taken place in the several States? Am I correct with that conclusion?

Mrs. MURRAY. The Senator from Massachusetts is absolutely correct. Every parent knows smaller class size is important. It is the question they ask their children when they come home on the first day of school: How many kids are in your classroom? They ask that question because every parent knows the smaller the class, the better chance at learning.

But the fact is, we want our Federal dollars spent in areas that will really work. We have, as a Senate, looked at studies—the STARS study the Senator from Massachusetts just mentioned—and the fact is, when we spend Federal

dollars and we are partners with our local districts in reducing class size, it makes a difference for our students.

As the Senator from Massachusetts said, students in smaller classes have significantly higher grades, as found in a STARS study that followed these kids from the early grades all the way through senior year in high school. In fact, in English, smaller classes had a 76.1-percent average—higher than these. In math it was higher, and in science it was higher. This is real. These dollars make a difference. It means students will learn the skills every one of us wants them to learn, and studies back them up. This money makes a difference.

Mr. KENNEDY. Am I correct also, last year when Congress went on record committing itself to at least the first year of the hiring of additional teachers, it really was not a partisan issue? At that time, as I understand it—I am wondering whether the Senator remembers it—the chairman of the House Education Committee said, essentially, on the proposal of the Senator from Washington:

> This is a real victory for the Republican Congress, but more importantly a huge win for local educators, parents who are fed up with Washington mandates, redtape, and regulation. We agree with the President's desire to help classroom teachers, but our proposal does not create a big new Federal education program.

This was said last year by the chairman of the House Education Committee, and similar words were used by House Majority Leader DICK ARMEY of the Republicans. Is the Senator aware that this concept was warmly embraced by Speaker Gingrich, Majority Leader DICK ARMEY, and Congressman GOODLING in the final hours of the last Congress?

Mrs. MURRAY. The Senator from Massachusetts is absolutely correct. I remember the negotiations. I remember everyone coming out in a bipartisan manner, in fact struggling to get their press conferences before their counterparts in the other party, in order to take credit for the class size reduction.

Senator GORTON here in the Senate was part of those negotiations. As the Senator mentioned, the House chairman, a Republican, as well as DICK ARMEY, came out and said: We have made progress. We have done something that is important. We are behind the class size reduction. This is a commitment we are going to make.

So it is very surprising to me that the House has zeroed out money now and said it is no longer a priority, and here in the Senate bill we are doing the same thing.

Mr. KENNEDY. Is it the understanding of the Senator that the Federal participation is very limited, what we do in terms of our contribution to local school budgets—perhaps 7 cents, perhaps somewhat less than that if we consider actually the food? But it is a very small targeted amount; am I correct?

Mrs. MURRAY. The Senator from Massachusetts is correct.

Mr. KENNEDY. Therefore, what the Senator is driving at is to really target scarce resources in an area of education, as I understand it, that has demonstrated and proven to be, under every evaluation, effective in enhancing academic achievement; am I correct?

Mrs. MURRAY. The Senator is absolutely correct. What we did with these dollars is, we focused them directly in an area where we know it makes a difference in the learning of children. In addition, unlike many other Federal programs, we made sure it was not spent on bureaucrats or paperwork or administration. These dollars are targeted directly to the classroom. That is why it has been so effective. That is why it is so well loved by so many districts.

Mr. KENNEDY. I want to ask the Senator whether she is aware of an editorial in today's St. Louis Post-Dispatch illustrating how important class size is to St. Louis families. This is basically Mid-America talking.

I ask unanimous consent the whole editorial be printed in the RECORD.

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

[From the St. Louis Post-Dispatch, Sept. 29, 1999]

ABANDONING SCHOOLS

First in the people's hearts, last in Congress' wallet. That's education. Poll after poll has confirmed that improving our schools is a top priority of Americans. The message has been so relentless that even Republicans (ever mindful of the 2000 elections) felt compelled to rethink their long-standing aversion to involving the federal government in local schools. "It's time to quit playing around the edges and dramatically increase the amount of money that we put in public education," Sen. Pete Domenici, chairman of the Budget Committee, vowed last spring.

Translation: The check is in the mail. Reality: Uh, we intended to pay for it, but now we don't have the money.

Why don't they have the money? Because, as Congress sheepishly waits until the final minutes of the fiscal year to do the unpopular work of tackling the budget, the spending bill that includes education, labor and health and human services was stuck last in line, where money was taken from it to fund other bills. "We've used the health and human services account as an ATM machine," fumed Senate Minority Leader Tom Daschle.

So many billions have been withdrawn from it that several education programs are frozen and an especially important one is in jeopardy.

Remember class size reduction? Last year there was a bipartisan commitment to spend $1.2 billion to hire 100,000 new teachers over a seven-year period, reducing average class size to 18 in grades 1 through 3. St. Louis city and county stood to gain 600 of those teachers. The current spending bills being considered in both houses this week effectively kill the program. So when Congress says "seven years," the education translation is "until the ink on the headlines is dry." It is, as Rep. William L. Clay of St. Louis says, "a shameful abandonment." Thirty thousand of those teachers have been hired. Without the money that was promised, it becomes questionable how many can return next year.

The rap on public schools is, in most cases, a valid one: If your child is either ahead of or behind his peers, he's going to be lost in the shuffle of 25 to 30 children. If your child has some kind of learning disability, it may take years to zero in on it. And if your child doesn't learn to read and do basic arithmetic by the fourth grade, he'll be playing a losing game of catch-up for the rest of his academic life—which might not be very long.

It's hard to think of anything more obvious or more fundamental than the need for smaller classes in the early years. It's even more difficult to think of anything more unconscionable than bailing out a long-range commitment one step into it. Members of Congress, keep your promise. Give our children schools where teachers can teach and all students can learn.

Mr. KENNEDY. I would like to just ask the Senator to respond to this part of the editorial that says:

> Remember class size reduction? Last year there was a bipartisan commitment to spend $1.2 billion to hire 100,000 new teachers over a seven-year period, reducing average class size to 18 in grades 1 through 3. St. Louis city and county stood to gain 600 of those teachers. The current spending bills being considered in both houses this week effectively kill the program.
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Does the Senator find this kind of expression that comes from Middle America, the heartland of the Nation, is really expressed in other parts of the country, western parts of the Nation, the great State of Washington which she represents, as well as in the other parts of the country?

Mrs. MURRAY. The Senator from Massachusetts is correct. I have not seen the editorial. It does not surprise me. I have seen similar editorials, like in Longview, WA, a very small rural community that understands the need to educate their kids because they can no longer rely on the timber jobs that were there maybe even a decade or two decades ago, and they know their kids need to know math and science so they can attract some of the high-tech industries that are coming in and seeing that those kids get the education they need.

I have heard from schools in Yakima, WA, a farming community, Everett, a suburban district, right in the heartland of Seattle, Garfield High School, where teachers have said to me: This money is critical, it is targeted, it is used for what we need to do, you can be held accountable for it; don't renege on a promise.

Mr. KENNEDY. We had some tragic experience in schools this last year,

and all of us are trying to find ways of avoiding those circumstances. No one pretends the answers are going to be easy and are going to be solved virtually overnight. But is it the Senator's sense that by having the smaller class sizes that we not only are dealing with academic achievement, but we are also dealing with some disciplinary problems, and also since we are talking about K–3, we are also talking about the opportunities for teachers to interact with students and perhaps identify some of the younger children who may be faced with some tensions or some developmental difficulties early in the cycle and perhaps have some opportunities to address those particular children's needs?

Does the Senator also think this smaller class size can have some impact in terms of discipline and also in terms of the climate and atmosphere which exists in schools in this country?

Mrs. MURRAY. The Senator from Massachusetts brings up another extremely important point. I do not think there is a parent in America whose heart does not stop when they see another television show about another shooting and they worry about their own child.

The fact is, when kids are in smaller class sizes in the first, second, and third grades, their tendency toward discipline problems is reduced dramatically. It does make a difference.

More important is what a policeman told me not long ago. He said: I watch these families today, and a lot of kids are home alone essentially in the evening. The parents may even be there, but they are essentially home alone. They walk to school in the morning in a neighborhood where the blinds are closed and the doors are closed and not one adult looks out to see if they are OK. They walk to school without anyone paying attention. They get to school, where it is overcrowded, where the only adult in that classroom never has time to look them in the eye or see that they are OK.

This policeman said to me: These kids feel anonymous in today's world. It is no surprise they act out violently in order for someone to notice them.

Mr. KENNEDY. Finally, because there are other Senators who wish to speak, we will lose some 575 teachers in my State of Massachusetts. I have heard from the parents. I have heard from the school boards. I have heard from those communities that say this is certainly one of the highest priorities they have for this Congress.

I thank the Senator from Washington for bringing this matter back to the attention of the Senate.

Mrs. MURRAY. I thank the Senator from Massachusetts. I remind my colleagues that we are here today because we believe this issue is extremely important; that firing nearly 30,000 teachers, that reneging on our promise to reduce class size is the wrong way to go. We want this Senate to be on record, we want an up-or-down vote on this amendment, and we want this country to know we stand behind the commitment we made 1 year ago.

Mr. DORGAN. Mr. President, I wonder if the Senator from Washington will yield for a question.

Mrs. MURRAY. I will be happy to yield for a question.

Mr. DORGAN. Mr. President, I was in the appropriations markup yesterday when the Senator from Washington was preparing to offer the amendment she now describes on the floor of the Senate. I asked the question at that point during the discussion whether the product from the Appropriations Committee that was brought to the committee yesterday, and now to the floor, would, in fact, require or allow or cause the firing of up to 30,000 teachers that had been previously hired under this program. I asked the question, I think, a couple of times, trying to understand, is there a deliberate effort to say we don't want to have a program with national goals or aspirations to reduce class size by hiring more teachers; we don't want to have that program. Is that the goal, to not have that program any longer?

I was not able to get an answer to that. But we now have the program. Is it not correct we have a program in which we in Congress said we will authorize and fund to try to reduce class size around this country in our public schools by adding some additional classroom teachers? We know that works. Study after study tells us that works, that it improves education. A teacher in a classroom with 30 students has substantially less time to devote to those students than a teacher in a classroom with 15. We know that. We know it works in every way to have smaller class sizes.

This Government already decided it wanted to have a program of that type. We funded it and authorized it last year.

Unless the amendment offered by the Senator from Washington is adopted, is it not correct that all across this country, we will see the dismissal of teachers who are now in the classroom helping reduce class sizes, improving education, because the resources will not be available any longer to fund that? And will that not be a significant step backward in our goal to improve public education in this country?

Mrs. MURRAY. The Senator from North Dakota is correct. If my amendment is not adopted, the result will be nearly 30,000 teachers nationwide will lose their jobs at the end of this year.

Mr. DORGAN. But is it not also correct—I continue to ask a question of the Senator from Washington, Mr. President—when we had this discussion yesterday, there was a proposal that perhaps a second-degree amendment would be offered, and they said: Well, we will offer some money that is in the form of kind of a block grant—they do not call it that—where they send some money back to the school districts and say: By the way, do what you want with this because we don't have any goals or aspirations with respect to how it ought to be used.

In other words, they say: Let us retreat from this program of reducing class size by hiring more teachers and improving education that way; let's decide we will send money but have no national goals.

Isn't that the case with respect to what was attempted yesterday before you decided to withhold your amendment for the floor of the Senate, that the second-degree amendment would have said: OK, we will provide some money, but we want to back away from the commitment of reducing class size as a part of solution to improve education?

Mrs. MURRAY. The Senator from North Dakota is absolutely correct. What the other side wants to do is offer a second-degree amendment that offers Senators a false choice. We want to make sure we keep those teachers in place and continue our commitment to reduce class size.

I say to my colleagues, if they want to create a block grant program that provides additional funds, go ahead and tell us what their goals are, tell us what the program is, tell us what the achievements are. But right now we have in place a program we know works, we know what the goals are, and we know it achieves what we want to see achieved in this country, which is increasing the basic skills of our young students and giving them a chance at the economy when they graduate one day.

Mr. DORGAN. Mr. President, if I may further ask the Senator from Washington, this issue is not new. Is it not the case that this issue has been debated for some long while? President Clinton proposed in a State of the Union Address some long while ago this national goal of improving our country's education system by reducing class size; that is, reducing the number of students each teacher would have in the classroom, and decided there are sort of niche funding areas where we can play a role.

It is true that most education funding comes from State and local governments. It is the case, and always should be, that those who run America's schools are our local school boards and those that make education policy in our States are the State legislatures. That is the case. No one suggests that ought to be different.

Mrs. MURRAY. The Senator is correct.

Mr. DORGAN. But it is also the case we can provide niche funding in certain areas through national goals we establish to dramatically improve education, and one of those methods is to say if we had more teachers, we could reduce the size of the classroom, the number of students per class. We know from study after study that dramatically improves the ability of students to learn in school.

The recipe for a good education is not a mystery at all. You have to have a

good teacher, you have to have a student willing to learn, and you have to have a parent willing to be involved in that student's education. Those are necessary ingredients for education to work.

What about this notion of a good teacher? You have to have a good teacher and put that teacher in a position of teaching well in a school that is functional, not in a crumbling school or a crumbling building that is in desperate need of repair, and we know of plenty of those and are working on that, but also in a classroom that is not overcrowded.

I know the Senator from the State of Washington——

Mr. SPECTER. Mr. President, regular order.

Mr. DORGAN. My understanding is, the Senator from Washington has the floor.

The PRESIDING OFFICER (Mr. BURNS). If the Senator would withhold, the Senator from Washington has the floor, and she may only yield for a question.

Mr. DORGAN. Yes. The Senator from North Dakota understands that. I have been in the process of asking a series of questions. I have asked the Senator from Washington several questions. I was in the middle of asking her another question.

The PRESIDING OFFICER. Then the——

Mr. DORGAN. My understanding of the 12 o'clock issue is, there was to be no amendment offered prior to 12 o'clock; and it is now 12 noon. But that restriction has nothing to do with whether or not the Senator from Washington has and retains the floor of the Senate.

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. Is that correct?

The PRESIDING OFFICER. That is correct. The Senator may finish his question.

Mr. SPECTER. Mr. President, parliamentary inquiry. Is it——

The PRESIDING OFFICER. Will the Senator yield for a parliamentary inquiry?

Mr. SPECTER. I am asking the Chair, isn't it correct——

The PRESIDING OFFICER. The Chair advises the Senator from Pennsylvania, the Senator from Washington does have the floor.

Mr. SPECTER. Parliamentary inquiry. With 12 noon having passed——

The PRESIDING OFFICER. Does the Senator from Washington yield for a parliamentary inquiry?

Mrs. MURRAY. Without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Parliamentary inquiry. Isn't it true that the hour of 12 o'clock having passed, that prohibition against offering amendments has lapsed and amendments may now be offered?

The PRESIDING OFFICER. That is correct.

Mr. SPECTER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I yield for a question.

Mr. DORGAN. Let me just ask a final question of the Senator from Washington. I do this saying, first of all, that I have great respect for the Senator from Pennsylvania. I am a member of the Appropriations Committee, and I watched what he did yesterday in the area of education and health care and a range of other areas, where he tried to take resources that were rather limited and make the right investments with them. There are many areas on which I applaud the Senator from Pennsylvania and the Senator from Iowa. I think they deserve our accolades and applause for their work in a number of areas.

The Senator from Washington, however——

The PRESIDING OFFICER. The Chair——

Mr. DORGAN. Let me finish the question, if I might.

The PRESIDING OFFICER. The Chair advises the Senator from North Dakota that the Senator from Washington cannot yield for a statement but a question.

Mr. DORGAN. I understand.

I did not expect that the Chair or the Senator from Pennsylvania would have a problem with my complimenting the Senator from Pennsylvania. But I will cease and desist that.

Mr. SPECTER. I have no problem with that.

Mr. DORGAN. I have a question I want to propound to the Senator from Washington. Isn't it the case that while in some areas there has been adequate funding, in this area on the major initiative dealing with class size, we will have to fire classroom teachers around this country unless this resource is put back in the piece of legislation before the Senate?

Mrs. MURRAY. The Senator is correct. Unless we dedicate this money to the class size reduction bill we passed last year—that we continue it—those classroom teachers will be fired at the end of this year.

Mr. DURBIN. Will the Senator yield for a question?

Mrs. MURRAY. I will yield for a question.

Mr. DURBIN. I would like to ask the Senator from Washington the following question. It was my understanding it was the President's goal to try to recruit and train some 100,000 teachers across America in order to reduce the class size in virtually every community and school district in need of that. Is that correct?

Mrs. MURRAY. The Senator is correct.

Mr. DURBIN. It is my understanding, because of bipartisan action last year—an agreement between Republicans and Democrats that this was a good goal—we appropriated $1 billion or slightly more——

Mrs. MURRAY. It was $1.2 billion.

Mr. DURBIN. And we went on to hire almost 30,000 teachers under the President's program. Is that correct?

Mrs. MURRAY. The Senator is correct.

Mr. DURBIN. I would like to ask the Senator from Washington this question. Am I correct that the Republican leadership now is suggesting we abandon this program, we walk away from this program, and we lay off 29,000 teachers across the country in terms of at the end of this school year and not being retained after that?

Mrs. MURRAY. The Senator is absolutely correct. That is what the bill before us does.

Mr. DURBIN. I would like to ask the Senator from Washington, is this not analogous or parallel to the same debate we had about 100,000 cops on the street, where the President proposed working with communities and police chiefs and sheriffs so we would be able to have safer neighborhoods and safer schools by putting 100,000 cops on the beat?

Mrs. MURRAY. The Senator is correct.

Mr. DURBIN. If I recall correctly—I would like to ask the Senator from Washington—at one point, after many thousands of these policemen had been hired and crime rates were coming down, did not the same Republican Party object to extending the President's 100,000 COPS Program and say we should give this money to States and they could decide what to do with it?

Mrs. MURRAY. I recall the same effort; correct.

Mr. DURBIN. I would like to ask the Senator from Washington, there seems to be pattern: Instead of trying to meet the goals of 100,000 cops to reduce crime or 100,000 teachers to reduce class size, is it not the case that the Republican majority, time and again, wants to stop the President's programs for more cops and more teachers?

Mrs. MURRAY. The Senator from Illinois is correct.

I continue to add, what we have seen is what we call block grants proposed under the guise of: Well, we are letting the local people decide where the money is going to go. All of us want that to happen. All of us want local people involved in the decisionmaking. But what I have seen in the almost 8 years I have been here is that block grants are reduced dramatically. In fact, the title I funds, under the current bill—when we look in the block grants—are being reduced. So it is pretty easy to reduce a block grant. It is a lot harder to fire 29,000 teachers.

Mr. DURBIN. I would like to follow up on that with a question.

The Senator from Washington is not only a leader in education but is a former classroom teacher. I don't know that many of us—I certainly cannot—in the Senate can claim to have that background when we address this important issue.

So I would like to ask the Senator from Washington, as perhaps one of the

few, if not the only, classroom teachers on the floor of the Senate, whether there is any importance to the President's priority of saying, we are going to try to fund 100,000 new teachers and reduce class size, as opposed to some other way this money might be spent?

Mrs. MURRAY. I say to the Senator from Illinois, my experience not only as a teacher but as a parent and school board member and a State legislator working on education is that this initiative has made more of a difference in classrooms than anything I have seen in a number of years. Reality: New teachers hired; smaller class sizes; kids getting the attention they deserve. The reality is that our tax dollars—the moneys allocated under this program—are making a difference. They are making a difference for 1.7 million children right now.

Mr. DURBIN. Is it not true—I would like to ask further of the Senator from Washington—that most, if not all, of us believe there should be accountability in education, accountability by students with their testing, by teachers in terms of the results, by parents in terms of their involvement, and that if we accept the Republican approach, which basically says, let's block grant the money, let's give it in large sums to the school districts, and not hold them accountable in terms of teachers and class size, we are not meeting this national goal?

Mrs. MURRAY. We are not meeting the national goal. And we have no way, as people allocating this money, to know where it went, how it was spent, whether it is on paperwork or bureaucracy or administration. We will not have any way to show that it makes a difference in our kids' classrooms, whether it increases test grade scores—which is a goal for everyone—and we will not know whether this is going to make a difference in a child's learning.

When we put these teachers in the classrooms, we can follow those kids in those classrooms, and we will know for sure, as the years go by, that these dollars make a difference. We will be able to look at those kids, and we will know.

Mr. DURBIN. Further inquiring of the Senator from Washington, if we are going to talk about accountability and results in education—and we have a program where school districts will be held accountable, Senators will be held accountable in terms of reaching the goal of 100,000 new teachers, and we can measure how many teachers are being hired, we can measure class size, and results—are we not going to lose accountability if we accept the Republican approach of basically just sending the money, with no strings attached, to the school districts?

Mrs. MURRAY. The Senator from Illinois is correct; we will not be able to. If our proposal is second degreed, we will not be able to win my amendment and we will not have any accountability. We will not know a year from now how that money was used; we won't know if it made a difference. We will have no accountability; and, frankly, we will not see class sizes reduced in a way that we want them reduced. We know it is important.

Mr. DURBIN. The last question which I will ask of the Senator from Washington: Is it true, you are on the floor leading this debate because of one simple request, and that is that the Senate go on record—yes or no—with a rollcall vote printed for the RECORD to see whether or not we are going to continue this program to move toward 100,000 new teachers in America and lower class sizes, and at this point in time—I hope it changes—there is resistance to that up-or-down vote from the Republican majority?

Mrs. MURRAY. The Senator is absolutely correct. I want an up-or-down vote on this amendment. I want the Senate to be held accountable for their vote on this. I want to be assured that we actually have an opportunity to move to do this amendment without rule XVI applying.

I went to the appropriations subcommittee hearing the night before last. We could not offer any amendments in committee yesterday, as the Senator from Illinois knows; he was there. We were unable to offer this amendment. It was going to be second degreed. The chairman of the committee pleaded and begged that no amendments be offered, that we do it on the floor. Now we get to the floor. I am going to be second degreed. We will never have a chance for an up-or-down vote and rule XVI may or may not apply. The Senate will never be on record.

I want our colleagues to vote. I want us on record. I want the American public to know who wants to make sure that we continue the promise we made, the commitment we made 1 year ago, to reduce class sizes in first, second and third grades.

Mr. KENNEDY. I have one final question, if the Senator will yield for a question.

Mrs. MURRAY. I am happy to yield.

Mr. KENNEDY. Correct me if I am wrong. The Department of Education has estimated that we are going to lose 2 million teachers over the next 10 years, which is 200,000 teachers a year. At the present time, we add 100,000 teachers a year. So we are basically in a 100,000 deficit, as I understand it, at a time when we are seeing the total enrollment for students increase by half a million. Is that the Senator's understanding as well.

Mrs. MURRAY. The Senator is correct.

Mr. KENNEDY. So we are falling further and further behind at the start of this discussion and putting our children in jeopardy without the amendment of the Senator from Washington. It seems to me, for the excellent reasons she has outlined, in terms of quality of education enhancement for children in grades K through 3, that as a matter of national purpose and national priority, this has a sense of urgency.

Mrs. MURRAY. The Senator is absolutely correct. In fact, we know there is going to be a teacher shortage. We need to make sure young people want to go into a career in education. If we are going to tell them they are going to be in a large class, in a crumbling school, and will not have the support at all levels—local, State, and Federal—we are going to have a hard time recruiting those teachers we drastically need.

We do know if we tell our young people that we are going to reduce their class sizes so they can really do the professional job we have asked them to do, and we have a commitment that we are not going to renege on every year, that we believe in this, I believe we will be able to recruit young, great students into the teaching profession, and I think we have a lot of work to do on that. Certainly this is a commitment we need to make.

Mr. President, the majority leader has indicated that he is willing to discuss with us a way to move forward on this.

At this time, I am happy to yield the floor in order to move to that.

PRIVILEGE OF THE FLOOR

Before I do, Mr. President, I ask unanimous consent that the privilege of the floor be granted to Emma Harris, who is a congressional fellow in the office of Senator EDWARDS, during the pending Labor-HHS bill.

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

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we have heard a great deal of talk about class size. There has been an absence of recognition that the bill provides $1.2 billion for teacher initiatives, which may well be defined as class size, where the authorizing committee works. We have heard a castigation about failure to fulfill a promise for the discharge of teachers, which is factually untrue. There is currently $1.2 billion to fund class size reduction on an authorization which was contained in last year's appropriation bill.

This year's appropriation bill includes $1.2 billion on what is called a teacher initiative. So when a number of Senators have talked about the desirability of reducing class size and what that does for education, that is something to which this Senator agrees. That is something the subcommittee agrees with, the full committee agrees with, and is not a partisan issue. It is not a matter that the Democrats say we ought to have small class sizes and the Republicans say there ought to be large class sizes. That is not an issue at all. There is not a controversy.

It is not a controversy that there is any reneging on a promise to take out the $1.2 billion to discharge many teachers. That is simply not factually correct.

The fact is, this appropriations bill contains $1.2 billion.

Yesterday, the Senator from Washington, in the committee, offered an amendment for $1.4 billion. So there was an increase of $200 million, and the Senator from Washington offered that amendment without an offset. This bill is already at $91.7 billion, which is at the breaking point, maybe beyond the breaking point of what this body will enact or what may go through conference. In the absence of an offset, the priorities are not subject to be rearranged, at least in my opinion.

There has been an objection made, understandably, by Senator JEFFORDS, who is the chairman of the authorizing committee. That is the role of the authorizing committee.

Yesterday, there was talk about Senator GORTON. Senator GORTON introduced or was prepared to introduce a second-degree amendment, which would have appropriated the $1.2 billion, subject to authorization, and if the authorization did not occur, then the $1.2 billion would be given to the States. They can make a determination as they see fit in a block grant concept, allocating it to class size or teacher initiative or whatever it is the States decided.

My preference is to see that the $1.2 billion stays in the area of class size and teacher initiative, but that is a matter for the authorizers.

I understand the Senator from Washington wants an up-or-down vote, but the rules of the Senate permit another Senator like Senator GORTON to offer a second-degree amendment. When the Senator from Washington says she is prepared to stay until the end of November to reoffer her amendment, she is entitled to do that. Senator GORTON is entitled to continue to offer a second-degree amendment, if he decides to do that. Those are the rules of the Senate. Nobody is entitled to an up-or-down vote if another Senator wants to offer a second-degree amendment.

Now, it may be that Senator GORTON and others will yield and will allow an up-or-down vote. I am not sure how that will work out, but it is not a matter of right. No Senator has a right to an up-or-down vote. A Senator has a right to follow the rules. Senator GORTON has a right to the rules, just as Senator MURRAY has a right to the rules.

It is simply not true that there is a reneging on the commitment for $1.2 billion. It is in the bill. It is categorized as a teacher initiative. That is another way of saying class size, or it is another way of saying what the authorizers may do by way of specifying how the $1.2 billion is to be spent.

We have a deadline of September 30, the end of the fiscal year, to finish our work. We had the Senator from New Hampshire, Mr. GREGG, call for regular order. I called for regular order. You can articulate questions which are speeches, a lot of speeches that have consumed more than an hour. It is my hope that we can proceed with this bill, proceed with the rules of the Senate, and move to let the Senate work its will.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the comments made by the Senator from Pennsylvania, who has worked so hard to bring this bill to the floor. The bill has been so distorted in its presentation from the other side for the last hour and a half, and the Senator from Pennsylvania, in fairly quick terms, disposed of that distortion. But let me reinforce the point that was made.

There is $1.2 billion in this bill for teachers—teacher activity. It is not an authorized program in the bill because this is an Appropriations Committee, and it doesn't authorize.

I find it a bit unique to hear the ranking member of the authorizing committee come to the floor and say that he wanted it as an authorization on this appropriations bill when 2 weeks ago—or 5 weeks ago now—we passed an amendment in this body which said we weren't going to authorize on appropriations bills.

So the chairman of this subcommittee has appropriately put the money in for teacher assistance—$1.2 billion. And he has not authorized, which is the proper way to proceed.

On the issue of class size itself, there are disagreements. Time and again, we heard in the speeches from the other side how they were going to tell the local school districts how to run their business. There is no longer any sugarcoating of this issue. The fact is that the proposal from the other side of the aisle, which originated with the White House, is a proposal specifically directed at telling local school districts how to run their local school districts. We heard terms such as: How can we pass the language in the appropriations bills when there are no strings attached? The Member from the other side said that. How are we going to know it works if we don't put strings on?

Yesterday, in the committee, the junior Senator from Washington, Mrs. MURRAY, stated as a metaphor: Well, this is like a parent who gives a child an allowance. If you do not tell the child how to spend that allowance, how are you going to know how the child spends it? She might go out and buy candy instead of buying school lunches. That was the metaphor used in committee yesterday.

I point out that the Federal Government is not the parent of the local school districts. The parent in this instance happens to be the parent of the kids. They are the parents. They are the ones who should be making the decision as to how the money gets spent. We are not the parents.

We are not the local parents for every school district in the country, although that happens to be the view of the Democratic minority in this House and the White House. They are the great fathers from Washington who come down into the school districts, and say: Oh, school districts. Give us your money so we can take it to Washington, and, by the way, spread a little bit of it out among the bureaucracy in Washington. And then we will send you back some percentage of your money—maybe 85 cents on the dollar, if you are lucky—and then we will tell you how to spend the money. That is the theory that comes from the other side of the aisle.

This class size proposal is the ultimate example of that because where do they get the money for the class size proposal? They took it out of special education dollars, which essentially meant that local money which was supposed to be used for local decisions—whether it was to add a new teacher for a school or to add a new wing to the school or to add a new computer program to the school—that local money was lost because it had to go to support special education needs which were supposed to be supported by the Federal Government, while the Federal Government came and took the special education money and put it into a classroom program and said: Here, school district. In order to get your money, you have to take our program as it is presented to you, and in no other way. You must accept a class size program in order to get your money back, money which you were supposed to be getting to begin with to help you with special education dollars, for example.

The whole theory of this class size proposal, as it comes from the White House and on the other side of the aisle, is flawed because it essentially is the theory that says Washington knows best. You either do what Washington says or else you are not going to get your money back from Washington—your hard-earned dollars you sent here.

We, however, take a different approach on this. We suggest that when you send money to Washington—unfortunately it still goes through bureaucracy—when you get it back, especially in the area of education, the teachers, the parents, the principals, and the local school districts know best how to spend it.

Yes, we are going to put in some very broad parameters that basically go to quality. But we are not going to exactly tell you that you must hire a new teacher. Rather, we have proposals such as the TEA bill, which passed the House, which I hope will pass here, which says for this money—$1.2 billion—if you want to hire a new teacher, fine, but if you want to train your present teachers to be better math teachers, you can do that, too. Or, for example, if you have a really good teacher, maybe in the sciences, and a lot of pressure is being put on that teacher to move out of the classroom and into the private sector because they can make so much more, you can

use the money to give that teacher some sort of bonus in order to keep them in the classroom where they are doing such good.

Give the local communities flexibility. Let's give some credibility to the idea that the teacher, the principal, and the parent actually know what is best for the kid; that maybe the President does not know what is best for every classroom in America; that maybe the Department of Education does not know what is best for every classroom in America. Maybe it is the people in the classroom and the parents, who have a huge interest in what is happening in this classroom, who know a little bit more about what is happening in that classroom and what the adequate allocation of resources should be.

Our proposal is that we put this $1.2 billion in the context of flexibility. Make it applicable to teachers, make it available for teacher activity, but do not say you must hire a teacher.

Remember that this is not a debate over money, although some will try to characterize it that way. In fact, this bill brought forward by the Senator from Pennsylvania exceeds the President's request in education by almost $.5 billion.

In this account—the issue of the teachers account—the money is the exact same. What the President asked for and what we have in this bill is $1.2 billion.

It is not an issue of money. It is an issue of power and who controls the dollars and who makes the decision over how those dollars are spent. We happen to think the parent, the teacher, the principal, and the school district should have the power. The other side thinks they should have the power—specifically right here in this Chamber, with no strings. They have to have strings attached—from that desk right over there; that desk three rows up and two desks over—running from that desk out to every school district in the country; thousands of strings all over the country running out of that desk telling Americans how to spend that money and how to control the classroom. Then we are going to reel in those strings. And when we find at the end of the string that somebody did something we don't like, somebody from that desk three rows up and two desks over will say: You are not educating your kids correctly, and we know how to do it better. So we are going to take your money away. Here, we are cutting this string right here.

That is not right. Let's send the money out to the schools. Let's let the parents make the decisions. Let's let the teachers make the decisions. Let's let the principal make the decisions within the context of requiring quality.

While we are on the subject, let's talk a little bit about this mythology—that is what it is, mythology—that class size isn't the issue. This has been polled. That is the reason this is being put forward. This is a polling event. It has nothing to do with the substance of the studies that have been done on the education.

They keep quoting the STAR study out in Tennessee. The STAR study has been reviewed by a lot of other studies, including the STAR study itself. The conclusion has been that it isn't so much class size that is important, but it is quality of the teacher that is important. One of the conclusions in the Tennessee study was that if you had first-class teachers for 2 or 3 years, then those students' ability to do the work was improved dramatically. It not only was improved dramatically for the years they had first-class teachers, but it carried forward for 3 or 4 years after they got a really good teacher. That ability of that student went up. It wasn't size of classrooms so much as quality of teachers.

That is what our proposal does, the TEA proposal that goes to the issue of quality teachers and trying to keep quality teachers in the classroom, and letting the local school districts decide who is the quality teacher and who isn't.

It does no good to put a child in a classroom—whether it is 18-to-1, 15-to-1, 10-to-1 or 25-to-1—if that kid is being taught by a teacher who does not know anything about the subject they are teaching or who is an incompetent teacher. It simply doesn't do any good. The child doesn't learn anything because the teacher doesn't know the subject or the child isn't able to communicate with the teacher because the teacher doesn't have the ability to communicate effectively with children.

Class size is not the critical function. It is whether or not that teacher knows the subject and knows how to communicate it and deal with the children. That has been the conclusion of study after study. If we are citing studies, there was an excellent study done by the University of Rochester which has led the subject for years. They looked at over 300 other studies on the question of class size and teacher quality. The first conclusion of that study by Professor Hanushek was that class size reduction has not worked. The second conclusion was that Project STAR in Tennessee does not support overall reduction in class size except perhaps in kindergarten. Remember, this study looked at 300 other studies. Third, the quality of teacher is much more important than the size of the classroom.

That study is not unique. He looked at 300 different studies.

In the State of Washington, there was also a study which came to the exact, same conclusion. In my own State of New Hampshire we did a study. The New Hampshire Center for Public Policy Studies did the same study and came to the same conclusion. A study in Boston dealt with a charter school and found the same. Studies have been done. The evidence is absolutely clear. It is not size of the classroom; it is quality of teacher.

Yes, size may play a marginal function. So we may ask, isn't it obvious size has an impact? We all can agree that size has a small impact but size has been addressed in most States. The President's initiative said we had to have an 18–1 ratio in class size. That is what his goal was. Maybe Members haven't been out of Washington to look at the school systems; maybe they are getting their information from the Education Department or their teacher union friends. But the fact is 42 States have an 18–1 ratio in class size; 42 States already meet the class size requirements. What those 42 States need is a better effort in producing high-quality teachers. What we have in this country is a severe lack of well-trained teachers, teachers in the classroom who are not capable and not doing the job in core disciplines and in areas of education communication. That is where we need help. That is where our teachers need help.

More than 25 percent of the new teachers entering our schools are poorly qualified to teach; 1 out of every 4. Mr. President, 12 percent of the teachers entered without any prior classroom experience; 14 percent of the teachers entered our Nation's schools having not fully met the State standards. In Massachusetts alone, 59 percent of the incoming teachers failed the basic licensing exam; 96 percent of those who retook the exam failed again.

The issue is not numbers in the classroom. The issue is quality of the teacher, how to get a good teacher into the classroom. This is especially true in mathematics and science where we have a dearth of the talent we need because the teachers are not being adequately trained and science moves so quickly they can't stay up with the science. Forty percent of the math teachers in this country do not have a major or a minor in the field in which they teach.

Tell me how it will help a student to be in a classroom with a teacher who has not had algebra, who has no major in algebra, maybe didn't even take algebra? How does it help a student, whether there are 10, 15, or 20 students in the classroom, if the teacher doesn't understand the subject matter? Clearly, we are not going to help the student no matter how many kids are in the class.

The issue is not class size. The statistics prove it is not class size. Studies show it is not class size. Even the Tennessee study referred to by the Senator from Massachusetts shows it is not class size. The issue is quality. Yet the President's program and the program of the junior Senator from Washington says to the States: States must reach this ratio, and if they don't reach this ratio, we will take your money away to some other account. And you must hire a teacher to get your money back—the money you sent to begin with.

We say that is foolish. It is intuitive. It is obvious if you have a school district with parents involved, teachers involved, principals, and school boards

involved, they will know whether they need another teacher or they will know whether they need another classroom or they will know whether they need another computer science lab or they will know whether they have to send some of their teachers to educational classes that might help them in their capacity to handle certain subjects, or they will know if they have a teacher about to leave whom they think is good and they want to teach. The local school district will know these things. These people are not out there committing their lives to education in order to bring down education. These people are well-intentioned, well-purposed, well-meaning, sincere, hard-working individuals who work in our schools. Yet we treat them, as the Senator from Washington described yesterday in committee, as if they were children getting an allowance.

It is insulting to them, No. 1. No. 2, it doesn't work. Obviously, these folks who are running our schools should be given the flexibility to make the decisions within certain parameters so they can do what they think is best for the school district. The parameters we laid out are quality parameters set not by the Federal Government but set by the States. We say: State, you can have this money, but you have to meet certain quality standards and you set those quality standards and test for the quality standards. When you fail to meet the quality standards, you have to take action to correct it. If you don't correct it, then action can be taken by the Federal Government, but not until the local community has had a chance to meet its decisions in the context as to what it sees as its problems. That is a much more logical approach to all of this.

I know the Senator from Arkansas is one of the leaders on this subject and wants to speak. I could go on for quite a while because I find the arguments on the other side to be so outrageous and so arrogant in their viewpoint which is: We know best for school districts of America. We know best because we happen to be elected to the Senate or elected President of the United States. We know what is best at the local school districts.

That is outrageous. This is not about money. The money is in the bill, $1.2 billion. It is there. The Senator from Pennsylvania has been extremely aggressive in funding education. We have on all sorts of accounts exceeded what the President requested. This is about power and the fact there are interest groups in Washington, specifically major labor unions and the education bureaucracy, who want to control the curriculum and the school activities and the educational structure of our elementary schools across this country. They don't want to give up that control. Every time they create a new program, it is directed at control from Washington, telling the local districts how to spend their money. That is what it is about.

We put forth proposals which are aggressively funded which do the opposite: We empower the parent; we empower the teacher; we empower the principal; we empower the local school district. That is the way it should be done and that is the way we improve education.

This is a debate which I enjoy engaging in because I believe it is fairly obvious that proposals from the other side are misdirected and do little to improve education—maybe a lot to improve the power of the local unions, the national unions, and the national education lobby, but they do nothing for local education, whereas our proposal does a great deal to help the local school districts help their kids get a better life, a better education.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I certainly associate my remarks with those of the distinguished Senator from New Hampshire who truly has displayed not only great leadership but great expertise on this whole subject area, and who, I think, very eloquently and very articulately explained the differences in philosophy and approach, and while sincere, the misguided efforts of the proponents of this amendment.

I take a few minutes to make a couple of observations about what the other side said about their amendment and then will outline my objections and what I think are the flaws in the approach advanced by the Senator from Washington. Certainly, I think Senator GREGG was right. The Republican approach is superior because it emphasizes the qualities of the teacher, not simply putting more teachers out there.

I recall very well, in the third grade, when there was an overabundance of third graders in a small rural school in Arkansas that I attended, we were placed in the second grade class. There were 7 third graders placed in the second grade class. Our teacher, Mrs. Hare—I remember her well—had 30 students in her class: 23 second graders and seven third graders. It was not an ideal situation by any means. It was not what anybody desired. We would have liked it if they had smaller classes. But I will tell you this: I am glad I had a quality teacher and that quality teacher was able to turn what would have been a disadvantage in having a combined class into an advantage for every student in that classroom. It is far more important that we have good teachers, qualified teachers, and teachers who have a heart for those students than it is for us, with a command-and-control approach from Washington, DC, to simply put more teachers out there and hire more teachers at the Federal level.

It struck me that the Senator from Washington, in her arguments on behalf of her amendment, wanted to have it both ways. In one breath she said: The Class Size Reduction Program was dramatically effective, so effective that we had to continue it. In virtually the next breath she said: Yes, it is impossible in 1 year to judge the effects of the program; therefore, we need to fund it again so we can give it time to judge its effectiveness.

You cannot have it both ways. So I think, as in many of the sincere arguments from the other side, they are, in fact, quite misguided.

Let me outline a few of my concerns. Senator GREGG rightly pointed out it is a one-size-fits-all approach; it is a command-and-control educational system in which the Federal Government micromanages what the local school districts can and should be doing. It is highly inflexible.

Lisa Graham Keegan, from the State of Arizona, who is one of the great education reformers in this country, stated recently that:

> President Clinton made it abundantly clear that he decided smaller class sizes are a good thing, even though research has provided no clear indicators of the impact that class size has on a child's ability to learn.

Time and time again, I heard the other side say they have lots of conclusive studies, that reduction of class size inevitably improves educational achievement. But I have heard very few studies cited, other than one, in fact, from the State of Tennessee.

She continued:

> Nevertheless, because [smaller] class size had been a good thing in some of the classrooms the President had visited, then smaller class sizes had to be a good thing for every classroom in America.

There, I think, is the flaw in the argument. Because it helps in some situations does not necessarily mean it is the panacea for educational reform across this country.

Second, I believe the approach cited by the Senator from Washington will reward States that have failed to address this issue. Education is primarily a State and local issue. Most States now address class size. In fact, 25 States have had class size reduction initiatives: California, Virginia, Florida, Wisconsin, Tennessee, and on and on. Twenty-five States have already addressed this. Yet this Federal program, in which we fund from the Federal level 100,000 new teachers, basically says that failure to act will be rewarded by the Federal Government stepping in and assisting States. So it has a negative incentive. It rewards States that have failed to address this issue.

Third, it creates either a new entitlement program or an annual battle such as we have now had for two successive years in the appropriations process, pulling the rug out from under school districts that have hired teachers based upon this Federal program. It is a Band-Aid approach to a more systemic problem. It will either create a new entitlement which we feel obligated to keep funding year after year after year because school districts have acted on

the basis of this Federal program, or we will go through this annual exercise, the schools never knowing for sure whether or not there is going to be this Federal program, and therefore we would be accused of pulling the rug out from under them.

The Democrats keep mentioning we need to fulfill the promise we made last fall in the omnibus appropriations bill, which funded the Class Size Reduction Program at $1.2 billion. I simply ask the question: What happens if we do it this year and next year? At the end of the 7 years, what happens?

I will tell you what will happen. Every school district that has acted on the basis of this program will be saying: Reenact it, keep on because we are now dependent on this Federal program for the hiring of teachers.

As usual, in Federal education programs, it will continue to grow from year to year. It will become a new restrictive program that places more regulations on the localities and further contributes to Federal oversight of a local issue. Many school districts in Arkansas have declined to participate simply because of the amount of red tape and bureaucracy involved in the program. In fact, it feeds Federal dependence. It encourages those schools to look to Washington for funding. It encourages schools into a kind of Federal dependency.

No. 5, needy, small districts oftentimes do not even qualify for one single teacher. I think one of the saddest results of this legislation was that some of the neediest school districts, because of their size, were unable to qualify for even one. They were unable to form the consortia required to allow them to receive even partial funding for additional teachers. So in a State like Arkansas those schools that are the neediest are those that are least able to avail themselves of this program.

I might add, we have heard time and time again from the other side that failure to pass the Murray amendment will result in the firing of thousands of teachers across this country. That is not the case. Funds are only now flowing into the school districts from last year's Omnibus Appropriations bill. It is for this school year the teachers who have been hired are already funded, all the way through to the end of this school year. The way this should be addressed is through the Elementary and Secondary Education Act, which the education committee is addressing, and they will be bringing forth a reauthorization bill. That is the proper way for this issue to be addressed. But the issue of firing teachers, that is an absolute red herring; no teacher will be fired by the passage or failure of the amendment before us today.

I might add also, listening to the other side, you would think when the $1.2 billion, 1-year appropriation for this program was enacted last year, that there was bipartisan, universal consensus that this was what we ought to do. That was far from the case. It is a revision of history. The fact is, when the Murray amendment was offered last year, it was defeated on the floor of the Senate, and it was only in the huge omnibus appropriations bill at the end of the session that, in order to reach an agreement with the President to prevent a Government shutdown, there was a resolution of the issue by a 1-year funding of the program. But there was not a 7-year authorization under ESEA, nor was there ever any consensus of this body that this was a proper Federal approach.

The sixth reason I think this is a flawed approach is, while it is very expensive, it will make minimal difference in academic achievement. We have already discovered decreased class size oftentimes does not result in any marked improvement in achievement. Between 1955 and 1997, school class size has dropped from 27.4 students per classroom to 17 students per classroom, according to the National Center for Education Statistics. The number of teachers has grown at a far faster rate than the number of students.

Mr. SPECTER. Will the distinguished Senator from Arkansas yield for a unanimous consent request?

Mr. HUTCHINSON. I will be glad to yield.

Mr. SPECTER. I thank my colleague.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, on behalf of the leader, I ask unanimous consent that at 1 p.m. Senator MURRAY be recognized to offer an amendment relevant to additional teachers, and following reporting by the clerk, the amendment be laid aside, and Senator GORTON be recognized to offer a first-degree amendment.

I further ask unanimous consent that the time between 1 p.m. and 4 p.m. today be divided equally for debate on both amendments, and the vote occur on or in relation to the Gorton amendment, to be followed by a vote on or in relation to the Murray amendment, at 4 p.m., and any rule XVI point of order be waived with respect to these two amendments only.

I also ask unanimous consent that no second-degree amendments be in order to either amendment.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent when Senator HUTCHINSON concludes, the distinguished chairman of the Appropriations Committee be recognized.

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

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I only have a few more remarks.

The point I was making, my sixth point, is why I think theirs is a flawed approach. The evidence is very clear that a simple reduction in class size does not improve academic achievement. In Arkansas, we have seen enrollment decrease from 1970 to 1996 by only 1.3 percent, but there has been a reduction in the number of students.

Mr. REID. Will the Senator yield?

Mr. HUTCHINSON. I would like to yield, but I have a number of points I want to make before I wrap this up.

Mr. REID. We want to clear up who controls the time on this side so there is no confusion later. Can we do that quickly?

Mr. HUTCHINSON. Sure.

Mr. REID. Time will be controlled by Senator MURRAY on this side.

Mr. SPECTER. Acceptable.

Mr. HUTCHINSON. Mr. President, if I may return to the State of Arkansas where we had a reduction in the number of students by 1.3 percent over the 25 years from 1970 on; the number of teachers grew by 17,407 in 1965 to almost 30,000 in 1997. That is an increase of 70 percent in the number of teachers, while we saw a decrease in the number of students. That is dramatic class size reduction.

Unfortunately, we have not seen a comparable increase in academic achievement. I believe, if you look nationwide, that will be the story in State after State. While student-teacher ratios have decreased, we have not seen a comparable increase in academic achievement. Why would we then put this huge investment, dictating from Washington what the solution should be?

If I were to make no other point in these remarks, it would be this seventh concern, that a one-size-fits-all approach from Washington will actually have a negative impact on the poorest students in this country. It will actually penalize poor children in districts across this country.

The L.A. Times, in an editorial entitled ''Class-size Reduction Doesn't Benefit All; Quality Teachers Gravitate to Upper-Income School Districts, While Inner-City Students Lose Out''—it is an interesting phenomenon. Because of the influx of Federal funds to hire teachers, the result has been inner-city schools and poor school districts that can compete less effectively with larger and more affluent schools are actually penalized under this proposal.

The L.A. Times editorial said it very well:

> A substantive reduction in the size of classes in the lower grades for virtually every one of California's public elementary schools triggers a frenetic stirring among the existing teacher force. Schools post job openings for the newly created classrooms. Teachers apply to multiple sites, some more attractive than others. The more attractive schools—those in middle to high-income communities—receive stacks of applications along with well-honed cover letters. The least attractive schools—poorly performing schools in high poverty areas—scrape far fewer applications from their mailboxes.

That is the phenomenon. As so often is the case when we have a federally initiated program trying to decide in Washington, DC, what is best for local school districts all across this country, we have unintended consequences, and

the tragic unintended consequence of this program has been that the poor school districts, the inner-city school districts, are those that have been penalized while the more affluent and middle-class communities have prospered under this program.

Randy Ross, vice president of the Los Angeles Annenberg Metropolitan Project, in testifying before our health committee in the Senate, noted this phenomenon. He said:

> One would think [that] . . . a policy that benefits all teachers would benefit all children—rich and poor. But for reasons that are all too clear, such is not the case with the wholesale reduction in class size. . . . I believe the federal government ought to take the moral high ground to insure that government spending helps poor children, and never, ever hurts them.

That has been the tragic result of this program, that poor children are the ones, in fact, who are penalized.

Senator GREGG rightly said the issue is not money. There is $1.2 billion set aside in this bill for teacher initiatives, including the hiring of additional teachers, if that is what is necessary. That is the better approach, where the local authorities have an option as to how those Federal funds should be spent.

Frankly, in the area of IDEA, we have made an enormous commitment, but we have failed to meet that commitment with adequate funding. My sister Jeri who teaches in Reagan Elementary School in Rogers, AK, knows very well that if the local needs were best met, it would be in providing additional help in special education.

Why shouldn't the local authorities have the right and have the option of determining whether or not hiring more classroom teachers fills the greatest need or whether spending that money to better meet the needs of special ed students would be the better use of local money?

I suggest our approach is far superior, that while very sincere, Senator MURRAY has brought forth, once again, a flawed approach in the area of this Class Size Reduction Initiative. I think we should meet the responsibilities that we have already assumed in the area of IDEA before we create a new commitment and new responsibility that we are unprepared and unable to meet.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have been in conference this morning on other matters, but I did hear the distinguished Senator from Washington, Mrs. MURRAY, discuss the situation in Alaska and particularly Anchorage.

Anchorage did receive $1.8 million last year and reduced class size from 22 to 18. The Senator from Washington indicated if her amendment is not adopted that the Anchorage School District would lay off those new teachers.

I asked my staff to get in touch with the school district. I have to point out it is 4 hours earlier in Alaska, and we had to wait a little while. I have come now to report the conversations that have taken place with the Anchorage and Alaska entities that would receive moneys under this bill.

I want to make it very plain that the Alaska position is, we want no strings on these block grants. We contacted the Anchorage School District superintendent, for instance, Bob Christal. He told my staff to tell me, without any question, they prefer this block grant money without any strings. But he said if Anchorage did receive the block grant, they would use the money to keep the teachers who were hired and for other purposes.

We also contacted the Deputy Commissioner of Education, Bruce Johnson. He said the Alaska Department of Education encourages the greatest amount of flexibility for small districts. There is no question that Alaska wants flexibility in this money. He also indicated there has been no contact with him about this prior to our call this morning.

The superintendent of the Fairbanks School District, Alaska's second largest city, Stewart Weinberg, said he much prefers the flexibility of a block grant. He would like to use a portion of the money that would be received for staff development by hiring mentor teachers to help other new teachers.

There is no question that is the Alaska situation. I know of schools in our State where the school population is going down so far that they are in the situation of maybe having to close schools. We are not talking about an across-the-board concept of money to reduce class size. We want money that can be used to meet the needs of the particular school district.

In some school districts, because of the very unfortunate circumstance of fetal alcohol syndrome, fetal alcohol effect in Alaska, we need teachers' assistants. There ought to be flexibility to use this money so it can meet the needs of the particular school district.

I want to make it very plain in voting, and I intend to vote on the Murray amendment, I will vote to support the position of the educators in Alaska who want this money without strings attached. They want to meet the needs of their districts and they do not want the Federal Government dictating how the money must be spent.

I yield the floor.

Mr. COVERDELL. Mr. President, under the previous order, we are now in 3 hours of debate, equally divided, beginning with the presentation by the Senator from Washington?

The PRESIDING OFFICER. That is correct. Under the previous order, the Senator from Washington is now recognized.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Washington.

AMENDMENT NO. 1804

(Purpose: To specify that $1.4 billion be made available for class size reduction programs consistent with the provisions of Section 307 of 105–277)

Mrs. MURRAY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself, Mr. DASCHLE and Mr. KENNEDY, proposes an amendment numbered 1804.

Mrs. MURRAY. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 54 strike all after "Act" in line 18 through page 55 line 5 and insert the following: "$3,086,634.000, of which $1,151,550,000 shall become available on July 1, 2000, and remain available through September 30, 2001, and of which $1,439,750,000 shall become available on October 1, 2000 and shall remain available through September 30, 2001 for academic year 2000–2001: *Provided,* That of the amount appropriaed, $335,000,000 shall be for Eisenhower professional development State grants under title II–B and up to $750,000 shall be for an evaluation of comprehensive regional assistance centers under title XIII of ESEA: *Provided further,* That $1,400,000,000 shall be available, notwithstanding any other provision of federal law, to carry out programs in accordance with Section 307 of 105–277, the class size reduction program.

"Further, a local education agency that has already reduced class size in the early grades to 18 or fewer children can choose to use the funds received under this section for locally designated programs—

"(1) to make further class-size reductions in grades 1 through 3, including special education classes:

"(ii) to reduce class size in kindergarten or other grades, including special education classes; or

"(iii) to carry out activities to improve teacher quality, including recruiting, mentoring and professional development."

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, if my colleague desires to speak and use some of her time before I actually offer my amendment, I will let her do so. I will seek recognition when she has completed her statement.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, the amendment I have sent to the desk corrects a major flaw in the appropriations bill that is currently before the Senate.

Last year—1 year ago—in a bipartisan way, Members of the Senate, from both parties, and Members of the House, from both parties, agreed to fund an initiative called Reducing Class Size in the first, second and third grades. This is a commitment we made to hire 30,000 new teachers across the country in the early grades to make sure that these kids learn the basic skills that are so important to them as they begin their education.

We did this as a national commitment because we understand that the funds that are directly targeted to the classroom, directly to hire new teachers, directly makes a difference in children's lives, and will mean that we, as Federal partners in providing funds for education will be doing something concrete to make the education of every child in this country better off. It was a bipartisan commitment by both parties.

Unfortunately, in the bill that is currently before us, the money that was to be allocated for class size reduction has been put into something called a teacher assistance program that has not been authorized. Unless it has been authorized, the $1.2 billion will be lost. Essentially, what that means is that the newly hired 30,000 teachers who are in their classrooms—one on one, working with young students—at the end of this year will be laid off, if the current bill moves forward as we now have it in front of us.

My amendment corrects that flaw. It recommits the Senate, it recommits the Congress to doing what we said was the right thing to do a year ago, and that is reducing class sizes in first, second, and third grades.

This idea of reducing class sizes did not come from some bureaucrat in Washington, DC. It came from grassroots organizations across the country, from parents who know that if their child is in a classroom with 30 students throughout the year, they are not going to get the attention they need to have a good education.

It came from teachers who told us they were teaching in overcrowded classrooms, with young students coming to them with problems that none of us probably have experienced in our lives but who are in their classrooms, and the teachers do not have the time to deal with those problems when there are 25 or 30 students.

As professionals and as educators, they told us that what we could do that would make a difference would be to target money across the country, to add new teachers to lower class sizes which would give them the opportunity to do what they have been educated to do—to teach our young children.

This came to us from community leaders who saw the increasing occurrences of violence in youth across their communities, who are saying to us: We want you to do something that makes a difference, that is a reality, where our tax dollars can be held accountable, where we can see a real difference occur because we see too many young people who do not receive any adult attention, who are in overcrowded classrooms, in neighborhoods where no one pays attention to them. They come from families that, for many varied reasons, do not give them the attention they deserve. Reduce class sizes so there is one adult in their lives, in those early grades, who pays attention to them, works with them one on one, and makes a difference.

This idea of reducing class sizes came to us from parents and teachers and community leaders who knew that the role of the Federal Government was to be a partner with their State legislature and their local school district to do the right thing for our young students.

We did not just pull this out because we imagined it may make a difference. We knew from the studies that have been conducted that reducing class sizes in first, second, and third grades makes a difference. It makes a difference in the learning of our young children.

We knew, in fact, that students in smaller classes had significantly higher grades in English, math, and science. This came from a STAR study, a scientific study that took young kids in first, second, and third grades, put them in smaller classes, and then followed them throughout the next 10 years of their education. As they went on, these students, who had been in smaller class sizes to begin with, had significantly higher grades in English, math, and science. They were able to do what all of us want them to do, and that is to learn.

So this idea to reduce class size was backed up by science. It was because of studies similar to the STAR study that we knew that putting our Federal resources into hiring teachers was going to have an outcome that actually made a difference in the education and learning of students across this country. It is real and it is there.

This is the result of the work we did a year ago. We currently have almost 30,000 teachers now teaching in our classrooms that would not be there if we had not begun this approach a year ago. We need to make sure we follow up on that commitment.

How can anyone turn around and now say: Well, what we did a year ago was an empty promise at the end of the year. We got tied up in a budget negotiation. We did not mean it.

How do you say to the teacher that I met in Tacoma a week ago—with a class of 15 first graders as a result of what we did—that it was just an empty promise, that we did it on a whim, that we had to do it? We need to say to that teacher: We meant it then and we mean it now. We know that having 15 first graders in your classroom is going to make a difference. We agree with you as a professional, with you as a teacher, when you look me in the eye as a legislator and say: These kids are going to get an education this year.

She said to me: I want you to make sure you continue this program so it isn't just a 1-year program, that every child in the first grade in the United States of America knows that they are going to learn to read, that every parent who sends their child to a first grade classroom will have the commitment from us that we are doing something in reality that makes a difference for their classrooms.

I know that we are going to be second-degreed. I know another amendment is coming that will block grant these funds and say: Sure, this money is still going to go out to the districts, but that does not touch what parents are asking us to do, that does not touch what teachers are asking us to do.

They said: You as a Federal Government, you as our national leaders, have said that reducing class size is a priority and you are behind it. Tell us that is true, and follow through on that commitment. Don't let it get lost in the bureaucracies of block grants. Don't let it get lost in the politics that happen between where you are and where we are. Please make sure that the money stays there for our teachers.

This is a program we know works. We know that in a lot of block grants the money gets lost in administration and bureaucracy and paperwork. When we passed this legislation to reduce class size, we did it in a way that makes sure the paperwork is minimal. In fact, it is a one-page form that school districts fill out. It takes an administrator 10 minutes—no bureaucracy involved. That class-size money that we began a year ago—$1.2 billion—gets directed all the way into a classroom.

The money doesn't go to bureaucracy and paperwork. It goes to a teacher in a classroom with young kids, giving them time, one on one, to be together and to learn and to be educated.

That is what we all want. That is what is important for our country's future. That is what is going to make a difference 15 years from now when those young kids graduate. Instead of being a dropout, instead of having discipline problems, instead of not going on to college, we know from studies we have seen that these children have a much higher rate of being successful.

Our economy will be better because these children have had that kind of attention. Our education system will be finally working, and we can sit back—15 years from now, 12 years from now—and take credit for doing something that is real. If we block grant this money and send it out there, none of us can say we made a difference. We won't know. But we do know because it is something that is wanted by parents; it is wanted by teachers; it is wanted by community leaders; it is wanted by grassroots people who are in the classroom working with our young children, and it is part of what we have a responsibility to do at the Federal level.

We spend only 1.6 percent of the Federal budget on education. That is appalling. If my colleagues on the other side of the aisle want to add a block grant fund that adds to what we have done in the past, I am all for it. I want to hear about it. I want to hear what it is targeted for. I want to hear what its purpose is. I want to know it is going to make a difference in education. I am delighted to join in that discussion.

But to rob from the Class Size Initiative to add a new program they have developed, I say that is wrong. We know the class size money we put into

effect a year ago is in the classrooms and working. We know a year from now we can be held accountable for that. We know there are 1.7 million children today who are in a smaller class size, getting the skills they need and being taught what they need, having an adult pay attention to them and whom we won't be able to look at if this bill follows through and takes away the Class Size Reduction Initiative we began 1 year ago.

This is an important commitment. It was an important promise a year ago. It is an important promise today. I hope this Senate will step back and say we have a responsibility as Federal legislators to work with our States, to work with our local governments, to reduce class size, and we are going to ante up our part. We are going to put the resources behind our rhetoric. We are going to put $1.4 billion into class size reduction, keep those 30,000 teachers we have hired, add 8,000 new ones, and, a year from now, know we can look back and say we have made a difference—we have made a tremendous difference. We have told a lot of kids, probably more than 2 million, a year from now, if we do this right, that we care about them; that we want them to have the attention they deserve; we believe their education is important; we believe it is more important than just words and rhetoric and empty promises; we are going to live up to the commitments we have given. I urge my colleagues to support the amendment before us.

We have a number of Senators who are going to come and debate this amendment. We will be talking about this for the next several hours. I will retain the remainder of my time at this point and allow the Senator from Washington to send his amendment forward.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 1805

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 1805.

Mr. GORTON. 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:

On page 55, line 2, strike all after "*Provided further*," to the period on line 5 and insert the following: "$1,200,000,000 is appropriated for a teacher assistance initiative pending authorization of that initiative. If the teacher assistance initiative is not authorized by July 1, 2000, the 1,200,000,000 shall be distributed as described in Sec. 307(b)(1) (A and B) of the Department of Education Appropriation Act of 1999. School districts may use the funds for class size reduction activities as described in Sec. 307(c)(2)(A)(i–iii) of the Department of Education Appropriation Act of 1999 or any activity authorized in Sec. 6301 of the Elementary and Secondary Education Act of 1999 or any activity authorized in Sec. 6301 of the Elementary and Secondary Education Act that will improve the academic achievement of all students. Each such agency shall use funds under this section only to supplement, and not to supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this section."

Mr. GORTON. Mr. President, the bill that is before us today, an appropriations bill for a wide range of subjects, including education, includes just four lines on this subject:

$1,200,000,000 shall be for teacher assistance to local educational agencies only if specifically authorized by subsequent legislation.

Now, the distinguished chairman of the subcommittee, the Senator from Pennsylvania, described this money in this fashion because the chairman of the HELP Committee, the committee in charge of education in this body, has conducted a long series of detailed hearings on education in the United States toward the goal of renewing the Elementary and Secondary Education Act.

Sometime next month or, at the latest, in January or February, the committee chaired by Senator JEFFORDS will report that Elementary and Secondary Education Act to the floor for debate. I will be surprised if the debate on renewing our most fundamental educational bill does not last at least a week. But it is simply because these issues are so vitally important and so key to the future of educational quality, so key to the achievement of our students, so key to their performance in a 21st century world, that it is not a debate that should be conducted on an appropriations bill in a 3-hour period.

I must, incidentally, say that this is 3 hours more than was devoted to the subject last year, when the first installment of this 100,000 teachers program was authorized. It was authorized as a part of that massive, overweight, end-of-session proposal that included at least half a dozen appropriations bills and hundreds of pages of authorizing language, the content of which most Members were entirely unaware when they voted on it.

The amendment of my colleague from the State of Washington is, at the very least, premature. She presents issues that are significant and important. They do deserve debate. I think there is a considerably better way. The way we wrote it last year created some overwhelmingly significant problems. It created, first and foremost, in the State of Washington, our own State—and I suspect in every other State in the United States—a situation in which a very large number of school districts got too little money to hire a single teacher. Slightly over 50 percent, slightly over half, 154 of the school districts in Washington State, didn't get enough money out of this program to hire one teacher, already distorting the priorities set forth in the bill.

Interestingly enough, I don't think this is a debate that ought to divide liberals from conservatives, much less those who believe in a Federal role in education from some, though I know of very few, who do not.

In the course of the last year, after the passage of that bill, I have been working with some of my colleagues on the other side of the aisle and with many on my own side of the aisle to come up with a set of ideas as to how we provide more trust in the people who have devoted their entire lives to education as teachers and principals and school board members and, for that matter, parents. We have heard from various of the academic organizations and think tanks, both on the liberal side of this spectrum and on the conservative side of the spectrum.

Interestingly enough, a paper was recently published on this field, authored by Andrew Rotherham of the then Public Policy Institute, a very liberal think tank. Here is what he said in the section of his paper on the subject of teacher quality, class size, and student achievement:

Now a part of Title VI of ESEA, President Clinton's $1.2 billion class-size reduction initiative, passed in 1998, illustrates Washington's obsession with means at the expense of results and also the triumph of symbolism over sound policy. The goal of raising student achievement is reasonable and essential. However, mandating localities do it by reducing class sizes precludes local decision-making and unnecessarily involves Washington in local affairs.

That describes perfectly the proposal before us right now: Washington, DC, knows best. This criticism was written by a scholar at a liberal think tank on education. But, interestingly enough, that scholar has now left the Public Policy Institute and works as President Clinton's Special Assistant for Education Policy today. His study is on our side of this issue, not on the side of this issue presented by the previous amendment.

I was disturbed by the way in which the bill came before us because essentially the bill says that if we don't pass authorizing legislation for this particular program, the schools lose the $1.2 billion. I believe, as does the committee that reported this bill, we should be providing our schools all across the United States with more means to provide quality education for their students.

So I really think in the debate over my amendment that at least we ought to secure a unanimous vote, whatever the views of Members on the amendment by my colleague from the State of Washington, because the amendment that is now before you, which I have offered, simply says that if Congress does not authorize this program by June 30 of next year, the schools will get the money anyway for any valid educational purpose, and they will get it in exactly the same dollar amount in every single school district in the country that they would have gotten had the Murray amendment passed and

had we authorized the program she proposes.

But what is the big difference? The big difference is that in the Murray amendment we are telling every one of 17,000 school districts in the United States that we know better than they do what they need in order to provide education for their students. Somehow or another, an immense ray of wisdom has descended on 100 Members of this body who know more about the needs of a rural district in North Carolina, more about the needs of New York City, more about the needs of 256, I believe it is, school districts in my own State, more than the men and women who have been elected school board members in each one of those school districts, more than the superintendents they have hired to run their schools, and more than the principals who preside over each of their schools or the teachers in those schools or the parents in those districts.

That is not a supportable proposition. That is not a supportable proposition.

Obviously, the needs of school districts vary from place to place across the country. Obviously, there are thousands of school districts that already have ideally low class sizes and have other urgent needs for the improvement of the performance of their students.

I am convinced that when we get to the debate over the Elementary and Secondary Education Act, we are going to make profound changes in an act that has had wonderful goals for decades and has largely failed to meet those goals. I am convinced that one of the principal reasons those goals have not been met to anything like the extent we would wish is the fact that we are telling all of the school districts how to spend the money on literally hundreds of different programs.

I have a better idea, I am convinced, than even this amendment I proposed here today—the idea that we allow States to take a large number of these Federal programs and spend the money as they deem fit, with just one condition, that one condition being that the quality of education be improved as shown by testing students by their actual performance.

Let me go back again to this critique by Mr. Rotherham: ''Illustrates Washington's obsession with means at the expense of results''—''means at the expense of results.''

In one amendment here today, we are saying to every school district in the United States: Here is what you have to do with respect to the structure of your schools. We are telling them nothing about what they have to do from the point of view of the performance of their students. But when we get to the debate on the Elementary and Secondary Education Act, we will have that opportunity to go from a set of Federal programs for which the school district becomes eligible by filling out forms and meeting requirements set out here by the Congress of the United States or the U.S. Department of Education to one that says: Use your money to improve student performance, and if you do, if you keep on using it that way, you can keep on using it that way, but that is the only condition—provide a better education.

As an interim step, my proposal says if we don't agree on some of the proposals here, we are still going to trust you, Mr. and Mrs. member of the school district boards, and all of the professional educators, all of the men and women, the hundreds of thousands, millions of men and women in the United States who are dedicating their entire careers to education to being able to do the job.

Earlier this spring, when we came up with the proposition—that we passed last year without debating it—of a program that created a tremendous amount of awkwardness in half of our school districts because they couldn't hire a single teacher with the money, the associate executive director of the State school directors association in my State of Washington wrote this to us:

> At some point elected officials in Washington, DC, simply must trust local education officials to do what is in the best interests of the kids in their community. We all have their best interests at heart.

Yesterday and this morning, all we heard from the other side of the aisle was that if we don't pass that previous amendment from my colleague, the 30,000 teachers who have been hired in the last year will all be fired and they will all be out on the street. We heard that from Member after Member on the other side.

If we do it my way, each of these schools districts will have the same number of dollars. Are they going to hire teachers with it? Do we have so little confidence in the ability of our schools to set their own priorities that 30,000 teachers will be out on the street? If we did, it would be because it was the unanimous opinion of school districts across the country that this wasn't the right way to spend money on improving education.

I expect that most of the money will continue to be spent on teachers—a very large amount. But it will be a little more in one district and a little less in another because each one of them will have different needs and different priorities.

No. Between these two ideas this is a great gulf. Each of us, I guess, has a strong ego, and humility is not a virtue widely practiced in the Congress of the United States. However, it doesn't take a great deal of humility to say maybe the teachers in my State know more about education than I do; maybe our principals and superintendents know more about running their school districts than we do; maybe the elected school board members who run for just that office and are in the communities and are working with the parents know a little bit more about what their schools need in 17,000 different school districts across this country than do 100 Members of the Senate.

Members who vote for that other amendment will be saying: We know what's best; you don't. We know what's best. Do it our way. It's the only way to do it.

Those who take a different philosophical point of view will say: Let's provide our schools with the tools to do the job, but let's let them determine how to do the job.

Beyond that, my own amendment ought to unite us. We certainly ought to assure the money goes to the schools, and then when we have that week-long or 2-week-long debate this winter and decide how much Federal control we are going to impose, whether we are going to begin to provide more trust, the money will be there; it will be guaranteed to each of the school districts. But we don't need to do it here and now in a relatively brief debate. We do not need to say we know better than they do what their students need.

Guarantee the money for our schools through this amendment, guarantee our schools can set their priorities through their own professional educators, through their own parents, their own often amateur members of the school board, without our having to tell them how to spend every dollar.

I believe we should vote in favor of this amendment and against the other.

Mrs. MURRAY. Mr. President, I ask unanimous consent the Senator from California, Mrs. FEINSTEIN, be added as a cosponsor, and I yield 10 minutes to the Senator from California.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I think the amendment offered by the Senator from Washington, Senator MURRAY, is a no-brainer. I want to say why I believe it is a no-brainer and why I believe it is prudent for the Senate to move ahead with it and approve it today.

The Federal share of elementary and secondary education in this country has declined from 14 percent in 1980 to 6 percent of the share going to schools in 1998. Let me say this another way. Back in 1980, we funded 14 percent of elementary and secondary education needs; in 1998, we funded 6 percent of those needs.

Essentially what Senator MURRAY is trying to do is raise the appropriation level by $200 million and say let's go do it.

What does she want to do? She says, let's reduce class size. What does that mean? In 1999, we spent $1.2 billion on the first installment of hiring 100,000 new teachers all across this great country. The United States could hire 30,000 teachers under that appropriation; my State, California, could hire 3,322 teachers. President Clinton's request for this year, FY 2000, was $1.4 billion. That meant the United States could

hire 8,000 teachers to continue that and California could hire an additional 1,100 teachers.

The recommendation of the Appropriations Committee, of which I am a member, is $1.2 billion. How the money would be used is not specified. The legislation reads that it is for ''teacher assistance'' and that it can only be appropriated if it receives the authorizing legislation.

Senator MURRAY's amendment adds $200 million and deletes the contingency language. Therefore, with the passage of this amendment, the United States could hire 8,000 new teachers all across this great land. For my State, California, that means 1,100 additional teachers. That is important. Class size reduction is important.

I think there are three things that can be done to improve education:

One, elimination of the practice of social promotion, under which youngsters are promoted from grade to grade even when they fail, even when they don't show up in class, even when there are major disciplinary problems and youngsters are not learning. But they are still promoted. This has come to denigrate the value of a high school diploma all across this great land.

We also have large class sizes. California has some of the largest classes in the Union. I have been in elementary schools, K through 6, with 5,000 students in the school. In California, in some schools, students speak 50 different languages, which adds additional burdens on the teachers. No one can learn adequately in overcrowded classes with overburdened teachers.

Because of the challenge of diversity, of the need for additional English training, of the challenge of tightened core curriculum standards, smaller class sizes across this land makes sense. I don't think there is anyone in the Nation who has a youngster in public school who wouldn't say: My youngster can learn better in a class size that is smaller.

That is what this money will go to—reducing class size. Class size reduction, school size reduction, elimination of social promotion, and more qualified teachers across this land can make a huge difference in the accountability and excellence of education for our youngsters.

My State has 6 million students, more students than 36 States have in total population. We have one of the highest projected enrollments in the United States. California will need 210,000 new teachers by 2008—210,000 new teachers. How could I say, let's wait and authorize this some other time? We don't even know whether there will be an elementary and secondary education bill this session. We have an opportunity to address a big problem in education right now. I would hazard a guess that States such as that of the Presiding Officer, Ohio, could also benefit from small class size reduction.

The Murray amendment essentially provides $200 million in additional funds and specifically says the funds will go for class size reduction and the hiring of this additional increment of teachers. That is why I say it is a no-brainer. The need is there; the need is clear. Every parent knows their child is better educated in a smaller setting than a larger setting in elementary school. Why not do it?

California needs to build six new classrooms a day—$809 million a year just in our State—to be able to meet demand. It is a huge obligation. Our teachers are actually spending $1,000 a year out of their own pockets to pay for books, Magic Markers, scissors, and other school supplies. Our needs are huge.

I think reducing class size, increasing the amount of Federal dollars that go to the schools for education, is something we should do, and something we should do forthwith. We should do it because we face an emergency in our schools.

I commend Senator MURRAY for her effort in this. Mr. President, $200 million more dollars can help get the job done. We have an opportunity, and we should use it.

I also take this opportunity to thank the chairman of the subcommittee and the ranking member of the subcommittee, as well as the chairman of the full committee and the ranking member. I actually think this is a good bill in terms of dollars. It has at least $2 billion more for health research. This bill probably includes the largest single priority bill of the American people. I compliment the distinguished Senator from Pennsylvania, the chairman of the subcommittee. I compliment the ranking member, the Senator from Iowa. We may have some differences over how the money should be spent, we may have some differences over stem cell research or some of the specific wording of the bill, but the bill does provide many of the necessary dollars.

I will speak at a later time on the health aspects of the bill. I ask unanimous consent I be afforded 15 minutes after this vote on the amendment to be able to speak on the health aspects of this bill.

Mr. SPECTER. Mr. President, reserving the right to object, we have a time agreement now until 4 o'clock, where we have two votes. After that time, we are going to be moving on to another amendment, I think, of the Senator from Nevada. But I expect at some point we could accommodate the request by the distinguished Senator from California.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, technically I do object, not knowing where it is going to come. Let us see if we cannot work it out. Let us not have an agreement at this moment as to time, and I will consult with Senator REID, who is managing the time for that side, and we will try to find the time.

Mrs. FEINSTEIN. I appreciate that. I withdraw the request.

How much more time do I have?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri. Who yields time?

Mr. SPECTER. I yield 5 minutes requested by the distinguished Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the manager of the bill. I wanted to take a few minutes to share with my colleagues the very clear, overwhelming message I received as I traveled over the State of Missouri and met with teachers, parents, principals, superintendents, and school board members. They asked me a very simple question: Why is it the people in Washington know so much more about our needs than we do? How are you, in Washington, DC, so smart, to know that what we really need is more teachers?

I can tell you instance after instance where, for example, they say: Look, we are in a small school. We only have so many classrooms. We cannot put another teacher in those classrooms. What we need is more equipment. Do not give us the money for a teacher for whom we do not have a classroom, or do not give us more money for another teacher when our salaries are so low we have to raise all the teachers' salaries in order to make sure we keep good people in teaching. It is not just quantity. In a lot of these areas it is getting the money to pay for quality teachers. That is why I believe the Gorton proposal is the way to go.

I have talked to those in small school districts who say: Do you know what we would get? We would get .17 of a teacher, 17 percent of a teacher. That makes a pretty poor teacher, when you have only 17 percent of the teacher. They have not quite figured out how to usefully employ seventeen one-hundredths of a teacher.

But that is the extreme case. The real case, time and time again, is that this is viewed in school districts around my State, and I suggest it would be viewed that way in your own States if you asked them, that Washington is not so smart as to know what each district—whether it is North Callaway or the Scotts Corner or the Martinsburg-Wellsville-Middletown School District needs another half a teacher, or a teacher-and-a-half. Those decisions should be made by the school boards that represent and serve the parents of the district who employ the superintendents and the principals and the teachers.

I proposed something called a direct check for education, which is molded on the work of my colleague, Senator GORTON. That has had overwhelming support from people who actually do the job of teaching our students. We entrust the future of our students to these people. Then we come in from Washington, DC, and say: We are a lot smarter; we know what you need in the

school district. One size does not fit all. Washington's solution is not right in every school district. I can assure you of that. I can assure you the people who are responsible, the people who are elected—usually by the constituents in that district, the patrons of the school district—want to see the best for their children.

Do you know what bugs them? Do you know what is causing them problems? It is all the time and energy they waste in filling out the forms on how they used that 17 percent of a teacher. Filling out those reports, sending them to Washington to keep more bureaucrats busy, does not educate a child or teach the child to read. It doesn't help that child figure out multiplication or division or even to learn about science and history. We need to get the Federal redtape and regulations and misdirected priorities off the backs of the schools that are laboring to teach our kids.

If you have any confidence at all in public education, public education in America today is, and must be, controlled at the local level. Yes, it is a national priority. It must be a national priority.

I commended President Bush when he set out to start the work of raising the standards and the expectations for everybody in America to improve our education system. That is a national priority. But it is a local responsibility. Let us not impose our will on local officials, school board officials, parents, principals, and the teachers on how to spend that money.

I think this is a clear-cut case where we want to trust the people who teach our kids. They know the kids' names, they know the kids' problems, and they know the kids' opportunities.

I urge support of the Gorton amendment. I reserve the remainder of the time and yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent Senator LEVIN be added as a cosponsor.

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

Mrs. MURRAY. I yield such time as he may use to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I will use 10 minutes, Mr. President.

What we have heard from the other side in this debate today is a technique which is sometimes used in this body. But the people who are watching this debate ought to understand it. Those listening to it ought to understand it. It is a familiar technique; that is, not to describe what the amendment is and then to differ with it. That is what we have seen.

With all respect to the Senator who recently spoke about all the time that is necessary in order to make the application—here it is: One page, to make an application. One page for the local school community to make the application.

Let's come back a step and understand the Federal role in education and what this program is basically all about. There is not anyone who is serious about education policy who believes with the 6 or 7 cents out of every Federal dollar that the Federal Government is going to control local decisions on education, not a serious educator. There may be Senators who would like to misrepresent what they understand would be the results of any particular amendment, but that does not stand. I think it is basically intuitive to understand when we are only providing the 6 or 7 cents out of every dollar, basically it is a modest opportunity for local communities to take advantage of these programs.

Second, so we have made a commitment to what? Smaller class size, which is the debate now, ensuring we are going to have a quality teacher in every classroom, that we are going to take advantage, later on in these debates, of afterschool programs which have proven effective and which people desire. We are going to have an opportunity to address those issues. But it is all within that 7 cents.

To listen to our friends on the other side, you would think this is being jammed down the throats of the various school districts. What is in this amendment of the Senator from Washington? It is $1.4 billion to provide for the hiring of various teachers. I have listened to the other side, the Senator from New Hampshire and other Senators, talking about how this is going to threaten local education, how the heavy hand of the Federal Government is going to come down and dictate to every local school community.

This is what it says. Section 304:

> Each local education agency that desires to receive the funds under this section shall include in the application required. . . .

If they so desire to participate—completely voluntary. Do we understand that on the other side? This is voluntary. This says, if your parents, your local teachers, the local school boards, want to participate under this, if there is enough resources and the Murray amendment is accepted, then they can voluntarily participate. Do we understand that on the other side? Voluntary.

Then the question is, all of this Federal bureaucracy, here it is—one page. I wish those who comment on the Murray amendment would at least extend the courtesy to the Senator from Washington to actually understand, to read the amendment and understand what it does. Here it is.

I ask unanimous consent it be printed in the RECORD, the one-page application for local communities to apply for these teachers.

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

III. BUDGET PLAN

1. Indicate the plan for the amount and percentage to be spent per budget category.

(a) Administration		(b) Teacher Salary/Recruitment		(c) Professional Development		Total
$_____	+	$_____	+	$_____	=	$_____
_____%	+	_____%	+	_____%	=	100%
Allowable maximum (3%)	+	Minimum (82%)	+	See directions	=	100%

2. If the district or consortium will use a portion of the grant funds for recruitment purpose(s), list the amount and describe the activity.
Amount: $_____
Describe: _____

IV. HIRING PLAN

(Proposed use of funds listed under Part III 1.b.)

Report the number of additional teachers to be hired using these funds, by teacher type and grade (write in ''0'' for teacher types/grades where no teacher will be hired using these funds)

Teacher Type	1st grade	2nd grade	3rd grade	Other grades
Regular	_____	_____	_____	_____
Special Education	_____	_____	_____	_____

For grades with hires planned using these funds:

Estimate the average number of students per class expected in 1999–2000 without CSR Fund hires			Estimate the average number of students per class expected in 1999–2000 with CSR Fund hires		
1st grade	2nd grade	3rd grade	1st grade	2nd grade	3rd grade

V. DESCRIPTION OF PROPOSED PROFESSIONAL DEVELOPMENT ACTIVITIES

(Proposed use of funds listed under Part III 1.c.)

Describe: _____

VI. ADDITIONAL ASSURANCES

(Proposed use of funds listed under Part III 1.c.)

☐ 1. District will hire only certificated teachers.
☐ 2. District will produce an annual report card for public issue that describes the use and effect of class size reduction funding.
☐ 3. District will provide data on class size reduction for state and/or national reporting.

Mr. KENNEDY. Mr. President, with all respect to the Senator from the State of Washington, Mr. GORTON, under his particular provisions it would put $1.2 billion in a title VI block grant program that allows 15 percent to be used for administration, reducing the funds to schools.

How hollow it is for those on the other side to talk about how we are not getting the bang for the buck when virtually 100 percent of this goes to the local school boards for them to make the judgment in hiring those teachers. Our Republican friends, under title VI, spend 15 percent in administration of it.

Let's get real about this. Please, let's get real on it. Let's debate it on the merits. I would be tempted, if the Senator from Washington, Mr. GORTON, wants to put this as an add-on, to perhaps support it. But that is not what we have here. It is a substitute saying that their program is better than this particular program that has been tried, tested, accepted, and working, and improving the quality of education for children and, importantly, there is a desire for it to be continued.

We have heard again from our good friend from New Hampshire about how this is basically robbing the funding for IDEA, the disability program in education. We should not hear that anymore from that side of the aisle, and I am going to tell you why. When we had the major tax proposal under the Republicans, we had an amendment on the floor of the Senate that the Senator from Washington supported and which I supported, the Senator from Minnesota supported, and others supported, that said: Let's take the full funding of IDEA for 10 years and carve that out of the tax bill; let's carve it out and fully fund it for 10 years.

It would have amounted to a one-fifth reduction in taxes. That was the key vote in terms of IDEA. That was the key vote in terms of priorities for disabilities. Every single Member of the other side of the aisle voted against it—every single one of them.

Let's not come to this Chamber in the afternoon and say: Look what is happening with the Murray amendment; they are trying to take the money from scarce resources.

We had the opportunity to do that, and they said no. That was a serious debate at that particular time. Perhaps maybe even the President's position on the tax bill might have altered or changed—might have, maybe not—if we were going to have full funding of IDEA. But absolutely not and not a single one supported that particular proposal.

I do not often differ with the chairman of our Appropriations Committee, but he suggests we reserve $1.2 billion subject to authorization, and if the authorizers choose to authorize class size, fine, and if not, it can be a block grant for the States to choose. That is the whole problem. We have not been given the opportunity to authorize that. We have been denied, on each and every opportunity, as the Senator from Washington has pointed out, doing that.

The fact is, last year on the appropriations bill, they in effect authorized it and Republicans supported it. All we are asking is to extend it, like we did last year.

I mentioned earlier, and it continues to echo in my ears, what the Republicans said about this very program. It is a shame this issue has somehow developed into a partisan issue because last year, with the Murray amendment, it was widely embraced by the Republicans.

Listen to what Congressman GOODLING, the chairman of the Education and Workforce Committee, declared about this program, the Murray amendment:

> . . . a real victory for the Republican Congress . . .

That is fine with us. As long as we can get the substance, as long as we get teachers, if Congressman Goodling wants to declare that, fine.

> . . .but more importantly—

Thank you—

> it is a huge win for local educators and parents who are fed up with Washington mandates, red tape, and regulation. We agree with the President's desire to help classroom teachers, but our proposal does not create big, new federal education programs.

Mr. ARMEY:

> We were very pleased to receive the President's request for more teachers, especially since he offered to provide a way to pay for them. And when the President's people were willing to work with us so we could let the state and local communities use this money—

That was always the intent, and not only the intent, but specifically the language of the MURRAY amendment.

He continues:

> . . . make these decisions, manage the money, spend the money on teachers where they saw the need, whether it be for special education or for regular teaching, with freedom of choice and management and control at the local level, we thought this was good for America and good for schoolchildren. We were excited to move forward on that.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I ask for 2 more minutes.

Senator GORTON said this about the class size:

> On education, there's been a genuine meeting of the minds involving the President and the Democrats and Republicans here in Congress. . . . It will go directly through to each of the 14,000 school districts. . .and each of those school districts will make its own determination as to what kind of new teachers that district needs most, which kind should be hired. We never were arguing over the amount of money that ought to go into education. And so this is a case in which both sides genuinely can claim a triumph.

What in the world has happened in the last 10 months to those Republican leaders who were enthusiastic about this program 10 months ago and now discard it? What is it? We have not heard it in the Senate; we have not heard it from one single speaker. We hear generalities; we have rhetoric, but there has not been a specific reason for opposition.

In conclusion, the results of that investment show the children are benefiting from the Murray amendment every single day they are in those smaller class sizes.

I hope this body will accept the Murray amendment and do something that is important for local schoolchildren all across this Nation.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, in the beginning of his remarks, the Senator from Massachusetts said the Senator from Missouri, not having read the Murray amendment, made a factual error. I regret to say the Senator from Massachusetts, obviously, has not read my amendment when he stated it allows 15 percent to be used for administration and not go to teachers. In fact, the distribution formula under the Gorton amendment is identical to the distribution formula under the Murray amendment.

Mr. GREGG. Will the Senator yield for a question?

Mr. GORTON. Yes.

Mr. GREGG. I also note the Senator from Massachusetts must not have heard my speech because I outlined specific reasons why class size is not as important as quality of education and quality of teachers. Isn't it true the quality of the teachers is what is the key here, and the amendment of the Senator from Washington will go to allowing schools to improve quality of education and quality of teachers?

Mr. GORTON. The Senator from New Hampshire, in 30 seconds, is precisely correct. He summed up the entire debate. I yield 5 minutes, or such time as he may use, to the Senator from Arizona.

Mr. KYL. Mr. President, we should step back from the rhetoric for a moment and calmly ask the question: What is this debate all about? It is about two simple ideas. They are competing ideas, and neither one is necessarily a bad idea. The question is which one is better.

On the one hand, we have an idea that comes from Washington, DC. It is not a bad idea. It comes from very smart people. The idea is that a lot of school districts in this country could benefit by having the money to hire more teachers. There is nothing wrong with that. Washington, DC, has a lot of bright people, and sometimes some good ideas come from them.

But every school district in this country is different. What the Kennedy-Murray amendment will provide for is only one program, only one idea, and that is that Federal money would be available for one purpose and one purpose only: the hiring of more teachers.

As I said, it is a fine idea; it is good for many but not all. That is where the other idea comes into play. The other idea is that the same amount of money should be made available to the local school districts to be used not just to hire more teachers but for any other legitimate purpose which they believe would best meet the needs of their students based upon their circumstances.

It is a matter of choice. A school district may well decide that what they need more than anything else is to get new books for their library or new computers for the kids or to develop a new reading program; maybe, in view of what is happening to some schools around the country today, to make sure their schools are safer, to provide new antidrug or drug education programs in the schools.

We believe strongly that every parent and child in this country should be guaranteed a safe and drug-free, quality education for themselves or their children. What that means in a school district in Brooklyn, NY, may be very different from what it means in a school district in rural Arizona, for example.

So what the amendment propounded by Senator GORTON says is: Let's let the local school districts decide what to do with this money. The people in Washington may well be right that it ought to be used to hire teachers, but maybe the local folks have a better idea for their school district as to what they think that money should be used for.

I ask my colleagues on the other side, what is the matter with choice? Why wouldn't you want to give the local school districts the choice over how to use that money? I think the answer is: Well, because that is not our idea. We in Washington have a better idea. We know what's best.

The presumption is, we know what is best for every school district in the country. But that isn't true. It is the folks who know the kids' names, who are right there in the local community, who understand what they need most. If they could use that money for purposes other than hiring a new teacher or to better the education of their kids—because maybe they have enough teachers—then why shouldn't we give them that choice? It is a very simple proposition—two competing ideas: Washington knows best or letting the school district decide.

There is another potential problem with the Murray amendment. Perhaps those more familiar with the funding could speak to this issue, but I think there is a significant likelihood that with $200 million more in money under the Murray amendment, the forward funding concept being proposed here would result in that money coming from the Social Security trust fund. If there is any chance of that happening, I must say, we should be firmly and unequivocally in opposition.

We should not be here today making decisions which—maybe not next year but the year after—could result in taking money from the Social Security trust fund, even to fund something as beneficial as education. There is plenty of room in the non-Social Security budget for all of the things we need to do. Remember, this year we have a surplus. The President just announced the size of that surplus—well over $100 billion. Much of that is in the non-Social Security side of the budget.

A surplus, by definition, means that after we have paid for everything else we need, we have money left over. So we are not talking about not being able to fund what we need to fund.

The PRESIDING OFFICER (Mr. GREGG). The Senator's time has expired.

Mr. KYL. I ask for 2 additional minutes.

Mr. SPECTER. I yield the Senator 2 minutes.

Mr. KYL. May I ask my colleague from Pennsylvania, is there another speaker on our side who wishes to speak next or would we go to the other side?

Mr. SPECTER. We should alternate to the other side of the aisle. Then we have Senator JEFFORDS after that.

Mr. KYL. Fine. I will take just another minute and a half of the 2 minutes of which I asked.

Just to summarize the point here, there are a lot of good ideas that come out of Washington, DC. We provide money for them. But we should not presume that everything we come up with here fits every single school district in the country. There may be needs in one area that are not shared in another area; whereas one school district may need teachers, another school district may say, down the road we may need to hire more teachers, but what is more needed is a better math program or a better history program or whatever it might be.

We ought to give them that chance—that is all the Gorton amendment says—instead of saying they can only spend the money on one thing. The Gorton amendment provides that they can spend the money on a variety of things. The application is simple. They simply set their goals, and a year later they demonstrate whether they have met their goals. If they have, they can re-up for the money. If they have not, they cannot. So it is a very goal-oriented program, and they are the ones who set the goals.

I urge my colleagues to support the Gorton amendment to the Murray amendment.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

PRIVILEGE OF THE FLOOR

Mrs. MURRAY. I ask unanimous consent that Ann Ifekwunigwe, a fellow in my office, be given floor privileges during the consideration of this bill.

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

Mrs. MURRAY. I ask unanimous consent that Senator WELLSTONE be added as a cosponsor to my amendment.

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

Mrs. MURRAY. I yield to Senator WELLSTONE 10 minutes.

The PRESIDING OFFICER. The Senator from Minnesota.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. First of all, I ask unanimous consent that an intern, Jonathan Wettstein, be granted floor privileges during the duration of this debate.

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

Mr. WELLSTONE. Mr. President, let me just say to my colleagues on the other side of the aisle, and, for that matter, to the people in our country who are watching the debate or those who are writing about this debate, that if Republicans want to block grant an additional $1 billion or so, having some sense of what it will be for, above and beyond the commitment we have made to our school districts—which has everything in the world to do with not only what teachers but students tell me they really need, namely, more teachers for smaller class sizes—we might be for it.

But that is not what this is about. I have been in a Minnesota school about every 2 weeks for the last 9 years. I was

at Centennial High School just 2 days ago—on Monday. We were talking about education, I say to my colleague from Washington.

I always say to students: You are the experts. Tell me, given your experience—they were juniors and seniors, from a very good school—what works? What are the things you think work best? Also, tell me where you think the gaps are, where you think the weaknesses are. The first thing students talk about is smaller class size. That is the first thing they talk about.

We have used this commitment from the President and what Democrats have pushed through for this last year to hire an additional 519 teachers in the State of Minnesota. That makes a difference to our State. I do not want to see these 519 teachers who are adding—not subtracting, but adding—to the education of young people in our schools in Minnesota receive pink slips, to be without work. I do not want to see that happen. I do not want to see us retreat from the commitment we have made.

A lot of people back in our States are fairly cynical about what we are doing or what we are not doing in the Nation's Capital, what we are doing or not doing in the Congress.

One of the programs that people really respond to is sort of the way people view the Cox program, this initiative we have taken, which is working. What infuriates school districts, what infuriates the education people, who we should be supporting in all our States, is when we go down the road of a commitment, we come up with something that is not bureaucratized, we come up with an initiative that makes all the sense in the world, that speaks directly to the challenges we are faced with in our schools, that provides the funding for school districts to hire more teachers so they can reduce class size, which is really appreciated, which really makes a difference, all of a sudden we go back on that commitment. That is what this is all about.

This amendment, on the part of Senator GORTON from Washington, is an effort to essentially negate the commitment we have made, which is what Senator MURRAY and Senator KENNEDY and all of us are speaking for.

As I listened to my colleagues on the other side speak, I think there is also a philosophical difference. It is not true that we in the Congress do not or should not think of our country as a national community. We should. We are a national community. There are certain kinds of values that inform us.

Sometimes we come to the floor and support legislation, and hopefully pass legislation, that says to every child in America, no matter where he or she lives, no matter what State, no matter what district, no matter rural or urban or wealthy school district or low-income school district, we are going to do everything we can to make sure that child has an opportunity to do well. That is a commitment we make for our national community. We are going to say this is a priority. We are going to focus on this priority. We are going to fund this priority.

What Senator MURRAY has said is, we have made that commitment. The priority that we have outlined is that we make the commitment to provide the funding for the school districts, if they want, so they can use that funding to hire more teachers to reduce class size. We know this is important, important to the students in this country, important to the students in Minnesota, important to the students of Illinois or Washington or Massachusetts. That is what we have done. That is what this debate is all about.

The Republicans on the other side of the aisle want to basically go back on this commitment. They want to say no, we don't want to do that. We are simply going to undercut the commitment. They haven't authorized it yet.

Let me tell Senators, there are a lot of us who would like to have a lot of substantive debate about education, including authorizing this bill in committee, getting it out on the floor. That can't be used as an excuse.

What we have from Republicans is a counterproposal which essentially means that we go back on this commitment and we block grant this money. We wipe out this program. We wipe out this commitment. We wipe out this priority. We no longer say that as a Federal Government, as a Congress, as a national community, we are committed to getting more resources to school districts so they can hire more teachers and reduce class size.

If my colleagues on the other side think there isn't a lot of support in their States for this initiative, they are making a big mistake.

What my Republican colleagues want to do is say: We will just block grant this. The money can be spent however it can be spent. We don't establish the priorities. We don't think of this as a national community. We don't think of this effort to reduce class size as an important enough priority that we should continue to fund it.

That is an outrageous proposition. All of us will be held accountable for our vote.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes.

Mr. WELLSTONE. I will make one more point, unless there are any colleagues on the floor who need to speak right away.

I think there is a kind of difference between Democrats and Republicans, a difference above and beyond a philosophical question, which is that we are prepared to say this is a priority and stand by this priority, and we are not prepared to walk away from the commitment we have made to school districts or a commitment we made to children or a commitment we made to teachers or a commitment we made to education. We are not going to walk away from that commitment. Our Republican colleagues on the other side of the aisle want to.

The other problem is this pattern of funding. Here is a Republican 5-year history of cutting education funding: I remember the 1995 rescission, a cut of $1.7 billion. That was a House bill. Fiscal year 1996, $3.9 billion below 1995, House bill; fiscal year 1997, a cut of $3.1 billion; fiscal year 1998, $200 million less than the President's proposal; fiscal year 1999, $2 billion below the President's proposal.

It is incredible to me. I was on the floor with Senator BOXER, Senator FEINGOLD, Senator DURBIN—there were a number of Senators involved. We were saying: Wait a minute; we now see an effort on the floor of the Senate to feel so sorry for these big oil companies that have been caught cheating; they ought to pay their fair share of taxes, but some of our colleagues on the other side of the aisle were right there for these oil companies. They wanted to make sure they got their breaks, wanted to make sure they didn't have to pay their fair share, wanted to make sure they got this benefit. That is a priority. You can be for big oil companies or you can try to work out deals for this special interest or that special interest.

We are arguing that children and education is a special interest. We are arguing that this is a special program. We are arguing this is a special program that has worked very well. We are arguing that we made a commitment to our school districts to continue this funding. We are arguing that it would be simply unconscionable, indeed, unacceptable, for this Senate to now abandon that commitment after 1 year of a successful program.

We speak against it. We fight against it. We are proud to vote for the Murray amendment. All of us will be held accountable.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GORTON. Mr. President, I ask unanimous consent that the majority leader, Senator LOTT, be added as a cosponsor of my amendment.

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

Mr. GORTON. I yield 10 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Senator from Washington. I appreciate his leadership and commitment to education. He is an excellent spokesman on this issue.

Mr. President, my daughters have graduated from public schools. My wife and I have graduated from public schools. We want to strengthen our public schools. We want to improve schools; certainly, we do.

What we really want to do is improve public education. We want to make it better. I believe that so strongly. It is curious to me that there are some in

this body who think there is only one way to do it—to spend an extra billion or so—and that is to spend it on 100,000 teachers, which I suppose is an issue that somebody poll tested and ran surveys on and thought that sounded like a good political way to fix education. We have to be responsible. We have to think these thing through.

The Gorton amendment says, OK, we want to do more than we have done. The Senator from Washington says, I will sponsor an amendment that spends more for education than the President has requested. But he wants to give the local school systems the ability to decide how to use that money.

As I travel around my State having town meetings in every county in my State, almost every meeting I have the local superintendent of education comes up and we talk about education. I am not hearing them tell me they want more micro-managed, targeted assistance from Washington, more regulations, more paperwork to fill out, and more controls on how they are operating to improve their education. They are not asking for that.

What they are saying is—and this is happening all over America; school systems are in intense self-study; Governors are in intense study of their education situation—we have to do better about how we do education. Just to say we need more teachers and that is all you can spend this money for does make good sense.

It is not being against education; it is not being against learning; it is not being against schools, to say we ought not to target this money for one use only. We need to be flexible.

What we do know is this: Class size in America is down. As a matter of fact, it has been reported that 42 States already meet the goal of 18 students per teacher; 42 States are already doing that. What is troubling—and I know the Presiding Officer, the Senator from New Hampshire, has talked passionately about this so often—is our achievement numbers are still going down.

When you get at the level of 16, 17, 18, 19 students per teacher, what do we know from scientific study and analysis? It is not whether it is 19 or 17 in a classroom that is key. It is the quality of the teacher, the learning environment that occurs there. Do they have the kind of textbooks and equipment needed? Do they have the resources from which that teacher can draw? Is there discipline there, or are there Federal rules and regulations hampering a teacher's ability to maintain discipline and to remove students who are disruptive from the classroom?

Aren't those the things my colleagues hear when they talk to teachers? That is what they are telling me.

I agree with the Gorton amendment, to allow the school systems to use this money—more money in this amendment than asked for by the President for education—as they see fit but without the restrictive rules and regulations and controls.

Why isn't that what we ought to be doing? Why is it that some people in this body have their own idea about how they have to improve education and only their way is the way to have it done? I would just say that this is a mistake. I believe it very strongly. We are all united together in our concern to improve education. But how we do it is the question.

My wife taught for a number of years. I taught for a year. We both were in the PTA. She was a volunteer teacher in the classroom to help teachers teach on a daily basis. I think that helps. Perhaps a program that will allow local schools to help parents to participate more directly as aides to teachers on a volunteer basis may be of far more benefit than adding 1 more teacher to a classroom and getting that number down from 19 to 18. Who knows for sure?

We know this: There is an intense reevaluation of education in America today. There are a lot of things we don't know. But our superintendents, our principals, our State school boards, and our Governors are having to answer to the American people about why they should continue to give more and more money to the system when progress is not occurring and in fact we are showing a decline in so many different areas in our education achievement.

We know that among the industrialized nations, the United States finished 19th recently out of 21 countries in mathematics and lower in science and technology. Something is afoot here. Mandating teachers without giving school systems a choice to improve education and learning is a big mistake. I certainly share that.

I would like to mention a few other things we ought to think about as we go through this debate.

The ''Washington knows best'' attitude is wrong. The federal government funds 7 percent of the money for education in America. While 93 percent comes from the States and local governments. That is what we have always believed was correct. We have always believed that we don't want a central state government educating all our children. We want our children to be educated by people we know, people who know our children's names. For the most part, that happens in America today. And we ought to enhance that.

But what we have found is that there are 778—get this—778 Federal education programs in existence today. That is a lot of programs. That is why the education systems are telling me: JEFF, we have to have a full-time person just to fill out the paperwork in order to comply with the federal regulations. This amendment by Senator MURRAY would add number 779, I suppose. And before the education bill goes through, we may even try to add a bunch more in addition to that. But we never go back and eliminate those that are not proving to be effective.

We have also found that today only 65 cents out of every dollar we dedicate to education from Washington actually gets to the classrooms where the kids are and the teachers are. To me, that is not acceptable. It is simply not acceptable. Too much of it is kept in Washington. That which gets down to the schools and the classrooms has so many strings on it and regulations and so much paperwork that it is not as effective as it ought to be.

I just say this: We have 50 States in this Nation that fund 93 percent of the cost of education in their States. Most of these Governors have made education a top priority. More and more, are doing everything possible to fix education in their states. We ought to give them some freedom and flexibility to be innovative, creative, to fix and improve education, and not try to run it from up here. There is just no doubt about that in my mind.

I know we can do a better job with education. I know we can improve the quality of American life. I know this for a fact: We would have better education if the Federal Government gave more money to the school systems with fewer strings, fewer regulations, less redtape, and less bureaucracy.

Somewhere, some way, we need to enhance that magic moment that occurs in a classroom, that sublime moment when a child learns, when that teacher and child communicate and good things happen. Just having 789 programs instead of 788 I don't believe is the right direction.

SLADE GORTON's amendment would allow the school system to use it for teachers, computers, textbooks, or whatever they need. It would be available for that in the same proportion the proponents of the amendment would require. It would go to schools in the same fashion. But they would be able to use it for teachers or any of the other things you can imagine that would be necessary.

I thank the Chair. I thank Senator GORTON for his dedication and his leadership on this issue.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

I think one of the great things about the class size initiative that is so important to remember is that this money goes directly to the classrooms, with no bureaucracy and one piece of paper. There is essentially no paperwork. This money is allocated directly. There is no bureaucracy and no administration cost. This money goes to the teachers in our classrooms. That is what so many of us believe is the right way to spend our Federal dollars.

Mr. President, I ask unanimous consent that Senators DURBIN, TORRICELLI, MIKULSKI, JOHN KERRY, BOXER, SARBANES, and JOHNSON be added as cosponsors.

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

Mrs. MURRAY. Mr. President, I ask for 10 minutes for the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you very much, Mr. President.

I thank the Senator from Washington, Mrs. MURRAY, for her very strong leadership on this important issue.

We just heard the Senator from Alabama, Mr. SESSIONS, talk about 779 different programs. My friends in the Senate, we are not talking about 779 different programs. We are talking right now about a very important issue. It is one issue. It is one program. It is a program that has placed 29,000 teachers across this country in schools.

We have a bill before us that would end that program. That is what the Senator from Washington State is doing. It is bad. It is bad on the merits. It is bad in terms of the whole issue that has been raised here about us moving forward and then turning our back on a program we just began. It is bad for the children. It is bad for these teachers.

If I were the Senator from Alabama, I wouldn't feel so good about having a vote that is going to result in teachers getting their pink slips in his State and in every State in the Union. In my particular State, we are talking about 4,000 teachers being given pink slips.

A lot of us like surprises. We like nice surprises. We don't like bad surprises. This Republican bill has a surprise for the children of this country. Surprise: Many of you are going back into large classes after you have spent a year getting the attention you deserve, because that is the impact of the Gorton amendment, and everybody on the other side tries to cover it up by saying: Oh, no; Senator GORTON is merely trying to make this thing a block grant package. It doesn't matter.

The Murray amendment is a fight with Senator GORTON about whether or not we are going to live up to our promise. The Senator from Washington, Mrs. MURRAY, said it is a very simple form to fill out. I have the form here. You have seen it before. It is a one-page form.

I hope no one on the other side of the aisle gets up and says what bureaucracy this is. They talk about 779 programs. But this is one program, one sheet of paper, a program that was praised by Republican DICK ARMEY, the Majority Leader over in the House. It was praised by the Republican chairman of that committee. They took all kinds of credit for it. We said: Great; take credit for it. Now they are going to end it right here in the Senate. I have a problem with that.

I also have a problem with the way the bill was put together. I have a chart. I am going to try to explain what has happened with this bill.

The Republicans promised to have their appropriations bills ready in time. Wrong. What do they do? They left Health and Human Services, which includes education, for the last appropriations bill. I find that interesting since they often say education is the highest priority. When they wrote this bill, they were short $11 billion for education.

We had been saying on the floor we need to make education a priority. Desperately, they looked around and came up with the all-time gimmick of the year. They said: Let's take two issues which we can argue later are emergency issues.

One is the census. I find it interesting to declare that an emergency since we have known it was coming since the founding of the Constitution. Be that as it may, they called it an emergency. Then they said: We can say the defense budget is an emergency even though we have already funded it as a nonemergency.

So they took the $11 billion from defense and they put it over to education. Now they had a bit of a problem. They were short $11 billion on this side of the chart. How would they replace it? Guess what, folks. Social Security—Social Security had that $11 billion. They decided to declare defense and the census emergencies; they took the money, by declaring them an emergency, out of Social Security and put it in defense. Then, something they promised they would never do because this was supposed to be locked up, we have an $11 billion IOU in the Social Security trust fund.

This was quite a maneuver, going against what the Republicans said they would not do. In order to get this money, they steal from here; in order to get this money, they steal from there; and Social Security, which they were not going to touch, will now be owed $11 billion because that is where the emergency spending comes from. I think it is time we used a little fiscal discipline and paid for things as we go. I think that is the right way to go.

Some Members say one good thing about this, they do have $11 billion for education. I say right, but even within that, they zero out the teachers in the school program. They have the money now, but they take it away, and in their appropriations bill they set up a whole new program that no one has ever heard of called teachers assistance. We don't know what it is or what form it will take. We don't know if it will be authorized.

The Senator from Washington says if it isn't authorized, we will figure a way to give the schools a block grant. This is an important issue. The Senator from Alabama gets up and says: I don't understand how we in the Federal Government know what people want.

Maybe he doesn't know what his people want, but I know what my people want. I ran two tough elections for the Senate. One of the biggest issues was education; within that, putting more teachers in the schools, afterschool programs, and school construction. My Republican opponent was against me on every single issue. My election was based on issues.

I say to my friend from Alabama, yes, I know what the people in my State want. I am proud to know that. I didn't come here to give my responsibility to someone else.

Today, in the Public Works Committee we honored a great President, Dwight Eisenhower. We named a building after him. I was thrilled to vote for it. Dwight Eisenhower, a Republican President, the first President to say there is a function and a role for the Federal Government in public education. He outlined it in the National Defense Education Act. It amazes me when Republicans stand up and say this is some radical idea. It came from one of their leaders whom I greatly admire. We are doing too little for the schools, not too much.

I don't want to be a party to children in school being told they have to leave a class of 15 or 20 and return to a class of 35 or 40. That is what will happen with the Gorton amendment. Senator MURRAY is right on target in her fight. It stuns me that we are dealing with this situation. As Senator KENNEDY said, all the Republicans, a year ago when we funded this program, not only praised it but took credit for it.

I ask, is anyone writing to complain about this program? No. The local districts want this program to continue. They want the certainty of this program to continue. They want the smaller class sizes to continue. Even with this $11 billion that they will eventually take out of Social Security and place in here, they ignore teachers in the classroom. They underfund afterschool programs by $200 million under the President's proposal. That will leave a lot of children out in the cold, tens and tens of thousands. I will have an amendment on that.

The crumbling schools initiative is as if every school is beautiful. I have been to schools where the tiles are falling off the ceilings. Yes, they put in the $11 billion, but they are not spending it in ways that the people in our country want Congress to spend it. Education is a priority. We all say it; we ought to mean it.

In conclusion, my friends talk as if the schools are forced to apply for this program. Nothing could be further from the truth. This is not a mandate to put teachers in the school. This is Congress responding to a request to help put more teachers in the school. It is a one-page form. With one vote, we can do away with a great program. I hope we will follow the leadership of Senator MURRAY and Senator KENNEDY.

I yield the floor.

Mr. SPECTER. I yield 5 minutes to the distinguished Senator from Vermont, Mr. JEFFORDS.

Mr. JEFFORDS. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The pending amendment is the Gorton amendment No. 1805; there is also pending the Murray amendment. There are two amendments pending.

Mr. JEFFORDS. Mr. President, first of all, everyone should realize this is

the year we start reevaluating the educational programs of this country. The Elementary and Secondary Education Act is up for reauthorization. This is most comprehensive. It is the one bill we look at to try and get guidance from the Federal Government in the area of elementary and secondary education.

There are many things we must be concerned about. One of those has been raised by the Senator from Washington—class size. There are many other issues to be involved. In addition, this is an attempt to authorize on an appropriations bill. It is not the time. The time is when we take up the Elementary and Secondary Education Act. We have begun doing that. The committee has been very active. We held over 20 hearings on what should be done to make the Elementary and Secondary Education Act more successful.

This Nation, as everyone has articulated, is in an educational crisis situation. We have many wonderful schools and many wonderful teachers, but relative to our competition in other areas of the world, we could be doing much better. The question is, What do we do and how do we do it? On the 23rd of June this year, the Health, Education, Labor, and Pensions Committee held a hearing on the class size proposal. We have had this under review. Statements were heard from an expert panel of witnesses who offered an array of views on the merits of creating a Federal program that mandated local communities use funds to lower class sizes.

We examined important issues, including the impact of reducing class size on student achievement and other factors impacting student achievement; the tension between quantity and quality with respect to hiring teachers; whether large class sizes are the biggest obstacle to improving student achievement; and the value and role of schoolteachers in making decisions for providing the best education to young people in their schools.

What did the witnesses who came before the Committee have to say? Dr. Eric Hanushek, a respected professor at the University of Rochester stated, for the record:

> a move to mandate smaller classes . . . is misguided and could even hurt students and student achievement; . . . the accumulated evidence on the impact of reduced class size on student performance gives no reason to expect that the current wave of class size reduction will have an overall effect on student achievement; and that class size is very expensive and takes resource and attention away from potentially more productive reform efforts.

He based his views on extensive research and historical evidence. In U.S. history, between 1965 and 1995, pupil-teacher ratios have fallen from 25:1 to 17:1 yet performance on the National Assessment of Educational Progress (NAEP) has remained roughly constant. That produces no evidence that class size makes a difference. He noted that while pupil-teacher ratios are defined somewhat differently than class-size, the two measures do move together. International comparisons suggest no relationship between pupil-teacher ratios and student performance. So in Europe their studies show the same as reported in ours: It doesn't make a difference. In looking at some 300 advanced statistical studies, the studies show an equal number of studies that suggest positive improvements as suggest negative effects.

We also heard from Dr. Randy Ross, who spoke not from a research-based perspective but from the heart and common sense. He has witnessed the results of class size reduction efforts in California first hand and is concerned about what he saw. He stated:

> A wholesale reduction in the sizes of classes in schools throughout a state predictably nibbles away at the chances that students in poor, inner city neighborhoods will get a better education.

He watched the better teachers in low-income neighborhoods be lured away to higher paying suburban schools, leaving the inner-city schools to fill vacancies which those individuals that did not make the cut in other school districts. It is a policy that has hurt students, not helped them.

At this same hearing, we talked at length about the Innovative Education Program Strategies, or title VI of the Elementary and Secondary Education Act. Witnesses on that panel told us how states and local education agencies are improving student achievement by investing in reform efforts, education technology, professional development, school library activities, and support for at-risk students. I would argue that investing in any one of these activities may have a more profound and significant impact on helping students achieve at higher levels than mandating that a local school hire one more ''teacher''—qualified or not.

Let's not forget our common sense in this debate. My common sense says the quality of the teacher does matter. Common sense tells me that local leaders in schools across the country have the student's best interest at heart and must have a say in implementing programs that will provide the greatest benefit to their students. If class size reduction is the greatest need in a community, we can all rest assured that local leaders throughout the country will direct their portion of the $1.2 billion made available in this bill to that effort. There is no need for my colleagues to worry.

If on the other hand, local leaders have other ideas for ways to vastly improve the educational opportunities of young people in their communities, in their classrooms, I think we should provide them with some flexibility to do what is best for the student, and what is best in accordance with that community.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senator DODD and Senator HARKIN be added as cosponsors.

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

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

PRIVILEGE OF THE FLOOR

Mr. DODD. Mr. President, I ask unanimous consent that Kelly Green Kahn, a fellow in my office, be given the privilege of the floor during the remainder of this debate.

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

Mr. DODD. Mr. President, let me begin my brief remarks by commending our colleague from the State of Washington for her leadership on this issue once again. She has, on numerous occasions over the last few years, raised the issue of class size as one critical to improving the quality of public education in the country, and she is doing so again this afternoon with the introduction of this amendment. I am pleased to be a cosponsor and hope we can build strong bipartisan support for it.

There is no question that the size of a class, the number of students in a classroom, and academic performance bear a correlation. My State of Connecticut has one of the lowest ratios between teachers and students in the United States. The most recent statistics indicate that class size in Connecticut hovers just over 20 students per class. A couple of States actually are lower, but the national average is around 25—about 5 additional students per class.

Also, we in Connecticut make other investments in education. We pay our teachers well. We also have led the nation in the adoption of high standards for student performance measured with the Connecticut Mastery Test and with support for whole school reform. I note this, because it is these investments that have shown such dividends in Connecticut. It is no mystery that we end up, in national surveys, at the top in the country in academic performance.

I do not know how many of my colleagues this morning noted in the Washington Post an article entitled ''Students Weak In Essay Skills.'' The top State in performance was Connecticut, by a margin of some 12 percentage points, in essays by 4th graders, 8th graders, and 12th graders.

I ask unanimous consent this article be printed in the RECORD.

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

[From the Washington Post, Sept. 29, 1999]

STUDENTS WEAK IN ESSAY SKILLS

(By Kenneth J. Cooper)

Three-quarters of the nation's school-children are unable to compose a well-organized, coherent essay, a skill frequently demanded in the modern workplace, according to results of a federally sponsored writing test released yesterday.

Most students tested last year managed to get across their main, simple points in the short essays they were asked to write, but their writing did not have the sophistication to meet the standard for proficiency set by a national board of educators, state officials and business leaders.

The test results from a representative sample of 60,000 students in the fourth, eighth and 12th grades provided another source of concern about the condition of the nation's schools and follows similar results showing students falling short of new academic standards in the states.

''The average, or typical, American student is not a proficient writer. Instead, students show only partial mastery of the knowledge and skills needed for a solid academic performance in writing,'' said Gary W. Phillips, acting commissioner of education statistics.

The testing found that girls wrote better than boys in each grade, in keeping with the outcome of earlier, less demanding versions of the test. The gender gap in writing skill was large: Twice as many girls reached or exceeded the standard for proficient writing.

There was also a gap in the performance of different racial and ethnic groups, with white and Asian students writing better than African Americans, Hispanics and Native Americans. That gap was narrower in schools on military bases, where African American and Hispanic students scored higher than their counterparts elsewhere. Analysts suggested minority students benefited from an equitable distribution of resources at the Defense Department schools and the financial security of military families.

For the first time, it was possible to make comparisons of writing skill in the states. Of 35 states where 100,000 additional eighth-graders were tested, Connecticut led the nation, followed by Massachusetts, Maine and Texas. Virginia was one of eight states above the national average, while Maryland fell slightly below average. The District had the lowest score of any jurisdiction except the Virgin Islands.

Mark Musick, president of the Southern Regional Education Board, suggested that Virginia did well in writing because a large percentage of the state's students attend solid suburban schools in Northern Virginia, and state residents have above-average income, an advantage shared by many high scorers.

Top scorer Connecticut has the highest per capita income in the nation and has tested students in four grades in writing since 1985. ''What you test is what you get,'' said Marilyn Whirry, a high school English teacher in California.

Musick and Whirry are members of the board that governs the National Assessment of Educational Progress, a congressionally mandated series of tests that provides the best measure of student achievement in the country. Last year's writing test had a higher standard than one administered in 1992, making comparisons between them unreliable, testing officials warned.

Students had 25 minutes to compose one of three different types of essays—narrative, informative, persuasive. The expected standard of proficiency was reached by 22 percent of fourth-graders, 26 percent of eighth-graders and 21 percent of high school seniors.

In an example of proficient writing by a senior, a girl told an imaginative story about falling in love and marrying another Italian immigrant who died after the birth of their four children. ''As I gaze out my window, I turn look at my hand still wearing that same gold ring from so many years ago. I smile because I know I don't need to bring him back. . . . I never really lost him,'' the girl concluded the five-paragraph essay.

The National Center of Education Statistics said her essay was well-organized ''and shows good command of stylistic elements and control of language.''

Whirry said seniors ''had the most trouble with persuasive writing . . . a serious problem because persuading a reader to take a course of action or bring about a certain change is enormously important, not just to get ahead on the job, but also to make sound decisions in our democratic society.''

Most students demonstrated basic writing skills—able to make simple points but not put together sophisticated sentences. Writing at this level were 61 percent of fourth-graders, 57 percent of eighth-graders and 56 percent of seniors.

Incomprehensible essays were produced by 16 percent of fourth- and eighth-graders and 22 percent of seniors.

In each grade, 1 percent of the students were writing at the highest level.

Mr. DODD. This news follows on reports earlier this year that indicate Connecticut students lead the nation in reading performance and in math and science.

In my state, we have invested in class size, we have invested in teachers. As a result of that, we are getting this kind of academic performance. Not everywhere in the state, performs at these high levels and frankly even in the most affluent parts of my state, too many children fail to reach the advanced levels of performance that we know will be needed to succeed in the next century.

What we are suggesting today is, if this works for children, and all the studies as well as the experiences of states like mine suggest, then we should be helping all communities to achieve these smaller class sizes that will help their children succeed.

If this amendment is defeated and this appropriations bill is passed without the inclusion of the Murray amendment, it is tantamount to this body giving a pink slip to 29,000 teachers in America. Pay attention to this debate today. We will vote at about 4 p.m. If this body rejects this amendment, then 29,000 teachers will know, as of this date in September, their services are no longer needed in the classrooms of America.

If anyone believes that by having more students and fewer teachers, we are going to improve the quality of public education in this country, they are living in a dream world. That is not the way we are going to raise the level of excellence, whether it is essay writing, math performance—all the academic criteria we seek to improve.

One thing is for certain. If we continue to have fewer teachers and larger classes, we can almost guarantee the results. We will have declining academic performance.

Clearly, there are other important issues in education. We are not arguing that we do not need high quality teachers—in fact, this is what this amendment supports, or that after school and other efforts are not needed. But the central component of education is what happens in the classroom. And any teacher in any school in this country will tell you that if they have to manage 20, 23, 25, 30, 35 students in a classroom, they cannot teach. I don't care how good you are, you cannot manage 25 or 30 students in a classroom. You cannot teach young children the fundamentals of reading, math and science if forced to deal with this number of children.

So this amendment, the Murray amendment, is critically important if you care about this issue. You cannot go around and say, I care about education, I am a strong supporter of it, and then walk away from class size as an issue. I hope when this amendment comes for a vote, people will get behind it.

By the way, about block grants, we have been down this road in the past. Suggesting somehow if we throw it in a block grant program, it would suddenly all work. I hoped we would have learned the lesson by now. Unfortunately, it doesn't work that way. There is no accountability for how federal dollars are spent; too often in the past, we have found these dollars ending up in athletic programs, in administrative accounts and in other such expenditures. State and local dollars are not targeted to areas with great need unlike federal dollars. Block grants don't work because the politics are not there for it at the state and local level or else the states would already be spending their dollars this way.

So, yes, we bear a national responsibility. We are a national legislature. We try to speak for our country on these issues. I am from Connecticut. Maybe I should not care what happens in Mississippi, Alabama, or New Mexico, but I do. I do not think I am wrong because I do care. I think if a child in Mississippi or Alabama is in too large a class, I suffer, my constituents in Connecticut suffer.

The idea that somehow we are 50 disparate States and we do not have to worry about it, we hope each State chooses the right priorities, is ducking our responsibility as a national legislature. When a crying gap exists in an area such as this, we bear a collective responsibility to address it and a block grant program just does not do it.

So I hope that we can all join together to support the Murray amendment and this flexible program that supports high quality teachers, targets lowest income areas and sends all the money down to the local level. It is what parents across the country are calling for and voters support and I urge the adoption of this amendment.

This amendment is just the first of several efforts we will have during the next hours and days to improve the quality of the bill before us. While there are certainly things to be praised in the efforts of Senator HARKIN and Senator SPECTER, this bill falls short in other ways. Even as we debate it, I understand that exactly how it is paid for is still unclear—we know there will be significant advance funding, potentially additional Defense items will be

declared emergencies freeing up more budget authority and outlays.

One of the most disturbing offsets contained in the bill is the reduction in the Social Services Block Grant, Title XX, which is slashed almost in half. This flexible program supports local efforts like meals on wheels, child care, adult day care, foster care, child abuse protection, programs for those with disabilities and other local efforts to respond to the neediest in our communities. How does it make sense to cut this program to pay for other programs for those in need?

I believe we should also do better by way of funding for afterschool, literacy training, school construction and child care. On this last item, later in the day, Senator JEFFORDS and I will be offering an amendment on the Child Care Development Block Grant Program to increase funding for this critical program funding to $2 billion. My colleagues have been so good on this issue over the last year. We have had overwhelming votes on this question over and over again this year.

Clearly we know child care is grossly underfunded. Many States have responded to this underfunding and set very low income eligibility levels: Two-thirds of the States have income levels of $25,000 or less; 14 States, $20,000; 8 States are even more stringent. Wyoming, Alabama, Missouri, Kentucky, Iowa, South Carolina, and West Virginia cut off subsidies for child care for families earning more than $17,000. I do not know how a family earning $17,000 a year can afford child care, which for an infant or toddler can run nearly half of that amount. And this program is not just about child care for young children; nearly 30 percent of these funds go to support afterschool programs.

I am hopeful my colleagues, when that amendment is raised, will be supportive of it. They have been helpful in the past. I apologize for coming back to the issue. We had a good provision adopted in the tax bill, but it was dropped in conference, and the bill was vetoed. I apologize for coming back to child care over and over, but we have as yet been able to adopt the provisions my colleagues voted for on numerous occasions. I hope they do so again when Senator JEFFORDS and I offer the amendment.

But let's move forward, Mr. President. Let's consider and adopt the MURRAY amendment. Let's move on to hopefully improve this bill. But let's get on with the people's business.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. SANTORUM). The Senator has 2 minutes.

Mr. DODD. I ask for 1 additional minute and yield to my colleague from New Jersey for any comments he may have.

Mrs. MURRAY. I will be happy to yield 1 minute.

Mr. DODD. I yield to the Senator 3 minutes.

Mr. TORRICELLI. Mr. President, I thank the Senator for yielding.

On the question of education in America, there are both those exhilarated by our progress and those who are frustrated by our failures. It really is a tale of two cities: America has the finest universities in the world, the best colleges, proof that we know how to educate and build institutions. However, we have secondary and grade schools which simply, by any accounting, are not making the grade.

Forty percent of our fourth graders failed to attain basic levels of reading; 40 percent of eighth graders could not attain basic levels of math; and 76 percent do not even reach proficiency levels.

The fact is, we are not meeting an international standard. We are debating the fact that there is an educational crisis, but, if unaddressed, it will in our own generation become an economic crisis.

The Senator from Connecticut is correct: There are schools in my State of New Jersey for which I have enormous pride. Many are succeeding. But in the world in which we live today and our economy, if schools are failing in Alabama or California or New York or some distant community in New Jersey, it is as much your problem as it is mine. It is an economic difficulty, a social difficulty, at some point in our country's history, even a political difficulty if unaddressed.

The truth of the matter is, our country suffers some from a false sense of complacency. Parents come to me and say: Senator, I don't understand your concern. The schools are as good as I remember them 40 years ago. Or, I think the schools in my community are as good as the schools in the community that is next to us.

That, I say to my friends, is not the point. The point is whether our schools are as good as countries halfway around the world.

A national education testing service recently concluded that in math and science our students were 19 out of 21. We do not need to compare our schools with ones we remember as children. We need to compare them with schools in Germany and Japan, and we are not meeting that standard.

I know every Senator has a different idea about what we should do about American education, and the truth is, they are all right. There is no one answer. Senator COVERDELL and I had an innovative program to bring private money to help private and public schools. There are others who have a variety of different answers. They are all part of the solution. But no one can construct a solution that does not involve the hiring of teachers. Your ideas may be right, but this idea is central.

The Department of Education estimates we will need 2 million new teachers.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TORRICELLI. Will the Senator yield an additional 5 minutes?

Mrs. MURRAY. I am happy to yield 5 minutes.

Mr. TORRICELLI. The Department of Education estimates we will need 2 million new teachers in the next decade. In my State of New Jersey, that is 109,000 teachers currently in shortage. When schools started this year in the city of Newark, there were 200 classrooms without teachers available. You can have your idea about American education, but the debate starts here. Empty classrooms, overcrowded classrooms, retiring teachers are not part of the formula for American educational or economic success.

The fact is, if we did not have massive retirements, if there were not already shortages, we would still need Senator MURRAY's amendment.

The Department of Education in May 1998 also concluded that the one principal variable that we know in improving education in America is class size. Educational Testing Services found that smaller class sizes raised achievement from fourth to eighth grade students, it reduced drop-out rates, and increased performance. It is the one variable we know that works.

The strange thing about this debate, as the Senator from Connecticut has pointed out, is that a year ago, as Democrats and Republicans on this Senate floor, we accepted these arguments and we endorsed this program. For the last year, Democrats and Republicans, with pride, have noted that we spent $1.2 billion hiring 29,000 teachers to begin dealing with this educational crisis. You were proud of it, and we were proud of it.

I have not heard a single Senator come to this floor and say: You know those 29,000 teachers, they failed. They did not show up to work, they were not trained, the teachers did not perform, the students did not perform. No evidence, no argument, not even a contention, because it was not a failure. It worked.

But is this the extent of our national commitment? We deal with an educational crisis, and every Member of the Senate knows the greatest variable in America's economic future is the quality of education, and the sum total of our commitment as a Senate is 1 year for 29,000 teachers in a nation of a quarter of a billion people. That is quite a commitment, and now we are going to abandon the effort.

The strange thing about this is, this is not the first time the United States has had an educational crisis. One of the proudest things I know in the 20th century history of this country is that between 1890 and 1920, the United States of America opened a new high school every single day. That is a commitment. We did it through war, depression, recession, and stagnant economic growth.

Now the United States is experiencing the greatest economic growth in our Nation's history, nearly full employment and a budget surplus, and the response of this Congress is a 1-year

program of $1.2 billion to hire 29,000 teachers, and a year later we are going to fire them. Quite a commitment; quite a source of pride.

I know the alternative program is to return, instead, to block grants. Never in my experience has so much authority been given to people. I came to the Senate to deal with issues and national problems, not to give that authority to somebody else.

There is a national educational crisis. It requires the hiring of teachers on a national scale, and that is our responsibility. If the judgment of this Senate is simply to send money to the States and let them decide whether they want new football teams, more buses, athletic fields, or science teachers, hire an accounting firm and get rid of the Congress, not the teachers. That is not why I came to the Senate.

Senator MURRAY's amendment is not the end of the debate on education quality in America. It is not the completion of a national program, it is the defense of a national program that started last year. It should be continued. And for her leadership on this issue, the Senator from Washington has both my respect and admiration. I urge the Members of the Senate to follow her lead.

Education should not be a partisan issue in the United States. Every schoolchild in America would benefit in a competition between Democrats and Republicans for educational leadership. I do not want to see that ceded to my party. Indeed, I hope we can all join in it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. SPECTER. I yield 5 minutes to the distinguished Senator from Maine, Ms. COLLINS.

The PRESIDING OFFICER. The Senator from Maine is recognized for 5 minutes.

Ms. COLLINS. Mr. President, those of us who strongly supported an increased Federal investment in education should be celebrating this legislation, not criticizing it. Let's look at the numbers.

The committee's appropriation for total education spending is $1.9 billion more than for fiscal year 1999. It is a half billion dollars more than the President's request. Let me repeat that because I think that has been lost in this debate. The fact is, the Appropriations Committee has increased total education funding in this bill by a half billion dollars more than President Clinton requested.

Similarly, the committee has increased spending for Pell grants—an essential program that I strongly support—for title I, for special education—I could go on and on.

So it is clear that this debate is not about money. What is it about? It is about power. It is about command and control. It is about who will be making the decisions and where they will be made.

Let's look at the language of the amendment offered by the Senator from Washington, Mr. GORTON. It says: School districts may use the funds for class size reductions or for any other authorized activity in the ESEA that will improve the academic achievement of our students.

Who could be opposed to that? Isn't that the bottom line? Isn't that what we want—improved academic achievement, better results for our students?

So the question before the Senate is whether we should continue with the Washington-knows-best, arrogant attitude or whether we should recognize that our local school boards, our principals, our teachers, and our parents are best able to determine what local students need to improve their performance.

The question—the bottom line—should be: What have our students learned? Have they improved? It should not be: How did you spend your Federal grant? Did you fill out the paperwork correctly?

In some school districts, smaller class size may be what is needed. But in others, we may need to upgrade the science lab or institute a program for gifted and talented students or hire more teachers. The needs vary as much as our schools vary. A one-size-fits-all approach simply does not work.

The Senator from Connecticut mentioned an article in today's newspaper which has the startling results that nationally three-fourths of the students cannot compose an organized essay. I am pleased to note that my State of Maine ranks near the top—No. 2 only to Connecticut—in performance on this test. But nationwide, three-quarters of the students failed this simple test.

Is the answer the same in every State? I do not think so. In some States, improved professional development for the teachers may be the key to reversing these test results. In other States, it may be smaller classes. Yet in another State it may be another technique or method or solution that is required.

The point is that we do not know here in Washington what the best approach is in the thousands of school districts across this country. All we are saying is, let the local school districts decide what they need to do to improve student achievement.

There is nothing in Senator GORTON's amendment that prohibits the school district from using the money to reduce class size if that is what is needed. But that may not be what is needed. Indeed, 41 States already exceed the ideal teacher-student ratio.

What we need to do is to trust local people to make the decisions that are going to help bring out the best in the students in our communities across the United States. That is exactly what Senator GORTON's amendment would do.

This is not a debate about money. All of us agree that we want to increase the Federal investment in education. It is the best investment of our money we can make. The issue is about who is making the decision.

Thank you, Mr. President.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Will the Senator yield me 5 minutes?

Mrs. MURRAY. I yield the Senator 5 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. KENNEDY. Mr. President, as we pointed out earlier, this legislation is a voluntary program. Each local education agency that desires to receive the funds shall include the application. So it is completely voluntary. I know it has been repeated time and time again that the Federal Government is imposing this on the local school districts. But it is the local school district who has to make the judgment, who has to fill out the application. All the money goes to the local school district. Under the Gorton amendment, 15 percent goes to the bureaucracy. So let's be accurate in our description of this proposal.

Then let's also be accurate that this concept was basically endorsed by all the Republican leadership in the last Congress. Congressman GOODLING, Congressman DICK ARMEY, and Senator GORTON claimed credit for this proposal. We understand that. They claimed credit for the Murray amendment when it was accepted in the last Congress.

Just a final point I want to make. I think it is fair to say: One, if they want to do all the things the Senator from Maine has pointed out and you want an additional block grant, I agree with the Senator from Minnesota, if they want to get additional funds, I will vote for it. If the State of Maine wants to do it, that is all well and good. We are talking about limited resources targeted on national needs.

The question is whether this program works. The Senator from Washington has said time and time again that it does. And with all the responses on the other side, no one has questioned the various reports that demonstrate that children have made progress—no one, none; silence.

You can give all the cliches about one size fits all and all the rest, but just respond to the various STAR report conclusions, such as: 7,000 students in 80 Tennessee schools. Students in small classes performed better than students in large classes in each grade from kindergarten through third grade.

Talk to Maria Caruso, an elementary school teacher in Lawrenceburg Elementary School in Lawrenceburg, TN, who talks about what a difference it makes in all the years that she has been teaching, having the smaller class size, what a difference it has made in the quality of the education for the children in the Lawrenceburg Elementary School. Or talk to Jacqueline van

Wulven a veteran teacher from the Cole Elementary School in Nashville, TN, who said:

> These students come into third grade far more advanced academically than any other third grade class I have taught. There were very few behavior problems with a small class. The students worked well together, and I was able to provide many different learning experiences because I did not have to spend so much time disciplining the class.

Sandy Heinrich from Granbery Elementary School in Davidson County, TN: ''I have been a teacher for 29 years and have never had an experience like I have had with the smaller class size.'' These are the teachers. Respond to these teachers.

All we are saying is, if the local community wants to try and replicate what has been tried and tested and demonstrated to produce enhanced academic achievement and accomplishment, that is the Murray amendment. They are already doing it in communities across the country, based upon last year's commitment. All we are saying is, let's continue it.

Two million teachers will be needed over the next 10 years. We are getting 100,000 teachers a year normally. We need to recruit an additional 100,000, to handle rising enrollments. The Republicans say, no, no, to the additional teachers. With their proposal, they will eliminate close to 30,000 school teachers across this country. Does that make any sense at all? It does not.

In Wisconsin, the Student Achievement Guarantee in Education program is helping to reduce class size in grades K to 3 in low-income. A study found that the students in smaller classes had significantly greater improvements in reading and math and language than students in bigger classes.

In Flint, MI, efforts over the last three years to reduce class size in K–3 have produced a 44 percent increase in reading scores, an 18 percent increase in math scores.

This issue is not about power. It is about partnership, partnership between the local communities, the States, and the Federal Government. We should insist on the Murray amendment.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. SPECTER. Mr. President, I yield 5 minutes to the Senator from Tennessee, Mr. FRIST.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. I thank the Chair.

Mr. President, I am delighted with the debate thus far because it really does come down to some pretty important concepts as to how we best approach a problem that I believe is the most threatening we have today, as we look into the decade, the next century; that is, the education of our children.

As has been said again and again, we are failing. We are absolutely failing today. If we look at our education for kindergarten through the twelfth grade, statistics have been given. Let me review those. This is the fourth grade. This is the eighth grade. This is the twelfth. This looks at just mathematics. We could put science, math, reading, English, any number of things in these columns.

Each of these green bars—it is hard to read—is a country. The red bar is the United States of America. That is our performance in the fourth grade in mathematics compared to Singapore, South Korea, Hong Kong, Austria, Slovenia, Ireland, Australia. You can see in the fourth grade, we are at about that level, about seventh or eighth.

In the eighth grade—the longer you stay in school—in mathematics, we drop further. And by the time you get to the twelfth grade—the black line is the average—you can see we fall below the average in the eighth grade. In the twelfth grade, we are down further.

People agree with the data. That is the good thing about this debate. On both sides of the aisle we have come forward and said we have to act. Indeed, there are things we do have a Federal responsibility to do in education; that is, to reverse these trends in this global marketplace. These are our children; these are our investment in the future.

The difference is in approach. It is very important the American people understand the difference in approach. It boils down to these two amendments. On the one hand, we have an amendment which says we have a new program, a new answer, a program we need to grow that will make a big difference with the resources we provide.

On our side of the aisle, Senator GORTON has basically said, that is one approach, but why not take essentially the same resources and recognize that every school is going to have a different problem, maybe even every classroom a different problem. It is absurd for us to think that in Washington, DC, we can dictate what is needed in a rural school in Alamo, TN, or an urban school in Memphis or in Nashville.

Let's take the same resources and instead of telling them they need more teachers, say take those same resources; maybe you need better trained teachers or maybe you need to hook a computer up to the T–1 line outside or maybe you need to buy computers or more textbooks. You decide. Maybe you need more teachers. Use the money for that. Two different approaches.

This is what we have today, and it is failing. We all recognize it is failing. These are the Government programs, the Federal Government programs on the outside. The Department of Health and Human Services has education programs aimed at the beneficiaries of our school system today—at-risk and delinquent youth is one group; young children is another group; teachers. You could put any number of groups. The school is down here. Any number.

The point is, we have heard the figure 480. It might be 250; it might be 300. The point is, we have hundreds of these Federal programs all aimed at different populations, and it is not working. It is failing.

What our side of the aisle says is that we can identify the problems, but with 87,000 different schools out there, let's let that school, that schoolteacher, that superintendent, that principal, those parents come to the table and say this is what we need and, with the resources we make available through the Gorton amendment, use those resources. It might be more teachers. It might be better prepared teachers. It might be an afterschool program. It might be hooking up a computer or it might be better textbooks. They decide at the local level. That is the difference between our side of the aisle and the other side. The Republican, the Gorton approach is basically saying, identify the needs locally and come together and decide.

The Murray amendment says more teachers. Indeed, we have made progress. In 1970, we had 22 pupils per teacher. In 1997, it is 17 pupils per teacher nationwide. That is some progress. Again, I am not going to diminish the importance of that. What I do want to say is that local identification of needs, that local flexibility is more likely to give you the answer to better education than us telling a community whether or not they may need a teacher.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FRIST. I urge my colleagues to support the Gorton amendment and defeat the Murray amendment for the reasons of flexibility and accountability at the local level.

The PRESIDING OFFICER. Who yields time? The Senator from Washington has 13 minutes 49 seconds. The Senator from Pennsylvania has 30 minutes 44 seconds.

Mrs. MURRAY. Mr. President, I commend our colleagues who are concerned about bureaucracy. That is one of the great things about the class size initiative. It was passed in a bipartisan manner last year. One form, one page takes one administrator a few minutes to fill out, and the class size money goes directly to hire teachers. Our Federal tax dollars go to pay for the teacher in the classroom—no bureaucracy, no big charts. The money goes to make a difference. That is why we believe it is the right way to go.

I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. SCHUMER. Mr. President, I thank my colleague from Washington, Senator MURRAY, who has done such a great job on this issue, for yielding time. I rise in strong support of her amendment.

My State and our Nation are on the verge of an education crisis. At the end of the last school year, test scores showed that half of New York's fourth grade students could barely handle basic written and oral work.

If you look at the studies, what is one of the best ways to remedy that? It is the method of the Murray amendment—to reduce class size. If her amendment is not passed, in New York State, 3,497 teachers in the next fiscal year will get pink slips. Why are we doing that?

We have a program that works. It is reducing class size. The same things were said about the Cops on the Beat Program, the 100,000 police, that it wouldn't work or needed targets or would create bureaucracy. It has helped bring crime rates way down.

Now we have a chance to do the same thing for education. It makes such eminent sense to support a proposal that is aimed at the heart of the problem: too many students; not enough teachers.

Instead, what the alternative amendment proposes, the Republican amendment, is a block grant. Instead of saying make sure the money goes into the classroom, it says, if the local school board wants to fritter it away on something that is much less necessary than good, new teachers, let them do it.

I have never understood the zealotry on behalf of block grant proposals.

It is classic good sense to say when you take the people who tax you and the people who spend the money and separate them, money is going to be wasted. When the taxing authority is separated from the spending authority, the people spending it didn't have to go through the sweat of bringing those dollars in, and they waste it. Every block grant program we have seen, when audited, shows huge amounts of waste. Certain school districts will use that money for all sorts of programs that are not necessary. Some, I argue, would be laughed at.

Then we will hear people from both sides of the aisle come back and say: Oh, we should cut this program because it is wasteful. To start out with, let's make it work. If you ask educators what is the No. 1 place to put dollars, it is teachers.

I would like anyone on the other side to tell me what is more important than teachers. Why give the local authority the ability to take money away from teachers and give it somewhere else—to bureaucracy, or to waste, or to things that might be necessary but not as necessary as teachers?

There will be 3,497 teachers in New York State who will get pink slips if the Murray amendment does not pass. The number is proportionate in your own States.

How are you going to look teachers and, more importantly, young students in the eye and say, ''Well, I had this ideological concept, and the teacher is going to be fired?''

Yes, we must spend more on education. I am completely sure of that view. But we must spend it intelligently. We must spend it rigorously. We must spend it with standards. To just throw money at the problem, as we have learned in school district after school district, will not solve the problem.

The wisdom we have accumulated about education goes into the Murray amendment because we know that smaller class size increases reading scores and increases math scores.

We hear a lot of criticism. I heard my good friend from Tennessee criticize the education system. Then he is giving money to the same people who are being criticized for not doing a good enough job.

Are we going to have leadership? Are we going to show America that we know what needs to be done, or are we going to hide behind the defensive measure that nobody really has any heart for, which will not maximize our bang for the buck?

There is, indeed, an educational crisis in America. There is, indeed, an anxiety among the people of our great land that our educational system doesn't measure up to the 21st century. Last year, in a bipartisan way this Congress had the courage to begin to address that issue at its core: Too few teachers for a growing number of students. Let us not take a step backward and reverse that. Let us support the Murray amendment.

I thank the President.

I yield the time I have remaining.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I yield 5 minutes to the distinguished Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. Mr. President and fellow Senators, some of you will not think what I am going to tell you is even possible. But, believe it or not, before I went to law school, I was a schoolteacher. I taught mathematics in junior high school in the public school system. I loved it. I had a class in the morning that was made up of half the students who didn't know how to add 6 and 6—they were in the eighth grade—and half the students who were ready for geometry.

I guarantee that if the U.S. Government, back when we were trying to teach in Albuquerque, NM, in Garfield Junior High, said, We want to give you the same program as we give a junior high school in New York City, do you think I would have jumped to it and said, Give it to me? Of course I would not have. I would have said, What is it for? Then I would have said, Won't you let me use it for what I know the kids need or are you going to tell me what they need?

In essence, that little classroom and that little example is a microcosm of this issue. This issue across this land is whether or not the U.S. Government can help a failing education system with more targeted programs—more programs that say, use it our way in every way or you don't use it. It is a presumption on our part that it is the very best way to use the money and it is the best way to make our students achieve more—none of which is true and none of which will bear out in the marketplace of educating young people.

What we have today is an effort to use $1.2 billion of education funding by authorizing on an appropriations bill a way of spending that is not now authorized in the law. We will not even wait for a couple of months for the committee that has been having hearing upon hearing to come forth with a bill that puts everything into some perspective as to the small Federal Government's share—and small it is; 7 percent of public education is the U.S. Government. And that is found in this bill, 7 percent.

Some people talk as if we are the driving force of education. We would have to be miracle workers for our 7 percent to really make schools get significantly better. But they would take $1.2 billion that is here to be used in a new way under a new law, and they would say: We know best; spend it for more teachers in every school in America.

Frankly, it was also said on the floor that every superintendent wanted it that way. I only had a chance to call four—Belen, Artesia, Cloudcroft, Capitan. None of them thought that more teachers was the biggest priority for their school systems and their problems. Some said they would improve themselves with alternative learning. Some said they would improve themselves with math and science. One said they would dramatically improve themselves in science.

Frankly, that is what this is all about. Under the guise of saying we know best and, please, under the guise of saying more teachers must be met for everybody, we are going to spend $1.2 billion of hard-earned taxpayers' money by mandating that you use it for more teachers or you can't use it.

I would just suggest that in my home city school district—where I taught school years ago when I taught mathematics in the junior high—I am not at all sure they would take this money and put it in more teachers if you gave them the option. They are having a crisis in the school system there. But I don't believe they would be saying the thing they need the most is more teachers. They might need bonuses for good teachers. They might need some bonuses for teachers who are indeed excellent and can't make ends meet because we can't pay enough. They would find all kinds of things and put them on the table. Ask them.

If you really said—let's just pick a number, the $20 million you will get, or the $50 million you will get—Albuquerque, you can use it all for teachers or in enhancing the opportunity for achievement, which is our goal, you can use it in other ways and be accountable for it, I doubt very much if they would in my home State all choose more teachers.

Don't anybody miss the point. If you vote against Senator MURRAY's amendment, you still vote for the $1.2 billion

to go to our States in the appropriate formula, which nobody is arguing about, to be used where they think it is best to enhance the achievement level of our public school students.

There is much that could be said. When the debate ensues on the major American overhaul of education, we will all be here talking about some new reform. But for now, I think in my 5 minutes I have expressed my views as best I can.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, our side yields up to 5 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 5 minutes.

Mr. GORTON. Mr. President, it is remarkable how a relatively short amendment and even debate can be misconstrued.

The amendment we have before us that will be voted on in about 30 minutes is less than 10 full lines long. Twice, the senior Senator from Massachusetts has said that it authorizes the States to take 15 percent of the money for administrative purposes, in spite of having been corrected after the first mistake.

In fact, in clear English, it states that the distribution will be for school districts in exactly the same form as would be the distribution under Senator MURRAY's amendment. I don't believe Senator MURRAY's amendment allows 15 percent to be taken out by the States for administrative expenses. Neither does mine. That is one point that has been made on the other side during the course of the debate.

Another—very recently by the junior Senator from New York, and by others—speaks of the tremendous waste and abuse in the use of this money for football teams and the like, which seems to be the inevitable consequence of trusting elected school board members to manage their own schools.

A few years ago when we began this debate I made a remark that I repeat now. How is it that voters who are so wise as to choose us to represent them in the Senate will be so foolish and so stupid as to choose school board members in their own communities who will take any money we give them and throw it away on frivolous, noneducational purposes if we allow them to run their own schools?

No one has answered that question. Yet this entire debate on the other side of the aisle has been taken up by Members who either implicitly or often explicitly, as is the case with New York, are willing to state that they know more not only about the schools in their own States but the schools in the other 49 States as well, and unless we tell every one of the 17,000 school districts in the United States of America precisely how to spend their money, they will waste that money.

More than 90 percent of the money spent on schools in the United States is spent by States and local school districts. Unless the proposition is that all of that money is wasted, that our whole system is so dysfunctional that we should abolish school districts, abolish elected school board members and simply run all of our schools from Washington, DC, unless that is the argument, the proposition on the other side arguing against my amendment simply falls by its own weight.

As I said earlier, I think the proposition proposed in the Murray amendment is clearly debatable. It wasn't debated last year. It was poked in a huge omnibus bill at the end of the session, unknown to most of the Members of both Houses of Congress. It has been debated for a total of 3 hours today. It needs to be debated against other competing ideas of at least equal and I think greater merit when we debate renewal of the Elementary and Secondary Education Act sometime during the winter of next year. Perhaps by that time, with various ideas spread out, we can do a better job.

The Murray amendment, in order to breach one of our rules, has had to be written in an awkward fashion. It is an authorization but it is an indirect authorization. It deserves much more serious consideration than we are giving it this afternoon. It deserves debate against much more serious and broad ranging ideas.

It does seem to me, however Members vote on it—and Members who don't trust local school districts and think superintendents are incompetent, who believe that principals and teachers don't have the interests of the kids they are educating in mind, can certainly vote to tell them exactly how to spend this money by voting for the Murray amendment—even those Members ought to vote for my amendment because mine simply says if we don't adopt the Murray amendment or don't adopt something similar to the Murray amendment between now and the 30th of June of next year, the school districts will get the money in any event, and it is only in that ''any event'' they will be able to use it for any educational purpose they deem appropriate for the improvement of their students. If both amendments are defeated, the schools may forfeit the money entirely.

I trust Members on the other side will at least be objective enough to agree to the proposition that we ought to adopt my amendment unanimously and then determine whether or not this is the time, without any real debate, to say we have to have one more program added to the literally hundreds we already have on the statute books of the United States, all of which are for precise, single purposes, each of which implicitly or explicitly says we don't trust our professional educators and our parents to know how to set the priorities for their own schools.

I firmly believe in the proposition we should provide that trust permanently through the amendment I offer. My amendment doesn't do that permanently; it only uses it as a backup. We will debate a more sophisticated version of it later this year or early next year. Between sides, there is a great gulf. That gulf is between those who believe people at home are professional educators, are elected school board members who do care about the kids they are teaching and do know what those kids need, and those who believe, unless we operate as a super school board, unless we adopt the assumption we know far more than they do about education, that education will not be provided.

Mrs. MURRAY. I ask unanimous consent Senators LANDRIEU and REED from Rhode Island be added as cosponsors.

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

Mrs. MURRAY. I yield 4 minutes to the Senator from Illinois.

Mr. DURBIN. I thank the Senator from Washington. I support her amendment.

The basic issue is this: Will we give the pink slip to 29,000 teachers at the end of this school year, teachers who were hired to use their professional skills, to have reduced class size which helps kids along in kindergarten, first, and second grades?

The Republicans say yes; the Democrats say no. The Republicans say: Give them the pink slips. Give the money to the school districts. Let them do with it what they like.

I think Senator MURRAY, in supporting this amendment which I support as well, is supporting a concept that is tested and proven.

During the course of this debate, we have been visited in the galleries by many students—hundreds of them, perhaps. I think if you ask each of them whether it was a better classroom experience when they were in a small class where they got to know the teacher and worked with them or in some large study hall with 200 or 300 students, the answer is obvious. It is obvious on this side of the aisle but, unfortunately, not on the other side of the aisle.

The chart the Senator from Tennessee brought up must be passed to every Senator when they are elected. It shows how bad America's schools are and compares various grade levels of different nations and the United States. I have seen the chart over and over again. It is a chart they use to rationalize vouchers, taking money out of public schools and giving it to a few kids to go to private schools. It is a chart they use to say public education doesn't work in America today.

There is something fundamentally flawed in that presentation. Virtually every other country we are compared to uses a selective system of bringing kids to school. But not in America. Our schools are open to everybody regardless of color, regardless of economic circumstance, regardless of whether you are gifted or have a learning disability. Yes, some of our test scores are

lower because our school doors are open to everyone. Some of the other countries, which the Republicans point to with pride, are very selective. There is the class that will become the leaders and the class that will always be the lower-class workers. That is not America. I hope it never is.

This commitment to this amendment is a commitment to public education, to 90 percent of the kids in America who go to public schools. I went to private schools, parochial schools, as did my kids, but I believed my first obligation in my community and in the Senate was to public education. That is why I support Senator MURRAY.

For those who say we don't care about or don't trust local educational officials, nothing could be further from the truth. Despite everything we do in this appropriations bill, 93 percent of the funds spent on local schools will come from local sources and will be administered by local officials, as it should be. The question that Senator MURRAY poses with this amendment is whether the Federal Government will continue to show leadership in certain areas where we have had proven success.

Looking back we can see it: vocational education, the School Lunch Program, title I for kids falling behind, the IDEA program for kids with disabilities, the National Defense Education Act, the Pell grants and others for higher education. We pick and choose those things that work at the Federal level and do our level best to work with local school districts to use them at the local level. That is what the Murray amendment is all about.

Yes, we trust local officials, but we want to make certain they are held accountable to produce the teachers and reduce the class sizes that we know has proven results.

I say to the Senator from Washington, who offers an alternative: Have faith in the public school system, please. Have faith, if teachers are in the classroom with a smaller number of students they can succeed; kids that might otherwise fall behind have a fighting chance.

I close by saying it is sad, in one respect, that this is what the educational debate in Washington, DC, comes down to, a matter of 29,000 teachers. The No. 1 issue for families across America deserves a bigger debate and a lot more attention from the Federal Government. So far, this Congress, as we have seen in previous Congresses under Republican control, has continued to shortchange education. We cannot do that except at our own national peril. I support the Murray amendment.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I think we have had a very solid, constructive debate this afternoon. The Murray amendment seeks to deal with class size, which I believe is a very laudable and praiseworthy objective. A difficulty I have with the amendment of the Senator from Washington is that it adds some $200 million to the bill, which is already, in my judgment, at the maximum level. It now calls for $91.7 billion; $16 billion is forward funded. Last year $8 billion had been forward funded. This bill has been crafted by the subcommittee, then accepted by the full committee, after 17 hearings, after having more than 2,000 requests from Members, more than 1,000 letters, 1,000 inputs from the citizenry. Our subcommittee, a group of experts on staff, sat down and crafted this bill which was then approved by Senator HARKIN, the ranking Democrat, and myself. We have some 300 items which we have weighed and evaluated. We have allocated $1.2 billion to the generalized subject of teacher initiative, which is perhaps the same as class size. When I say perhaps the same as class size, I say that because the determination of precisely how that money is to be used is up to the authorizing committee.

For those watching on C-SPAN II, if anyone, a word of explanation might be in order; that is, we appropriate. We put up the money. But we have another committee, headed by Senator JEFFORDS, which decides authorization, as to how the money is to be spent. That is the way we do business in the Senate.

Last year, in order to move through the process—and occasionally we do legislate on an appropriations bill—we did legislate, for 1 year, on class size. The amendment offered by the Senator from Washington was subject to challenge under rule XVI and could have been defeated because it is legislation. We decided not to do that in order to give this issue a thorough airing on the merits.

Frankly, I would like to add $200 billion—million—maybe Freud would say I would like to add $200 billion. I am not sure. But we have a couple of problems. One problem is we have to pass this bill. On my side of the aisle, we are at the breaking point. I may be wrong about that, we may be beyond the breaking point. I am lobbying my colleagues in the Cloakroom that $91.7 billion ought to get their affirmative vote. They raised questions about the size of the amount. Then we have to go to conference and we have to produce a bill which will be accepted by our House colleagues, who have a little different view. They want to spend substantially less money.

I am aware the object, the end process is to get the bill signed. Under our Constitution, it is not enough for the Senate to vote, for the House to vote, for the conference committee to vote. It has to be submitted to the President. He has to agree with it. We are very close to the President's figure.

He asked for $1.4 billion for class size, and I am not saying in the end we might not be there on a compromise, at the very end of the process, if we make some other adjustments. But there is a limit as to how much I can get my Republican colleagues to vote for.

One of my colleagues just entered, came to the floor, and said, ''That's right.'' I have been lobbying him very hard in the Cloakroom. We have to get 51 votes for this bill; that is not easy to do, at $91.7 billion.

So as we look at the overall structure, and we have 300 programs—the Senator from Washington did not make a suggestion as to where she would like to cut $200 million. We have a structure that is not subject to the Budget Act because it is advanced funding.

I believe our bill, at $91.7 billion, is within the caps, and I am confident it does not touch Social Security. But that is a complicated subject because some of the money has been borrowed from defense. There are a lot of factors at play here. Senator DOMENICI and Senator STEVENS and I and others have been working to be sure we are within the caps and we do not cut Social Security. I have been told if we spend $200 million more on the amendment of the Senator from Washington, we may invade Social Security—that we will invade Social Security. I am not prepared to make that argument because I do not know whether it is true or not. But I do know every time we add money, we come very close to that and there is, not a consensus—there is unanimity not to touch Social Security, not to do that, and to allow room for Medicare.

In the debate earlier, I heard the Senator from Connecticut talk about adding $2 billion to another program that I like very much, but I am not prepared to spend $2 billion more on this bill and eliminate any chance at all I can get 51 votes on this side of the aisle.

So it was with great reluctance that I am constrained—and I voted against very little, in the 19 years I have been here, against increased education funding. If somebody wants to spend more money on education, almost always I have said yes. The authorizers may come back and may do exactly what the Senator from Washington wants, put it on class size. That is a laudable, praiseworthy objective. But there are other objectives as well. That has to be decided by our authorizing committee, under our rules.

So it is with reluctance that I vote against the Senator from Washington because I do not like to vote against money for education. But we have not just been fair; we have been very generous. This bill is an increase of $2.3 billion over last year. It is more than $500 million more than the President wanted. We have worked hard to craft this, among 300 programs. Agreeing to the amendment offered by Senator GORTON does not rule out class size on two grounds: One is, it could be class size if the local districts say so, or it could be class size if the authorizers say so.

So Senator GORTON's amendment is not inconsistent with the objectives of the Senator from Washington.

Chairing this subcommittee has been fascinating, and trying to put all the pieces together is really a challenge. Voting against education is something I do not like to do, to be misconstrued in a 30-second commercial, but I think the interests of American children and public education, of which I am a product, are best served by keeping the bill as it is.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I want to say by voting for the Gorton amendment we are voting for education. In voting against the Murray amendment you are not voting against education, you are voting for allowing—Mr. President, I ask unanimous consent to have 4 minutes off the time of the proponents of the Gorton amendment.

Mr. SPECTER. Mr. President, I will yield him that time. That is the way we do it, as opposed to unanimous consent.

Mr. NICKLES. I thank the Senator.

Mr. President, the Gorton amendment is a pro-education amendment, if you believe people in the local school districts know what they need. Maybe they need more teachers. Maybe they need more computers. Maybe they need to enhance the benefits for teachers that are there so they can keep them there.

Maybe they need it for recruitment. Let's give them the flexibility.

I, along with several other Senators, met with some Governors and asked them what they wanted, and they said they wanted flexibility and they wanted Congress to help them meet the unfunded obligations of IDEA. I said: What about this proposal that some people have made that says let's have 100,000 new teachers paid for by the Federal Government? That was not their request.

They said: No, just give us flexibility; there are hundreds of Federal programs, some of which work, some of which do not work, a lot have mandates; give us the flexibility to work on those programs; give us some of the money without the strings attached; you do not need to tell us we have to hire so many teachers.

Frankly, they do not have to hire teachers and have them paid for by the Federal Government. Some States have already taken significant action to reduce class size. I compliment them for it. Some are way ahead of others. Should we punish those States that have moved ahead earlier than other States? I don't think so.

How in the world do we in the Federal Government have that kind of knowledge that allows us to dictate, to mandate that we need 30,000 teachers, or 100,000 teachers? In my State, it comes to 348 teachers. We have 605 school districts, so each school district gets half a teacher. Nationwide, there are 14,000 school districts, so I guess we get 2 teachers for each school district. Some people are saying that is the solution for better education, for the Federal Government to hire two teachers for each school district? That is ridiculous.

We have a lot of programs. The Senator from Pennsylvania has already mentioned there is a significant increase for education. Let's allow some flexibility, as proposed by the Gorton amendment, by people who run the schools who know—the local school boards and the States—what they need most. Let them make that decision. Maybe it is four more teachers. Great, I am all for it. Maybe it is for retention of teachers. That is fantastic. Maybe it is for computers. Let's have them make the decisions and not dictate that Washington, DC, knows best.

I reiterate, a vote for the Gorton amendment is pro-education, and a vote against the Murray amendment, in my opinion, is pro-education if you happen to believe people on the local school boards and the PTAs within the States have an interest in improving the quality of education and might know better than some bureaucrat in the Department of Education.

Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER (Mr. SESSIONS). Three minutes 30 seconds for the proponents of the amendment, and 5 minutes 36 seconds for the opponents.

Mr. REED. Mr. President, I rise in support of Senator MURRAY's amendment to provide funding for the class size reduction initiative.

Last year, the Congress, on a bipartisan basis, made a down payment to help communities hire 100,000 teachers so they could reduce class sizes to an average of 18.

As Tennessee's efforts with class size reduction show, qualified teachers in small classes can provide students with more individualized attention, spend more time on instruction and less on other tasks, and cover more material effectively, and are better able to work with parents to further their children's education.

The class size reduction initiative is flexible, and communities are using innovative locally-designed approaches to give children the individual attention they need.

Every state is using the funds, and every state that needed a waiver to tailor the class size reduction program to its specific needs or to expand class size reduction to other grades, received one.

1.7 million children are benefitting from smaller classes this year.

29,000 teachers have been hired with FY99 Class Size Reduction funds.

1,247 (43 percent) are teaching in the first grade, reducing class sizes from 23 to 17.

6,670 (23 percent) are teaching in the second grade, reducing class size from 23 to 18.

6,960 (24 percent) are teaching in the third grade, reducing class size from 24 to 18.

2,900 (10 percent) are in kindergarten and grades 4–12.

290 special education teachers were hired.

On average, 7 percent of the funds are being used for professional development.

Mr. President, the debate is not a simple either/or proposition on class size versus teacher quality. We need to do both. That is why last year on an overwhelming bipartisan vote we passed a new teacher quality grants program as part of the Higher Education Act Amendments of 1998. Indeed, those who claim they support improvements in teacher quality have a clear chance to do so when Senator KENNEDY and I offer an amendment to fully fund the teacher quality grants at $300 million.

We must continue to meet the bipartisan commitment we made on class size reduction.

I urge my colleagues to support the Murray amendment to do just that and reject the Gorton amendment which could result in children being forced to return to larger classes and the firing of 29,000 newly hired teachers.

Mrs. MURRAY. Mr. President, we are coming to the end of this debate. Everybody needs to step back and remember why we are here, and that is that 1 year ago, in a bipartisan manner, both Houses—the Senate and the House—agreed to work toward funding 100,000 new teachers in the early grades, first through third grades.

Everybody took credit a year ago. In fact, I have a copy of the Republican Policy Committee, ''Accomplishments During the 105th Congress.'' This is what they put out, and right on the second page, they take credit for the 30,000 new teachers we funded with the $1.2 billion. They take credit and say: This is one of their accomplishments. They say:

> This omnibus FY 1999 funding bill provides $1.2 billion in additional educational funds, funds controlled 100 percent at the local level—

Despite the rhetoric you have heard today—

> to recruit, hire, train, and test teachers. This provision—

They said a year ago—

> is a major first step toward returning to local school officials the ability to make the educational decisions for our children, rather than the bureaucrats in Washington.

I did not say that; our Republican colleagues said that a year ago when they passed the $1.2 billion with us to reduce class sizes.

In the past year, we have put 30,000 new teachers into our classrooms. Why was that an initiative that we all felt was important? Because we know it makes a difference. We know that students in smaller class sizes enroll in more college-bound courses, they have higher grade point averages, they have fewer discipline problems, and they have lower drop-out rates.

The commitment we began last year is making a difference for our students,

it is making a difference in our classrooms, and it will make a difference for our economy and for this country's future. It is a program that is working.

I ask my colleagues: Why have so many people opposed it today when 1 year ago they said it was a major accomplishment in turning money back to local school districts? Why are they opposing it?

Perhaps they do not want any Federal involvement in our education. I disagree. The Federal Government is a partner. They are a partner with our State and local governments, with our teachers, our students, our families. We made a commitment a year ago, and we are about to renege on that right now. If my amendment is not agreed to, and a year from now 30,000 teachers get their pink slips and we have students, 1.7 million children, who are returned to larger classrooms, everyone in this Congress will have failed to do the right thing for our children.

The Class Size Reduction Initiative was the right thing to do a year ago. Everyone said so. It is still the right thing to do today. It is a commitment we have made to the families in this country that, yes, we will live up to what their expectations are of us, that education is a priority, that we are willing to put our money behind our rhetoric.

My colleague from Washington, Senator GORTON, has offered an alternative, and I say to my Republican colleagues, if they want to introduce a new block grant program and tell us what it is, perhaps we will be willing to help them. But we are not willing to take 30,000 teachers out of our classrooms, and we are not willing to say to the families in this country that we are not with you in making sure that every child in this country, no matter who they are or where they come from, will learn. We are willing to do our part.

I urge my colleagues to support the Murray amendment and oppose the Gorton amendment and do the right thing for children and families in this country.

Mr. SPECTER. I yield 5 minutes 36 seconds to the distinguished Senator from Washington so he can conclude the debate in support of his amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the amendment that I have before you and which will be voted on in a few minutes is extraordinarily simple both to understand and in its undertaking. It says that the $1.2 billion the chairman of the subcommittee and his ranking member have generously put in this bill, subject to the authorization of a specific teachers program, will nonetheless be available to the school districts of the country if we do not come up with a specific authorization of that very specific and prescriptive program, one, the merits of which as against trusting school districts, I find somewhat dubious.

It should be a slam-dunk vote for every Member of this body, and yet immediately after I last spoke on this issue, the senior Senator from Illinois said if we do not adopt the Murray amendment, 27,000, 29,000, 32,000 teachers who have been hired under the teachers program in the last year will all get pink slips. It is hard to think of a more bizarre argument.

Under my amendment, every school district will get every dollar it has gotten in the present year that is used to hire teachers. The only rationale for firing a single one of those teachers would be that the teacher was unneeded but that the school district had the money, could not use it for any other purpose because of the wisdom of the Members of the Congress of the United States and felt that there was an infinitely more important use for that money.

If that is the case, if thousands of teachers are going to be fired, it shows that the program was the wrong program in the first place and should never have been passed.

If the teachers program is justified, the teachers will stay on the payroll whether Senator MURRAY's amendment is adopted or not as long as my amendment is adopted.

They are on the horns of a dilemma: either they pass a foolish and unneeded program that would otherwise be rejected by every school district in the country, or they can reach their goals through my amendment, as well as through their own, and then debate at a later time under more thoughtful circumstances, as both the Senator from Pennsylvania and the Senator from Vermont pointed out, the whole idea of how much direction we must impose on our school districts when we deal with the Elementary and Secondary Education Act 2, 3, or 4 months from now.

But the fundamental difference between these two approaches is very simple. Their approach is: The people who run our schools don't know what they are doing and will waste money and will do it wrong unless we tell them, down to the last detail, how to set their own priorities. Their belief is that parents and teachers and principals and superintendents—those three sets of professionals who have devoted their entire lives to the education of our kids—and elected school board members, who go through campaigns, the way we do, because they care about their schools, do not really care or are too stupid to know what their students need and that one set of rules, applicable to New York City and the most rural district in South Carolina, is the only way we can provide appropriately for the education of our children. That is an argument that is not only perverse; it is false and erroneous on its face.

Let us admit that there may be people in the United States who know more about the education of their own children in their own communities than do 100 Senators. We should adopt the amendment that I have proposed. We should defeat the Murray amendment.

We should have the debate on a broader scale at a later, more appropriate time, not in connection with an appropriations bill that urgently needs to be passed by tomorrow so we can actually get this money to the schools so they can educate our children and do a better job in the future even than they have done in the past.

I guess I cannot yield back the remainder of our time. It is controlled by the Senator from Pennsylvania.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to add Senator AKAKA as a cosponsor to my amendment.

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

Mr. GORTON. Are the yeas and nays ordered on my amendment?

The PRESIDING OFFICER. They are not.

Mr. GORTON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. I move to table the amendment by the Senator from Washington, Mrs. MURRAY, and ask for the yeas and nays.

Mrs. MURRAY. Parliamentary inquiry.

The PRESIDING OFFICER. The Murray amendment is not pending. The Gorton amendment is the pending amendment.

Mr. SPECTER. I withdraw the motion and will renew it at the appropriate time.

VOTE ON AMENDMENT NO. 1805

The PRESIDING OFFICER. The question is on agreeing to the Gorton amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), is necessarily absent.

Mr. REID. I announce that the Senator from Michigan (Mr. LEVIN), is absent due to a death in the family.

I further announce that if present and voting, the Senator from Michigan (Mr. LEVIN), would vote ''no.''

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 297 Leg.]

YEAS—53

Abraham	Cochran	Gorton
Allard	Collins	Gramm
Ashcroft	Coverdell	Grams
Bennett	Craig	Grassley
Bond	Crapo	Gregg
Brownback	DeWine	Hagel
Bunning	Domenici	Hatch
Burns	Enzi	Helms
Campbell	Fitzgerald	Hutchinson
Chafee	Frist	Hutchison

Inhofe	Nickles	Snowe
Jeffords	Roberts	Specter
Kyl	Roth	Stevens
Lott	Santorum	Thomas
Lugar	Sessions	Thompson
Mack	Shelby	Thurmond
McConnell	Smith (NH)	Warner
Murkowski	Smith (OR)	

NAYS—45

Akaka	Edwards	Lieberman
Baucus	Feingold	Lincoln
Bayh	Feinstein	Mikulski
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Torricelli
Dodd	Landrieu	Voinovich
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NOT VOTING—2

Levin	McCain

The amendment (No. 1805) was agreed to.

Mr. GRAMM. I move to reconsider the vote.

Mr. COVERDELL. I move to lay it on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1804

The PRESIDING OFFICER. The question is on agreeing to the Murray amendment.

Mr. SPECTER. Mr. President, I move to table the amendment 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.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Murray amendment. 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 Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Michigan (Mr. LEVIN) is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Michigan (Mr. LEVIN) would vote ''no.''

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 298 Leg.]

YEAS—54

Abraham	Fitzgerald	McConnell
Allard	Frist	Murkowski
Ashcroft	Gorton	Nickles
Bennett	Gramm	Roberts
Bond	Grams	Roth
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Campbell	Hatch	Smith (NH)
Chafee	Helms	Smith (OR)
Cochran	Hutchinson	Snowe
Collins	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Enzi	Mack	Warner

NAYS—44

Akaka	Edwards	Lieberman
Baucus	Feingold	Lincoln
Bayh	Feinstein	Mikulski
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden
Durbin	Leahy	

NOT VOTING—2

Levin	McCain

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1807

(Purpose: To require the Secretary of Labor to issue regulations to eliminate or minimize the significant risk of needlestick injury to health care workers)

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mrs. BOXER, and Mr. KENNEDY, proposes an amendment numbered 1807.

Mr. REID. Mr. President, I ask unanimous consent that the 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. REID. Mr. President, I offer this amendment on behalf of the Senator from Nevada, Mrs. BOXER, and Senator KENNEDY.

A woman by the name of Karen Daly was stuck by a contaminated needle while working as an emergency room nurse in Massachusetts. As a result of her being inadvertently, accidentally stuck with a needle she was using on a patient, she was infected with both HIV and hepatitis C. She had worked as a nurse for 25 years. She, of course, can no longer work as a nurse. She loved her job. She has become, I believe, the Nation's most powerful advocate for our need to do something to prevent people from being accidentally stuck with needles from which they become sick.

Her story is really heart-rending. She says:

I can't describe for you how that one moment—the moment when I reached my gloved hand over a needle box to dispose of the needle I had used to draw blood—has drastically changed my life. Since January of this year, I have had to come to terms with the fact that I am infected with not one but two life-threatening diseases.

The tragic part of this story is, like Karen, so many other people could have had this accidental stick prevented. Karen Daly is one of 800,000 accidental sticks every year.

In Reno, NV, there is a woman by the name of Lisa Black, a 21-year-old registered nurse, a single mother of two, who has also learned the devastating impact of a needle stick. In October of 1997, 2 years ago, she was nursing a man who was in the terminal stages of AIDS when a needle containing his blood punctured her skin. Today, she is infected with hepatitis C and HIV. She takes 22 pills a day to keep her HIV infection from progressing to full-blown AIDS and to delay the effects of hepatitis C which is an incurable liver disease.

Lisa Black's needle stick could have been prevented if hospitals had widespread use of safe needles and needleless devices. I repeat, 800,000 needlesticks and sharps injuries each year. That is more than is really imaginable, but it is true.

There are pages and pages of incidents I could report of people who are stuck with these needles. The nursing profession is mostly women, so most of the people who are injured are women.

I will talk about a couple of others.

Beth Anne. She graduated with a nursing degree less than a year before she got hurt. She says:

Life for me was just starting. Having graduated from college that year, I had planned to specialize in critical care, emergency services, and flight nursing. I was engaged to a wonderful and supportive engineer whom I had met when we were students on the same university campus. We were planning our wedding. Suddenly, everything seemed uncontrollable. The illness and the response from my employer seemed out of my control. . . . The severity of the illness threatened my life. . . . Wedding plans were postponed indefinitely.

Here is how she describes her injury:

I pulled the needle out. As the needle tip cleared the skin, the patient swiped at my right arm, sending the needle into my left hand. ''I forgot about the shot,'' the patient said. ''I thought it was a mosquito biting at my hip.''

Beth Anne says:

The injury I sustained is now preventable. . . . I injected the needle into her hip with my right hand, aspirated to assure placement, and pushed the plunger. The patient did not flinch. I pulled the needle out. As the needle tip cleared the skin, the patient swiped at my right arm, sending the needle into my left hand. ''I forgot about the shot,'' the patient said. ''I thought it was a mosquito biting at my hip.'' There [are] now syringes that automatically retract the needle into the syringe before the syringe is pulled away from the patient's skin. . . . The cost difference between this safe syringe and the one that infected [this lady] is less than the cost of a postage stamp. The cheaper syringe has cost [this woman and her employer] much more than this, in many ways.

She has been very sick and has been in and out of hospitals. Hundreds of these patients die each year from these injuries. Moreover, these statistics account for only reported injuries. The 800,000 are only those that are reported. There are a lot more that are not reported.

Lynda.

On September 9, . . . I sustained a needlestick while starting an intravenous

line at a small community hospital in Lancaster, Pa. I was a 23-year-old registered nurse working in the ICU.

The reason I go over these stories is these are not negligent nurses. They have not done anything wrong.

What happened is on one occasion there was a needle in a wastepaper basket. She stuck her hand in it. Needles are not supposed to be put there.

On another occasion, a patient, very sick, not thinking well—senile—swiped at a person's hand, thinking it was a mosquito.

In this instance, I repeat, she was a 23-year-old registered nurse.

At my hospital I had received in-depth training and had attended in-service sessions about safety and technique. Although I was complying with all recommended precautions at the time my needlestick occurred, these precautions were not enough to prevent the injury. While removing the needle from the patient's vein, he suddenly moved his arm and knocked mine. The motion forced the bloody exposed needle directly into my left palm. It punctured my latex gloves. . . .

It was here that my worst fears were confirmed. The patient had AIDS and was in the final stage of the disease.

She said:

I began the 1-year wait to discover if I had become infected. At 3 weeks after my needlestick I was sent to a family practitioner because of a rash, sore throat, and fever; I was prescribed some topical ointment for the rash and sent home.

. . . I received the results of my 6-month antibody test and got the most devastating news of my life: I was HIV positive. I do not think that words can accurately describe my emotions at this time. I felt suffocated, desperate, fearful, dirty, contaminated, and confused. Nothing in my education, on-the-job training, or critical care course could have prepared me for the experiences and emotion that lay ahead.

I have only recounted a few of these. Nurses badly need this legislation. There are all kinds of things that can be done to protect these people who are being stabbed inadvertently. There are needles that retract. Too many of our front-line health care workers contract, as I have indicated, these debilitating and often deadly diseases as a result of these on-the-job needlestick injuries.

Those at risk for needlestick or sharp injuries include anyone who handles blood, blood products, and biological samples, as well as housekeeping staff and those responsible for the disposal of contaminated materials.

According to the Centers for Disease Control, we have only a few of the reported sticks each year; 800,000 people have reported needlesticks and sharps injuries. There are many more who do not report.

We do not actually know the number of needlestick injuries.

Over 20 different diseases—including HIV, hepatitis B and C, and malaria—may be transmitted from just a speck of blood.

This amendment that has been offered would ensure that necessary tools—better information and better medical devices—are made available to front-line health care workers in order to reduce injuries and deaths that result from these needlesticks.

What would my amendment do?

It would amend OSHA's—that is the Occupational Safety and Health Administration—blood-borne pathogens standard to require that employees use needleless systems and sharps with engineered sharps protections to prevent the spread of blood-borne pathogens in the workplace.

Second, create a sharps injury log that employers would keep containing detailed formation about these injuries that occur.

And finally, it would establish a new clearinghouse within the National Institute of Occupational Safety and Health, NIOSH, to collect data on engineered safety technology designed to help prevent the risk of needlesticks.

In the House of Representatives, this legislation is sponsored by 136 of their Members. Protecting the health and safety of our front-line health care workers should not be a partisan or political issue. We need something done.

I have been told that the chairman of the committee, the junior Senator from Vermont, is aware of the problem in this area and has indicated a willingness to work to come up with regulations that we can work with the administration on or legislation, if in fact that is necessary—which I think it is—to prevent these needlestick injuries—and they are preventable, and we as a body need to do something about it.

Mr. SPECTER. If the distinguished Senator would yield on that point?

Mr. REID. I am happy to yield.

Mr. SPECTER. Senator JEFFORDS would be willing to work with the Senator from Nevada on a bipartisan approach to needlestick prevention. I have not heard the issue broached at the hearings, but I will urge Senator JEFFORDS to include that in working with the Senator from Nevada. The issue poses a problem on the appropriations bill. This is authorization on an appropriations bill, and it is subject to our rule XVI which precludes that. But more fundamentally, it has not been aired with many of the interested parties. I am sympathetic to what the Senator from Nevada seeks to accomplish. I think there are problems. I found out about it for the first time yesterday, and I say that in no way to be critical. That is what happens here. When we take it up, we have heard rural hospitals would find it difficult in its present posture. I am told by CBO that there is a substantial cost figure involved. I don't cite it with any authority, but they are talking about $50 million. I don't quite see that, but that has been reported to me.

I compliment Senator REID for calling attention to the issue, for focusing on it, for raising it and taking a big step in having consideration by the authorizing committee. I will urge Senator JEFFORDS to include hearings as well as a cooperative approach to try to work it out.

Mr. REID. I say to the manager of the bill, I appreciate his statement. I understand rule XVI. It was my initial idea because I think this is so important. Every nurse in America, every day they go to work, is concerned about whether or not they have a needlestick. Nurses all over America favor this. It was my original intention to move forward and see if we could get enough votes to surmount the problem with rule XVI.

I think we have the opportunity to do something on a bipartisan basis. I do not believe something this important should be done on a partisan basis. I think we should make this a bill both Democrats and Republicans support. I have spoken to the Senator from California, Mrs. BOXER, who has worked on this with me from the very beginning. She is someone who feels very strongly about this issue. I have spoken to the other sponsor of the legislation, Senator KENNEDY. They acknowledge the need for this and also the fact technology now exists to protect health care workers from needlesticks, but only 15 percent of those hospitals are using safer needle devices such as retractable needles.

Having said that, I am not going to call for a vote at this time. It is my understanding Senator JEFFORDS has agreed to do hearings. I am sure I can confirm that with a phone call with him. At this stage, what I am going to do is speak no more, talk to Senator JEFFORDS, and then I will withdraw my amendment.

Mr. SPECTER. Mr. President, I thank the Senator from Nevada for both focusing the attention of the Senate on this issue and for agreeing to an orderly process, which has been outlined, for expediting the processing of the bill by, as he says, withdrawing the amendment.

Mr. REID. I say to my friend in closing, I understand there might be a cost involved. CBO has indicated to the manager of the bill $50 million. I think it would be a fraction of that, but we need not get into that today. For any one of these women I talked about today who have been inadvertently stabbed with one of these needles, their medical bills are huge. There isn't a single one of these women who doesn't have medical expenses less than $100,000. When added up, it comes out to a tremendous amount of money that could be saved, notwithstanding the pain and suffering of these individuals and their families.

The PRESIDING OFFICER. Does the Senator withdraw the amendment?

Mr. REID. I am not going to withdraw the amendment at this time. I am going to talk to Senator JEFFORDS, make sure we will have a hearing sometime within the reasonable future. I have been advised by staff he has agreed to that, so I am sure there will be no problem.

I say to the Chair, I have no objection to my amendment being set aside and moving on to other business.

The PRESIDING OFFICER. Without objection, the amendment will be set aside.

Mr. SPECTER. Mr. President, on our sequencing, the distinguished Senator from New Hampshire, Mr. SMITH, has an amendment to offer at this time.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 1808

(Purpose: Sense of the Senate regarding the Brooklyn Museum of Art)

Mr. SMITH of New Hampshire. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 1808.

The amendment is as follows:

SEC. . It is the sense of the Senate that the Conferees on H.R. 2466, the Department of Interior and Related Agencies Appropriations Act, shall include language prohibiting funds from being used for the Brooklyn Museum of Art unless the Museum immediately cancels the exhibit 'Sensation,' which contains obscene and pornographic pictures, a picture of the Virgin Mary desecrated with animal feces, and other examples of religious bigotry.''

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, first, I thank my colleague, the manager, Senator SPECTER, and the Democratic side for agreeing to my amendment. It is my understanding there is no opposition. I will be very brief in my remarks.

The amendment is very simple, as was read by the clerk. It says that unless the Brooklyn Museum of Art, about which we have been reading, cancels the exhibit Sensation, it will no longer receive Federal funds through the National Endowment of the Arts. An article in today's Washington Times describes this exhibit ''called art''—I use that term loosely—as including a picture of the Virgin Mary decorated with elephant feces and pornographic pictures. It also contains a picture, a photograph of the Last Supper with a naked woman presiding, presumably, as Christ. It also depicts a sculpture of a man's head filled with the artist's frozen blood.

As I say, I use the term ''artist'' loosely. I am reading from the article. This is called ''art.''

Mr. President, we do live in troubled times. You would think with the constant barrage of violence and sex and death and blasphemy that maybe somehow everybody would get to the point where enough is enough. I think that is where I am with this particular piece of art, so-called. Yet this painting of the Virgin Mary covered in feces and surrounded by pornographic pictures is particularly shocking. It is irreverent; it is sacrilegious; and it is disgusting; but it is not art, for goodness' sake. People can do what they want to do. We do have the first amendment. They can draw what they want to draw.

But I will say one thing: The taxpayers of the United States shouldn't fund this garbage. Everyone here knows how I feel about the funding for the National Endowment for the Arts. I had an amendment recently that lost overwhelmingly to defund the National Endowment for the Arts.

At that time, we were told all of these things were in the past. There were no more Mapplethorpes. And as someone spoke to me on the way in, we went from Christ on the crucifix immersed in urine to the Virgin Mary now with animal feces. That is where we have gone with the National Endowment for the Arts.

I think it is time we dismantled the National Endowment for the Arts because I am sick and tired of hearing about these so-called art projects. How many times do we have to hear the NEA has cleaned up its act, and how many times do we have to hear that it has not? That is the bottom line.

This amendment doesn't defund the National Endowment for the Arts. It says, very simply and very clearly, it is the sense of the Senate that the conferees on the Department of the Interior, where NEA is funded, shall include language prohibiting funds from being used for the Brooklyn Museum of Art, unless the museum immediately cancels the exhibit Sensation, which contains obscene and pornographic pictures, a picture of the Virgin Mary desecrated with animal feces, and other examples of religious bigotry.

Basically, Mayor Giuliani has said the same thing, that he doesn't want any of these funds going to the museum for it either. I think if we are going to fund the arts, we owe it to the taxpayers to exercise discretion. The Brooklyn Museum of Art is upset that Mayor Giuliani is threatening to withdraw the $7 million subsidy the museum gets from the city, but the mayor is right.

The people of New York City shouldn't have to spend their hard-earned tax dollars to pay for this trash, nor should the people of New Hampshire, or California, or Iowa, or Idaho, or any place else. Defenders of the NEA always say this is creativity. According to the promotions for this exhibit in New York, they have a warning poster outside the display in the museum that says: This exhibit causes ''shock, vomiting, confusion, panic, and anxiety.''

The Brooklyn Museum of Art has received just over the last 3 years at least $500,000 worth of taxpayer dollars—at least. You could employ a lot of homeless veterans for $500,000. You could take a lot of them off the streets for $500,000.

If we are going to give money to museums, we ought not to include those that are this irresponsible. Give me that $500,000, and I will find homeless veterans in San Francisco, in Los Angeles, and Washington. Every day when I come to work, I see homeless veterans on grates in this city. Let me have that money, and I will get them off the grates. But I will be doggone if I am going to give it to the Brooklyn Museum of Art or any other museum with this kind of trash called ''art.'' It is wrong.

Every time I take the floor and talk about it—and others before me, and Senator HELMS who is a leader on this—we always hear that they have cleaned up their act, it is not going to happen anymore, and we are not going to hear any more about these horror stories. But here we are with this money. We just passed it—$99 million worth for the National Endowment for the Arts. I lost my amendment, and here goes some of that money right smack into the Museum of Art in Brooklyn.

If a student wants to say a prayer over his lunch or if a teacher holds a moment of silence, it is Government sponsorship of religion. Judge Roy Moore of Alabama could go to jail for putting the Ten Commandants on his wall because somehow we are afraid of the separation of church and state. But this kind of stuff can go on, and nobody stops it.

The ACLU liberals are all too willing to persecute people for legitimate religious expression if it takes place in a public building. Then they defend the desecration of the Virgin Mary and Jesus Christ and call it art? What is happening to this world? Can somebody figure this out?

We have a public museum, receiving hundreds of thousands of dollars of Federal taxpayer dollars, spending these dollars on religious bigotry. So the American taxpayer has to pay for art that degrades and blasphemes against their own religion. But if their child wants to say a prayer over lunch, we have to get the lawyers out. Welcome to America. It seems that anti-Catholic bigotry is coming back into vogue. Not only that, it is celebrated as art, and it gets Federal dollars to do it.

This guy needs a psychiatrist for putting this thing together. He doesn't need Federal money. You get publicity-craving artists who go to any length to create controversy. And he has it. I am giving him plenty of publicity. He is probably very happy. I will give him the publicity, but let's not give him the money. I imagine those who created this monstrosity are watching right now on C–SPAN and are cheering away: ''There is SMITH out there giving us all this attention.'' Give him the attention, but let's take the money away.

It is not the so-called ''artists'' who are responsible. They are doing their job as they see fit. They should not do it at taxpayer expense. Those who run public museums ought to know better. We shouldn't have to hang parental warning signs on public art museums

saying that children under 17 shouldn't come in.

Mayor Giuliani gave the museum an opportunity to end this controversy by removing certain exhibits, and the museum rejected his offer. Let's reject the money. As far as I am concerned, this was a statement by the Brooklyn Museum that this is the kind of art they think is appropriate to fund with taxpayer dollars. Until they change their mind, I think the taxpayers' money would be better spent elsewhere. I would be happy to pick homeless veterans if somebody wants to give me the $500,000 to do it.

Mr. President, I believe it is appropriate to ask for the yeas and nays.

We have an agreement on the amendment. So we don't need the yeas and nays. Is that correct?

Mr. SPECTER. That is correct.

Mr. SMITH of New Hampshire. I yield the floor, Mr. President, and I appreciate the cooperation of my colleagues.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. SPECTER. Mr. President, the Senator from New Hampshire has broached a great many complex issues in his presentation. The question on school prayer is one of the most complex constitutional issues the Supreme Court has faced. And I do not believe those analogies are particularly apt here. I am certainly opposed to religious bigotry in any form whatsoever. When you deal with the issue of restraints on art, again, there are complex first amendment questions.

I learned of the amendment earlier this afternoon and do not have a total grasp of the issues on this particular display at this particular museum.

This amendment, while it may be offered on this bill, under our rules is not germane to the bill on Labor-HHS. We have decided to accept the matter with no assurance as to how hard we will pursue it in the conference, to put it mildly. But in the interest of moving the bill along, I think the distinguished Senator from New Hampshire has made his point. I do not think it has become the law of the land. In the interest of moving this bill, not contesting it in a long debate and having a rollcall vote, which takes time, we will simply let the matter go through on a voice vote, as Senator SMITH suggested.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 1808) was agreed to.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I have an amendment I would like to send to the desk and ask for its immediate consideration. I understand we may be in virtual agreement on it. I will call for the question after the amendment is read.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

Mrs. BOXER. Mr. President, I sent the amendment to the desk and asked for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. SPECTER. Mr. President, there is an objection until we see the amendment by the Senator from California. The issue is now on whether we are going to agree to set aside. I am not prepared to agree to that until we have had an opportunity to study the amendment. We have not seen it until this moment. We need to see what the amendment says. We have no objection to having the clerk report the amendment, but we are not prepared to set aside anything to take up the amendment at this time, but we will do so promptly after we have a chance to look at it.

Mrs. BOXER. It is my understanding that happened an hour ago. We have been waiting to offer it.

Mr. SPECTER. Is the Senator from California saying she thinks we had it an hour ago?

Mrs. BOXER. That is correct.

Mr. SPECTER. As of 5 minutes ago, I was told we didn't have it. We can straighten this out in the course of a few minutes.

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. GREGG. 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. GREGG. What is the regular order?

The PRESIDING OFFICER. The amendment of Senator REID from Nevada.

Mr. GREGG. I ask unanimous consent the Reid amendment be set aside.

Mrs. BOXER. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. HARKIN. 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. MOYNIHAN. 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. MOYNIHAN. Mr. President, I ask unanimous consent that I might speak for up to 3 minutes as in morning business, and that at the conclusion of my remarks the quorum call be reinstated.

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

Mr. MOYNIHAN. Mr. President, I rise to the most urgent of matters about which I can be succinct. There has arisen in New York City the question of the propriety of a museum exhibit at the Brooklyn Museum. The city government has contested this, and the museums of the city have, in turn, raised objections.

Floyd Abrams, who is perhaps the most significant first amendment lawyer of our age—I should correct myself to say he is the most significant first amendment lawyer of our age—is taking this case to a Federal district court, urging that a first amendment issue is involved and that the proposed measures of the City of New York are in violation of the first amendment and cannot be allowed to stand.

In that circumstance, I should think any Member of this body ought to defer to the courts before which this issue is now being placed. Clearly this amendment by Senator SMITH will not become law.

In that regard, I ask unanimous consent that an editorial which appeared this morning in the New York Times be printed in the RECORD.

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

[From the New York Times, Sept. 29, 1999]

THE MUSEUM'S COURAGEOUS STAND

The Brooklyn Museum of Art announced yesterday that it will stand by its plans to open the exhibition called ''Sensation.'' It also began litigation to prevent Mayor Rudolph Giuliani from fulfilling his threat to withhold financing and possibly take over the museum board. This is unequivocally the right action, one that deserves the support of all of New York's cultural institutions. The Mayor's retaliatory announcement that the city will immediately end its subsidy of the museum is an authoritarian overreaction that deserves a swift hearing and repudiation by the courts.

Meanwhile, the heads of many of New York City's most important cultural institutions, public and private, have also released a joint letter to Mayor Giuliani. The letter, which ''respectfully'' urges the Mayor to reconsider his threat, is signed by people whose respect, in this instance, seems partly forced by the financial hammer the Mayor wields and by the aggressive personality that leads them to believe he might use it, on the Brooklyn Museum if not necessarily on their own institutions.

The joint letter makes all the right points. The Mayor's threatened actions, including taking over the board of the Brooklyn Museum, would indeed be a dangerous precedent. Even a mayor who is not busy playing constituent politics in a Senate race, the way Mayor Giuliani is, might find it tempting to intervene in cultural policy from time to time. But one of the cardinal realities of New York City is that this is a place where artistic freedom thrives, where cultural experimentation and transgression are not threats to civility but part of the texture and meaning of daily life. The letter to the Mayor speaks of the chilling effect his actions against the Brooklyn Museum might have. That is an understatement. A threat as blunt and unreasoned as the one the Mayor has leveled at the Brooklyn Museum promises to begin a new Ice Age in New York's cultural affairs, at least until Mr. Giuliani leaves office.

The museum directors who have signed the joint letter have made a politic appeal to Mr. Giuliani. It was not the forum in which to lecture him on the nature of artistic freedom and the subtleties of public financing of the arts. But no matter how you assess the art in ''Sensation'' or the motives of the Brooklyn Museum or even the fatigue that the thought of another skirmish in the culture war engenders—a rock-hard principle remains. Public financing of the arts cannot be a pretext

for government censorship, not on behalf of Roman Catholics or anyone else. The Brooklyn Museum and its lawyer, Floyd Abrams, have found a fittingly aggressive way to make this point in the face of Mr. Giuliani's unremitting attack. Their suit argues that no one can be punished for exercising First Amendment rights. The courts should respond by affirming that those rights belong to the museum and the people of New York no matter how deeply the Mayor is mired in constitutional error.

Mr. MOYNIHAN. Now I request, as I believe I said, the quorum call be reinstated.

The PRESIDING OFFICER. The Senator has suggested the absence of a quorum. 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. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent the Reid amendment be laid aside.

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

AMENDMENT NO. 1809

(Purpose: To increase funds for the 21st century community learning centers program)

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. DURBIN, Mr. KENNEDY, Mr. KOHL, Mr. CLELAND, Mr. JOHNSON, Ms. MIKULSKI, Mr. KERRY, Mr. LEVIN, and Mr. SARBANES, proposes an amendment numbered 1809.

Mrs. BOXER. 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 end of title III, add the following:

21ST CENTURY COMMUNITY LEARNING CENTERS

SEC. . In addition to amounts otherwise appropriated under this title to carry out part I of title X of the Elementary and Secondary Act of 1965 (20 U.S.C. 8241 et seq.), $200,000,000 which shall become available on October 1, 2000 and shall remain available through September 30, 2001 for academic year 2000–2001.

Mrs. BOXER. Mr. President, simply put, what we do is we add another $200 million to afterschool programs. We believe it is very important to do this. I have a number of cosponsors.

This would take the funding to the President's requested level of $600 million. It would enable us to take care of another 370,000 children.

I ask that the Senate support this.

AMENDMENT NO. 1810 TO AMENDMENT NO. 1809

(Purpose: To require that certain appropriated funds be used to carry out part B of the Individuals with Disabilities Education Act)

Mr. GREGG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 1810 to Amendment No. 1809.

Mr. GREGG. 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 end of the amendment proposed strike the ''.'' and insert the following: ''(which funds shall, notwithstanding any other provision of this title, be used to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part, in lieu of being used to carry out part I of title X)''.

Mr. GREGG. Mr. President, this is a second-degree amendment to the amendment offered by the Senator from California. What this amendment says is, rather than taking the $200 million, which is new money, brand new money, to be advance funded into next year, and therefore it would be a credit against the 2001 budget—rather than taking that money and putting it into a program which the Senator from Pennsylvania has already increased by $200 million, and which has been aggressively funded, before we start out with an additional doubling of that amount, $200 million, that we begin the process of fulfilling our commitment to the special ed funds.

As I have said almost ad nauseam now on this floor, the Federal Government agreed to fund special education, when the bill was originally passed, at 40 percent of the cost of special ed. Unfortunately, as of about 4 years ago, the percentage of the cost of special ed which the Federal Government paid was only 6 percent. Over the last 3 years, as a result of the efforts of the Senator from Pennsylvania, the majority leader, and a number of other Senators, that funding has increased dramatically. In fact, the funding for special education in this bill is up by almost $700 million over the last 4 years. If you include this bill, the funding will be up more than 100 percent over that time period.

But there is still a huge gap between what the Federal Government committed to do in the area of special education and what we are presently doing. Thus, before we begin down the road of a dramatic increase on top of another dramatic increase in funding for the afterschool programs, recognizing there is already $200 million in this bill for afterschool programs, an extremely generous commitment made by the Senator from Pennsylvania and by the majority party, I believe we should take any additional funds that are going to go on top of that $200 million and put them into the special ed accounts, which is where the local schools really need the support.

It may be when the local school districts get this additional $200 million for special ed, which will free up $200 million at the local district, that the local school district may make the decision with their freed up money, which was local tax dollars, to do an afterschool program. That may be very well what they decide to do with that. They also may decide to add a new teacher so they can address the class size issue. Or they may decide to put in a computer lab. Or they may decide to put in a foreign language program. Or they may decide to buy books for the library. But it will be the local school district which will have that flexibility, because they will have had the Federal Government at least add $200 million more into the effort to fulfill the Federal Government's role in special ed.

This is a very important issue. It is one which I have talked about, as I said, innumerable times on this floor and raise again with this second-degree amendment. I think the issue is prioritization.

If we are going to start throwing money or putting a great deal of additional money into the Federal effort in education, my view is the first effort, the first priority is that we fulfill the obligations and commitments which are already on the books which the Federal Government has made to the local school districts. The biggest commitment we made to the local school districts which we presently do not fund is the commitment in special education.

One can go to almost any school district in this country and ask them what the biggest problem is they have in the Federal Government's role in education, and they will tell you the Federal Government refuses to fund its fair share of the cost of the special education child.

The effect of that, of course, is we pit the special education child against parents of children who do not have special education children in an unfair way. It has disadvantaged the parents and the special ed child because they are now competing for local resources which should be used for general education activities because those local resources have to be used to replace the Federal obligation which is not being fulfilled.

This amendment is very simple. It says before we start another $200 million on top of $200 million for a new program, a program which is aggressively funded already under this bill, let's do what we have already put on the books as our commitment, which is fund special ed with any additional money.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on the Gregg amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. I thank the Chair. Mr. President, I commend our friend and colleague from California, Senator BOXER, for advancing this very important amendment. It is obviously an improvement over what the House of Representatives did, and it is an improvement over the Senate bill.

The Senate bill falls short in some important areas in which I believe we should address if we are going to advance academic achievement and accomplishment. We attempted, under the outstanding leadership of Senator MURRAY, to help communities reduce class size and now with Senator BOXER's amendment, we want to help communities expand afterschool programs.

Tomorrow, there will be an effort by Senator HARKIN and Senator ROBB to address school modernization and construction, and to help more communities improve the quality of teachers entering the classroom.

I commend Senator BOXER for her leadership of the issue of after-school programs. The 21st Century Community Learning Center program has been vastly popular. Over 2,000 communities applied, but there was only enough funding to grant 184 awards.

We all have our own experiences with afterschool programs. We have an excellent program in the city of Boston under the leadership of Mayor Menino. It is not only an afterschool program, it is also a tutorial program for children. Most of the afterschool programs have tutors working with children to help them do their homework in the afternoon, so that in the evening time, the children can spend quality time with their parents. That has been enormously important.

Secondly, there have been other programs initiated outside the direct academic programs involved in school such as photography programs and graphic art programs where members of the business community work with children to enhance their interests in a variety of subject matters they might not be exposed to and provide training in specific skills.

What every educator involved in afterschool programs will tell you is, with an effective afterschool program, we find a substantial improvement in the academic achievement and accomplishment of these students.

In Georgia, over 70 percent of students, parents, and teachers agree that children receive helpful tutoring through what they call the 3 o'clock Project, a statewide network of afterschool programs. Over 60 percent of the students, parents, and teachers agree that children completed more of their homework and homework was better prepared because of their participation in the program, and academic achievement and accomplishments have been enhanced.

What we have seen over the course of the day under Senator MURRAY and now under Senator BOXER are amendments to support proven effective programs, programs which have demonstrated that they improve academic achievement and accomplishment. We simply want to target resources to these successful programs. In Manchester, NH, at the Beach Street School, the afterschool program improved reading and math scores of the students. In reading, the percentage of students scoring at or above the basic level increased from 4 percent in 1994 to one-third, 33 percent, in 1997. In math, the percentage of students scoring at the basic level increased from 29 percent to 60 percent. In addition, students participating in the afterschool program avoid retention in grade or being placed in special education.

There will be those who will say: That is interesting, but they made that decision at the local level to do that. The federal government didn't decide that.

If communities want to take advantage of this program, they can apply and compete for funding. No one is forcing any particular community to take part in this program. No one is demanding that every school district in America accept it. But what we are saying is that there will be additional resources for communities across this country to invest in after-school programs that are improving students' academic achievement and accomplishment.

Afterschool programs also help reduce juvenile crime, juvenile violence, and gang activity, generally preventing adverse behavior of students.

What we see in this chart is that juveniles are most likely to commit violent crimes after school. As this chart shows, which is a Department of Justice chart, the time after school, between 2 p.m. and 8 p.m., is when youth are most likely to commit or be victims of juvenile crime.

If you talk to our Police Commissioner Evans in Massachusetts, he will tell you one of the best ways of dealing with violent juveniles and with the gang problems we have in my city of Boston is effective afterschool programs. We know anywhere between 6 and 9 million children are at home unsupervised every single day, every afternoon between the ages of 9 and 15.

We are trying to offer children opportunities for gainful activities to, one, enhance their academic achievement and accomplishment; and, two, reduce the pressures that so many young people are under that lead to bad and negative behavior.

This amendment, again, is talking about an additional $200 million in a total budget of $1.700 trillion—$1.700 trillion, and we are talking about adding just $200 million. A nation's budget is a reflection of its priorities, and we believe that in after-school programs should get high priority.

Finally, we must do far better than the House bill in after-school programs, where they came in $300 million below the President's request, and in many other education priorities that the House drastically cut. We want to raise the funding levels of the Senate bill so that Members going to conference will be able to report out a strong after school program.

I thank the Senator from California, again, for making such a compelling case for increased investments in after-school programs. She has been involved in this issue for years, and she is our real leader in the Senate on this question. It is a pleasure to be a cosponsor of the amendment. I thank her for her courtesy in permitting me to speak at this time.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, after consulting with the majority leader, if we could come to an agreement on our proceedings for the remainder of the evening and tomorrow morning, I would be in a position to announce, on behalf of the majority leader, that there would be no more votes tonight.

Would the Senator from California and the Senator from New Hampshire be willing to enter into a time agreement to conclude this evening and to have two votes scheduled tomorrow morning, first on the Gregg amendment and then on the Boxer amendment?

If I could have the attention of the Senator from California.

Mrs. BOXER. I was trying to get a full and complete answer for you, I say to my friend. We are hopeful we will have an agreement. We are waiting to see the final form of that agreement.

I would recommend that perhaps the Senator from Massachusetts, Mr. KERRY, could make some comments. And then I have a feeling we will then have reached an agreement. I am sure he would pause in his remarks to accommodate our making such an announcement. I do not think we have a problem. I think we are going to resolve this very well.

Mr. SPECTER. Mr. President, so if I may direct the question through the Chair to the Senator from California, the Senator is not prepared now to enter into a time agreement?

Mrs. BOXER. Correct, because I have not seen the actual time agreement. I am waiting to see it.

Mr. SPECTER. We have not drafted it yet. It is my suggestion we agree to, say, 45 minutes equally divided to conclude the debate on the Gregg amendment and on the Boxer amendment, and to agree to a half hour tomorrow morning, again equally divided, and to vote at 10 o'clock on the Gregg amendment and then on the Boxer amendment.

Mr. GREGG. If the Senator would yield, I am not sure why we would vote on the Boxer amendment if the Gregg amendment survived.

Mrs. BOXER. A Boxer second degree. So we can have a straight up-or-down vote.

Mr. SPECTER. We understand if the Gregg amendment prevails, there would be a second-degree amendment by the Senator from California—another Boxer amendment; the same amendment—with a 2-minute speech, and then have a second vote tomorrow morning shortly after 10, giving the Senator from California a vote on her issue.

Mrs. BOXER. Yes. I would say, with the clear understanding it is a Boxer second degree to Gregg, that is quite acceptable. Two minutes to a side would be good.

Mr. SPECTER. If I may propound the unanimous consent agreement.

I ask unanimous consent that the debate this evening on the Boxer amendment and on the Gregg amendment be concluded in 45 minutes, with the time equally divided, and that tomorrow morning the debate resume at 9:30, again equally divided, until 10 o'clock, when there is to be a vote on the Gregg amendment; and if the Gregg amendment prevails, then the Senator from California can offer a second second-degree amendment—which is her current amendment—with 2 minutes of debate, and the vote to follow shortly after 10 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Reserving the right to object.

Mr. GREGG. Reserving the right to object. In fact, I would object to that. I am not sure who else may want to second degree my amendment. I am not sure what the proper order will be for recognition relative to second degreeing my amendment.

Mrs. BOXER. What the Senator is trying to do is reach an agreement. I would reach an agreement if I knew we would have a vote on my second degree. If you object to Senator SPECTER trying to be accommodating, that is your choice.

Mr. GREGG. That is exactly what I am doing at this time. So I suggest we go forward with Senator KERRY and discuss this further.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Would the Senator from New Hampshire repeat the last statement?

Mr. GREGG. I would suggest that we allow Senator KERRY to speak and then we can discuss this.

Mr. SPECTER. Let me make one more effort.

I have since been handed a document in writing. On behalf of the leader, I ask unanimous consent that a vote occur on or in relation to the pending Gregg amendment at 10 a.m. on Thursday, and immediately following that vote, if agreed to, Senator BOXER be recognized to offer a second degree, the text of which is amendment No. 1809, and there be 2 minutes for debate to be equally divided prior to a vote in relation to the Boxer amendment.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. I object to that at this time, until I have a chance to talk to the Senator from Pennsylvania.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Objection is heard.

The Senator from Massachusetts.

Mr. SPECTER. Will the Senator yield?

Mr. KERRY. I will yield.

Mr. SPECTER. For purposes of a unanimous consent request, so we can allow Senators to go home, I think we have a formula worked out.

On behalf of the leader, I ask unanimous consent that a vote occur on or in relation to the pending Gregg amendment at 10 a.m. on Thursday; that immediately following that vote, if agreed to, Senator BOXER be recognized to offer a second degree, the text of which is amendment No. 1809, and there be 2 minutes for debate to be equally divided prior to a vote in relation to the Boxer amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. Further, I ask unanimous consent that the debate on the pending Gregg and Boxer amendments be concluded within 45 minutes equally divided.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. I want to ask my friend how much more time he will take so I will know how much time I have to speak on this.

Mr. KERRY. Mr. President, I didn't understand there was a time limitation on this component.

Mrs. BOXER. Forty-five minutes.

Mr. KERRY. Reserving the right to object, I reserved the right to object previously when the time limit was in. I had understood with the second offering there was no time limit. I will object to a restraint at this time on the time.

Mrs. BOXER. May I ask my colleague, tell us how much time you need, and then we will adjust accordingly.

Mr. KERRY. If I could say to my good friend from California, I am not speaking from prepared text. I would like to just speak my mind.

Mrs. BOXER. Do you think about 15 minutes would do it?

Mr. KERRY. I am sure I could complete it in that period of time, and I don't want to shortchange the Senator because it is her amendment.

Mrs. BOXER. If I could ask my friend if he will allow us to add a little bit more time and have an hour equally divided, after the Senator finishes?

Mr. SPECTER. I will accept that.

Mr. KERRY. I thank the Senator from California.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. Mr. President, in light of that agreement, I am authorized to say on behalf of the majority leader that there will be no further votes this evening. The next votes will occur in back-to-back sequence at 10 a.m. on Thursday. The Senate will reconvene at 9:30 a.m. on Thursday, with an additional 30 minutes for closing debate.

Mr. KERRY. Mr. President, I rise in support of the amendment from the Senator from California. I say to my colleague from Pennsylvania that if at some point in time he needs to proceed forward on a unanimous consent request, I would be happy to accommodate.

Mr. President, the amendment of the Senator from California is an extraordinarily important amendment for a lot of different reasons. I should like to share some thoughts about that with my colleagues in the Senate.

It is perhaps a propitious moment for the Senator from Oregon to assume the chair because he has joined me in an effort to try to change this very debate that we are having right now on the floor of the Senate, where we have already had one series of votes that have been predicated essentially on the same old breakdown of communication with respect to how we are going to deal with education. It was a pretty much party-line vote. It was a vote that reflected an effort to try to block grant money so States could have adequate flexibility to be able to make choices, but on the other hand it did not target it sufficiently and clearly enough for those on the Democrat side, and there was no real meeting of the minds.

So once again, the Senate—on the subject most important to Americans—talked past each other, and we wound up with a fairly rote, very clearly partisan vote that takes us nowhere.

The Presiding Officer, the Senator from Oregon, and I have obviously tried to suggest to our colleagues that there is a different way to approach this question of education, and that, in fact, most of us are not that far off. We are sort of fighting at the margins, when the real fight is in the center over how best our children can be educated.

I do not believe that it is impossible for us, as Members of this great deliberative institution, to be able to come to agreement on things that are best for children.

We are not trying to build a system for adults. We are not trying to perpetuate a system that serves the administrators or just the teachers or just the principals; it is the children this is about. It seems to a lot of us here in the Senate that there are some better ways to come at that.

The specific amendment of the Senator from California is to fund the afterschool programs to the level that the President requested.

I find that there is a great circularity in the arguments of our colleagues on the Senate floor that somehow misses the mark, even when you are talking about this amendment of the Senator from California.

We often hear from colleagues: Well, we want the local communities to be

able to do these things and make up their minds about them. The fact is, local communities all across this country have made up their minds about afterschool programs.

I think it is about 95 percent of the local communities in this country that would like to put an afternoon program into their school structures, but they cannot. Here it is: 92 percent of Americans favor afterschool programs. I am saying that I believe if you ask the administrators in any particular school district, they will leap at an afterschool program. Give us an afterschool program. They plead for it. Their teachers plead for it. Why? Because kids are going home from school to apartments or houses where there is no adult. As an alternative to the afterschool program, they turn on the TV, if they are lucky, if they have a TV. Other kids are hanging around in a courtyard with other kids playing various kinds of games, often getting into trouble, sometimes being sucked into gangs or other kinds of activities.

The fact is, most mayors in the country, most school boards in the country are trying to put together afterschool programs. So what is the hangup? The hangup is, far too many urban centers and rural settings in America simply can't afford to put in the programs because their schools are paid for from the property tax. The schools are set up, as schools were originally designed, to essentially follow the old agrarian pattern. You go to school early in the morning; you get out in the afternoon; you work in the fields. That was the original concept.

That is not what happens in America anymore. Every day we turn out 5 million of our children who go back to homes and apartments where there is no adult, sometimes until 6 or 7 in the evening. About 8 or 10 years ago, the Carnegie Foundation told us the hours of 2 to 6 in the evening are the hours when most children get into trouble. They get into trouble with the law or they get into trouble with value systems, when they do things such as having children that children are not supposed to have, age 13, 14, 15. Most of the unwanted pregnancies in this country, according to the Carnegie Foundation study, occur during those hours when parents aren't there. Then we wind up with a whole host of subsidiary problems as a consequence of that.

Our colleagues are absolutely correct, at least in this Senator's judgment. We don't want the Federal Government telling us precisely what to do. We don't need the Federal Government telling us what kind of afterschool program works best. But if in countless numbers of communities they simply can't afford to even do what they want to do, what they think is best, do we not have a fundamental responsibility to try to step up and help to bridge that gap? Hasn't that been a traditional effort of the Federal Government throughout the years in the Federal, State, and local partnership? The answer is resoundingly, yes.

For years, countless lives in the United States of America have been made different and better, and we have fulfilled the promise of opportunity in this country because the Federal Government was prepared to help local communities be able to make ends meet. Countless communities in this country can't do it. Every one of us has a community like that in our State.

We have too many of them in Massachusetts. You can go to Lowell, Lawrence, New Bedford, Fall River, Holyoke, Springfield, countless other cities, old urban centers; they don't have the tax base. They can't raise the property tax. They can't and don't want to properly raise taxes on their citizens. Yet here we are with a surplus, with a $1.7 trillion budget, with no greater priority in our country than raising the standards of education, and we are struggling over $200 million.

Again, we hear from our colleagues on the other side of the aisle: Well, a lot of these problems that the Democrats want to try to cure are problems that families ought to take care of or that responsible children ought to somehow be able to solve by themselves. Once again, that is a circular argument. Every single one of us in this Chamber knows that almost 50 percent of the children of this Nation are being raised in single parent situations. Because we properly passed a tough welfare bill a few years ago that changes the culture in this country about work, we now require parents, single parents, to be working, and we should. But we have to understand the consequences of that.

The other part of the circular argument is that we are always hearing from people on the Senate floor about personal responsibility and the capacity of local communities to solve these problems. If you analyze the reality of that situation, based on what I said about the change in the American family, the requirements of a single parent to be working and the lack of adequate child care, the lack of adequate safety places for children, the fact is the absence of afterschool programs, in fact, winds up costing us a huge amount of money. Children who are unsupervised wind up not having their homework done, getting into trouble, being less capable of learning, maybe repeating grades, certainly some of them entering that zone of chronic capacity for unemployment. In fact, we wind up raising the cost to the taxpayer in the long run for the lack of willingness to invest in the short run.

I guarantee my colleagues that what I said is not rhetoric. We can go to countless afterschool programs in this country and talk to the students who are in those programs. They will tell us the difference it makes in their lives.

Two weeks ago I went to Lawrence, MA, to a program called Accept the Challenge. This is an afterschool program where they go into the high school and interview kids. They find kids who want to accept the challenge of going into this afterschool program, which is tough. It is rigorous.

I will tell you something. I met the brightest group of kids who want to achieve, who want to go to college, who want to live by rules, who are gaining enormously in their educational capacity as a result of their participation in the program.

What was interesting is, I even heard from one kid—a Hispanic child—who said he was always talking Spanish in school because they had a bilingual program. He hung around with his friends, he then went home, they spoke Spanish at home, and he wasn't learning English. But he went into the Accept the Challenge Program, an afterschool program. It required that he speak English, interacting with the other students, learning in English. The result was that he himself said: I am proud now, the way I can speak English, and I am far better equipped in my capacity to go beyond, to college, to take the SATs, and to get a good job.

So there you are—an afterschool program providing the kind of structure that kids need. Ask any child psychologist, or any psychiatrist, or any child interventionist. Every single one of them will tell you, as most wise parents will tell you, children need structure, children need a certain amount of guidance.

We historically have always looked to college as the first moment when kids kind of break away and begin to learn how to live without their kind of structure. Some kids can make it sooner. Some kids can go to college. It is extraordinarily hard in the first moments of college, without the structure, to be able to make ends meet. Some kids flounder in that atmosphere. Some kids go to college with more structure, or less structure.

Why is it, when we know this so well, that we adults allow our school system to institutionalize the lack of structure in children's lives by letting them go home and letting them out of school knowing they are going to come to school the next day without their homework done and without the capacity to be able to meet the standards of the school? I don't understand it. I don't think most Americans understand the reluctance for accountability.

Here we are debating whether or not we are going to put $200 million into afterschool programs that provide structure and guidance and safety for children—safety; I underscore that. An awful lot of kids in this country go back to situations after school where it is chaos; you couldn't do your homework if you were trying to.

We ought to be more concerned about that. We have an opportunity to be. General Colin Powell—there is not a more respected figure in the United States—is struggling trying to make what is called ''America's promise'' a reality, struggling to try to leverage the private sector's capacity to help

make a difference in the lives of our children.

You can go into countless numbers of those efforts, whether it is a boys and girls club, Big Brother, Big Sister, YMCA, YWCA, the City Year programs, or countless numbers of programs, and you will find the kids who are in them are thriving and the kids who are outside of them are generally challenged and having difficulties or where you find the kids who are having difficulties, they tend to be the kids who are outside of it.

In countless numbers of these programs, there are waiting lists that are absolutely mind-boggling, with hundreds of kids waiting to get in with the few kids who are on the inside. And the question is, Why? Are we such a poor country that we don't have the ability to offer sanctuary in afterschool programs to every child who needs it or deserves it?

That ought to be the goal of the Senate. We ought to declare that every single community in this country, with a combination of corporate, local, State, and Federal effort, is going to be able to provide sanctuary, safety, and structure for children in an afterschool setting. That is the great challenge of the Nation.

We are going to have a vote tomorrow morning where we are going to have people come to the floor and kind of play a game. They are going to suggest, gee, we ought to really fully fund IDEA so we take care of that program the Federal Government already mandated, and we are going to strip it away from here.

I agree. We ought to fully fund IDEA. We ought to vote if we are really going to have a first-class education system in this Nation. Frankly, I think we can do both. But the question will be put to the Senate ultimately at some point in time as to whether or not we are prepared to do that or whether we just want to play these games that go back and forth and in the end do not ultimately reform our education system.

Mr. President, in closing, let me say I am convinced there is a capacity to build a bipartisan compromise on education. I think we all have to begin to look for a different way of doing that from that which we have allowed ourselves to embrace over the course of these past years. If all we do is come to the Senate floor and debate whether or not we are going to have vouchers versus school construction or one particular program versus another, then I think we are going to be guilty of perpetuating the crisis of education in America.

If, on the other hand, we try to be holistic—looking at the whole question of the education system, respecting the capacity and desire of local communities to be able to make their decisions, but empowering them to be able to do so by leveraging the specific kinds of things they would like to do by placing large sums of money at their disposal to be able to do it with a strict accountability for the back end—not for the micromanagement of how they go about doing it but to the back end—that we measure at the end whether or not whatever route they choose to undertake is in fact educating their children when measured against the rest of the children in the country, that then we could begin to have accountability in those schools that are failing, I believe we could marry the best programs of what the Republican Party has offered in their ''Straight A's'' and the business of what the Democrats are trying to achieve in the various proposals we have put forward.

I hope that ultimately the Senate is going to come to recognize that that is the only way we are going to solve this problem.

You could give a voucher to every kid in America. But the bottom line is, they have nowhere to go. Take that voucher. Where are you going to go? There are limited seats at the parochial table. There are limited charter seats. There are clearly limited private seats because a lot of private schools don't want 90 percent of the kids who go to the public school system.

Ultimately, there is only one way to fix the education system of America. That is to fix the place where 90 percent of America's children go to school; that is, the public school system.

Every time we have something like a voucher program come along, we are basically offering America a kind of ''Schindler's List'' for schoolchildren. We are saying to them: If you have money, you can buy your way out of your predicament, but we are only going to take so many of you. For the rest of you, you are stuck.

That is what happened. Some may not think the analogy is accurate. But I will tell you, for those kids stuck in some of those schools where they don't have opportunity and they don't have progress, it is a kind of living death because they are condemned to the lower standards of our economy, to the lower opportunities, to the lower pay scales, and in many cases, unfortunately, because of other things that happen to them, to prisons or even sometimes to violent death in the streets of this country.

We can do a lot better than that. It is very clear to me that a country that produced generations that won World War I and World War II, that took us through the remarkable transition of the cold war—most of those leaders coming out of public schools and most of this country's core citizenry coming out of public schools is evidence of what those schools can be. That evidence is everywhere in this Nation. We have great public schools in places where people are lucky enough to have broken out or to have put together the ingredients of that great school.

The Senate needs to embrace those things that have allowed those schools to be what they wanted to be, to adopt the best practices of any other school in the country and to allow them to have the kinds of accountability that will lift the entire system. That is the only debate we ought to be having—not saving part of it but saving all of it.

What the Senator from California is trying to do with this amendment is to recognize one critical component of that, one of the most important components. It is absolutely vital.

There are four critical ingredients of educating. One, we continue to have standards. Mr. President, 49 States have now adopted standards or are about to adopt standards. Those standards will make a difference.

Two, we have to permit our teachers to teach to the standards which require quality of teaching, ongoing teacher professional development, mentoring, higher pay, more teachers, less class size, all of the ingredients of being able to teach to the standards.

Three, we need to provide an opportunity for the children to learn to the standards. That means afterschool programs, the opportunity for remedial work, the opportunity for the kind of teachers and other efforts that make a difference in their education.

Four, we need strict accountability. That means the capacity to be able to fire people who don't perform, to be able to help people to perform, the capacity to be able to improve our ability to attract a broader cross section of people into the great challenge of teaching, and to respect those who are there doing the enormous job they are doing.

I hope we can engage in that larger and real debate sometime over the course of the next few days. I congratulate the Senator from California. This amendment embraces one of the single most important considerations of how we will protect our children to learn and how we will provide schools with the capacity to be able to live up to the standards we all want.

I congratulate the Senator for this fight. I hope our colleagues will join in a vote for the protection of the children of this country.

Mr. SPECTER. Mr. President, the distinguished ranking member of the subcommittee and I have discussed the progress of the bill. It is our hope, perhaps our expectation, that we can finish this bill tomorrow. We have a fair number of amendments listed so far. We think some can be worked out. Others may evaporate, requiring relatively few roll call votes.

After consulting with Senator HARKIN, I ask unanimous consent all amendments be filed no later than 12 noon tomorrow.

Mr. HARKIN. Reserving the right to object.

Mrs. BOXER. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. SPECTER. Mr. President, in light of the objection which has been raised, we will renew this request when the Senate reconvenes tomorrow morning at 9:30 when Senators have an opportunity to consider it. If we are able

to proceed to complete the bill by the close of business tomorrow, there are substantial benefits for all Senators—although I can't make any commitment as to what will be scheduled on Friday. We will renew the request tomorrow morning at the start of the consideration of the bill.

Mr. HARKIN. If the Senator will yield, I support the chairman in that.

I understand now because it is late in the day, and evidently it has been hotlined there are no more votes today, Senators have taken off, without knowing that we have a deadline at noon tomorrow. They may not know until tomorrow morning.

Now that I understand that, I guess it is reasonable we hold off until tomorrow when we come in. I think tomorrow when we come back, the chairman is right, that would be the time to again make that motion to have a time certain when we will have all the amendments in.

Mr. SPECTER. Mr. President, how much time remains under the agreement?

The PRESIDING OFFICER. The opponents have 30 minutes and the proponents, 30 minutes; 30 minutes for each side.

Mr. SPECTER. Mr. President, parliamentary inquiry. Did the unanimous consent agreement start to run at the time it was entered into?

The PRESIDING OFFICER. It started after the Senator from Massachusetts completed his remarks.

Mr. SPECTER. I yield such time as the Senator from Georgia desires.

Mr. COVERDELL. Mr. President, I rise to speak on behalf of the Gregg of New Hampshire amendment, the second-degree amendment to the amendment of the distinguished Senator from California.

To put this in context, in 1975, the Congress embraced a very laudable idea to assure the appropriate education of students who had special education needs. It was recognized at the time that this would be a very costly proposal, so the Federal Government agreed to pay 40 percent of the costs, the States were to pay 40 percent, and local jurisdictions were to pay 20 percent.

Guess what. From 1975 to 1999, the Federal Government has essentially reneged on the deal and has forced the local governments to bear the entire costs. Visit any school superintendent, any school board education member, and the first thing they will talk about is the effect of this mandate. It is a handcuff on them in terms of dealing with the multiple requirements of funding education in their local district. They resent, rightfully so, the fact the Federal Government has not fulfilled its promise.

Right now the Federal Government provides 11.7 percent of the Nation's special education costs. That is about 29 percent less than the original deal. It amounts to an impact on local schools of about $10 billion a year.

The essence of the amendment of the Senator from New Hampshire—and he has said this since he has been in the Senate—is that we have to correct this problem and that the funding should have a priority over virtually all new programs. Until we fulfill this agreement, we should not be imposing new program after new program after new program on local governments.

When I visit with my superintendents, they don't ask for new programs. They ask for relief from this huge financial burden that has been impounded upon them by the Federal Government so they can free up resources to do the things they think are important in their school district. They don't call for a new master principal in Washington to tell them what they need to do in their school district. They are saying, do what we promised to do, which will allow them to do the things they need to do.

Since President Clinton came to office in 1993, he has never made this special education funding one of his top priorities. Since the Republicans have been in the majority, we have more than doubled the President's request each year to fulfill this promise. In many years he has not requested any increases that would keep the program in line, even with inflation. Most years, the President has asked for no more than a 5-percent increase. This year, in this budget, he asked for less than 1 percent.

Meanwhile, from the other side, for laudable reasons, it is: Let's add another program. We will just slip that check over on the side and put it in the desk and come with another program. We will just let the local governments work it out on their own.

The real philosophical divide here is that we are saying let's fulfill the Federal promise. It is a huge obligation. If we fulfilled it in its entirety, we would free up $10 billion locally to allow those local school boards and local communities to do the things, as I said a moment ago, they believe are important.

Right now, what we have done is reneged on the promise, choked the funds at the local level, and have just come on, year after year, with either another mandate or another idea from Washington about what is best in a local community. So this debate we are having on the amendment of Senator GREGG from New Hampshire, as a second-degree amendment to that of Senator BOXER from California, is a very crucial and symbolic example of the differences we have been debating here all day.

Earlier it was the Senator from Washington, Senator MURRAY, who was going to mandate that a certain amount of funds be used to hire x number of teachers, and Senator GORTON from Washington was saying no, the funds should be flexible so the local community could decide what is best. It is the same issue on these amendments. We are voting on exactly the same kind of question here.

So I speak loudly as a proponent for Senator GREGG's second-degree amendment, which I expect to prevail. And then I will oppose the forthcoming amendment from Senator BOXER on the grounds we need to free resources at the local level and let local board members decide what is needed in those local districts.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I assure my friends I do not intend to take the full time I have allotted to me. That will make the Senator from Pennsylvania very happy. Maybe he might even vote for this amendment if I keep it very brief.

I do thank my friend from Pennsylvania, Senator SPECTER. I may disagree, we did not get enough for after school, but I have to acknowledge, we did get an increase in after school. For that, I am very pleased. But I really do think we need to do more.

I think this chart explains it all. You could not find a simpler chart. All it says is ''370,000.'' I say to my friend, Senator SPECTER from Pennsylvania, and my friends on the other side of the aisle, this represents the number of children who would be served if my amendment were to pass, an additional $200 million which we forward fund in the bill.

I think this is a very important number when you stop and think about what it would mean if 370,000 additional children had the opportunities we are giving at this point to about 1 million—an additional 370,000. That is 370,000 kids who are going to get help with their homework. That is 370,000 kids who will stay out of trouble. That is 370,000 children who may just get really excited about something such as computers because they have them in this afterschool program. That is 370,000 kids who may get excited about becoming a policeman, a fireman, or doctor because the community comes into these programs.

I know the Senator from Pennsylvania agrees that these programs are very laudable. I just hope at the end of the day, tomorrow at least, by 10, we could agree to add this $200 million, forward fund it, and it would bring it up to the level President Clinton requested for this program.

Mr. SPECTER. Will the Senator from California yield for a question?

Mrs. BOXER. Of course. I will be happy to.

Mr. SPECTER. Following the practice I have heard earlier today, I will preface my question with a statement. I do not think anybody will call for regular order.

When the distinguished Senator from California says perhaps if her speech is short enough, I might vote for her amendment, that is entirely possible. If the speech did not exist, which would imply the withdrawal of the amendment, I would support her position.

But the question I have is: We have added $200 million in this bill to afterschool programs.

Mrs. BOXER. Yes.

Mr. SPECTER. Senator HARKIN, the distinguished ranking member, has been very supportive of that. We added that money in on the Juvenile Violence Prevention Program because, as Senator HARKIN has said, the safest place for children is in school. This is one facet on the direction of $851 million to prevent school violence, so we added the $200 million.

The question arises, after we have stretched on this budget to $91.7 billion, which has gotten the concurrence of a very strong pro-education, pro-health care, pro-worker-safety Senator—the ranking member has accepted that as the maximum amount we could get.

When I went to law school, there was a course in legislative process. That course ''ain't learning nothing yet'' compared to what it is in real life to find a bill that Republicans in the Senate will vote for, that can pass conference, and be acceptable to the President.

I have a feeling, regardless of how much money would have been added, Senator DODD would have come forward with a request for $2 billion more, Senator MURRAY with a request for $200 million more.

The question I have for the Senator from California: If we had included $400 million more for afterschool programs, would the Senator from California have offered an amendment to increase it even more?

Mrs. BOXER. I have strongly supported, for a very long time, the President's request—$600 million—I say to my friend. Not only that, he did join me in an amendment I offered earlier on that point. Six hundred million dollars is where we ought to be now. To answer my friend, this is not a frivolous amendment by any stretch. The $600 million is the amount we believe we need. There is a backlog existing. These are real children waiting in lines to come in.

Let me assure my friend, I do appreciate the fact that we have gone up to $400 million for after school. Believe me, I am very pleased about that. But I do believe, since we all know this is a proven program, and my friend shares enthusiasm for it, since we know 92 percent of the people in the community support it, since we know the crime rate goes up exponentially at 3 o'clock—and the Police Athletic League has told us how important this is; this is just a list of some of the law enforcement organizations that support this—we ought to go to the $600 million level.

That is the reason I am offering this amendment. It is not to be difficult. It is not to be ungrateful.

I want to make a point to my friend. The committee worked very hard. The Senator from Pennsylvania and the Senator from Iowa did. They added $700 million, is my understanding, for IDEA. That is the additional for IDEA—$700 million additional.

Senator GREGG is just putting another $200 million in. It may pass. That would be an additional $900 million for IDEA. I am for it. I am for it. It is important to take care of kids with disabilities who need the help. We promised the local districts. I am for it. We are also for this.

I think it is not out of the question, when we support the money for IDEA, we also support the funding for after-school programs.

Mr. SPECTER. Will the Senator from California yield for one more question?

Mrs. BOXER. Absolutely.

Mr. SPECTER. When Senator HARKIN and I have taken the principal lead in crafting this bill, 300 programs, making allocations as we have, after a lot of hard staff work and a lot of hard thinking, the Senator from California says if we had added $400 million, she would not have offered this amendment. What is the reason, what is the rationale, for $400 million extra being sufficient?

The Senator from California says there are these children waiting. But even after the $400 million would be added, had we done so, would there not be other children waiting? And wouldn't the nature of the add-on process have led to more?

Essentially, my question is, to focus it specifically, what are the facts that say $400 million will be sufficient to solve the problem——

Mrs. BOXER. Four hundred additional.

Mr. SPECTER. Four hundred additional.

Mrs. BOXER. As I repeat to my friend and colleague, a real leader in this area, this number was not pulled out of a hat. This number comes from the President's request. The President's request has a rationality.

Mr. SPECTER. Where did——

Mrs. BOXER. If I can make my point. I am happy to yield to my friend, noting I am using my valuable time which I promised I would not use up. The fact is, the President, in his budget request, studied the number of applications that were coming in from the districts all across this Nation and looked at the backlog.

It is amazing what we have done. Since my friend has been chairman—I need to compliment him—we went from $40 million for afterschool programs under his leadership and the leadership of the Senator from Iowa and the President to $200 million. Together we went from $40 million to $200 million, and now my friend is suggesting we go to $400 million.

What I am suggesting to my friend is there are culled applications sitting at the Department of Education—Senator KENNEDY pointed them out in his remarks; I refer my friend to his remarks—so we know what the backlog is.

We know that 184 afterschool applications were funded and 2,000 applied. I am not suggesting that every one of those 2,000 is meritorious, but I say to my friend, out of the 2,000 that applied and only 184 were funded, we know there are a lot of good schools in Pennsylvania and California and Iowa and all over the country. What we are saying is, we could probably fund far more than the $600 million, but we believe to ratchet up the program in the right fashion, to get it done right that $600 million would be appropriate. It is supported by Secretary Riley; it is supported by the Clinton administration, in addition to the President himself. I say to my friend, 370,000 more children would have the opportunity to participate in afterschool programs.

Let me one more time show a chart which I showed previously. We see what happens after school. We see exactly what happens after school when kids have no place to go: The crime rate goes through the roof. It is only as the children return home that the crime rate dissipates. That is why the Police Athletic League is one of the strongest supporters of this amendment. We have a letter from them. It is very clear. They say they are working on behalf of the Police Athletic League to endorse and express our support for the afterschool education and anticrime amendment. This one was written when we offered it to the Ed-Flex bill.

I do not need to prolong this debate. Members want to either come to the floor and talk about something else or conclude tonight. I want to close by saying this: I appreciate the fact that the committee, with all the demands on it, did increase this program. I am very pleased to see it at $400 million. However, I truly believe if we are to do right by our children, funding 184 afterschool programs, when 2,000 applied, is not meeting a need.

My friends on the other side of the aisle are continually making the point that we do not want to force this on our local communities. Believe me, we are not forcing this on them at all. What we are essentially saying is it is here for you, and they have overwhelmingly applied for these funds.

When I make my closing argument—I will have 60 seconds tomorrow morning—I am going to show one of my favorite charts, and that is a picture of children, an actual photograph of children in an afterschool situation—the look on their faces, the excitement.

What an incredible thing for them rather than, A, going into an empty house and being alone, not being safe; and, B, going out on the corner to find out who else is standing on the corner. In the old days, kids stood on the corner, and it was not that bad. Today, unfortunately, they get into worse trouble. In the old days, the trouble they got into was not as bad as today.

We do not want our children to have nothing to do after school. We know when they are idle, bad things can happen, such as getting into alcohol problems, getting into drug problems, joining a gang, just because they are lonely.

I look at some of our pages who work so hard and what a good job they do.

They sit here, and sometimes it is hard. They are occupied, and they are learning. They listen when we speak. They are picking up things. They are kept busy. Their minds are working.

Every child deserves a chance to get that mind going and keep that mind going in a positive way. Our children are our future. Every one of us gets up and says that day after day. If you mean it, I am giving you an opportunity to vote for an amendment that will allow 370,000 kids—and let's hold that number up one more time—370,000 kids, and I put that number up because it is a huge number—370,000 more kids under the Boxer amendment, under the Clinton administration request, will be taken care of. Think about the range of that number. Think about how many moms and dads will be relieved to know their children were being taken care of.

My hat is off to the ranking member, Senator HARKIN, and the chairman, Senator SPECTER, but I still believe in my heart of hearts that we should move up to the President's request. It is the right thing to do. If Senator JUDD GREGG can find another $200 million for IDEA—terrific—using the same forward-funding approach we are using, then Senator GREGG ought to also support this afterschool amendment. We did a good thing. We want to make it even better.

Mr. President, I yield back the remainder of my time and allow the Senator from Pennsylvania, without interruption, to wind up his argument, and I will see him back on the floor tomorrow morning at 10 o'clock.

The PRESIDING OFFICER. Did I understand the Senator wanted to reserve 1 minute of her time for tomorrow?

Mrs. BOXER. No, just 1 minute in the morning, which I already have.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I shall not ask unanimous consent so the Senator from California will not interrupt me. The rules permit her to do so, and I do not want to deprive her of that opportunity.

I had posed a question to the Senator from California as to whether any amount would be enough. When the Senator from California cites the statistics of 2,000 applications and 184 were granted, and it may be that some were not meritorious, but in order to have funding of all the applications or most of the applications, all of them would be 11 times the amount. So from $200 million, say, 10 times the amount would be $2 billion.

Mrs. BOXER. I did not say that.

Mr. SPECTER. The Senator from California is saying she did not say that.

Mrs. BOXER. I should have yielded him an opportunity to ask a question. My friend did not hear me finish my point.

Mr. SPECTER. Mr. President, I did not yield for a question, but I will.

Mrs. BOXER. I thank the Senator. He is so kind to me. What I said was, there are many more applications than were funded. I did not suggest that we fund all 2,000.

Mr. SPECTER. Why not?

Mrs. BOXER. What I said was I felt the program should be ratcheted up in a logical fashion, and that we are at the point where the Department of Education, Secretary Riley, has stated that $600 million is what he needs and what he can now handle to ratchet up the program.

Eventually, I hope my friend shares the view that this ought to be a much bigger program than it is now. But we cannot go 1 day from $200 million to $2 billion. No, I do not support that, and I think my friend's attempt to make it look as if I do is simply not correct.

Mr. SPECTER. I thank the Senator from California for that comment. I do understand her point of saying that you cannot go that far, but in extrapolating and projecting where we would be on the total number of applications—as I say, some are not meritorious—one could come up 10 times the figure of $200 million, which we had. Ten times would be $2 billion, or if you project it a little differently on $200 million and $900 million worth of applications were filed, it would be 4½ times that, which would be $900 million.

The point I am making is that regardless of what the committee comes up with, there is going to be an add-on. When this program was started back in 1994, the last year when the Democrats controlled the Congress, and there was an extraordinarily competent chairman of this subcommittee, the figure was $750,000 for afterschool programs.

It could be said that the social climate of the country disintegrated in the intervening time—which was a jocular comment made while we were chatting about this. But from $750,000—the last year the Congress was controlled by the Democrats—the figure then moved to $1 million in 1997, and then to $40 million in 1998, and to $200 million in 1999, and then doubled for the next fiscal year to $400 million.

When the Senator from California said that I had supported her in the past on afterschool programs, she is correct, I have. I think afterschool programs are vital and necessary. But when Senator HARKIN and I constructed a budget of some 300 items—and figured that $91.7 billion was the maximum we could stretch it—we left some money for the National Institutes of Health, for drug-free schools, for worker safety, and for many other programs.

That is why, much as I dislike doing so, I have to oppose the additional $200 million. In the 19 years I have been here, when programs such as this have been offered, by and large, I have supported them. But when this kind of an enormous effort is made to accommodate to the maximum extent possible this important objective of afterschool programs—and it is not enough—I come back to the suggestion I made that no figure we would have reached would have been enough.

I think we are about to see that with the balance of the amendments which are going to be offered, notwithstanding the very large figure Senator HARKIN and I have come up with, more funds will be added in many lines, which will require a lot of very tough votes that I do not like to cast to oppose those amendments.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Pennsylvania has 18 minutes 15 seconds.

Mr. SPECTER. How much time?

The PRESIDING OFFICER. Eighteen minutes 15 seconds.

Mr. HARKIN. If the Senator is yielding the floor

The PRESIDING OFFICER. The Senator from Iowa has 15 minutes 20 seconds.

Mr. HARKIN. Who is controlling the time?

I don't know who is controlling the time. If I am on my side, I will yield myself a couple minutes.

Parliamentary inquiry. Is there time on this side remaining?

The PRESIDING OFFICER. There is time on the amendment. The Senator from California was controlling the 15 minutes 20 seconds remaining. The Senator from Pennsylvania is controlling 18 minutes 2 seconds.

Mr. SPECTER. Parliamentary inquiry. Didn't the Senator from California yield back her time?

The PRESIDING OFFICER. When she concluded, yes, she did yield back the remainder of her time.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Then are we under a time constraint right now? The Senator from Pennsylvania has some time left on this amendment.

I ask unanimous consent that I be allowed to speak as in morning business for up to 5 minutes.

Mr. SPECTER. Mr. President, I yield the Senator from Iowa 5 minutes of my time.

Mr. HARKIN. Whatever it takes.

The PRESIDING OFFICER. The Senator from Iowa is recognized on the time of the Senator from Pennsylvania.

Mr. HARKIN. I appreciate that.

I want to take a few minutes, as I do every year when the debate comes up on IDEA, the Individuals with Disabilities Education Act, to set the record straight.

There is hardly anyone left on the floor but my two good friends, the Senator from California and the distinguished chairman, the Senator from Pennsylvania. But I want to make clear that IDEA, the Individuals with Disabilities Education Act, is not a Federal mandate. The Senator from New Hampshire keeps talking about it as a Federal mandate. But saying it does not make it so.

The Individuals with Disabilities Education Act is a civil rights bill. It is a bill that basically helps the States meet their constitutional obligation. In the early 1970s, there were two court cases in which the courts said that if a State chooses to fund public education, then children with disabilities enjoy a constitutional right to a free and appropriate public education. A State, if it wanted to, could say: We are not going to fund any public education, and they could do so.

But if a State provides a free public education to its children, it cannot discriminate on the basis of race or sex or national origin. And as a result of these two cases that came up in the early 1970s, they cannot discriminate on the basis of disability, either.

So as long as a State provides a free public education to its children, it cannot say, yes, for non-disabled students; but no to kids with disabilities. Constitutionally, they have to provide that free, appropriate public education to all kids.

In 1975, the Congress said: Look, this is going to be a burden on the States, so we will help. We will help the States with some funding to meet their constitutional obligations. It is not a Federal mandate. So we set up this law, the Individuals with Disabilities Education Act, and we said: OK, we will provide you some funds to help you out if you do these certain things, meet these certain guidelines.

No State has to take one penny of IDEA money. We do not force it on them. We do not say: You have to take it. We say: Look, because of the court cases, you have to provide a free, appropriate public education to every child with a disability. What we are saying at the Federal level is: We are going to help you do that. But, if you want our help here are the guidelines. Follow them and you get the money. That is the basis of IDEA. It is not a Federal mandate.

We also keep hearing that somehow we guaranteed to help the States meet 40 percent of the cost of educating the kids with disabilities. That is not so.

The maximum award to any State under IDEA would be 40 percent of the national per-pupil expenditure per year for education, not 40 percent of the cost of educating the kids in their State with disabilities. We said the maximum grant would be 40 percent of the national average cost of educating every child. That, right now, if I am not mistaken, is around $6,850. So $6,850 is the national per pupil average that we funded out of the Federal Government in 1998. The IDEA funding formula is 40 percent of the per pupil average or $2,750, give or take a few dollars. I am not going to figure it to the exact dollar. Under the legislation we have right now, it is about 11.7 percent. With the increase, it gets it up to about 15 percent. So we do have a ways to go before we reach the maximum of 40 percent.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. Mr. President, I ask for a couple more minutes, and then I will wrap it up.

Mr. SPECTER. I yield 2 more minutes.

Mr. HARKIN. I want to make it clear, do I support the goal of getting up to 40 percent of the national per pupil expenditure up to $2,750 per student? I do. But I don't believe we ought to do it at the expense of afterschool programs or out of Head Start or anything else. That is what I dislike about the Gregg amendment. If he wants to come up with more money for IDEA, fine. I will be glad to support him. But to take it away from other kids who have needs, I think, is not the way that we ought to proceed. Quite frankly, I don't know anyone in the disability community who would say, yes, take it away from those kids and give it to ours. They would say, look, fund the disability programs, fund IDEA, but fund afterschool programs, fund breakfast programs, fund Head Start programs, because these are all our kids and they all have needs. We ought to appropriately fund all of education.

If this Congress gave the same priority to education as it does for the Pentagon, we wouldn't have to make these types of choices. There would be enough for both.

We added $4 billion to the Pentagon's budget over what they asked for. When will we ever see the day when we would add $4 billion over what the Department of Education requested?

Those were the basic points I wanted to make. IDEA is not a funding mandate. We need afterschool programs. We need IDEA also. I don't agree with stripping funds from one important program to fund another. That is why I believe Senator GREGG's amendment has deficiencies.

With that, I yield the floor.

Mr. SPECTER. Mr. President, it has been a good debate, I think.

I now ask unanimous consent that, notwithstanding the pendency of the Smith amendment No. 1808, the vote on the amendment be reconsidered and tabled.

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

Mr. SPECTER. Mr. President, I ask unanimous consent that a letter dated September 17, 1999, from me to Senator COCHRAN be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 17, 1999.

Hon. THAD COCHRAN,
U.S. Senate,
Washington, DC.

DEAR THAD: As a precautionary matter, I think it is advisable for me to recuse myself on the issue of the appropriation for the National Constitution Center since my wife, Joan Specter, is director of fundraising.

I would very much appreciate it if you would substitute for me on that issue since you are the senior Republican on the Subcommittee for Labor, Health and Human Services and Education.

Sincerely,

ARLEN SPECTER.

Mr. LAUTENBERG. Mr. President, let me begin by commending Senator SPECTER and Senator HARKIN for their hard work on this bill. Although it's far from perfect, it's a big improvement over the House version, and I know Senators SPECTER and HARKIN have worked diligently to fund critical education and health priorities within the constraints they have faced.

I intend to support this bill, Mr. President. But I also need to point out that it's apparently part of a broader plan that would lead to using Social Security surpluses. And I think that would be a mistake.

The additional money for this bill has come by shifting allocated funds from the Defense Appropriations bill. But rather than finding savings in military spending, the leadership intends to declare much of the extra spending as an emergency.

What we have here, Mr. President, is a shell game. The Republican plan may succeed in circumventing the discretionary spending caps, as they are trying to do. But it doesn't get around another critical problem. It still leaves us on course toward using Social Security funds to run the government.

Mr. President, for many months now, we've heard our Republican friends declare their commitment to protecting Social Security funds. They've put together a Social Security lock box in an effort to appear committed toward that goal—though, I must add, it's a lock box with a huge loophole, and one that does nothing for Medicare.

But while declaring their commitment to protecting Social Security, Mr. President, the Republicans are actually moving to spend Social Security surpluses. At their current rate, they're going to spend roughly $20 billion in Social Security surpluses. And that total could well go higher.

Mr. President, I know that many people around here privately believe that there's no alternative to spending Social Security surpluses, and we need that money to fund government adequately. But that's just wrong.

There's a better alternative. If we simply ask the tobacco industry to fully compensate taxpayers for the costs of tobacco-related diseases, we almost certainly could avoid spending Social Security surpluses.

Every year, Mr. President, tobacco costs taxpayers more than $20 billion. To its credit, the Justice Department is trying to recoup these costs through civil litigation. But that could take years. Meanwhile, Congress can act now to make taxpayers whole. And we should.

Mr. President, I've heard Republicans argue for months that pursuing more tobacco revenues is just, and the word they usually use is, ''unrealistic.'' It's a clever way to avoid responsibility. It's as if some force outside themselves

is preventing Congress from asking anything of the tobacco industry. But that's obviously wrong.

If the Republican leadership simply decided to ask Big Tobacco to compensate taxpayers, they could do it. It's completely realistic, if they just summon the will to do it.

Now, given the close relationship between the Republican Party and the tobacco industry, I realize that's not a politically easy decision for them.

But this is a different world than last year, when the tobacco legislation went down.

Now we have a Republican Congress about to embark on a money grab of Social Security funds. Compared to that, asking the tobacco industry to pay their fair share should be less difficult.

In any case, Mr. President, it seems clear that the real debate this fall is going to be between tobacco and Social Security.

And if we end up using Social Security funds to run the government, it will because the Republican Congress put Big Tobacco first, not Social Security. I think the American people would be outraged at that. And that's why I'm hopeful it won't happen.

So, Mr. President, I urge my colleagues to do the right thing, and choose Social Security over Big Tobacco. Let's end this money grab, reduce youth smoking, and protect Social Security.

Mr. KENNEDY. Mr. President, each year, up to 1 million nurses and other health care workers are accidentally stuck by needles or other sharp instruments contaminated by the blood of the patients they care for. More than 1,000 of these health care workers will contract dangerous and potentially fatal diseases as a result of their injuries. The Reid amendment is very important—it will require hospitals to use safer devices, and it will provide more effective monitoring of needlestick injuries, so that we can take additional steps to deal with this danger.

Karen Daley, of Stoughton, MA, is one of those whose lives have been forever changed by disposing of a used needle.

Karen is a registered nurse and president of the Massachusetts Nurses Association. In July 1998, as an emergency room nurse at the Brigham and Women's Hospital in Boston, she reached into the box used to dispose of a needle, and felt a sharp cut. By the end of the year, Karen had been diagnosed with HIV and Hepatitis C. I would like to read from a statement she recently delivered at the Massachusetts State House, where a bill has been recommended by the relevant committees:

> I have been a practicing nurse for over 25 years. I love clinical nursing and have felt privileged to care directly for thousands of patients over the years. . . . I have developed expertise in my practice over the years that has allowed me to have a significant impact not only on the quality of care my patients receive, but also in the growth and professional development of less experienced colleagues . . . Since January of this year, I have come to terms with the fact that I am infected with not one, but two potentially life-threatening diseases. . . . I have had to have weekly blood tests drawn—over 90 tubes of blood since January. . . . Experience to date is that treating a person infected with both HIV and Hepatitis C is extremely difficult and that each infection makes it more difficult to successfully treat the other.
>
> That one moment in time changed many other things. In addition to the emotional turmoil that it has created for myself, my family, my friends, my peers—it has cost me much more than I can ever describe in words. I am no longer a practicing health care provider—I made the decision to not return to my clinical practice setting where I have worked for over 20 years. In the process, I have abruptly been forced to leave many colleagues with whom I've worked for many years and who are as much family as peers to me. The harder decision for me has been the decision I've made not to return to clinical nursing.
>
> This injury didn't occur because I wasn't observing universal precautions that are designed to reduce health care workers' exposure to blood-borne pathogens. This injury didn't occur because I was careless or distracted or not paying attention to what I was doing. This injury and the life-altering consequences I am now suffering should not have happened . . . and would not have happened if a safer needlebox system had been in place in my work setting.

Karen Daley is now battling against two devastating diseases. And it didn't have to happen. Unfortunately, this scene is repeated more than 1,000 times a year—in communities across the country.

Lynda Arnold, a 30-year-old registered nurse and mother of two adopted children, is now HIV-positive as a result of a needlestick injury she received in an intensive care unit in Lancaster, PA, in 1992. She has started the Campaign for Health Care Worker Safety. Lynda writes,

> I no longer work in a hospital. I no longer involve myself in direct patient care. I do not dream of growing old with my 30-year-old husband or dancing with my son at his wedding.

These cases are tragedies, and there are many more. At least 20 different bloodborne pathogens can be transmitted by needlestick injuries, including HIV, Hepatitis B, and Hepatitis C.

The average cost of followup for a high-risk exposure is almost $3,000 per incident—even when no infection occurs. The American Hospital Association estimates that a case can eventually cost more than $1 million for testing, medical care, lost time, and disability payments.

Up to 80 percent of needlestick injuries could be prevented with the use of safer needle devices currently available. However, fewer than 15 percent of American hospitals use these products. The primary reason for not adopting steps to create a safer workplace is the cost. But the consequences are severe.

Safer needle devices do cost approximately 25 cents more than a conventional syringe. But the net savings from avoiding the excessive costs associated with workplace injuries are also significant. Hospitals and health care facilities in California are expected to achieve annual net savings of more than $100 million after implementing a proposal similar to the one now under consideration.

This is not a partisan issue. The companion bill in the House has almost 140 cosponsors—including more than 20 Republicans from across the political spectrum.

Similar bills have recently passed in California, Texas, Tennessee, and Maryland, and have been introduced in more than 20 other States.

These protections have the strong support of the American Nurses Association, Kaiser Permanente, the American Public Health Association, the Consumer Federation of America, and many, many other groups that represent nurses, doctors, and other health care workers. In addition, the Massachusetts Hospital Association and other State level associations have supported these bills at the State level.

There is no excuse for inaction. Time is of the essence. Every day 3,000 more accidental needlesticks occur. We need to act as soon as possible. We owe prompt action and greater protection to those who devote their careers to caring for others.

Mr. BURNS. Mr. President, in my 11 years in the U.S. Senate I have rarely seen such an opportunity to fight against big Government and defend local decisionmakers like parents and teachers.

The Democrats are signaling their intent to hamstring local schools by commanding them to focus their efforts on issues which are deemed important inside the Capital Beltway, not within their homes and communities. I feel Montanans know what is best for Montana; we don't need Washington to tell us how to teach our children.

Congress should reject a one-size-fits-all approach to education and local schools should have the freedom to prioritize their spending and tailor their curriculum according to the unique educational needs of their children.

For too long, Washington has been part of the problem with education, enacting many well-intentioned programs that result in more redtape and regulation. Though Washington accounts for only seven percent of education funding, it accounts for 50 percent of the paperwork for our teachers and principles. It is time for Washington to lend a helping hand to our states.

Unfortunately, right now many of our Federal education programs are overloaded with so many rules and regulations that states and local schools waste precious time and resources to stay in compliance with the Federal programs. It is obvious that states and local school districts need relief from the administrative bourdons that many federally designated education programs put on States, schools, and educational administrators.

I feel strongly and deeply that Montanans need to be in control of Montana's classrooms. I can not vote for anything that does not have local school control. I will continue to resist the attempts to take away your control of your child's schools.

Our goal on the Federal level is to help States and local school districts provide the best possible first-class education for our children that they can. We need to get the bureaucratic excess out of the face of the local educators so that they can do their jobs more efficiently and effectively.

Mr. President, we need to fix the problem of Federal controls in education. We need to allow the decision-making to be made by the people that we trust to educate our children. That is what really counts.

MORNING BUSINESS

Mr. SPECTER. On behalf of the leader, I now ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect amounts provided for continuing disability reviews (CDRs), adoption assistance, and arrearages for international organizations, international peacekeeping, and multilateral development banks.

I hereby submit revisions to the 2000 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

[In millions of dollars]

	Budget authority	Outlays
Current Allocation:		
General purpose discretionary	534,115	544,113
Violent crime reduction fund	4,500	5,554
Highways	.....	24,574
Mass transit	.....	4,117
Mandatory	321,502	304,297
Total	860,117	882,655
Adjustments:		
General purpose discretionary	+427	+368
Violent crime reduction fund	.....	.....
Highways	.....	.....
Mass transit	.....	.....
Mandatory	.....	.....
Total	+427	+368
Revised Allocation:		
General purpose discretionary	534,542	544,481
Violent crime reduction fund	4,500	5,554
Highways	.....	24,574
Mass transit	.....	4,117
Mandatory	321,502	304,297
Total	860,544	883,023

I hereby submit revisions to the 2000 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

[In millions of dollars]

	Budget authority	Outlays	Deficit
Current Allocation: Budget Resolution	1,429,064	1,415,495	−7,413
Adjustments: CDRs, adoption assistance, arrears	+427	+368	−368
Revised Allocation: Budget Resolution	1,429,491	1,415,863	−7,781

FISCAL YEAR 2000 ENERGY AND WATER APPROPRIATIONS CONFERENCE REPORT

Mr. STEVENS. Mr. President, the Energy & Water Appropriations Conference Report for Fiscal Year 2000 passed the Senate by an overwhelming vote of 96–3 yesterday. I thank my friend and colleague, the senior Senator from new Mexico and chairman of the subcommittee, for his excellent work in negotiating this bill and bringing back a very strong conference report. I'd also like to commend our extraordinarily talented and creative staff, Alex Flint, David Gwaltney, and Lashawnda Leftwich without whom we could no have finished this bill.

There are three programs I would like to highlight. First, the conferees have provided $98.7 million for biomass research. Last week, the Subcommittee held a hearing on biomass and heard testimony about a proposal by Sealaska Corporation to produce ethanol using surplus wood. I urge the Secretary to take a careful look at this project and support it within the funds provided.

Second, with respect to the wind program, the conferees funded it at $31.2 million, an increase over the House level. Over the past few years, the Department has supported the Kozebue wind demonstration project, the only wind generation system in my state. According to the National Weather Service, the windiest cities in the country are in Alaska. If the Kotzebue project proves to be cost efficient, wind may become a major source of electrical power in my state where electric rates are as much as ten times the rate in the lower 48: 55 cents per kilowatt hour in Alaska versus 5 cents per kilowatt hour in states like Idaho. I urge the Department to continue its support of the Kotzebue wind project.

Lastly, the managers agreed to language urging the Department of Energy to evaluate nuclear medicine technology known as Positron Emission Technology or PET.

I am pleased that the conference report includes strong language directing the Department of Energy to report back to the committee on what steps it can take to give immediate support to a new laboratory at the University of California—Los Angeles which will develop pioneering new molecular-based treatments for disease.

These new treatments will use genetically engineered mouse models of several human diseases and track progress with a miniaturized version of positron emission tomography (PET) called Micropet.

While scientists and clinicians have been able to diagnose and stage human illnesses, including most types of cancer and other diseases such as Parkinson's and Alzheimers' using pet imaging, the UCLA research promises to expand the examination of the biologic basis of disease into new treatment of the molecular disorders that scientists now believe are the cause of disease.

I understand that the new laboratory at UCLA will need at least $2 million in Federal funds during fiscal year 2000 from the other office at the Department of Energy, and I hope that the Department will make every effort to provide the needed funds to bring this critical project on line at the earliest time it can.

EDUCATION FOR DEMOCRACY ACT

Mr. DODD. Mr. President, I rise today in support of legislation introduced by my colleague, the distinguished Senior Senator from Mississippi, Thad COCHRAN, and myself earlier this week, the Education for Democracy Act, which will continue successful efforts to enhance citizenship among our nation's youth.

Over the last decade, there has been much discussion about the purposes, successes and failures of American schools. We talk about how schools hold in trust our nation's future—the next generation of workers, parents and artists. One of the most important, and perhaps least mentioned, roles that today's students will play tomorrow is as citizens. Yet, in too many schools citizenship education is an afterthought to an American history or government course.

The Education for Democracy Act will reauthorize a highly successful program established by Congress in 1985 that helps meet these needs. The We the People . . . the Citizen and the Constitution program has demonstrated its effectiveness in fostering a reasoned commitment to the fundamental principles and values of our constitutional democracy among elementary and secondary education students. Now in its twelfth year, this program has provided 24 million students with instruction and learning opportunities that enable them to meet the highest standards of achievement in civics and government and that encourages active and responsible participation in government.

Studies have shown students benefit across the board from their exposure to this powerful program. An Educational Testing Service study found that students at upper elementary, middle and high schools levels significantly out performed comparison students on all topics studied. Even more impressive were the results of a comparison of a random sample of high school students in the program with a group of sophomores and juniors in political science courses at a major university. The We the People . . . high schools students outperformed the university students on every topic tested. Finally, an analysis of student voter registration at

the Clark County School District in Las Vegas, Nevada revealed that 80 percent of the seniors in the program registered to vote compared to a school average among seniors of 37 percent.

Many of us here in this chamber are fortunate to have experienced firsthand the quality of this program. Each spring, outstanding classes of students from the around the country come to Washington to participate in the final round of national competitive hearings on the Constitution and the Bill of Rights. While these students' knowledge of the Constitution is impressive, what is most striking is the students' excitement about the Constitution and their government.

This legislation would assure that students across the nation will continue to have access to this quality program. In addition, it would assure all of us of a stronger foundation for our country's future. I look forward to working with my colleagues to move this legislation forward and would urge others to join us as sponsors of this important measure.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 28, 1999, the Federal debt stood at $5,647,297,448,741.19 (Five trillion, six hundred forty-seven billion, two hundred ninety-seven million, four hundred forty-eight thousand, seven hundred forty-one dollars and nineteen cents).

One year ago, September 28, 1998, the Federal debt stood at $5,525,126,000,000 (Five trillion, five hundred twenty-five billion, one hundred twenty-six million).

Five years ago, September 28, 1994, the Federal debt stood at $4,672,477,000,000 (Four trillion, six hundred seventy-two billion, four hundred seventy-seven million).

Ten years ago, September 28, 1989, the Federal debt stood at $2,844,962,000,000 (Two trillion, eight hundred forty-four billion, nine hundred sixty-two million).

Fifteen years ago, September 28, 1984, the Federal debt stood at $1,572,266,000,000 (One trillion, five hundred seventy-two billion, two hundred sixty-six million) which reflects a debt increase of more than $4 trillion—$4,075,031,448,741.19 (Four trillion, seventy-five billion, thirty-one million, four hundred forty-eight thousand, seven hundred forty-one dollars and nineteen cents) during the past 15 years.

LILLY ENDOWMENT INC. GRANT TO TRIBAL COLLEGES

Mr. BURNS. Mr. President, I rise today to recognize the Lilly Endowment for their exceptional contributions on behalf of educational opportunities for minorities. In particular, I would like to commend them on their recent announcement awarding $30 million to the American Indian College Fund. These dollars would be used to replace buildings at 30 tribal colleges on reservations in the West and Midwest.

It is important that we continue to support ways to maintain educational opportunities for tribal colleges, who receive a significantly lower level of funding per student than mainstream community colleges. Because of these scarce resources, and the need to maintain and increase academic standards, capital improvements have been forced to the bottom of the priority list.

This private donation from the Lilly Endowment is the largest ever made to a Native American organization. These funds will be used to pay for much needed construction of modern classrooms, labs and libraries. This extraordinary contribution will allow these colleges to give their students the best educational opportunities possible.

It is critical that Tribal colleges have the resources to provide a combination of traditional academics and Native American culture for their students. American Indian students who attend tribal schools are far more likely to succeed at four year institutions. More Native Americans have been attending college, but still at a far lower rate than members of other minority groups. We need to ensure that they are helped to reach their full potential.

As a Senator for a state with 7 tribal colleges, I understand the important role they play in the Tribes' hopes for future generations. Academic success is key to raising the standard of living and quality of life for all tribal members.

Mr. President, I feel we need to do everything in our power until we are successful in addressing the many challenges facing the education needs of our American Indian population. I salute Lilly Endowment's increasingly generous efforts towards this goal.

During my time in the Senate I have fought, and will continue to work to help make education accessible and affordable to all Montanans. Tribal colleges are a priority to me. I will continue to look for ways to increase federal spending at these institutions.

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 withdrawals and sundry nominations which were referred to the Committee on Environment and Public Works.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 1:59 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 34. Joint resolution congratulating and commending the Veterans of Foreign Wars.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, received during the adjournment of the Senate, announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 2605. An act making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes.

H.J. Res. 68. Joint resolution making continuing appropriations for the fiscal year 2000, and for other purposes.

The enrolled bill and joint resolution (H.J. Res. 68) were signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills, previously received from the House of Representatives for the concurrence of the Senate, were read the first and second times by unanimous consent and referred as indicated:

H.R. 209. An act to improve the ability of Federal agencies to license federally owned inventions; to the Committee on Commerce, Science, and Transportation.

H.R. 417. An act to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes; to the Committee on Rules and Administration.

The following concurrent resolution, previously received from the House of Representatives for the concurrence of the Senate, was read and referred as indicated:

H. Con. Res. 180. Concurrent resolution expressing the sense of Congress that the President should not have granted clemency to terrorists; to the Committee on the Judiciary.

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–5431. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Reform of Affirmative Action in Federal Procurement'' (DFARS Case 98–D007), received September 24, 1999; to the Committee on Armed Services.

EC–5432. A communication from the Deputy Assistant Judge Advocate General (Administrative Law), Department of the Navy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Navy Regulations'' (RIN0703–AA55), received September 27, 1999; to the Committee on Armed Services.

EC–5433. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to the Procurement List, received September 13, 1999; to the Committee on Governmental Affairs.

EC–5434. A communication from the Acting General Counsel, Executive Office for Immigration Review, Office of the Chief Administrative Hearing Officer, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Rules of Practice and Procedure for Administrative Hearings Before Administrative Law Judges in Cases Involving Allegations of Unlawful Employment of Aliens, Unfair Immigration-Related Employment Practices, and Document Fraud'' (RIN1125–AA17), received September 27, 1999; to the Committee on the Judiciary.

EC–5435. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report relative to over-obligations of appropriation and apportionment of the Food Safety and Inspection Service account for fiscal year 1997; to the Committee on Appropriations.

EC–5436. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rev. Rul. 99–42, BLS–LIFO Department Store Indexes—August 1999'' (Rev. Rul. 99–42), received September 7, 1999; to the Committee on Finance.

EC–5437. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the need for worker adjustment assistance training funds under the Trade Act of 1974; to the Committee on Finance.

EC–5438. A communication from the Director, Office of Regulations Management, Veterans Benefit Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Advance Payments and Lump-Sum Payments of Educational Assistance'' (RIN2900–AI31), received September 28, 1999; to the Committee on Veterans' Affairs.

EC–5439. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida, Limiting the Volume of Small Red Seedless Grapefruit'' (Docket No. FV99–905–3 IFR), received September 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5440. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations; 64 FR 51071; 09/21/99'', received September 28, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5441. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations; 64 FR 51070; 09/21/99'' (Docket # FEMA–7300), received September 28, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5442. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations; 64 FR 51067; 09/21/99'', received September 28, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5443. A communication from the Acting Director, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Training and Retraining of Miners Engaged in Shell Dredging or Employed at Sand, Gravel, Surface Stone, Surface Clay, Colloidal Phosphate, or Surface Limestone Mines'' (RIN1219–AB17), received September 27, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5444. A communication from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a draft of proposed legislation relative to collections received pursuant to the Reclamation Reform Act of 1982; to the Committee on Energy and Natural Resources.

EC–5445. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''West Virginia Regulatory Program'' (WV–082–FOR), received September 28, 1999; to the Committee on Energy and Natural Resources.

EC–5446. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Wyoming Regulatory Program'' (SPATS # WY–028–FOR), received September 28, 1999; to the Committee on Energy and Natural Resources.

EC–5447. A communication from the Acting Assistant Secretary, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Mining Claims Under the General Mining Law; Surface Management'' (RIN1004–AB36), received September 27, 1999; to the Committee on Energy and Natural Resources.

EC–5448. A communication from the Acting Assistant Secretary, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''43 CFR part 3500—Leasing of Solid Minerals Other than Coal and Oil Shale'' (RIN1004–AC49), received September 28, 1999; to the Committee on Energy and Natural Resources.

EC–5449. 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; Delaware; Enhanced Motor Vehicle Inspection and Maintenance'' (FRL #6449–2), received September 27, 1999; to the Committee on Environment and Public Works.

EC–5450. 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; District of Columbia; GAS Central and West Heating Plants'' (FRL #6448–9), received September 27, 1999; to the Committee on Environment and Public Works.

EC–5451. 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 State Plans for Designated Facilities and Polutants: Tennessee'' (FRL #6448–3), received September 27, 1999; to the Committee on Environment and Public Works.

EC–5452. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks; (VSC–24) Revision'', received September 27, 1999; to the Committee on Environment and Public Works.

EC–5453. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Industry Codes and Standards; Amended Requirements'' (RIN3150–AE26), received September 27, 1999; to the Committee on Environment and Public Works.

EC–5454. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod'', received September 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5455. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Prohibition of Retention of Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area'', received September 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5456. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Inseason Adjustment—Opens the D Fishing Season for Pollock in Statistical Area 610 of the Gulf of Alaska for 12 Hours'', received September 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5457. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Fixed Gear Sablefish Mop-UP'', received September 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5458. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Pacific Halibut Fisheries; Local Area Management Plan for the Halibut Fishery in Sitka Sound'' (RIN0648–AL18), received September 28, 1999; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on Appropriations:

Report to accompany the bill (S. 1650) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, ad for other purposes (Rept. No. 106–166).

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

H.R. 560: A bill to designate the Federal building located at 300 Recinto Sur Street in Old San Juan, Puerto Rico, as the ''Jose V. Toledo United States Post Office and Courthouse.''

S. 1567: A bill to designate the United States courthouse located at 223 Broad Street in Albany, Georgia, as the ''C.B. King United States Courthouse.''

S. 1595: A bill to designate the United States courthouse at 401 West Washington Street in Phoenix, Arizona, as the ''Sandra Day O'Connor United States Courthouse.''

S. 1652: A bill to designate the Old Executive Office Building located at 17th Street

and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the Dwight D. Eisenhower Executive Office Building.

EXECUTIVE REPORTS OF A COMMITTEE

The following executive reports of a committee were submitted:

By Mr. CHAFEE, for the Committee on Environment and Public Works:

Major General Phillip R. Anderson, United States Army, to be a Member and President of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved June 1879 (21 Stat. 37) (33 U.S.C. 642).

Sam Epstein Angel, of Arkansas, to be a Member of the Mississippi River Commission for a term of nine years. (Reappointment)

Brigadier General Robert H. Griffin, United States Army, to be a Member of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved June 1879 (21 Stat. 37) (33 U.S.C. 642).

Paul L. Hill, Jr., of West Virginia, to be Chairperson of the Chemical Safety and Hazard Investigation Board for a term of five years. (Reappointment)

Paul L. Hill, Jr., of West Virginia, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years. (Reappointment)

Richard A. Meserve, of Virginia, to be a Member of the Nuclear Regulatory Commission for a term of five years expiring June 30, 2004, vice Shirley Ann Jackson, term expired.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. LAUTENBERG:

S. 1657. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Albania; to the Committee on Finance.

By Mr. DASCHLE:

S. 1658. A bill to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota, and for other purposes; to the Committee on Indian Affairs.

By Mr. BURNS:

S. 1659. A bill to convey the Lower Yellowstone Irrigation Project, the Savage Unit of the Pick-Sloan Missouri Basin Program, and the Intake Irrigation Project to the appurtenant irrigation districts; to the Committee on Energy and Natural Resources.

By Mrs. HUTCHISON:

S. 1660. A bill to amend title 18, United States Code, to expand the prohibition on stalking, and for other purposes; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself and Mr. LOTT):

S. 1661. A bill to amend title 28, United States Code, to provide that certain voluntary disclosures of violations of Federal law made as a result of a voluntary environmental audit shall not be subject to discovery or admitted into evidence during a judicial or administrative proceeding, and for other purposes; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. GRAMS, Mrs. MURRAY, and Mr. WYDEN):

S. 1662. A bill to grant the President authority to proclaim the elimination or staged rate reduction of duties on certain environmental goods; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mr. COVERDELL):

S. 1663. A bill to combat money laundering and protect the United States financial system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BENNETT:

S. 1664. A bill to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah; to the Committee on Energy and Natural Resources.

S. 1665. A bill to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange; to the Committee on Energy and Natural Resources.

By Mr. LUGAR (for himself, Mr. MCCONNELL, Mr. FITZGERALD, and Mr. HELMS):

S. 1666. A bill to provide risk education assistance to agricultural producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ABRAHAM:

S. 1667. A bill to impose a moratorium on the export of bulk fresh water from the Great Lakes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERRY (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. HUTCHINSON, and Ms. MIKULSKI):

S. 1668. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CAMPBELL (for himself, Mr. GRAMM, Mr. ASHCROFT, Mr. KERRY, and Mr. ROBB):

S. Res. 190. A resolution designating the week of October 10, 1999, through October 16, 1999, as National Cystic Fibrosis Awareness Week; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. CONRAD, Mr. MOYNIHAN, Mr. SCHUMER, Mr. LIEBERMAN, Mr. LEAHY, Mr. CHAFEE, Mr. KENNEDY, Mr. FEINGOLD, and Mrs. MURRAY):

S. Res. 191. A resolution expressing the sense of the Senate regarding East Timor and supporting the multinational force for East Timor; to the Committee on Foreign Relations.

By Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mr. SCHUMER, Mr. BAUCUS, Mr. KERRY, Mr. SARBANES, Mr. BROWNBACK, Mr. HATCH, Mr. REID, Mr. DURBIN, Mr. FEINGOLD, Mr. NICKLES, Mr. LUGAR, Mr. KOHL, Mr. LEVIN, Mr. BOND, Mr. DODD, and Mr. SESSIONS):

S. Con. Res. 57. A concurrent resolution concerning the emancipation of the Iranian Baha'i community; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG:

S. 1657. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Albania; to the Committee on Finance.

REMOVAL OF ALBANIA FROM JACKSON-VANIK TRADE RESTRICTIONS

Mr. LAUTENBERG. Mr. President, I rise today to introduce a bill authorizing the President to grant permanent Normal Trade Relations status to Albania, overcoming the so-called Jackson-Vanik restrictions in Title IV of the Trade Act. This legislation is urgently needed so that when Albania joins the World Trade Organization later this year, the United States can enter into full WTO relations with this market-oriented country in the Balkans.

Mr. President, I offer this legislation and seek the support of my colleagues for three reasons: First, the Cold War-era Jackson-Vanik restrictions are no longer relevant for Albania. We should free our relations with Albania from restrictions applied to communist countries. The Jackson-Vanik restrictions applied to countries with non-market economies which limited emigration. Albania now has a market economy which some may argue needs more regulation. Albanians are now also free to emigrate, sometimes much to the chagrin of Albania's neighbors. The President certified Albania to be in compliance with the Jackson-Vanik requirements in January 1998 and has continued to report that Albania remains in compliance. The certification process is simply a relic of the Cold War.

Second, granting Albania permanent Normal Trade Relations, or NTR, status through the WTO will encourage and support Albania's free-trade orientation and integration into the global trading system. Little more than a decade ago, Albania was closed off from the rest of the world by a severely Stalinist regime. Today, all major political forces in Albania—including the governing Socialist Party and the opposition Democratic Party, which led the first post-Communist government—support democracy, free trade and integration with the West. A delegation from Albania's Parliament made clear the breadth and depth of support for Albania's WTO membership. Albania has enacted virtually all the necessary legislation and implementing regulations necessary to meet WTO standards and will implement the rest prior to its WTO accession. They will not even require a transition period. We should reward this tremendous positive change by welcoming Albania into the WTO and opening our markets to Albanian goods on a fair basis negotiated through the WTO.

Third, this bill will benefit U.S. firms by securing Albania's commitment to WTO standards and giving the United

States access to WTO dispute settlement mechanisms with regard to Albania. The annual certification requirement under existing law would require the United States to demur from entering into full WTO relations with Albania when that country becomes a member later this year. Thus, without the enactment of this legislation, we will not have access to WTO dispute settlement mechanisms and will only be able to engage in economic relations with Albania on a bilateral basis.

Mr. President, for the reasons I have outlined—moving beyond the Cold War, supporting development of a market economy and democracy in Albania, and providing WTO protection of market access for American businesses—I hope the Congress will enact this legislation. The United States has been a leading advocate for Albania's accession into the WTO. We should continue that support by passing this legislation. I would ask the Finance Committee and the full Senate to act expeditiously so this bill can be signed into law before Albania becomes a WTO member.

At this point, Mr. President, I ask unanimous consent that a copy 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. 1657

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

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Albania has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974.

(2) Since its emergence from communism, Albania has made progress toward democratic rule and the creation of a free-market economy.

(3) Albania has concluded a bilateral investment treaty with the United States.

(4) Albania has demonstrated a strong desire to build a friendly relationship with the United States and has been very cooperative with NATO and the international community during and after the Kosova crisis.

(5) The extension of unconditional normal trade relations treatment to the products of Albania will enable the United States to avail itself of all rights under the World Trade Organization with respect to Albania when that country becomes a member of the World Trade Organization.

SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO ALBANIA.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Albania; and

(2) after making a determination under paragraph (1) with respect to Albania, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Albania, title IV of the Trade Act of 1974 shall cease to apply to that country.

By Mr. DASCHLE:

S. 1658. A bill to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota, and for other purposes; to the Committee on Indian Affairs.

WAKPA SICA RECONCILIATION PLACE ACT

Mr. DASCHLE. Mr. President, at the request of tribal leaders throughout my state, today I am introducing legislation to establish the Wakpa Sica Reconciliation Place in Ft. Pierre, South Dakota.

This history of South Dakota is carved with the rich cultural traditions of numerous Sioux tribes who lived on the plains for centuries and inlaid with the stories of immigrants who came during the last two hundred years to settle the towns, plow the earth, shepherd livestock and mine gold. The story of that settlement, and the mingling of Indian and non-Indian people, has not always been a peaceful one, and today in South Dakota we continue to face the challenges of disparate communities of Indians and non-Indians living side-by-side, often imbued with misunderstanding and mistrust. As a result, there is a growing recognition of the need for reconciliation between Indian and non-Indians.

It is my hope that through the establishment of a Reconciliation Place, we can promote a better understanding of the history and culture of the Sioux people and by doing so, achieve better relations between Indian and non-Indian peoples. The Reconciliation Place will provide a home for a center of Sioux law, history, culture, and economic development for the Lakota, Dakota and Nakota tribes of the upper Midwest, and thus will help preserve the strong and unique cultural heritage of the Sioux.

The Reconciliation Place will enhance the knowledge and understanding of the history of the Sioux by displaying and interpreting the history, art, and culture of the tribes of this region. It will also provide an important repository for the Sioux Nation history and the family histories for individual members of the tribes, and other important historical documents. The majority of the historic documents and archives of this region are kept in government facilities that are scattered across the West and are almost inaccessible to the people of this area. The Reconciliation Place will provide a central repository for these important elements of Sioux history, allowing easy access to tribal members interested in exploring their past.

By empowering the Sioux tribes to establish their own Sioux Nation Supreme Court, the bill will help achieve greater social and economic stability in Indian Country. Moreover, the court will bring the legal certainty and predictability to the reservations necessary for businesspeople to have the confidence to make investments in tribal enterprises. This, in turn, will generate the economic infrastructure needed to create more jobs on reservations.

Finally, the legislation establishes a Native American Economic Development Council to assist the Sioux tribes by providing opportunities for economic development and job creation. Specifically, the council will provide expertise and technical support to Indians to help gain access to existing sources of federal assistance, while raising funds from private entities to match federal contributions. Funding obtained by the Council will be used to provide grants, loans, scholarships, and technical assistance to tribes and their members, for business education and job creation.

Mr. President, the need for this Reconciliation Place is clear. It will provide a focal point for public and private organizations to better assist Native Americans to protect their past, strengthen their present, and build a bright economic future. The Reconciliation Place will respect and compliment the government-to-government relationship established between the tribes and the United States. I urge my colleagues to support the establishment of this Reconciliation Place and am hopeful that this legislation can be enacted in the near future. I ask unanimous consent that the text of the bill and a letter of support by tribal leaders from South Dakota, North Dakota and Nebraska to the Wakpa Sica Board of Directors be printed in the RECORD.

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

S. 1658

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

SECTION 1. FINDINGS.

Congress finds that—

(1) there is a continuing need for reconciliation between Indians and non-Indians;

(2) the need may be met partially through the promotion of the understanding of the history and culture of Sioux Indian tribes;

(3) the establishment of a Sioux Nation Tribal Supreme Court will promote economic development on reservations of the Sioux Nation and provide investors that contribute to that development a greater degree of certainty and confidence by—

(A) reconciling conflicting tribal laws; and

(B) strengthening tribal court systems;

(4) the reservations of the Sioux Nation—

(A) contain the poorest counties in the United States; and

(B) lack adequate tools to promote economic development and the creation of jobs; and

(5) the establishment of a Native American Economic Development Council will assist in promoting economic growth and reducing poverty on reservations of the Sioux Nation by—

(A) coordinating economic development efforts;

(B) centralizing expertise concerning Federal assistance; and

(C) facilitating the raising of funds from private donations to meet matching requirements under certain Federal assistance programs.

SEC. 2. DEFINITIONS.

In this Act:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section

4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

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

(3) SIOUX NATION.—The term ''Sioux Nation'' means the Indian tribes comprising the Sioux Nation.

TITLE I—RECONCILIATION CENTER

SEC. 101. RECONCILIATION CENTER.

(a) ESTABLISHMENT.—The Secretary of Housing and Urban Development, in cooperation with the Secretary, shall establish, in accordance with this section, a reconciliation center, to be known as ''Reconciliation Place''.

(b) PURPOSES.—The purposes of Reconciliation Place shall be as follows:

(1) To enhance the knowledge and understanding of the history of Native Americans by—

(A) displaying and interpreting the history, art, and culture of Indian tribes for Indians and non-Indians; and

(B) providing an accessible repository for—

(i) the history of Indian tribes; and

(ii) the family history of members of Indian tribes.

(2) To provide for the interpretation of the encounters between Lewis and Clark and the Sioux Nation.

(3) To house the Sioux Nation Tribal Supreme Court.

(4) To house the Native American Economic Development Council.

(c) GRANT.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development shall offer to award a grant to the Wakpa Sica Historical Society of Fort Pierre, South Dakota, for the construction of Reconciliation Place.

(2) GRANT AGREEMENT.—

(A) IN GENERAL.—As a condition to receiving the grant under this subsection, the appropriate official of the Wakpa Sica Historical Society shall enter into a grant agreement with the Secretary of Housing and Urban Development.

(B) CONSULTATION.—Before entering into a grant agreement under this paragraph, the Secretary of Housing and Urban Development shall consult with the Secretary concerning the contents of the agreement.

(C) DUTIES OF THE WAKPA SICA HISTORICAL SOCIETY.—The grant agreement under this paragraph shall specify the duties of the Wakpa Sica Historical Society under this section and arrangements for the maintenance of Reconciliation Place.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Housing and Urban Development $17,258,441, to be used for the grant under this section.

SEC. 102. SIOUX NATION TRIBAL COURT.

(a) IN GENERAL.—To ensure the development and operation of the Sioux National Tribal Supreme Court, the Attorney General of the United States shall provide such technical and financial assistance to the Sioux Nation as is necessary.

(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Department of Justice such sums as are necessary.

TITLE II—NATIVE AMERICAN ECONOMIC DEVELOPMENT COUNCIL

SEC. 201. ESTABLISHMENT OF NATIVE AMERICAN ECONOMIC DEVELOPMENT COUNCIL.

(a) ESTABLISHMENT.—There is established the Native American Economic Development Council (in this title referred to as the ''Council''). The Council shall be charitable and nonprofit corporation and shall not be considered to be an agency or establishment of the United States.

(b) PURPOSES.—The purposes of the Council are—

(1) to encourage, accept, and administer private gifts of property;

(2) to use those gifts as a source of matching funds necessary to receive Federal assistance;

(3) to provide members of Indian tribes with the skills and resources for establishing successful businesses;

(4) to provide grants and loans to members of Indian tribes to establish or operate small businesses;

(5) to provide scholarships for members of Indian tribes who are students pursuing an education in business or a business-related subject; and

(6) to provide technical assistance to Indian tribes and members thereof in obtaining Federal assistance.

SEC. 202. BOARD OF DIRECTORS OF THE COUNCIL.

(a) ESTABLISHMENT AND MEMBERSHIP.—

(1) IN GENERAL.—The Council shall have a governing Board of Directors (in this title referred to as the ''Board'').

(2) MEMBERSHIP.—The Board shall consist of 11 directors, who shall be appointed by the Secretary as follows:

(A)(i) 9 members appointed under this paragraph shall represent the 9 reservations of South Dakota.

(ii) Each member described in clause (i) shall—

(I) represent 1 of the reservations described in clause (i); and

(II) be selected from among nominations submitted by the appropriate Indian tribe.

(B) 1 member appointed under this paragraph shall be selected from nominations submitted by the Governor of the State of South Dakota.

(C) 1 member appointed under this paragraph shall be selected from nominations submitted by the most senior member of the South Dakota Congressional delegation.

(3) CITIZENSHIP.—Each member of the Board shall be a citizen of the United States.

(b) APPOINTMENT AND TERMS.—

(1) APPOINTMENT.—Not later than December 31, 2000, the Secretary shall appoint the directors of the Board under subsection (a)(2).

(2) TERMS.—Each director shall serve for a term of 2 years.

(3) VACANCIES.—A vacancy on the Board shall be filled not later than 60 days after that vacancy occurs, in the manner in which the original appointment was made.

(4) LIMITATION ON TERMS.—No individual may serve more than 3 consecutive terms as a director.

(c) CHAIRMAN.—The Chairman shall be elected by the Board from its members for a term of 2 years.

(d) QUORUM.—A majority of the members of the Board shall constitute a quorum for the transaction of business.

(e) MEETINGS.—The Board shall meet at the call of the Chairman at least once a year. If a director misses 3 consecutive regularly scheduled meetings, that individual may be removed from the Board by the Secretary and that vacancy filled in accordance with subsection (b).

(f) REIMBURSEMENT OF EXPENSES.—Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.

(g) GENERAL POWERS.—

(1) POWERS.—The Board may complete the organization of the Council by—

(A) appointing officers and employees;

(B) adopting a constitution and bylaws consistent with the purposes of the Council under this Act; and

(C) carrying out such other actions as may be necessary to carry out the purposes of the Council under this Act.

(2) EFFECT OF APPOINTMENT.—Appointment to the Board shall not constitute employment by, or the holding of an office of, the United States for the purposes of any Federal law.

(3) LIMITATIONS.—The following limitations shall apply with respect to the appointment of officers and employees of the Council:

(A) Officers and employees may not be appointed until the Council has sufficient funds to pay them for their service.

(B) Officers and employees of the Council—

(i) shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(ii) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) SECRETARY OF THE BOARD.—The first officer or employee appointed by the Board shall be the secretary of the Board. The secretary of the Board shall—

(A) serve, at the direction of the Board, as its chief operating officer; and

(B) be knowledgeable and experienced in matters relating to economic development and Indian affairs.

SEC. 203. POWERS AND OBLIGATIONS OF THE COUNCIL.

(a) CORPORATE POWERS.—To carry out its purposes under section 201(b), the Council shall have, in addition to the powers otherwise given it under this Act, the usual powers of a corporation acting as a trustee in South Dakota, including the power—

(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(2) to acquire by purchase or exchange any real or personal property or interest therein;

(3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain, or otherwise dispose of any property or income therefrom;

(4) to borrow money and issue bonds, debentures, or other debt instruments;

(5) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the directors shall not be personally liable, except for gross negligence;

(6) to enter into contracts or other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its function; and

(7) to carry out any action that is necessary and proper to carry out the purposes of the Council.

(b) OTHER POWERS AND OBLIGATIONS.—

(1) IN GENERAL.—The Council—

(A) shall have perpetual succession;

(B) may conduct business throughout the several States, territories, and possessions of the United States and abroad;

(C) shall have its principal offices in South Dakota; and

(D) shall at all times maintain a designated agent authorized to accept service of process for the Council.

(2) SERVICE OF NOTICE.—The serving of notice to, or service of process upon, the agent required under paragraph (1)(D), or mailed to the business address of such agent, shall be deemed as service upon or notice to the Council.

(c) SEAL.—The Council shall have an official seal selected by the Board, which shall be judicially noticed.

(d) CERTAIN INTERESTS.—If any current or future interest of a gift under subsection

(a)(1) is for the benefit of the Council, the Council may accept the gift under such subsection, even if that gift is encumbered, restricted, or subject to beneficial interests of 1 or more private persons.

SEC. 204. ADMINISTRATIVE SERVICES AND SUPPORT.

(a) PROVISION OF SERVICES.—The Secretary may provide personnel, facilities, and other administrative services to the Council, including reimbursement of expenses under section 202, not to exceed then current Federal Government per diem rates, for a period ending not later than 5 years after the date of enactment of this Act.

(b) REIMBURSEMENT.—

(1) IN GENERAL.—The Council may reimburse the Secretary for any administrative service provided under subsection (a). The Secretary shall deposit any reimbursement received under this subsection into the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services.

(2) CONTINUATION OF CERTAIN ASSISTANCE.—Notwithstanding any other provision of this section, the Secretary is authorized to continue to provide facilities, and necessary support services for such facilities, to the Council after the date specified in subsection (a), on a space available, reimbursable cost basis.

SEC. 205. VOLUNTEER STATUS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may accept, without regard to the civil service classification laws, rules, or regulations, the services of the Council, the Board, and the officers and employees of the Board, without compensation from the Secretary, as volunteers in the performance of the functions authorized under this Act.

(b) INCIDENTAL EXPENSES.—The Secretary is authorized to provide for incidental expenses, including transportation, lodging, and subsistence to the officers and employees serving as volunteers under subsection (a).

SEC. 206. AUDITS, REPORT REQUIREMENTS, AND PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.

(a) AUDITS.—The Council shall be subject to auditing and reporting requirements under section 10101 of title 36, United States Code, in the same manner as is a corporation under part B of that title.

(b) REPORT.—As soon as practicable after the end of each fiscal year, the Council shall transmit to Congress a report of its proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.

(c) RELIEF WITH RESPECT TO CERTAIN COUNCIL ACTS OR FAILURE TO ACT.—If the Council—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with the purposes of the Council under section 201(b); or

(2) refuses, fails, or neglects to discharge the obligations of the Council under this Act, or threatens to do so;

then the Attorney General of the United States may petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.

SEC. 207. UNITED STATES RELEASE FROM LIABILITY.

The United States shall not be liable for any debts, defaults, acts, or omissions of the Council. The full faith and credit of the United States shall not extend to any obligation of the Council.

SEC. 208. GRANTS TO COUNCIL; TECHNICAL ASSISTANCE.

(a) GRANTS.—

(1) IN GENERAL.—Not less frequently than annually, the Secretary shall award a grant to the Council, to be used to carry out the purposes specified in section 201(b) in accordance with this section.

(2) GRANT AGREEMENTS.—As a condition to receiving a grant under this section, the secretary of the Board, with the approval of the Board, shall enter into an agreement with the Secretary that specifies the duties of the Council in carrying out the grant and the information that is required to be included in the agreement under paragraphs (3) and (4).

(3) MATCHING REQUIREMENTS.—Each agreement entered into under paragraph (2) shall specify that the Federal share of a grant under this section shall be 80 percent of the cost of the activities funded under the grant. No amount may be made available to the Council for a grant under this section, unless the Council has raised an amount from private persons and State and local government agencies equivalent to the non-Federal share of the grant.

(4) PROHIBITION ON THE USE OF FEDERAL FUNDS FOR ADMINISTRATIVE EXPENSES.—Each agreement entered into under paragraph (2) shall specify that no Federal funds made available to the Council (under the grant that is the subject to the agreement or otherwise) may be used by the Council for administrative expenses of the Council, including salaries, travel and transportation expenses, and other overhead expenses.

(b) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—Each agency head listed in paragraph (2) shall provide to the Council such technical assistance as may be necessary for the Council to carry out the purposes specified in section 201(b).

(2) AGENCY HEADS.—The agency heads listed in this paragraphs are as follows:

(A) The Secretary of Housing and Urban Development.

(B) The Secretary of the Interior.

(C) The Commissioner of Indian Affairs.

(D) The Assistant Secretary for Economic Development of the Department of Commerce.

(E) The Administrator of the Small Business Administration.

(F) The Administrator of the Rural Development Administration.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Department of the Interior, $10,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004, to be used in accordance with section 208.

(b) ADDITIONAL AUTHORIZATION.—The amounts authorized to be appropriated under this section are in addition to any amounts provided or available to the Council under any other provision of Federal law.

MARCH 1998.

To: Wakpa Sica Historical Society; Board of Directors.

LADIES AND GENTLEMEN: In my years of experience as a Tribal Leader, I have encountered few projects that hold as much promise for building understanding between Tribal and non-Tribal people as the Wakpa Sica Reconciliation Center project.

Lakota, Dakota and Nakota Sioux people in North Dakota, South Dakota and Nebraska are the third largest Indian population in the nation and our reservations are within easy driving distance of the Reconciliation Center project site. The Reconciliation Center will include a theater, repatriation area, Tribal court judges' chambers, gift shop, museum area, story circle, educational center, genealogical center, Law library and staff offices.

As Tribal Chairman, I would like to extend my endorsement as a member of the United Sioux Organization.

Tribal Chairman Signatures: We the undersigned elected leadership are representative of our Indian Reservations do hereby support this Wakpa Sica Project.

Charlie Murphy, Chairman, Standing Rock Sioux Reservation; Michael B. Jandreau, Chairman, Lower Brule Sioux Reservation; Norm Wilson, Chairman, Rosebud Sioux Reservation; Steve Cournoyer, Chairman, Yanton Sioux Reservation; Mura Pearson, Chairperson, Spirit Lake Sioux Reservation; John Steele, Chairman, Oglala Sioux Reservation; Richard Allen, Chairman, Flandreau Santee Sioux Reservation; Arthur Denny, Chairman, Santee Sioux Reservation; Duane Big Eagle, Chairman, Crow Creek Sioux Reservation; Andrew Grey, Sr., Chairman, Sisseton Wahpeton Sioux Reservation.

By Mr. BURNS:

S. 1659. A bill to convey the Lower Yellowstone Irrigation Project, the Savage Unit of the Pick-Sloan Missouri Basin Program, and the Intake Irrigation Project to the appurtenant irrigation districts; to the Committee on Energy and Natural Resources.

LOWER YELLOWSTONE IRRIGATION PROJECTS TITLE TRANSFER

• Mr. BURNS. Mr. President, I rise today to introduce a piece of legislation that helps a large number of family farms on the border of Montana and North Dakota. The Lower Yellowstone Irrigation Projects Title Transfer moves ownership of these irrigation projects from federal control to local control. Both the Bureau of Reclamation and those relying on the projects for their livelihood agree that there is little value in having the federal government retain ownership.

The history of these projects dates to the early 1900's with the original Lower Yellowstone project being built by the Bureau of Reclamation between 1906 and 1910. Later, the Savage Unit was added in 1947–48. The end result was the creation of fertile, irrigated land to help spur economic development in the area. To this day, agriculture is the number one industry in the area.

The local impact of the projects is measurable in numbers, but the greatest impacts can only be seen by visiting the area. About 500 family farms rely on these projects for economic substance, and the entire area relies on them to create stability in the local economy. In an area that has seen booms and busts in oil, gas, and other commodities, these irrigated lands continued producing and offering a foundation for the businesses in the area.

As we all know, agriculture prices are extremely low right now, but these irrigated lands offer a reasonable return over time and are the foundation for strong communities based upon the ideals that have made this country successful. The 500 families impacted are hard working, honest producers, and I can think of no better people to manage their own irrigation projects.

Everyday, we see an example of where the federal government is taking on a new task. We can debate the merits of those efforts on an individual

basis, but I think we can all agree that while the government gets involved in new projects there are many that we can safely pass on to state or local control. The Lower Yellowstone Projects are a prime example of such an opportunity, and I ask my colleagues to join me in seeing this legislation passed as quickly as possible.●

By Mrs. HUTCHISON (for herself and Mr. LOTT):

S. 1661. A bill to amend title 28, United States Code, to provide that certain voluntary disclosures of violations of Federal law made as a result of a voluntary environmental audit shall not be subject to discovery or admitted into evidence during a judicial or administrative proceeding, and for other purposes; to the Committee on the Judiciary.

THE ENVIRONMENTAL PROTECTION PARTNERSHIP ACT OF 1999

● Mrs. HUTCHISON. Mr. President, today, along with Senator LOTT, I am introducing the Environmental Protection Partnership Act of 1999. By introducing this bill, I am suggesting that the Federal Government take a cue from the States regarding environmental protection. Many State governments have passed laws that allow for voluntary audits of environmental compliance. These laws encourage a company to conduct an audit of its compliance with environmental laws. By conducting the audit, the company determines whether it is in compliance with all environmental laws. If it is not, these state laws allow the company, without penalty, to correct any violations it finds so it will come into compliance.

What the bill does is let the Federal Government do the same thing. It lets the Federal Government say to companies all over America, if you want to do a voluntary audit for environmental compliance, we are going to let you do that. We will encourage you but not force you to do it. And we are not going to come in and threaten you with the hammer of the EPA if you, in fact, move swiftly to come into compliance when you find that you are not in compliance.

I believe this is the most effective way to clean up the air and water. Our air and water are invaluable natural resources. They are cleaner than they have been in 25 years, and we want to keep improving our efforts to guarantee their protection. This bill will ensure this protection, in the same fashion as many States have done. It does not preempt State law. If State laws are on the books, then the State laws prevail. But this offers companies all over our country the ability to comply with Federal standards in a voluntary way, to critically assess their compliance and not be penalized if they then take action to immediately come into compliance.

My bill will ensure that we continue to increase the protection of our environment in the United States through providing incentives for companies to assess their own environmental compliance. Rather than playing a waiting game for EPA to find environmental violations, companies will find—and stop—violations. Many more violations will be corrected, and many others will be prevented.

Under the bill, if a company voluntarily completes an environmental audit—a thorough review of its compliance with environmental laws—the audit report may not be used against the company in court. The report can be used in court, however, if the company found violations and did not promptly make efforts to comply. By extending this privilege, a company that looks for, finds, and remedies problems will continue this good conduct, and protect the environment.

In addition, if a company does an audit, and promptly corrects any violations, the company may choose to disclose the violation to EPA. If the company does disclose the violation, the company will not be penalized for the violations. By ensuring companies that they will not be dragged into court for being honest, the bill encourages companies to find and fix violations and report them to EPA.

This does not mean that companies that pollute go scot-free. Under this bill, there is no protection for: willful and international violators; companies that do not promptly cure violations; companies asserting the law fraudulently; or companies trying to evade an imminent or ongoing investigation. Further, the bill does not protect companies that have policies that permit ongoing patterns of violations of environmental laws. And where a violation results in a continuing adverse public health or environmental effect, a company may not use the protections of this law.

Nor does this bill mean that EPA loses any authority to find violations and punish companies for polluting. EPA retains all its present authority.

At the same time that EPA retains full authority to enforce environmental laws, I propose to engage every company voluntarily in environmental protection by creating the incentive for those companies to find and cure their own violations. This frees EPA to target its enforcement dollars on the bad actors—the companies that intentionally pollute our water and air.

Mr. President, I look forward to working with Senator LOTT, Senator HATCH, chairman of the Judiciary Committee, as well as the rest of my colleagues in the Senate on this bill, which will pave the way to increased environmental compliance.●

By Mr. BAUCUS (for himself, Mr. GRAMS, Mrs. MURRAY, and Mr. WYDEN):

S. 1662. A bill to grant the President authority to proclaim the elimination or staged rate reduction of duties on certain environmental goods; to the Committee on Finance.

TARIFFS ON ENVIRONMENTAL GOODS

● Mr. BAUCUS. Mr. President, since the end of the Second World War, the United States has led the world in establishing an open, rule-based trade system. I believe it is very important that we continue to provide this leadership. We can only do this if we maintain a domestic consensus on trade policy.

The United States has also provided strong international leadership on environmental protection. I have long been a strong proponent of both open trade and environmental protection. I have a foot in both camps. So today I am proud to introduce a bill which addresses both trade and the environment. I am joined in this effort by Senators GRAMS, MURRAY, and WYDEN.

I know people in the trade community who assume that anything good for the environment must be bad for business. They believe that protecting the environment means more government restrictions, higher costs, and lower profits. This logic is flawed.

I also know people in the environmental community who assume that anything good for trade must be bad for the environment. They believe that more trade means more growth, and that more growth means more damage to the environment. This logic is flawed, too.

We can take measures which benefit both trade and the environment. I am proposing one such measure today: eliminating import duties on environmental products as part of a multilateral agreement. This enjoys wide support from American environmental technology companies, as well as from members of the environmental community.

Mr. President, let me recall a bit of recent trade history. During the Uruguay Round of trade negotiations, the United States participated in a number of sectoral tariff initiatives. They were known as ''zero-for-zero.'' Countries agreed to reciprocal tariff elimination, saying ''I'll put my tariff at zero, if you'll do the same.''

The Uruguay Round Act gave the President the authority to eliminate U.S. tariffs in these ''zero-for-zero'' sectors. But in several sectors, the negotiators did not reach agreement. The President retains tariff authority in these sectors. Examples are products like furniture and paper. Some of these sectors are once again under discussion in the WTO.

In addition to these unfinished Uruguay Round sectors, the United States launched other zero-for-zero initiatives. This work began in the Asia Pacific Economic Cooperation (APEC) forum, and then moved to the WTO. One of the sectors under discussion is environmental goods.

Environmental goods cover a wide range of products made in America to control air, water and noise pollution, as well as solid and hazardous waste. These products include equipment for recycling and for renewable energy.

They include technology for remediation and cleanup. Environmental goods also include scientific equipment for monitoring and analysis. All told, U.S. firms sell somewhere between $20 and $40 billion abroad annually. They could sell more if other countries would eliminate trade barriers, including tariffs.

In my home state of Montana, businesses which export environmental equipment could expand their operations if they faced fewer foreign barriers. I have heard from one company, SRS Crisafulli, which is working in Latin America markets. Tariffs on their dredging equipment raise their sales price substantially. The inexorable law of the market is that higher sales prices mean lower sales.

As my colleagues know, the United States maintains the world's most open market. Our tariffs are generally low. They are especially low on environmental goods, where U.S. import duties average less than 2%. This bill I am introducing today would eliminate these small tariffs—nuisance tariffs, really. In return, other countries would abolish their import duties on American-made products. Their tariffs can be three or four times higher than ours. That's a good deal for us, and a good deal for world trade.

It's also a good deal for the environment. The biggest importers of these products are the emerging markets of Asia, Africa and Latin America. Expanding the use of environmental technology will help limit or remedy environmental damage. It will have a positive impact on public health and the quality of life.

Mr. President, the bill I am introducing preserves Congress' constitutional role in foreign trade. It requires the President to consult with us before implementing any environmental tariff cuts. And I would like to put our trade negotiators on notice that we expect them to bring to us a proposal with broad coverage, rapid staging and limited exceptions.

I am particularly concerned about the scope of the agreement now being negotiated. I understand that some of our trading partners in APEC were unwilling to classify certain products as ''environmental goods'' because they are ''dual use.'' A hydraulic pump, for instance, can be used for either a sewage treatment plant or a microchip plant. We should press other countries to adopt a broad definition of ''environmental goods'' to encourage dissemination of technology.

Mr. President, ever since environmental tariff elimination surfaced, the U.S. told our trading partners not to worry that the President lacks tariff-cutting authority in the sector. When the time comes, we said, Congress will grant the necessary authority. I believe this effort merits the same kind of support from the Senate that it has gained support among the trade and environmental communities. It is particularly important that we show this support now, as the United States prepares to host the WTO Trade Ministers Meeting in Seattle. I encourage all of my colleagues to provide this support.●

By Mr. BENNETT:

S. 1664. A bill to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah; to the Committee on Energy and Natural Resources.

RED CLIFFS DESERT RESERVE LAND ACQUISITION LEGISLATION

S. 1665. A bill to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange; to the Committee on Energy and Natural Resources.

LAND EXCHANGE FACILITATION LEGISLATION

● Mr. BENNETT. Mr. President, I am introducing two bills which address minor technical issues in Washington County, Utah. Given the non-controversial nature of these bills, I am hopeful they will be given quick consideration.

The first bill deals with a land exchange between the city of St. George and the BLM to facilitate a Washington County, Utah habitat conservation plan for the desert tortoise. The parcel of land at issue was once used as a landfill. The BLM is interested in acquiring the land in an exchange, but it is reluctant to accept liability for any unknown toxic materials that may be in the landfill. The bill would leave liability for the landfill in the hands of the city. Both the BLM and the city of St. George are in favor of this legislation.

The next bill deals with an exchange between the State of Utah and a private party. This exchange would facilitate additional protection for the endangered desert tortoise. The parcels of land that the State wants to trade were given to them pursuant to the Recreation and Public Purposes Act and consequently have a BLM reversionary clause clouding title to the property. This bill would remove those reversionary clauses so that the State could pass clear title in the land exchange.

I appreciate once again the leadership of Chairman HANSEN on the House Committee on Resources in taking the lead on these bills in the other body and I look forward to working with my colleagues on the Senate Energy Committee to move these bills quickly.●

By Mr. LUGAR (for himself, Mr. MCCONNELL, Mr. FITZGERALD, and Mr. HELMS):

S. 1666. A bill to provide risk education assistance to agricultural producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FARMERS' RISK MANAGEMENT ACT

Mr. LUGAR. Mr. President, I rise today to introduce legislation to help our nation's farmers cope with the risks inherent in production agriculture.

My colleagues are familiar with the challenges facing American farmers. Prices are down world-wide. Exports are lower than expected, in large part due to the economic problems in Asia. Weather problems, from droughts to floods, have plagued large portions of our country.

The Senate has passed, and a conference committee is considering, an agricultural appropriations bill that contains emergency provisions to deal with these immediate needs. For the intermediate and long term, the Congressional budget resolution contains $6 billion for use in fiscal years 2001–2004 that can be used as direct payments or to help farmers manage risk. Given these available funds, the question for policymakers is how best to help farmers manage the risks that they face.

Some suggest that the entire $6 billion should be used to alter the subsidy structure of the federal crop insurance program. I believe that risk management is broader than crop insurance alone. To keep U.S. agriculture competitive, farmers will have to consider a variety of practices including: engaging in sophisticated marketing practices; reducing debt; considering alternative crops; and purchasing crop insurance. An approach to risk management that focuses on the crop insurance program's subsidy structure is too narrow to address the many risks faced by farmers.

In crafting my own risk management bill, I was guided by four principles. First, the greatest possible amount of the $6 billion should go directly to farmers. In the crop insurance program, private insurers receive substantial compensation for selling and servicing multi-peril policies on the government's behalf. Overall, the insurance companies receive about one-third of the federal financial support of the program. Farmers get the remaining two-thirds. In my view, farmers should receive more of the new federal spending.

Second, the $6 billion should be provided in such a manner so that it does not distort planting decisions. Leading economists believe that crop insurance encourages the planting of crops on marginal and environmentally challenged acreage. Federal risk management spending should not inadvertently subsidize overproduction when world-wide agricultural stocks are already large. Subsidizing overproduction postpones the day when agricultural prices will rebound.

Third, the $6 billion should be distributed equitably among farmers and among regions. In terms of eligible 1998 acres insured, farmers' participation by state ranges from a low of 4 percent to a high of 93 percent. Clearly, farmers in some parts of the country do not view crop insurance as a useful risk management tool. By spending the bulk of the increased federal assistance on crop insurance, we are denying farmers in

some parts of the country risk management help.

Fourth, farmers should be encouraged to pursue a variety of risk management strategies, including, but not limited to, crop insurance. Within broad parameters, farmers should be able to choose the risk management strategy that best meets their needs.

Mr. President, the bill I am introducing today complies with my four principles. First, of the $6 billion in available new spending, over $5 billion is sent directly to farmers. Second, because the money is sent directly to farmers and is based on historical production, it is far less likely to distort planting decisions. Third, because it is not limited only to one form of risk management—crop insurance, it is more equitable among regions. Fourth, in order to better meet farmers' individual needs, it lets farmers choose risk management strategies from a menu of options.

The bill directs the Secretary of Agriculture, for the 2001–2004 crops, to offer to enter into a contract with a producer in which the producer receives a risk management payment if the producer performs at least 2 of the following risk management practices each applicable year:

1. Purchase Federal or private crop insurance (e.g., private crop hail) that is equivalent to at least catastrophic risk protection, for at least one principal agricultural commodity produced on the farm for which federal crop insurance is available.

2. Hedge price, revenue, or production risk by entering into at least one standard exchange-traded contract for a future or option on a principal agricultural commodity (crops or livestock) produced on the farm.

3. Hedge price, revenue, or production risk on at least 10% of the value of a principal agricultural commodity produced on the farm by purchasing an agricultural trade option.

4. Cover at least 20% of the value of a principal agricultural commodity (crops or livestock) produced on the farm with a cash forward or other type of marketing contract.

5. Attend an agricultural marketing or risk management class. This includes, but is not limited to, a seminar or class conducted by a broker licensed by a futures exchange.

6. Deposit at least 25% of the risk management payment into a FARRM account, or a similar tax deductible account.

7. Reduce farm financial risk by reducing debt in an amount that reduces leverage, or by increasing liquidity.

8. Reduce farm business risk by diversifying the farm's production by producing at least one new commodity on the farm, or by significantly increasing the diversity of enterprises on the farm.

A producer's annual risk management payment will be based on his or her Federal Crop Insurance Corporation (FCIC) average actual production history (APH) established for the 2000 crop for each Federally insurable agricultural commodity grown by the producer. Under existing FCIC procedures, the average APH for a commodity for crop year 2000 is based on a producer's documented production and acreage history from at least 4 of the 10 immediately preceding crop years.

Let me give a hypothetical example of how this would work at the farm level. Suppose a farmer produces corn, soybeans, and apples for the fresh apple market on a total of 525 acres somewhere, let's say, in the eastern half of the country. Corn and soybeans are federally insurable throughout the country and apples are federally insurable in most areas that have significant apple production. Let's further suppose that this hypothetical producer has never purchased federal crop insurance before.

Under my bill, this grain and apple farmer would be eligible for risk management payments for each of the 2001 through 2004 crops based on his average actual production history for corn, soybeans, and apples for the four crop years covering 1996, 1997, 1998, and 1999. He could document more than four years of production history, but FCIC procedures require a minimum of four consecutive years. Let's suppose the producer's average production is 30,000 bushels of corn based on 250 acres; 10,000 bushels of soybeans based on 250 acres; and 11,548 bushels of apples based on 25 acres. The producer's average APH would be valued at the 1997–1999 average FCIC established price level for each crop. This price is $2.38 per bushel for corn and $5.80 per bushel for soybeans. The apple price varies by region. For this example, I will use a fresh apple price of $4.17 per bushel (42 pounds/bushel) which would be the applicable price for fresh apples in one of the eastern region's major apple-producing states. At these prices, the value of the producer's average APH across all crops (rounded to the nearest dollar) would be $177,554.

The amount of the producer's annual risk management payment would be based on a percentage payment rate determined by the Secretary of Agriculture based on $1.275 billion for each of the 2001 through 2004 crops for a cumulative total of $5.1 billion. Preliminary estimates suggest that the payment rate will be somewhere between 1 percent and 2 percent of production value if 100 percent of the eligible farmers sign up for risk management payments. Thus, a reasonable estimate is that the percentage payment rate will come out at 1.5 percent of production value. If this estimate turns out to be correct, our hypothetical grain and apple farmer's annual risk management payment (rounded to the nearest dollar) would be $2,663. The 2001 payment would be available to the farmer on or after October 1, 2000, approximately one year from today.

In order to qualify for his risk management payment each year, the farmer would have to certify with the Agriculture Department that he had obtained or used 2 of the 8 risk management practices each year. He could do this in a large number of ways. For example, he could qualify by purchasing crop multi-peril crop insurance on his 2001 corn or soybean production and cash forward contract at least 20 percent of the 2001 corn or soybean crop. Alternatively, he could qualify by entering into a marketing contract with a buyer for at least 20 percent of his 2001 apple production and purchase exchange-traded options to hedge price risk on his 2001 corn or soybean crop.

Mr. President, I ask unanimous consent that a section-by-section summary of my bill be printed in the RECORD. I encourage my colleagues to study my bill and to talk it over with farmers in their own states.

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

FARMERS' RISK MANAGEMENT ACT OF 1999—SECTION BY SECTION SUMMARY

TITLE I—RISK MANAGEMENT PAYMENTS

Section 101. Definitions

Defines terms used in this title.

Section 102. Risk management contract

Subsection (a) Offer and Consideration. Directs the Secretary of Agriculture, for the 2001–2004 crops, to offer to enter into a contract with a producer in which the producer receives a risk management payment if the producer performs at least 2 qualifying risk management practices in an applicable year. A producer's annual risk management payment will based be on his or her FCIC average actual production history (APH) established for the 2000 crop for each Federally insurable agricultural commodity grown by the producer. Under existing FCIC procedures, the APH for a commodity for crop year 2000 is based on a producer's documented production and acreage history from at least 4 of the 10 immediately preceding years (1990–1999). A producer may elect to receive a risk management payment directly or have an equivalent amount credited to the premium owed by the producer for Federal crop insurance coverage.

Subsection (b) Qualifying Risk Management Practices. Describes the 8 qualifying risk management practices:

1. Purchase Federal or private crop insurance (e.g. private crop hail) that is equivalent to at least catastrophic risk protection, for at least one principal agricultural commodity produced on the farm for which federal crop insurance is available.

2. Hedge price, revenue, or production risk by entering into at least one standard exchange-traded contract for a future or option on a principal agricultural commodity (crops or livestock) produced on the farm.

3. Hedge price, revenue, or production risk on at least 10% of the value of a principal agricultural commodity produced on the farm by purchasing an agricultural trade option.

4. Cover at least 20% of the value of a principal agricultural commodity (crops or livestock) produced on the farm with a cash forward or other type of marketing contract.

5. Attend an agricultural marketing or risk management class. This includes, but is not limited to, a seminar or class conducted by a broker licensed by a futures exchange.

6. Deposit at least 25% of the risk management payment into a FARRM account, or a similar tax deductible account.

7. Reduce farm financial risk by reducing debt in an amount that reduces leverage, or by increasing liquidity.

8. Reduce farm business risk by diversifying the farm's production by producing at least one new commodity on the farm, or by significantly increasing the diversity of enterprises on the farm.

Subsection (c) Determination of Risk Management Payment. The amount that is available for risk management payments for each of the 2001 through 2004 crops is $1.275 billion (a total of $5.1 billion). A producer's risk management payment is calculated (for each Federally insurable commodity of a producer) by multiplying:

(1) the average APH established for the 2000 crop (meaning documented production and acreage history from at least 4 of the 10 immediately preceding years covering 1990–1999) for each Federally insurable commodity of a producer;

(2) the 1997–1999 average of the FCIC price level established for each commodity (i.e., $2.38/bu. for corn, $5.80/bu. for soybeans, $3.60/bu. for wheat, 68 cents/lb. for upland cotton and $9.50/cwt. for rice); and

(3) a payment rate determined by the Secretary in accordance with the total amount available for the year.

Section 103. Administrative provisions

Risk management payments for each of the 2001 through 2004 crops will be paid in one or more amounts as of October 1 of the crop year. A payment for the 2001 crop could be paid as early as October 1, 2000. A producer must certify with the Secretary which qualifying risk management practices were used on the farm by filing a form with the local FSA office. Qualifying risk management practices used for the 2001 crop would have to be reported by April 15, 2002. A producer choosing to receive a credit for a crop insurance premium will receive the benefit at the time payment of the premium is due (after harvest). Should a producer accept a risk management payment but not perform at least 2 qualifying risk management practices in the applicable year, the producer will be required to repay the full amount of the risk management payment with interest.

Section 104. Termination of authority; funding

Terminates the authority and funding for risk management payments and qualifying risk management practices as of September 30, 2004.

TITLE II—CROP INSURANCE

Section 201. Sanctions for program compliance and fraud

A producer who provides false or misleading information about a crop insurance policy may be assessed a $10,000 civil penalty for each violation, or debarred from all USDA financial assistance programs for up to 5 years, depending on the severity of the violation. Agents, loss adjusters, and approved insurance providers who provide false or misleading information about a policy or the administration of a policy or claim under this Act may be subject to civil fines up to $10,000 per violation, or debarred from participating in insurance programs under this Act for up to 5 years, depending on the severity of the violation. The same penalties may apply to agents, loss adjusters, and approved insurance providers who have recurrent compliance problems.

Section 202. Oversight of loss adjustment

Requires the Corporation to develop procedures for annual reviews of loss adjusters by the approved insurance provider, and to consult with the approved insurance provider about each annual evaluation.

Section 203. Revenue insurance pilot program

Extends the authority for certain revenue insurance pilot programs through the 2004 crop.

Section 204. Reduction in CAT underwriting gains and losses

Reduces the potential for underwriting gains or losses associated with catastrophic crop insurance (CAT) policies for the 2001 through 2004 reinsurance years.

Section 205. Whole farm revenue insurance pilot program

Establishes a pilot program for the 2001 through the 2004 reinsurance years that guarantees farm revenue based on the average adjusted gross income of the producer for the previous 5 years. Covers crops and livestock.

Section 206. Product innovation and rate competition pilot program

Establishes a pilot program for the 2001 through 2004 reinsurance years that allows private insurance companies to develop and market innovative insurance products, to compete with other companies regarding rates of premium, and to allow a company that has developed a new insurance product to charge a fee to other companies that want to market the product.

Section 207. Limitation on double insurance

Prohibits purchasing insurance for more than 1 crop for the same acreage in a year, except where there is an established history of double-cropping on the acreage.

TITLE III—REGULATIONS

Section 301. Regulations

Requires the Secretary to promulgate regulations within 180 days of enactment.

By Mr. KERRY (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. HUTCHINSON, and Ms. MIKULSKI):

S. 1668. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

WORKPLACE RELIGIOUS FREEDOM ACT

• Mr. KERRY. Mr. President, I am introducing today a bipartisan bill, together with Senator BROWNBACK of Kansas. This is the Workplace Religious Freedom Act of 1999.

This bill would protect workers from on-the-job discrimination related to religious beliefs and practices. It represents a milestone in the protection of the religious liberties of all workers.

In 1972, Congress amended the Civil Rights Act of 1964 to require employers to reasonably accommodate an employee's religious practice or observance unless doing so would impose an undue hardship on the employer. This 1972 amendment, although completely appropriate, has been interpreted by the courts so narrowly as to place little restraint on an employer's refusal to provide religious accommodation. The Workplace Religious Freedom Act will restore to the religious accommodation provision the weight that Congress originally intended and help assure that employers have a meaningful obligation to reasonably accommodate their employees' religious practices.

The restoration of this protection is no small matter. For many religiously observant Americans the greatest peril to their ability to carry out their religious faiths on a day-to-day basis may come from employers. I have heard accounts from around the country about a small minority of employers who will not make reasonable accommodation for employees to observe the Sabbath and other holy days or for employees who must wear religiously-required garb, such as a yarmulke, or for employees to wear clothing that meets religion-based modesty requirements.

The refusal of an employer, absent undue hardship, to provide reasonable accommodation of a religious practice should be seen as a form of religious discrimination, as originally intended by Congress in 1972. And religious discrimination should be treated fully as seriously as any other form of discrimination that stands between Americans and equal employment opportunities. Enactment of the Workplace Religious Freedom Act will constitute an important step toward ensuring that all members of society, whatever their religious beliefs and practices, will be protected from an invidious form of discrimination.

It is important to recognize that, in addition to protecting the religious freedom of employees, this legislation protects employers from an undue burden. Employees would be allowed to take time off only if their doing so does not pose a significant difficulty or expense for the employer. This common sense definition of undue hardship is used in the ''Americans with Disabilities Act'' and has worked well in that context.

We have little doubt that this bill is constitutional because it simply clarifies existing law on discrimination by private employers, strengthening the required standard for employers. This bill does not deal with behavior by State or Federal Governments or substantively expand 14th amendment rights.

I believe this bill should receive bipartisan support. This bill is endorsed by wide range of organizations including the American Jewish Committee, Christian Legal Society, Family Research Council, General Conference of Seventh-day Adventists, National Council of the Churches of Christ in the U.S.A., and the Southern Baptist Convention.

I want to thank Senator BROWNBACK for joining me in this effort. I look forward working with him to pass this legislation so that all American workers can be assured of both equal employment opportunities and the ability to practice their religion.•

• Mr. BROWNBACK. Mr. President, today I am pleased to stand with concerned colleagues, both Republicans and Democrats, as well as concerned citizens, including Christians, Jews, Muslims, and Sikhs among many other faiths. We come together in support of a simple proposition. America is distinguished internationally as a land of religious freedom. It should be a place where no person is forced to choose between keeping their faith and keeping their job. That is why I am joining

with Senators KERRY, HUTCHINSON, LIEBERMAN and MIKULSKI in introducing the Workplace Religious Freedom Act.

This legislation provides a skilled reconciling of religion in the workplace. It recognizes that work and religion can be reconciled without undue hardship. Americans continue to be a religious people, with a deep personal faith commitment. With this commitment comes personal religious standards which govern personal activity. For example, some Americans don't work on Saturdays, while others don't work on Sundays. Not because they're lazy or frivolous, but because their faith convictions call for a Sabbath day, requiring a day to be set aside as holy.

Similarly, some Americans need to wear a skullcap to work, or a head covering, or a turban. As a nation whose great strength rests in diversity, surely we can protect such diverse yet simple and unobtrusive expressions of personal faith. Surely we're still generous enough, and God-respecting enough as a nation, to support others in the genuine expressions of their faith. I am particularly anxious for the religious minorities, for the Muslims and the Jews and the others who are very small in number but great in conviction. In our increasingly secular society, many remain among us who still hold by ancient, heart-felt principles governed by a deep personal belief. I submit to you they deserve the decency of respect which includes our protection in preserving their peaceful religious expressions. This is a core principle which cannot be compromised, because it speaks to the essence of who we are as a people committed to preserving freedom.

In this land of religious freedom, one would hope that employers would spontaneously accommodate the religious needs of their employees whenever reasonable. That is, after all, what we do here in Congress. For example, we don't conduct votes or hearings on certain holidays so that Members and staff can observe their religious holy days. While most private employers also extend this simple but important decency to their workers, others unfortunately do not.

Historically, title VII of the Civil Rights Act was meant to address conflicts between religion and work. On its face it requires employers to ''reasonably accommodate'' the religious needs of their employees as long as this does not impose an ''undue hardship'' on the employer. The problem is that our federal courts have essentially read these lines out of the law by ruling that any hardship is an undue hardship. This is not right, nor does it hold with the spirit of this great nation which was founded as a refuge for religious freedom.

Thus, a Maryland trucking company can try to force a devout Christian truck driver to take a Sunday shift. A local sheriff's department in Nevada can tell a Seventh Day Adventist that she must work a Saturday shift if she wants to continue with them.

The Workplace Religious Freedom Act will re-establish the principle that employers must reasonably accommodate the religious needs of employees such as these. This legislation is carefully crafted and strikes an appropriate balance between religious accommodation, while ensuring that an undue burden is not forced upon American businesses. It is flexible and case-oriented on an individual basis. Thus, a smaller business with less resources and personnel would not be asked to accommodate religious employees in exactly the same fashion as would a large manufacturing concern.

I am proud of the fact that this is a bi-partisan effort, I am proud that this legislation is supported by such a broad spectrum of groups ranging from the Christian Legal Society and the Union of Orthodox Jewish Congregations, to the Family Research Council, the National Council of Churches, the North American Council for Muslim Women, and the American Jewish Committee.

America is a great nation because we honor the free exercise of belief, which includes the very precious, fundamental freedom of religion. This liberty, known as the ''first freedom,'' is worthy of our continued vigilance. it properly demands support from all quarters, both the public and private sectors. It properly finds it here in this legislation which re-establishes the right balance between the competing concerns of business and faith.●

● Mr. LIEBERMAN. Mr. President, I am proud to join Senators BROWNBACK, KERRY, and others in introducing this important legislation today. America is a deeply religious nation, and fostering a society in which all Americans can worship according to the dictates of their conscience has been of prominent importance to this country since its beginning. Indeed, the Founders of this great Nation saw preserving Americans' ability to worship freely as so important that they enshrined it in the Bill of Rights' very first amendment.

Unfortunately, a number of Americans today are not able to take full advantage of America's promise of religious freedom. They are instead being forced to make a choice no American should face: one between the dictates of their faith and the demands of their job. Whether by being forced to work on days their religion requires them to refrain from work or by being denied the right to wear clothing their faith mandates they wear, too many Americans of faith are facing an unfair choice between their job and their religion.

This legislation would provide much needed help for those confronted with that choice. It would require employers to provide reasonable accommodations to an employee's religious observance or practice, unless doing so would impose an undue hardship on the employer. The bill would not, it is worth emphasizing, give employees a right to dictate the conditions of their job, because it does not demand that employers accede to unreasonable requests. Instead, it requires only that an employer grant a religiously based request for an accommodation to an employee's religious belief or practice if the accommodation would not impose significant difficulty or expense on the employer.

Mr. President, this legislation is long overdue. I hope that we can see it enacted into law soon.●

ADDITIONAL COSPONSORS

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 486

At the request of Mr. HATCH, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 486, a bill to provide for the punishment of methoamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes.

S. 709

At the request of Mr. DASCHLE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 709, a bill to amend the Housing and Community Development Act of 1974 to establish and sustain viable rural and remote communities, and to provide affordable housing and community development assistance to rural areas with excessively high rates of outmigration and low per capita income levels.

S. 758

At the request of Mr. ASHCROFT, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of S. 758, a bill to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, and for other purposes.

S. 791

At the request of Mr. KERRY, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 791, a bill to amend the Small Business Act with respect to the women's business center program.

S. 909

At the request of Mr. CONRAD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 909, a bill to provide for the review and

classification of physician assistant positions in the Federal Government, and for other purposes.

S. 914

At the request of Mr. SMITH, the name of the Senator from Rhode Island (Mr. REED) 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. 1028

At the request of Mr. HATCH, the names of the Senator from Virginia (Mr. ROBB) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1028, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law, and for other purposes.

S. 1053

At the request of Mr. BOND, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 1053, a bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999.

S. 1133

At the request of Mr. GRAMS, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Nebraska (Mr. KERREY), and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1133, a bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food.

S. 1155

At the request of Mr. ROBERTS, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1159

At the request of Mr. STEVENS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1187

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

S. 1277

At the request of Mr. BAUCUS, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1368

At the request of Mr. TORRICELLI, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1368, a bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974 and related laws to strengthen the protection of native biodiversity and ban clearcutting on Federal land, and to designate certain Federal land as ancient forests, roadless areas, watershed protection areas, special areas, and Federal boundary areas where logging and other intrusive activities are prohibited.

S. 1455

At the request of Mr. ABRAHAM, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1455, a bill to enhance protections against fraud in the offering of financial assistance for college education, and for other purposes.

S. 1488

At the request of Mr. GORTON, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1488, a bill to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

S. 1544

At the request of Mr. ALLARD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1544, a bill to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins.

S. 1623

At the request of Mr. SPECTER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1623, a bill to select a National Health Museum site.

S. 1652

At the request of Mr. CHAFEE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1652, a bill to designate the Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the Dwight D. Eisenhower Executive Office Building.

SENATE RESOLUTION 118

At the request of Mr. REID, the names of the Senator from Virginia (Mr. ROBB), the Senator from Indiana (Mr. BAYH), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of Senate Resolution 118, A resolution designating December 12, 1999, as ''National Children's Memorial Day.''

SENATE RESOLUTION 179

At the request of Mr. BIDEN, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Texas (Mr. GRAMM), the Senator from West Virginia (Mr. BYRD), and the Senator from Indiana (Mr. BAYH) were added as cosponsors of Senate Resolution 179, A resolution designating October 15, 1999, as ''National Mammography Day.''

SENATE CONCURRENT RESOLUTION 57—CONCURRENT RESOLUTION CONCERNING THE EMANCIPATION OF THE IRANIAN BAHA'I COMMUNITY

Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mr. SCHUMER, Mr. BAUCUS, Mr. KERRY, Mr. SARBANES, Mr. BROWNBACK, Mr. HATCH, Mr. REID, Mr. DURBIN, Mr. DODD, and Mr. SESSIONS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 57

Whereas in 1982, 1984, 1988, 1990, 1992, 1994, and 1996, Congress, by concurrent resolution, declared that it holds the Government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i Faith, Iran's largest religious minority;

Whereas Congress has deplored the Government of Iran's religious persecution of the Baha'i community in such resolutions and in numerous other appeals, and has condemned Iran's execution of more than 200 Baha'is and the imprisonment of thousands of others solely on account of their religious beliefs;

Whereas in July 1998 a Baha'i, Mr. Ruhollah Rowhani, was executed by hanging in Mashhad after being held in solitary confinement for 9 months on the charge of converting a Muslim woman to the Baha'i Faith, a charge the woman herself refuted;

Whereas 4 Baha'is remain on death row in Iran, 2 on charges on apostasy, and 12 others are serving prison terms on charges arising solely from their religious beliefs or activities;

Whereas the Government of Iran continues to deny individual Baha'is access to higher education and government employment and denies recognition and religious rights to the Baha'i community, according to the policy set forth in a confidential Iranian Government document which was revealed by the United Nations Commission on Human Rights in 1993;

Whereas Baha'is have been banned from teaching and studying at Iranian universities since the Islamic Revolution and therefore created the Baha'i Institute of Higher Education, or Baha'i Open University, to provide educational opportunities to Baha'i youth using volunteer faculty and a network of classrooms, libraries, and laboratories in private homes and buildings throughout Iran;

Whereas in September and October 1998, Iranian authorities arrested 36 faculty members of the Open University, 4 of whom have been given prison sentences ranging between 3 to 10 years, even though the law makes no

mention of religious instruction within one's own religious community as being an illegal activity;

Whereas Iranian intelligence officers looted classroom equipment, textbooks, computers, and other personal property from 532 Baha'i homes in an attempt to close down the Open University;

Whereas all Baha'i community properties in Iran have been confiscated by the government, and Iranian Baha'is are not permitted to elect their leaders, organize as a community, operate religious schools, or conduct other religious community activities guaranteed by the Universal Declaration of Human Rights;

Whereas on February 22, 1993, the United Nations Commission on Human Rights published a formerly confidential Iranian government document that constitutes a blueprint for the destruction of the Baha'i community and reveals that these repressive actions are the result of a deliberate policy designed and approved by the highest officials of the Government of Iran; and

Whereas in 1998 the United Nations Special Representative for Human Rights, Maurice Copithorne, was denied entry into Iran: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) continues to hold the Government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i community, in a manner consistent with Iran's obligations under the Universal Declaration of Human Rights and other international agreements guaranteeing the civil and political rights of its citizens;

(2) condemns the repressive anti-Baha'i policies and actions of the Government of Iran, including the denial of legal recognition to the Baha'i community and the basic rights to organize, elect its leaders, educate its youth, and conduct the normal activities of a law-abiding religious community;

(3) expresses concern that individual Baha'is continue to suffer from severely repressive and discriminatory government actions, including executions and death sentences, solely on account of their religion;

(4) urges the Government of Iran to permit Baha'i students to attend Iranian universities and Baha'i faculty to teach at Iranian universities, to return the property confiscated from the Baha'i Open University, to free the imprisoned faculty members of the Open University, and to permit the Open University to continue to function;

(5) urges the Government of Iran to implement fully the conclusions and recommendations on the emancipation of the Iranian Baha'i community made by the United Nations Special Rapporteur on Religious Intolerance, Professor Abdelfattah Amor, in his report of March 1996 to the United Nations Commission of Human Rights;

(6) urges the Government of Iran to extend to the Baha'i community the rights guaranteed by the Universal Declaration of Human Rights and the international covenants of human rights, including the freedom of thought, conscience, and religion, and equal protection of the law; and

(7) calls upon the President to continue—

(A) to assert the United States Government's concern regarding Iran's violations of the rights of its citizens, including members of the Baha'i community, along with expressions of its concern regarding the Iranian Government's support for international terrorism and its efforts to acquire weapons of mass destruction;

(B) to emphasize that the United States regards the human rights practices of the Government of Iran, particularly its treatment of the Baha'i community and other religious minorities, as a significant factor in the development of the United States Government's relations with the Government of Iran;

(C) to emphasize the need for the United Nations Special Representative for Human Rights to be granted permission to enter Iran;

(D) to urge the Government of Iran to emancipate the Baha'i community by granting those rights guaranteed by the Universal Declaration of Human Rights and the international covenants on human rights; and

(E) to encourage other governments to continue to appeal to the Government of Iran, and to cooperate with other governments and international organizations, including the United Nations and its agencies, in efforts to protect the religious rights of the Baha'is and other minorities through joint appeals to the Government of Iran and through other appropriate actions.

• Mr. LIEBERMAN. Mr. President, it is with a heavy heart that my esteemed colleagues and I bring to the Senate's attention for the eighth time in 18 years the plight of Iran's Baha'is by submitting today the Baha'i Resolution of 1999.

Since the 1997 election of President Mohammad Khatami, the world has watched Iran with great anticipation of change. Indeed, under Khatami, Iran has witnessed some small, incremental steps toward democratization, transparency, and an attempt to assert the rule of law. As recent demonstrations at Tehran University have shown, the Iranian people are eager for reform, the kinds of changes that would allow Iran to become a member in good standing of the international community.

The Iranian people have suffered much in the last 20 years. A regime desperate to maintain control at all costs has executed hundreds of thousands of Iranians of all religious and political backgrounds. Iran's economy is in shambles, many of its best and brightest have fled, and the government's pursuit of policies supporting terrorism and the development of weapons of mass destruction have made Iran a pariah state in the international community. It is good to remember, as we focus on the plight of specific groups in Iran, that all of Iran's citizens, Shi'a, Sunni, Zoroastrian, Jewish, Christian, and Baha'i, have been victimized by the Iranian regime.

However, today we focus on the group that, man for man and woman for woman, has fared the worst under Iran's revolutionary government—the Baha'is.

Since the Islamic Revolution and consequent seizure of power by the Ayatollah Khomeni, the Baha'is have endured tremendous hardships that continue to this day. Large numbers have been killed and many other have disappeared and are presumed dead. Unlike other religious minorities in Iran such as Christians, Jews and Zoroastrians, the Baha'is are not recognized in the Iranian Constitution and subsequently do not enjoy the rights, minimal though they may be, normally granted Iranian citizens.

The refusal of Iran to protect the rights of the Baha'i community is ironic. The Baha'is do not advocate insurrection, violence, or political partisanship. Their faith requires them peacefully to observe the laws of the country. For the Iranian government to regard the Baha'is as a threat, when all they desire is to be able to live in accordance with their religious beliefs is truly outrageous.

Now, imagine if you will what it would be like to live in a world where you and your children are not recognized as citizens simply because of your religion. Imagine your government seizing your only outlet for a higher education. Imagine fearing arrest simply for adhering to a set of beliefs and a way of life that you and your family hold dear. Unfortunately, this nightmarish scenario is all too real for 300,000 members of the Baha'i religion in Iran who need not expend any effort imagining such a situation, because they have the misfortune of living it.

Even after their signing of the Universal Declaration of Human Rights and the recent election of President Khatami, the Iranian government still shows no sign of easing its subjugation of Iran's largest religious minority. Tehran continues to oppress, persecute, and undermine the Baha'i's way of life. Under such pressure, we fear that an already tragic past can only lead to a bleaker future.

Since 1979 the Baha'i community has been denied the right to assemble officially, conduct religious ceremonies—including the proper burial of their dead—and attend Iranian schools of higher education. Baha'is are denied the same job and pension opportunities as their non-Baha'i neighbors and by law. They cannot even collect on insurance policies.

The denial of access to schools of higher education has been a particular hardship to the Baha'is, who hold as one of the central tenets of their faith the supreme importance of education. In order to educate their youth, the Baha'is have created a network of university level courses, accredited by the University of Indiana and taught in the homes of Baha'i professors. Over 900 Baha'is have enrolled in the Open University and many more have benefited from their programs. In the Fall of 1998, for no other reason than to harass the Baha'i community, Iranian police raided over 500 homes associated with the Open University. Police arrested hundreds of professors and seized massive amounts of classroom and laboratory equipment, computers, and textbooks. To this day, three professors remain in jail. One has been sentenced to a ten year imprisonment and two have received seven year terms all for the 'sin' of involving themselves in teaching Baha'i studies which, according to the Iranian authorities constituted ''crimes against national security.''

(In recent years, the Iranian government has gradually stepped up its harassment of the Baha'is, as exemplified

in the 1998 raids on the Open University. With the raids came the realization that Tehran was not afraid to publicly display its maltreatment of the Baha'is. It was in this same year that Iran executed Mr. Ruhollah Rowhani.)

Mr. Rowhani was accused by the Iranian government of forcibly converting a Muslim woman to the Baha'i faith. Before Mr. Rowhani's hanging in July 1998, the woman totally refuted the charges, stating that she had been raised as a Baha'i, making it impossible and unnecessary for Mr. Rowhani to impress his religion upon her. Mr. Rowhani spent the nine months prior to his execution in solitary confinement, and most telling, no sentence was ever passed. It is in recognition and in memory of the recent one-year anniversary of Mr. Rowhani's execution that we submit this resolution.

The Baha'i Resolution expresses our strong disapproval of the Iranian government's treatment of the Baha'is and reminds Iran that the development of a relationship between our two countries depends greatly on Tehran's record of human rights. Equally important, it is a statement of America's values. It sends a message to perpetrators of persecution everywhere that our eyes will not be averted. And it reassures Iran's Baha'is, indeed all of those persecuted in Iran, that America is with them and will continue to shine sunlight on the abuses of Iran's government while we plead, and pray for change there.●

SENATE RESOLUTION 190—DESIGNATING THE WEEK OF OCTOBER 10, 1999, THROUGH OCTOBER 16, 1999, AS NATIONAL CYSTIC FIBROSIS AWARENESS WEEK

Mr. CAMPBELL (for himself, Mr. GRAMM, Mr. ASHCROFT, Mr. KERRY, and Mr. ROBB) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 190

Whereas Cystic Fibrosis is the most common fatal genetic disease in the United States, for which there is no known cure;

Whereas Cystic Fibrosis, characterized by digestive disorders and chronic lung infections, has been linked to fatal lung disease;

Whereas a total of more than 10,000,000 Americans are unknowing carriers of Cystic Fibrosis;

Whereas 1 out of every 3,900 babies in the United States are born with Cystic Fibrosis;

Whereas approximately 30,000 people in the United States, many of whom are children, suffer from Cystic Fibrosis;

Whereas the average life-expectancy of an individual with Cystic Fibrosis is age 31;

Whereas prompt, aggressive treatment of the symptoms of Cystic Fibrosis can extend the lives of those who suffer with this disease;

Whereas recent advances in Cystic Fibrosis research have produced promising leads in relation to gene, protein, and drug therapies; and

Whereas education can help inform the public of Cystic Fibrosis symptoms, which will assist in early diagnoses, and increase knowledge and understanding of this disease: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of October 10, 1999, through October 16, 1999, as National Cystic Fibrosis Awareness Week;

(2) commits to increasing the quality of life for individuals with Cystic Fibrosis by promoting public knowledge and understanding in a manner that will result in earlier diagnoses, more fund raising efforts for research, and increased levels of support for Cystic Fibrosis sufferers and their families; and

(3) requests the President to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

Mr. CAMPBELL. Mr. President, today I submit a resolution recognizing October 10, 1999, through October 16, 1999, as National Cystic Fibrosis Awareness Week. I am pleased to be joined by my colleagues Senators GRAMM, ASHCROFT, KERRY, and ROBB in submitting this resolution. We are hopeful that greater awareness of cystic fibrosis (CF) will lead to a cure.

Incredibly, CF is the number one genetic killer in the United States. Approximately 30,000 Americans suffer from the life-threatening disease. Today, the average life expectancy for someone with CF is 31 years. We must do what we can to change that.

While there remains no cure, early detection and prompt treatment can significantly improve and extend the lives of those with CF. For example, my home state of Colorado is one of the first and only states that requires CF screening for newborns, providing a greater quality of life for CF sufferers. And since the discovery of the defective CF gene in 1989, CF research has greatly accelerated. At Children's Hospital of Denver, researchers are participating in the innovative Therapeutics Development Program, a promising venture with the CF Foundation. Designed to aid the development of new therapeutics for CF, researchers in the program are expediting the early phases of clinical trials that evaluate safety and dosing regimens for new drugs. I applaud their efforts.

But while I am encouraged by the CF research in Colorado and elsewhere, more needs to be done. Therefore, I urge my colleagues to act quickly on this resolution so that we can move one step closer to eradicating this disease.

SENATE RESOLUTION 191—EXPRESSING THE SENSE OF THE SENATE REGARDING EAST TIMOR AND SUPPORTING THE MULTINATIONAL FORCE FOR EAST TIMOR

Mr. HARKIN (for himself, Mr. CONRAD, Mr. MOYNIHAN, Mr. SCHUMER, Mr. LIEBERMAN, Mr. LEAHY, Mr. CHAFEE, Mr. KENNEDY, Mr. FEINGOLD, and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 191

Whereas on May 5, 1999, the Governments of Portugal and Indonesia and the United Nations signed an agreement that provided for an August 8, 1999, ballot organized by the United Nations on the political status of East Timor;

Whereas the agreement gave the people of East Timor an opportunity to accept a proposed special autonomy for East Timor within the unitary Republic of Indonesia or reject the special autonomy and opt for independence;

Whereas on August 30, 1999, 78.5 percent of the people in East Timor voted for independence;

Whereas after the voting was concluded, the militias in East Timor intensified their ongoing campaign of terror;

Whereas it has been reported that thousands of people have been killed and injured since the violence began in East Timor;

Whereas the United Nations High Commissioner for Refugees (UNHCR) has reported that as many as 200,000 of East Timor's residents have been forced to flee East Timor;

Whereas it has been reported that East Timor militias are controlling the refugee camps in West Timor, intimidating the refugees and denying access to the UNHCR, relief agencies, and other humanitarian nongovernmental organizations;

Whereas it has been reported that a systematic campaign of political assassinations that targeted religious, student, and political leaders, aid workers, and others has taken place;

Whereas the compound of the United Nations Mission in East Timor (UNAMET) was besieged and fired upon, access to food, water, and electricity was intentionally cut off, and UNAMET personnel have been killed, forcing the closure of the UNAMET mission in East Timor;

Whereas Catholic leaders and lay people have been targeted for killing and churches have been burned in East Timor; and

Whereas on September 12, 1999, Indonesian President B.J. Habibie announced that Indonesia would allow a United Nations Security Council authorized multinational force into East Timor: Now, therefore, be it

Resolved, That the Senate hereby—

(1) congratulates the people of East Timor for their heroic vote on August 30, 1999;

(2) commends the United Nations Security Council for passing Resolution 1264 authorizing a multinational force to address the security situation in East Timor;

(3) expresses support for a rapid and effective deployment throughout East Timor by the multinational force;

(4) commends Australia for its readiness to lead the multinational force for East Timor and welcomes the participation of other nations in this force, especially Asian participation;

(5) expresses approval for the United States to assist in this effort in an appropriate manner;

(6) commends the professionalism, determination, and courage of the United Nations Mission in East Timor (UNAMET) personnel;

(7) recognizes the overwhelming expression of the people of East Timor in favor of independence;

(8) condemns the violent efforts of the East Timor militias and elements of the Indonesian military to overturn the results of the August 30, 1999, vote;

(9) notes the failure of the Government of Indonesia, despite repeated assurances to the contrary, to guarantee the security of the people of East Timor and further notes that is the responsibility of the Government of Indonesia to restrain elements of the Indonesian military and paramilitary forces and restore order in East Timor;

(10) calls upon the Government of Indonesia to recognize its responsibilities as a member of the United Nations and a signatory to the Universal Declaration of Human

Rights to cooperate with appropriate United Nations authorities in the restoration order in East Timor;

(11) urges the Government of Indonesia to allow unrestricted access to refugees and displaced persons in West Timor by UNHRC and other relief agencies and to guarantee their security; and

(12) calls upon the Government of Indonesia to hold accountable those responsible for the violence, human rights abuses and atrocities and to cooperate with the international community in establishing an international commission of inquiry to investigate human rights abuses in East Timor as a first step in bringing to justice those responsible.

AMENDMENTS SUBMITTED

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

DURBIN AMENDMENT NO. 1803

(Ordered to lie on the table.)

Mr. DURBIN submitted an amendment intended to be proposed by him to the bill (S. 1650) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes; as follows:

At the end of title III, add the following:

21ST CENTURY COMMUNITY LEARNING CENTERS

SEC. . In addition to amounts otherwise appropriated under this title to carry out part I of title X of the Elementary and Secondary Act of 1965 (20 U.S.C. 8241 et seq.), $200,000,000 which shall become available on October 1, 2000 and shall remain available through September 30, 2001 for academic year 2000–2001.

MURRAY (AND OTHERS) AMENDMENT NO. 1804

Mrs. MURRAY (for herself, Mr. DASCHLE, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. LEVIN, Mr. WELLSTONE, Mr. DURBIN, Mr. TORRICELLI, Ms. MIKULSKI, Mr. KERRY, Mrs. BOXER, Mr. SARBANES, Mr. JOHNSON, Mr. DODD, Mr. HARKIN, Ms. LANDRIEU, Mr. REED, and Mr. AKAKA) proposed an amendment to the bill, S. 1650, supra; as follows:

On page 54 strike all after ''Act'' in line 18 through page 55 line 5 and insert the following: ''$3,086,634,000 of which $1,151,550,000 shall become available on July 1, 2000, and remain available through September 30, 2001, and of which $1,439,750,000 shall become available on October 1, 2000 and shall remain available through September 30, 2001 for academic year 2000–2001: *Provided*, That of the amount appropriated, $335,000,000 shall be for Eisenhower professional development State grants under title II–B and up to $750,000 shall be for an evaluation of comprehensive regional assistance centers under title XIII of ESEA: *Provided further*, That $1,400,000,000 shall be available, notwithstanding any other provision of federal law, to carry out programs in accordance with Section 307 of 105–277, the class size reduction program.

''Further, a local education agency that has already reduced class size in the early grades to 18 or fewer children can choose to use the funds received under this section for locally designed programs—

''(i) to make further class-size reductions in grades 1 through 3, including special education classes;

''(ii) to reduce class size in kindergarten or other grades, including special education classes; or

''(iii) to carry out activities to improve teacher quality, including recruiting, mentoring and professional development.''

GORTON (AND LOTT) AMENDMENT NO. 1805

Mr. GORTON (for himself and Mr. LOTT) proposed an amendment to the bill, S. 1650, supra; as follows:

On page 55, line 2, strike all after ''*Provided further*,'' to the period on line 5 and insert the following: ''$1,200,000,000 is appropriated for a teacher assistance initiative pending authorization of that initiative. If the teacher assistance initiative is not authorized by July 1, 2000, the 1,200,000,000 shall be distributed as described in Sec. 307(b)(1) (A and B) of the Department of Education Appropriation Act of 1999. School districts may use the funds for class size reduction activities as described in Sec. 307(c)(2)(A)(i–iii) of the Department of Education Appropriation Act of 1999 or any activity authorized in Sec. 6301 of the Elementary and Secondary Education Act that will improve the academic achievement of all students. Each such agency shall use funds under this section only to supplement, and not to supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this section.''

TORRICELLI AMENDMENT NO. 1806

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

LIMITATION

SEC. . None of the funds appropriated in this Act shall be used by the Bureau of Labor Statistics for the realigning of its New York City Regional Office as part of the reorganization of the Bureau's field management structure.

REID (AND OTHERS) AMENDMENT NO. 1807

Mr. REID (for himself, Mrs. BOXER, and Mr. KENNEDY) submitted an amendment to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

TITLE ___—NEEDLESTICK PREVENTION

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Health Care Worker Needlestick Prevention Act''.

SEC. ___02. REQUIREMENTS.

(a) BLOODBORNE PATHOGENS STANDARD.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Labor, acting through the Occupational Safety and Health Administration, shall amend the bloodborne pathogens standard to require that—

(A) employers utilize needleless systems and sharps with engineered sharps injury protections in their work sites to prevent the spread of bloodborne pathogens; and

(B) to assist employers in meeting the requirement of subparagraph (A), non-managerial direct care health care workers of employers participate in the identification and evaluation of needleless systems and sharps with engineered sharps injury protections.

(2) EXCEPTION.—The bloodborne pathogens standard requirements of paragraph (1) shall apply to any employer, except where the employer demonstrates, to the Secretary's satisfaction, that—

(A) there are circumstances in the employer's work facility in which the needleless systems and sharps with engineered sharps injury protections do not promote employee safety, interfere with patient safety, or interfere with the success of a medical procedure; or

(B) the needleless systems and sharps with engineered sharps injury protections required are not commercially available to the employer.

(b) STANDARD CONTENT.—For carrying out the requirement of subsection (a)(1) for needleless systems and sharps with engineered sharps injury protections, the amendment required by subsection (a) shall include the following:

(1) EXPOSURE CONTROL PLAN.—The employer shall include in their exposure control plan an effective procedure for identifying and selecting existing needleless systems and sharps with engineered sharps injury protections and other methods of preventing bloodborne pathogens exposure.

(2) SHARPS INJURY LOG.—In addition to the recording of all injuries from contaminated sharps on the OSHA Occupational Injuries and Illnesses 200 log or its equivalent, the employer shall maintain a separate contaminated sharps injury log containing the following information (to the extent such information is known to the employer) with regard to each exposure incident:

(A) Date and time of the exposure incident.

(B) Type and brand of sharp involved in the exposure incident.

(C) Description of the exposure incident which shall include—

(i) job classification of the exposed employee;

(ii) department or work area where the exposure incident occurred;

(iii) the procedure that the exposed employee was performing at the time of the incident;

(iv) how the incident occurred;

(v) the body part involved in the exposure incident;

(vi) if the sharp had engineered sharps injury protections—

(I) whether the protective mechanism was activated, and whether the injury occurred before the protective mechanism was activated, during activation of the mechanism, or after activation of the mechanism, if applicable; and

(II) whether the employee received training on how to use the device before use, and a brief description of the training;

(vii) if the sharp had no engineered sharps injury protections, the injured employee's opinion as to whether and how such a mechanism could have prevented the injury, as well as the basis for the opinion; and

(viii) the employee's opinion about whether any other engineering, administrative, or work practice control could have prevented the injury as well as the basis for the opinion.

(3) TRAINING.—A requirement that all direct care health care workers shall be provided adequate training on the use of all needleless systems and sharps with engineered sharps injury protections which they may be required to use.

SEC. ___03. NATIONAL CLEARINGHOUSE ON SAFER NEEDLE TECHNOLOGY.

(a) IN GENERAL.—The Director of the National Institute for Occupational Safety and

Health shall establish and maintain a national database on existing needleless systems and sharps with engineered sharps injury protections.

(b) EVALUATION CRITERIA.—The Director shall develop a set of evaluation criteria for use by employers, employees, and other persons when they are evaluating and selecting needleless systems and sharps with engineered sharps injury protections.

(c) TRAINING.—The Director shall develop a model training curriculum to train employers, employees, and other persons on the process of evaluating needleless systems and sharps with engineered sharps injury protections and shall (to the extent feasible) provide technical assistance to persons who request such assistance.

(d) MONITORING.—The Director shall establish a national system to collect comprehensive data on needlestick injuries to health care workers, including data on mechanisms to analyze and evaluate prevention interventions in relation to needlestick injury occurrence. In carrying out its duties under this subsection, the National Institute for Occupational Safety and Health shall have access to information recorded by employers on the sharps injury log as required by section ____02(b)(2).

SEC. ___04. DEFINITIONS.

For purposes of this title:

(1) BLOODBORNE PATHOGENS.—The term ''bloodborne pathogens'' means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include hepatitis B virus, hepatitis C virus, and human immunodeficiency virus.

(2) CONTAMINATED.—The term ''contaminated'' means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

(3) DIRECT CARE HEALTH CARE WORKER.—The term ''direct care health care worker'' means an employee responsible for direct patient care with potential occupational exposure to sharps related injuries.

(4) EMPLOYER.—The term ''employer'' means each employer having an employee with occupational exposure to human blood or other material potentially containing bloodborne pathogens.

(5) ENGINEERED SHARPS INJURY PROTECTIONS.—The term ''engineered sharps injury protections'' means—

(A) a physical attribute built into a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, that effectively reduces the risk of an exposure incident by a mechanism such as barrier creation, blunting, encapsulation, withdrawal, retraction, destruction, or other effective mechanisms; or

(B) a physical attribute built into any other type of needle device, or into a nonneedle sharp, which effectively reduces the risk of an exposure incident.

(6) NEEDLELESS SYSTEM.—The term ''needleless system'' means a device that does not use needles for—

(A) the withdrawal of body fluids after initial venous or arterial access is established;

(B) the administration of medication or fluids; and

(C) any other procedure involving the potential for an exposure incident.

(7) SHARP.—The term ''sharp'' means any object used or encountered in a health care setting that can be reasonably anticipated to penetrate the skin or any other part of the body, and to result in an exposure incident, including, but not limited to, needle devices, scalpels, lancets, broken glass, broken capillary tubes, exposed ends of dental wires and dental knives, drills, and burs.

(8) SHARPS INJURY.—The term ''sharps injury'' means any injury caused by a sharp, including cuts, abrasions, or needlesticks.

(9) SHARPS INJURY LOG.—The term ''sharps injury log'' means a written or electronic record satisfying the requirements of section ____02(b)(2).

SEC. ___05. APPLICATION TO MEDICARE HOSPITALS.

The Secretary of Health and Human Services shall provide by regulation that, as a condition of participation under the medicare program under title XVIII of the Social Security Act of a hospital that is not otherwise subject to the bloodborne pathogens standard amended under section ____02(a) because it is exempt from regulation by the Occupational Safety and Health Administration, the hospital shall comply with the bloodborne pathogen standard amended under section ____02(a) with respect to any employees of the hospital, effective at the same time as such amended standard would have applied to the hospital if it had not been so exempt.

SEC. ___06. EFFECTIVE DATE.

This title shall become effective upon the date of its enactment, except that the Secretary of Labor shall take the action required by section ____02 within 1 year of such date.

SMITH AMENDMENT NO. 1808

Mr. SMITH of New Hampshire proposed an amendment to the bill, S. 1650, supra; as follows:

At the appropriate place, add the following:

''SEC. . It is the sense of the Senate that the Conferees on H.R. 2466, the Department of Interior and Related Agencies Appropriations Act, shall include language prohibiting funds from being used for the Brooklyn Museum of Art unless the Museum immediately cancels the exhibit 'Sensation,' which contains obscene and pornographic pictures, a picture of the Virgin Mary desecrated with animal feces, and other examples of religious bigotry.''

BOXER (AND OTHERS) AMENDMENT NO. 1809

Mrs. BOXER (for herself, Mr. DURBIN, Mr. KENNEDY, Mr. KOHL, Mr. CLELAND, Mr. JOHNSON, Ms. MIKULSKI, Mr. KERRY, Mr. LEVIN, and Mr. SARBANES) proposed an amendment to the bill, S. 1650, supra; as follows:

At the end of the title III, add the following:

21ST CENTURY COMMUNITY LEARNING CENTERS

SEC. . In addition to amounts otherwise appropriated under this title to carry out part I of title X of the Elementary and Secondary Act of 1965 (20 U.S.C. 8241 et seq.), $200,000,000 which shall become available on October 1, 2000 and shall remain available through September 30, 2001 for academic year 2000–2001.

GREGG AMENDMENT NO. 1810

Mr. GREGG proposed an amendment to amendment No. 1809, proposed by Mrs. BOXER to the bill, S. 1650, supra; as follows:

At the end of the amendment proposed strike the ''.'' and insert the following: ''(which funds shall, notwithstanding any other provision of this title, be used to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part, in lieu of being used to carry out part I of title X)''.

BOXER (AND OTHERS) AMENDMENT NO. 1811

(Ordered to lie on the table.)

Mrs. BOXER (for herself, Mr. JOHNSON, Ms. MIKULSKI, Mr. KERRY, Mr. LEVIN, and Mr. SARBANES) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

At the end of the amendment, add the following:

Notwithstanding any other provision of this Act the following shall apply:

SEC. . In addition to amounts otherwise appropriated under this title to carry out part I of title X of the Elementary and Secondary Act of 1965 (20 U.S.C. 8241 et seq.), $200,000,000 which shall become available on October 1, 2000 and shall remain available through September 30, 2001 for academic year 2000–2001.

HUTCHINSON AMENDMENT NO. 1812

(Ordered to lie on the table.)

Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the end of title I, add the following:

TRANSFER OF FUNDS FOR THE CONSOLIDATED HEALTH CENTERS

SEC. . Notwithstanding any other provision of this Act, $25,472,000 of the amounts appropriated for the National Labor Relations Board under this Act shall be transferred and utilized to carry out projects for the consolidated health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b).

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on September 30, 1999, in SR–328A at 9 a.m. The purpose of this meeting will be to discuss the administration's agriculture agenda for the upcoming World Trade Organization meeting in Seattle.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SPECTER. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a business meeting to consider pending business Wednesday, September 29, 10 a.m., hearing room (SD–406).

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

COMMITTEE ON FINANCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet on Wednesday, September 29, 1999, at 9:30 a.m., to hear testimony on

the preparations for the upcoming WTO ministerial meeting in Seattle and the objectives for the multilateral negotiations that will follow.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. SPECTER. 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, September 29, 1999, at 9:30 a.m., to conduct a hearing on S. 1508, a bill to provide technical and legal assistance to tribal justice systems and members of Indian tribes.

The hearing will be held in room 485, Russell Senate Building.

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

COMMITTEE ON THE JUDICIARY

Mr. SPECTER. Mr. President, the Committee on the Judiciary requests unanimous consent to conduct a hearing on Wednesday, September 29, 1999, beginning at 9:30 a.m., in Dirksen Room 226.

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

COMMITTEE ON SMALL BUSINESS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Wednesday, September 29, 1999, to markup S. 791, the Women's Business Centers Sustainability Act of 1999, and other pending legislation. The meeting will begin at 9 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. SPECTER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 29, 1999, at 2 p.m., to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON SURFACE, TRANSPORTATION, AND MERCHANT MARINE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Surface Transportation and Merchant Marine Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 29, 1999, at 9:30 a.m., on the Motor Carrier Safety Act.

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

SUBCOMMITTEE ON WATER AND POWER

Mr. SPECTER. 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, September 29, for purposes of conducting a Water & Power Subcommittee hearing which is scheduled to begin at 2:30 p.m. The purpose of this oversight hearing is to conduct oversight on the practices of the Bureau of Reclamation regarding operations and maintenance costs and contract renewals.

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

ADDITIONAL STATEMENTS

HONORING THE VFW ON ITS 100TH ANNIVERSARY

• Mr. SPECTER. Mr. President, today is the 100th birthday of the Veterans of Foreign Wars (VFW). Yesterday, the Senate approved H.J. Res. 34, a resolution which commemorates that auspicious event. I wish to mark the occasion further by offering my congratulations to the members and families of that fine organization.

In my 19 years as a United States Senator I have been able to count on the VFW to convey the concerns of veterans in a fair and insightful manner. Especially during my tenure as Chairman of the Committee on Veterans' Affairs, I have always been able to rely on the VFW to assist me in ascertaining the quality of health care and benefits provided by the Department of Veterans Affairs (VA). Without the VFW's 2,000,000 strong membership, it would be extremely difficult for the Committee—or the Congress—to operate in the best interest of America's veterans.

Earlier this year, I had the honor of being named the recipient of the VFW Congressional Award. At the award reception, I was struck by the history of the VFW. From the trenches of Verdun to the deserts of Iraq, VFW members have taken their place in America's history, serving to preserve ''one Nation, under God, with liberty and justice for all.''

The service of VFW members, however, has never been limited to wartime service—as vital as that has been. VFW members also play indispensable roles within their communities—as volunteers in VA hospitals and advocates for veteran claimants and through numerous civic and youth projects in every State and locality. Indeed, America counts VFW members among its model citizens.

For 100 years as honorable citizens and soldiers, the VFW deserves America's gratitude for a job well done. We salute you.•

NORMA SULLIVAN

• Mrs. BOXER. Mr. President, I rise in honor of Norma Sullivan, a great Californian who died on September 22 in San Diego.

Norma Sullivan was a woman of many talents: a champion skier, an accomplished poet, a prolific essayist, a loving mother, and an inspirational teacher. But she was best known to her many friends and admirers as a tireless fighter for the environment. As a writer, activist, and spokesperson for the San Diego Audubon Society, Norma was one of Southern California's most dedicated and effective defenders of the natural world.

San Diego County contains some of the nation's most beautiful landscapes and diverse habitat. The County is home to more endangered species per square mile than any other region in the continental United States. Thanks largely to Norma's prodigious efforts, many of these lands and their inhabitants have been preserved for future generations.

She was instrumental in generating support for parks, establishing habitat conservation programs, and blocking projects that would harm the environment—including the proposal to build Pamo Dam near Ramona, which was withdrawn after Norma alerted the community to its dangers.

One of Norma's greatest achievements was her role in creating a major wildlife refuge in southern San Diego Bay. For ten years she worked tirelessly to build support for the refuge among conservationists, landowners, local governments, community members, and federal wildlife agencies. She never shied away from confrontation, but she was always ready to cooperate. Finally, this spring, her long efforts bore fruit when the South San Diego Bay National Wildlife Refuge was established and dedicated.

This magnificent refuge—and many other pristine tracts of San Diego County—live on as part of Norma Sullivan's legacy. She has also left us a model of what it means to be an engaged citizen: a person who works for the public good with intelligence, humor, and love.•

100TH ANNIVERSARY OF THE AMERICAN ROYAL

• Mr. BOND. Mr. President, I rise today in recognition of the 100th anniversary of the American Royal. The American Royal is an annual Fall event that has contributed much to the Kansas City area over the last century. The Royal features world-class horse and livestock competitions; a top-ten PRCA indoor rodeo; as well as many educational and scholarship programs that foster the development of tomorrow's leaders. The American Royal is truly the Midwest's largest and oldest agricultural extravaganza. From the world's largest Barbecue, to the outstanding parade, music and comedy, to the elegant Concert of Champions, the Royal has something for every member of the family.

Even though the Royal began in the 19th Century, it still plays an integral role in the community by providing a connection to Kansas City's rural roots and by celebrating the value of working in agriculture. For many, being a part of the Royal's livestock shows or rodeo can be the highlight of their career. Not only does the Royal offer agricultural competition, but there are

also educational tours of their museum, scholarships and programs for college age youth.

Mr. President, I am truly proud of the contribution the American Royal has made to Kansas City, the state of Missouri, and the entire country over the last 100 years. I wish the Royal well as they continue to be America's best agricultural expose' well into the next millennium.●

WORLD SERIES WINNERS

● Mr. TORRICELLI. Mr. President, I rise today in recognition of the achievements of the Millville Girls All-Star Softball Team, who recently captured the first-ever Babe Ruth Softball World Series. This past year has seen tremendous accomplishments by American female athletes, including the 1999 Women's World Cup Soccer Champions. I am pleased that the state of New Jersey can now boast its own champion's in women's athletics through the Millville team.

The Millville team, comprised of girls 16 years old and younger, defeated several worthy opponents at the Softball World Series. The event, which took place in Kill Devil Hills, North Carolina, was the first Championship of its kind. All of the games were close, particularly the championship game. Millville won this in spectacular fashion, 1–0, on a two-out, ninth-inning-single which scored the winning run. The girls demonstrated outstanding skills and sportsmanship throughout the tournament. From pitching a no-hitter, to numerous diving catches, to clutch hitting; the Millville team proved themselves to be superb players, and model young athletes.

The character and manners displayed by the thirteen girls on the Millville team throughout the Softball World Series should be a source of pride for the Millville community, the Southern New Jersey region, and the State as a whole. The values of the parents, teachers, officials, and volunteers of Millville are clearly reflected in the play and conduct of the World Champions.

I am proud to recognize the accomplishments and contributions of Rachel Barber, Amy Holliday, Jil Conner, Constance DeSalvo, Tara Haines, Colleen Scholl, Rachel Mudry, Danielle Weber, Megan Lore, Adina De Hainaut, Jodi Dick, Christin Carpini, and Debra Vento. I know they will continue to make New Jersey proud for years to come, and I look forward to watching them defend their title next year.●

TRIBUTE TO BILL GREELY

● Mr. McCONNELL. Mr. President, I rise today to pay tribute to Bill Greely on the occasion of his retirement. My good friend Bill served as assistant manager and general manager of the Keeneland Association for 14 years, and is now stepping down from his successful 13-year post as the Association's president.

Bill is a true horseman. He grew up in the Keeneland community, and began spending time at the horse track when he was a small child. Bill began taking on responsibilities at the horse track when he was just seven years old, and has worked in almost every aspect of horse racing in tracks around the country—but it is clear that Bill has always been partial to Keeneland. In 1972, after years of moving around the country from track to track, he finally got his chance to return to his hometown, working at the track he loved.

Bill's long-time affiliation with Keeneland and love of horse racing made him an ideal candidate to manage the track and eventually become president. Bill's knowledge of the horse industry prepared him for his leadership role at Keeneland, and enabled him to make Keeneland one of the nation's premiere horse tracks. During his time at Keeneland, Bill updated the track's betting options, improved the grandstands and grounds, and brought Keeneland to a level of growth that will be hard to exceed or even match.

Keeneland would not be what it is today without Bill's leadership and guidance over the last 27 years—and Bill would not be where he is today without the love and support of his family. His wife Norma, and their children Sean, Kevin and Kara, endured numerous moves before they finally settled down in Lexington, and they have helped sustain Bill during his demanding career at Keeneland. A third generation horseman, Bill has seen first-hand what it takes to simultaneously work the track and raise a family—and he has happy, successful children to prove he made it work.

Thank you, Bill, for putting so much of yourself into Keeneland to make it a better place for others. Your hard work and successes have become your legacy, and will continue to impact the entire horse industry for years to come. My colleagues join me in congratulating you on a job well done, and wish you all the best as you enter this new stage in life.●

TRIBUTE TO LEBANON CLOWNS

● Mr. THOMPSON. Mr. President, on June 18, 1999, Tennessee-based Lebanon Clowns celebrated their inaugural reunion at their Baseball Team Roundup in Lebanon. The Negro League baseball team gathered for the first time in over thirty years to reminisce about their youthful baseball exploits. The Clowns were a favorite among Lebanon's African-American community as they played teams from Birmingham, Alabama, Pontiac, Michigan and Nashville and Chattanooga, Tennessee.

The Negro Leagues were an integral part of American baseball history. A product of segregated America, it gave opportunity where opportunity did not exist. The teams were professional, pre-integration black baseball leagues in which the level of play was considered to be the equal of play in major league baseball. The first stable black league was the Negro National League organized in 1920 by Andrew ''Rube'' Foster. This league, as well as the recognized Negro National League—created by Gus Greenlee in the early 1930s—and the Negro American League, are universally regarded as having offered the highest level of play among African-American players of the day.

During the 1940s the Negro National and Negro American leagues reached their highest point of popularity and financial success. While fans dreamed of watching their stars compete in major league play, the eventual realization of this dream meant the end of both leagues. Some historians contend that the Negro Southern League and Texas Negro League, as well as several of the stronger independent teams during the 1920s and 1930s, offered major league caliber play.

The Negro National League folded under financial pressures at the end of the 1948 season. The Negro American League continued play into the late 1950s, but was no longer a stable circuit. As the talent pool of black baseball was absorbed into the integrated major and minor leagues, Negro League team owners were left without a product of sufficient quality to attract fans to the ballpark.

Baseball history would not be complete without recognizing Negro League teams such as the Philadelphia Stars, Newark Eagles, Bacharach Giants, Nashville Elite Giants, St. Louis Stars, and the Memphis Red Sox. The Negro Leagues brought us such great players as Willie Mays, Henry Aaron, Satchel Paige, Smokey Joe Williams, and Jackie Robinson. The players and teams of the Negro Baseball League have become a fundamental part of American culture and are forever woven into the fabric of professional baseball. The surviving players, some now in their seventies, are still as filled today with pride and love for the game as they were when they were young rookies on dusty sandlots.

So today, I pay tribute to the Negro League by recognizing the deceased and surviving players and managers of the Lebanon Clowns, Negro League baseball team:

John Forris ''Bigclue'' Griffith; Harry ''Hammerhead'' Harris, Jr.; Tommy ''Redeye'' Humes; Robert Earl ''Smiley'' Smith; Gilbert ''Sunny'' Oldham; Robert Oldham; Teddy ''Mutt'' Owens; Claude Britton; Bob ''Woods'' Oldham; L.D. ''Zeak'' Ward.

George McGown, Jr.; Jerry ''Foots'' Oldham, Sr.; Robert L. ''Pondwater'' McClellan; Betty Lou Oldham; Bob White; Price Logue; Norton Whitley; Roy L. Clark; Kenny Andrews.

James Shannon; Lee R. Rhodes; Carl Gilliam; Lonnie Gilliam; Howard Walker; Eddie Muirhead; Charles Walker; Pot Walker.

Herman Denny; James H. Carter; Walter ''Rabbit'' Hastings; Robert Pincky; Charlie McAdoo; Jelly Walker; John C. Martin; Junior Donnell; Frank Simpson; Lonnie Neuble.

Buck Hunt; Richard ''Boosem'' Owens; Elmer Draper; James Turner; Arthur Turner; C.D. Woodmore; Sammy Woodmore; Mose Alexander; James Harrison; Delmes Jackson.

Thomas Tubbs; Honey Johnson; John Dockins; Charlie B. Hill; Thomas Hill; Joe L. Rhodes; Fred Clark; Ramond Roberts.

President: Thelma ''Slick'' McAdoo.
Secretary: Anna Mae Palmer.
Managers: Roy ''Shorty'' Catron; Odell Dockins; P.J. Skeens; Tom Walker; Carl ''Bowchicken'' Rhodes.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 232, 237, 240, 241, 242, 243, and nominations in the Army on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations were considered and confirmed as follows:

ARMY

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C. section 12203:

To be major general

Brig. Gen. Peter J. Gravett, 0000
Brig. Gen. Walter J. Pudlowski, Jr., 0000
Brig. Gen. Frederic J. Raymond, 0000

To be brigadier general

Col. Lewis E. Brown, 0000
Col. Dan M. Colglazier, 0000
Col. James A. Cozine, 0000
Col. David C. Godwin, 0000
Col. Carl N. Grant, 0000
Col. Herman G. Kirven, Jr., 0000

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Armando Falcon, Jr., of Texas, to be Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, for a term of five years.

FEDERAL RESERVE SYSTEM

Roger Walton Ferguson, Jr., of Massachusetets, to be Vice Chairman of the Board of Governors of the Federal Reserve System for a term of four years.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Zell Miller, of Georgia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2000.

DEPARTMENT OF STATE

Edward W. Stimpson, of Idaho, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Counsel of the International Civil Aviation Organization.

Sim Farar, of California, to be a Representative of the United States of America to the Fifty-fourth Session of the General Assesmbly of the United Nations.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE ARMY

Army nominations beginning *Eric J. Albertson, and ending *Stanley E. Whitten, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 1999.

Army nominations beginning Roger F. Hall, Jr., and ending Paul K. Wohl, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 1999.

Army nomination of Robert A. Vigersky, which was received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army nominations beginning Michael V. Kostiw, and ending David T. Ulmer, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army nominations beginning Robert S. Adams, and ending Jeffrey P. Stolrow, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army nominations beginning Jon A. Hinman, and ending *Glenn R. Scheib, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army nominations beginning James E. Cobb, and ending Curtis G. Whiteford, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army nominations beginning Herbert J. Andrade, and ending Nathan A. K. Wong, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army nominations beginning Richard P. Anderson, and ending Gary F. Wainwright, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Army nominations beginning *Rodney H. Allen, and ending *Clifton E. Yu, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDER FOR STAR PRINT—S. 1574

Mr. SPECTER. Mr. President, I ask unanimous consent that a star print of S. 1574 be made with the changes that are already at the desk.

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

ENERGY POLICY AND CONSERVATION ACT AMENDMENTS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of Calendar No. 287, S. 1051.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1051) to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

(a) In section 166 (42 U.S.C. 6246), by inserting ''through 2003'' after ''1999''.

(b) In section 181 (42 U.S.C. 6251), by striking ''1999'' each place it appears and inserting ''2003''.

SEC. 2. Title II of the Energy Policy and Conservation Act (42 U.S.C. 6261–6285) is amended—

(a) In section 256(h) (41 U.S.C. 6276(h)), by inserting ''through 2003'' after ''1997''.

(b) In section 281 (42 U.S.C. 6285), by striking ''1999'' each place it appears and inserting ''2003''.

Mr. SPECTER. I ask unanimous consent that the committee substitute be agreed to.

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

The committee amendment was agreed to.

Mr. SPECTER. Mr. President, I ask unanimous consent the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1051), as amended, was read the third time and passed.

AUTHORIZING EXPENDITURES BY SENATE COMMITTEES

Mr. SPECTER. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 289, S. Res. 189.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A resolution (S. Res. 189) authorizing expenditures by committees of the Senate for the periods of October 1, 1999, through September 30, 2000, and October 1, 2000, through February 28, 2001.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I am pleased to support the resolution before the Senate today which authorizes funding for 18 Senate standing committees through the remainder of the biennium ending on February 28, 2001.

This resolution marks another milestone in the development of the biennial funding authority for committees, first authorized in the 100th Congress. Since 1989, the Senate has funded committees on a two-year basis. The two-year budget has given the authorizing committees, and the Rules Committee in its capacity as the oversight committee, a management tool for efficiently operating the Senate committees. The two-year budget process allows for a continuity of funding which provides greater flexibility in allocating committee funds and scheduling committee business. Although the Rules Committee has adjusted the biennial funding authority in the past to provide greater flexibility to committees, the Senate has consistently approved a biennial budget for committee funding in each of the last six Congresses.

In the 106th Congress, changes in the Senate financial management system

required to address Y2K issues necessitated a departure from the Senate rules and past practices. In the past, the Rules Committee completed action on the biennial committee funding resolution prior to the beginning of the new biennium on March 1 of the new Congress, as provided for in Rule XXVI of the Senate Rules. Due to the pressing business of the Senate at the beginning of the Congress, and in light of a number of unresolved issues regarding the implementation of the new financial management system in the Senate, the majority and minority staff of the Committee jointly recommended delaying committee action on the biennial budget until later in the year. Consequently, the Committee proposed, and the Senate adopted, S. Res. 38 on February 12 of this year, which authorized the Rules Committee to report a continuing resolution for committee funding for the period of March 1, 1999 through September 30, 1999. Subsequently, the Committee adopted, and the Senate passed, S. Res. 49 which funded 18 standing committees on a continuing basis for this period. In June, the Senate passed S. Res. 122, which required the authorizing committee to report their funding resolution by July 15 of this year and authorized the Rules Committee to report an omnibus funding resolution for the remainder of the biennium, ending on February 28, 2001. S. Res. 189 before us today is the culmination of this process.

This resolution preserves the overall flexibility of a two-year budget while modifying past practices to reflect changes in the Senate's financial management system. At the recommendation of the Senate Disbursing Office, this resolution moves the committee budget year from two equal funding periods, within the overall two-year budget, of March 1 through February 28, to three varying funding periods which track the Senate's fiscal year period. S. Res. 49 provided funding for the first of the three periods, March 1 through September 30, 1999. S. Res. 189 authorizes committee spending during each of the next two periods of the biennium: October 1, 1999 through September 30, 2000, and finally, October 1, 2000 through February 28, 2001. It is anticipated that the biennial funding resolution adopted in the 107th Congress will once again follow Senate Rule XXVI and be adopted prior to March 1, 2001, providing funding for committees for the three fiscal year periods occurring during the biennium ending February 28, 2003.

Most importantly, this resolution continues a practice begun by the Rules Committee in 1993 referred to as the ''special reserves.'' Special reserves result from the overlap in the end of the committee funding year on February 28 and the end of the fiscal year on September 30. The unobligated balances of the authorizing committee budgets which are unspent at the end of the biennium on February 28, but which remain available through the end of the fiscal year on September 30, are reprogrammed into special reserves and made available to the committees to meet their unforseen needs.

The Rules Committee first authorized the use of special reserves in the 103rd Congress in S. Res. 71, section 23. In that resolution, the Senate authorized special reserves to be reprogrammed as carry-over funds for the committees. In the 104th Congress, the Rules Committee reported S. Res. 73, section 22 of which continued the authorization for special reserves, but eliminated the authorization for automatic carry-over and replaced it with a procedure whereby the chairman and ranking member of the authorizing committee could jointly request a draw on the special reserves, subject to the joint approval of the chairman and ranking member of the Rules Committee. This procedure, and the authorization for special reserves, was continued in the 105th Congress in S. Res. 54, section 22. Finally, in the 106th Congress, S. Res. 49, which provided funding for committees on a continuing basis through September 30, 1999, also contained, in section 20, the authority for special reserves. This authority continued the procedure first adopted in the 104th Congress providing that the chair and ranking member of the authorizing committee jointly request a draw on special reserves, subject to the joint approval of the chair and ranking member of the Rules Committee.

Although section 20 of S. Res. 189 continues the authority for special reserves, and the procedure by which such reserves are accessed by committees, this resolution reflects an important change in the calculation of the special reserves amount. Prior to the 106th Congress, special reserves represented a reprogramming of unobligated balances that automatically occurred when the committee funding authorization ended on February 28. With the changes necessitated by the new financial management system, committee funding authorizations now track the fiscal year. Consequently, there is no overlap between the end of the committee funding year and the end of the fiscal year. Therefore, in order to assure that sufficient funds remain available in the appropriations Investigations and Inquiries account to fund the unforseen needs of committees, the Rules Committee specified a funding level for special reserves. That funding level is based on the historic amount that has been available to the Committee for special reserves in the past three Congresses.

I want to commend our chairman, Senator MCCONNELL, for shepherding this resolution to the Senate floor. His leadership during this transition year has ensured that the committees have received sufficient funds while allowing the Committee time to adjust to the new financial management system. I especially commend the chairman for continuing the special reserves provision and for the responsible manner in which he has proposed to fund special reserves. This provision ensures that the Rules Committee can continue to hold committee funding to its historic levels, while retaining the flexibility to meet the unforseen needs that may result.

I urge adoption of this resolution.

Mr. SPECTER. I ask unanimous consent that this resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

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

The resolution (S. Res. 189) was agreed to, as follows:

S. RES. 189

Resolved,

SECTION 1. AGGREGATE AUTHORIZATION.

(a) IN GENERAL.—For purposes of carrying out the powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate there is authorized for the period October 1, 1999, through September 30, 2000, in the aggregate of $52,933,922, and for the period October 1, 2000, through February 28, 2001, in the aggregate of $22,534,293, in accordance with the provisions of this resolution, for standing committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Select Committee on Indian Affairs.

(b) EXPENSES OF COMMITTEES.—

(1) IN GENERAL.—Except as provided in paragraph (2), any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required—

(A) for the disbursement of salaries of employees of the committee who are paid at an annual rate;

(B) for the payment of telecommunications expenses provided by the Office of the Sergeant at Arms and Doorkeeper and the Department of Telecommunications;

(C) for the payment of stationery supplies purchased through the Keeper of Stationery;

(D) for payments to the Postmaster;

(E) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper; or

(F) for the payment of Senate Recording and Photographic Services.

(c) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees for the period October 1, 1999, through September 30, 2000, and for the period October 1, 2000, through February 28, 2001, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate.

SEC. 2. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $2,118,150, of which amount—

(1) not to exceed $4,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $903,523, of which amount—

(1) not to exceed $4,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. COMMITTEE ON ARMED SERVICES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $3,796,030, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,568,418, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 4. COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $3,160,739, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $850, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,348,349, of which amount—

(1) not to exceed $8,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $354, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 5. COMMITTEE ON THE BUDGET.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $3,449,315, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,472,442, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 6. COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $3,823,318, of which amount—

(1) not to exceed $14,572, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $15,600, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,631,426, of which amount—

(1) not to exceed $14,572, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $15,600, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 7. COMMITTEE ON ENERGY AND NATURAL RESOURCES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the

period October 1, 1999, through September 30, 2000, under this section shall not exceed $2,924,935.

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.— For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,248,068.

SEC. 8. COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $2,688,097, of which amount—

(1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,146,192, of which amount—

(1) not to exceed $3,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 9. COMMITTEE ON FINANCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $3,762,517, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,604,978, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 10. COMMITTEE ON FOREIGN RELATIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $3,158,449, of which amount—

(1) not to exceed $45,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,347,981, of which amount—

(1) not to exceed $45,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 11. COMMITTEE ON GOVERNMENTAL AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $5,026,582, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $2,144,819, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(d) INVESTIGATIONS.—

(1) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an

impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) EXTENT OF INQUIRIES.—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from October 1, 1999, through February 28, 2001, is authorized, in its, his, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) AUTHORITY OF OTHER COMMITTEES.—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 49, agreed to February 24, 1999 (106th Congress) are authorized to continue.

SEC. 12. COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $4,560,792, of which amount—

(1) not to exceed $22,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $15,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,946,026, of which amount—

(1) not to exceed $22,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $15,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 13. COMMITTEE ON THE JUDICIARY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $4,845,263, of which amount—

(1) not to exceed $60,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $2,068,258, of which amount—

(1) not to exceed $60,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 14. COMMITTEE ON RULES AND ADMINISTRATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $1,647,719, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $703,526, of which amount—

(1) not to exceed $21,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 15. COMMITTEE ON SMALL BUSINESS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the

Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $1,330,794, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $567,472, of which amount—

(1) not to exceed $10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 16. COMMITTEE ON VETERANS' AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $1,246,174, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $531,794, of which amount—

(1) not to exceed $21,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $2,100, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 17. SPECIAL COMMITTEE ON AGING.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977, (Ninety-fifth Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $1,459,827, of which amount not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $622,709, of which amount not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946).

SEC. 18. SELECT COMMITTEE ON INTELLIGENCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), in accordance with its jurisdiction under section 3(a) of that resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of that resolution, the Select Committee on Intelligence is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $2,674,687, of which amount not to exceed $65,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $1,141,189, of which amount not to exceed $65,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946).

SEC. 19. COMMITTEE ON INDIAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed $1,260,534, of which amount not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed $537,123, of which amount $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 20. SPECIAL RESERVE.

(a) ESTABLISHMENT.—Within the funds in the account ''Expenses of Inquiries and Investigations'' appropriated by the legislative branch appropriation Acts for fiscal years 2000 and 2001, there is authorized to be established a special reserve to be available to any committee funded by this resolution as provided in subsection (b) of which—

(1) an amount not to exceed $3,700,000, shall be available for the period October 1, 1999, through September 30, 2000; and

(2) an amount not to exceed $1,600,000, shall be available for the period October 1, 2000, through February 28, 2001.

(b) AVAILABILITY.—The special reserve authorized in subsection (a) shall be available to any committee—

(1) on the basis of special need to meet unpaid obligations incurred by that committee during the periods referred to in paragraphs (1) and (2) of subsection (a); and

(2) at the request of a Chairman and Ranking Member of that committee subject to the approval of the Chairman and Ranking Member of the Committee on Rules and Administration.

ORDERS FOR THURSDAY, SEPTEMBER 30, 1999

Mr. SPECTER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Thursday, September 30. I further ask consent that immediately following the prayer, the Journal of 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 the Senate then resume consideration of the pending Gregg amendment to the Labor-HHS appropriations bill.

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

PROGRAM

Mr. SPECTER. For the information of all Senators, the Senate will reconvene at 9:30 a.m. tomorrow and immediately begin 30 minutes of debate on the Boxer amendment regarding after-school programs and the Gregg second-degree amendment to the Boxer amendment. At the expiration of that debate, the Senate will proceed to two back-to-back votes at approximately 10 a.m. Further amendments are expected to be offered during tomorrow's session of the Senate. Therefore, Senators may expect votes throughout the day and into the evening. The Senate may also consider any conference reports available for action.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SPECTER. 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 7:16 p.m., adjourned until Thursday, September 30, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 29, 1999:

TENNESSEE VALLEY AUTHORITY

SKILA HARRIS, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2008, VICE WILLIAM H. KENNOY, TERM EXPIRED.

GLENN L. MCCULLOUGH, JR., OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE REMAINDER OF THE TERM EXPIRING MAY 18, 2005, VICE JOHNNY H. HAYES, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 29, 1999:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ARMANDO FALCON, JR., OF TEXAS, TO BE DIRECTOR OF THE OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FOR A TERM OF FIVE YEARS.

FEDERAL RESERVE SYSTEM

ROGER WALTON FERGUSON, JR., OF MASSACHUSETTS, TO BE VICE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOUR YEARS.

OVERSEAS PRIVATE INVESTMENT CORPORATION

ZELL MILLER, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2000.

DEPARTMENT OF STATE

EDWARD W. STIMPSON, OF IDAHO, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE COUNCIL OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.

SIM FARAR, OF CALIFORNIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. PETER J. GRAVETT, 0000
BRIG. GEN. WALTER J. PUDLOWSKI, JR., 0000
BRIG. GEN. FREDERIC J. RAYMOND, 0000

To be brigadier general

COL. LEWIS E. BROWN, 0000
COL. DAN M. COLGLAZIER, 0000
COL. JAMES A. COZINE, 0000
COL. DAVID C. GODWIN, 0000
COL. CARL N. GRANT, 0000
COL. HERMAN G. KIRVEN, JR., 0000
COL. ROBERTO MARRERO-CORLETTO, 0000
COL. WILLIAM J. MARSHALL III, 0000
COL. TERRILL MOFFETT, 0000
COL. HAROLD J. NEVIN, JR., 0000
COL. JEFFREY L. PIERSON, 0000
COL. RONALD S. STOKES, 0000
COL. GREGORY J. VADNAIS, 0000

ARMY NOMINATIONS BEGINNING *ERIC J. ALBERTSON, AND ENDING *STANLEY E. WHITTEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 1999.

ARMY NOMINATIONS BEGINNING ROGER F. HALL, JR., AND ENDING PAUL K. WOHL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 1999.

THE FOLLOWING NAMED PERSON FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBERT A. VIGERSKY, 0000

ARMY NOMINATIONS BEGINNING MICHAEL V. KOSTIW, AND ENDING DAVID T. ULMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

ARMY NOMINATIONS BEGINNING ROBERT S. ADAMS, AND ENDING JEFFREY P. STOLROW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

ARMY NOMINATIONS BEGINNING JON A. HINMAN, AND ENDING *GLENN R. SCHEIB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

ARMY NOMINATIONS BEGINNING JAMES E COBB, AND ENDING CURTIS G. WHITEFORD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

ARMY NOMINATIONS BEGINNING HERBERT J ANDRADE, AND ENDING NATHAN A.K. WONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

ARMY NOMINATIONS BEGINNING RICHARD P. ANDERSON, AND ENDING GARY F. WAINWRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

ARMY NOMINATIONS BEGINNING *RODNEY H. ALLEN, AND ENDING *CLIFTON E. YU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

WITHDRAWALS

Executive messages transmitted by the President to the Senate on September 29, 1999, withdrawing from further Senate consideration the following nominations:

TENNESSEE VALLEY AUTHORITY

SKILA HARRIS, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE REMAINDER OF THE TERM EXPIRING MAY 18, 2005, VICE JOHNNY H. HAYES, RESIGNED, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 23, 1999.

GLENN L. MCCULLOUGH, JR., OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2008, VICE WILLIAM H. KENNOY, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 23, 1999.

EXTENSIONS OF REMARKS

CRITICAL STEP FORWARD FOR HMO PATIENTS' RIGHTS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Ms. SCHAKOWSKY. Mr. Speaker, the United States Supreme Court will soon hear a case that will have far reaching consequences for millions of health maintenance organization patients. The justices will review an Illinois case about whether patients can sue HMO plans that give doctors bonuses to keep treatment costs down. The issue that the Supreme Court will examine is whether patients can sue HMOs, under federal law, for making medical decisions based on the bottom line.

Millions of Americans already believe that HMOs that limit medical treatment to cut costs and increase profits should be held accountable in a court of law. That is why the Supreme Court decision to review this case is so critical.

That is why it is also vital for Congress to pass meaningful and necessary patient protections that will help give millions of Americans the tools they need to end HMO abuses and hold HMOs accountable.

I wish to attach an article from today's Chicago Sun-Times about the upcoming Supreme Court case.

[From the Chicago Sun Times, Sept. 29, 1999]

COURT TO HEAR HMO BONUSES CASE

(By Lyle Denniston)

WASHINGTON.—The Supreme Court agreed Tuesday to decide whether it is legal for doctors to cut back on treatment to save money for a health maintenance organization.

The outcome of a case from Illinois may go far to determine how much protection federal law will offer Americans in the face of cost-cutting efforts by managed care plans.

In the case, a federal appeals court ruled that it is illegal under federal law for doctors who make treatment decisions for patients of a medical benefits plan to get bonuses for saving the plan money by providing less expensive care.

The 7th U.S. Circuit Court of Appeals, based in Chicago, decided last year that those who make the key decisions for a benefits plan must do so only to further the interests of the patients.

Anyone in the plan management, including doctors who determine the nature and duration of treatment, is obliged to protect the fund's assets for the patients' benefit, the appeals court said.

The appeals court said it feared that managing care has been replaced by managing costs.

A Downstate Bloomington doctor and her HMO employer took the dispute to the Supreme Court, calling the appeals court ruling ''dangerous and disruptive to health care providers and the nation's overall system of health care delivery.''

This controversy, the doctor and the HMO contended, ''is of profound national importance. Most contemporary welfare benefit plans provide for managed care, through HMOs or other devices.'' The appeals court ruling, they argued, makes the main type of organization now used for medical care unlawful.

The case arose after a patient, Cynthia Herdrich, went to see the Bloomington doctor for an abdominal pain. In her 1992 lawsuit against Carle Clinic Association, Herdrich contended that the doctor found a small inflamed mass in the abdomen and directed treatment to be done eight days later at an HMO-owned facility 50 miles away rather than at a Bloomington hospital.

During the eight-day wait, the patient claimed, her appendix ruptured. She said this added further to the HMO's costs, so she sued the doctor to recover for the plan the expenses of her added care. Her claim was dismissed in federal court but was reinstated during appeal.

TRIBUTE TO DON KING

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to one of America's greatest boxing promoters, Mr. Don King.

Born on August 20, 1931, and raised in the Cleveland housing projects by his mother Hattie, Don beat the odds to become a very successful promoter. His shocking hair style, infectious smile, booming laugh, inimitable vocabulary and his catch phrase ''Only in America!'' have made Don King universally recognizable.

King's career as a promoter spans three decades and includes more than 500 world championship fights, but it began with a plea to help save a Cleveland hospital. Facing a severe shortage of funds, Forest City Hospital was prepared to shut down. King knew the hospital was vital to poor and working class people. He sought out heavyweight champion Muhammad Ali and asked him to support a benefit to raise money for the hospital. The two men hit it off and the hospital was saved.

Mr. Speaker, Don's promotions have entertained billions around the globe. His life has been devoted to staging the best in world championship boxing, as well as giving back to the people. Don King promotes events that have given the sports and entertainment world some of their most thrilling and memorable moments and have advanced the careers of many African-American and Puerto Rican fighters.

In 1974 King promoted one of history's biggest fights in the former Zaïre (now the Democratic Republic of Congo). Dubbed ''The Rumble in the Jungle,'' the fight featured Muhammad Ali against George Foreman. The first major black promoter, King controlled the heavyweight title from 1978–90 while Larry Holmes and Mike Tyson were champions. He regained control of the heavyweight title in 1994 with wins by Oliver McCall (WBC) and Bruce Seldon (WBA). Other fighters he promoted include Roberto Duran, Julio Cesar Chavez and of course the new WBC welterweight champion, Mr. Felix ''Tito'' Trinidad.

King's tireless and continuous philanthropic efforts are rarely chronicled, but as he says, ''if you do something just to get noticed, then it is not a truly charitable gesture.'' He established the Don King Foundation, and through it has donated millions of dollars to worthy causes and organizations. As a reminder of the economic hardship he endured growing up, King has gone into neighborhoods every holiday season and personally handed out turkeys to needy families. Don's ''Turkey Tour'' has given away hundreds of thousands of turkey dinners over the years in cities across the country during the holiday season.

Inducted into the Boxing Hall of Fame in 1997, King was the only boxing promoter named to Sports Illustrated's list of the ''40 Most Influential Sports Figures of the Past 40 Years.'' The New York Times published a list that included Don King among 100 African-Americans who have helped shape this country's history during the last century. The honors and awards he has been given are almost beyond counting.

Don King is married to Henrietta and they have two sons, Carl and Eric, a daughter, Debbie, and five grandchildren.

Mr. Speaker, I ask my colleagues to join me in paying tribute to America's greatest boxing promoter, Mr. Don King.

THE ANNIVERSARY OF SAMARITAN HOUSE—TWENTY–FIVE YEARS OF SERVICE TO SAN MATEO COUNTY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in expressing heart-felt appreciation to Samaritan House of San Mateo County. As this outstanding nonprofit organization celebrates twenty-five years of service, I want to congratulate and commend Samaritan House and its leaders for distinguished service to San Mateo County.

The Samaritan House has dedicated its energies and efforts to meeting the needs of low-income residents of central San Mateo County. The organization has provided help to over 15,000 individuals each year, and it has made a great contribution to the improvement of our community. The goal of this organization is to provide immediate assistance to those in urgent need, while helping them on the road back to self-sufficiency. This is a truly praiseworthy effort, which has required countless hours of service and dedication from individuals and groups within the community under the leadership of Samaritan House.

Mr. Speaker, the efforts of Samaritan House to assist the disadvantaged began in 1974 and have steadily grown each year since. The

organization now provides meals five days a week from two different sites. It also maintains a food pantry which distributes over 325 food boxes each month to area families. Medical attention and emergency shelters are also made available by the group. The Samaritan House offers free tutoring and legal services, as well as clothing and furniture. This type of service, which is urgently needed in our community, has been generously provided by the Samaritan House.

Over 1,200 volunteers work with Samaritan House, and these generous people share their means and contribute their time and effort to assist those in need. They promote self-sufficiency and preserve the dignity and worth of those they help. It is my desire that my Colleagues in the Congress not only pay tribute to Samaritan House but that—in recognition of the quarter century of humanitarian achievement of Samaritan House—we renew our own personal commitment to assist those who are in need.

Mr. Speaker, Samaritan House is an inspiring organization. It has helped people who are in need not only with immediate care and the necessities of life, but it has also helped to provide longer-term help so that people are able to stabilize their lives and move on to self-sufficiency. I am extremely grateful for the caring men, women, and children who have dedicated time and energy to this endeavor. I invite my colleagues to join me in expressing our sincere appreciation and congratulating Samaritan House on its twenty-fifth anniversary.

HONORING WILLIAM E. CHALTRAW

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to honor William E. Chaltraw for his commitment to the Fresno community and his dedication for his countless hours of volunteer work.

William E. Chaltraw, owner of Chaltraw & Associates, has 23 years of experience as a certified public accountant. His associates include his daughter Kristen, also a certified public accountant, and his wife Agnes, office manager of the family-owned business.

Chaltraw moved to Fresno with his parental family in 1963 from Detroit, Mich. He later graduated summa cum laude from CSUF in 1976 and spent most of his years as a partner at Deloitte & Touche before hanging out a shingle bearing his family name. He also taught individual, partnership and corporate taxation at his alma mater for more than four years.

Chaltraw is a man who seems to consistently take on additional responsibilities. Right now, he is the chairman of Community Medical Foundation's board of trustees and a member of Community Medical Center's corporate affairs committee. As chairman, Chaltraw's duties include overseeing the board's activities, meeting with corporate officers and volunteers and directing the goals the foundation has set.

Community certainly isn't Chaltraw first experience with nonprofit organizations. His experience includes serving as president of the Fresno Metropolitan Rotary Club, past president of the Rotary Storyland/Playland board of trustees, and chairman of the taxation committee for the Fresno chapter of the California Society of Certified Public Accountants. He also serves as treasurer for the Bulldog foundation and set to be president of the foundation in the near future.

Mr. Speaker, it is my pleasure to honor William E. Chaltraw for his extraordinary leadership among local business and community activities. He has provided Fresno community with many years of outstanding commitment and handwork. I urge my colleagues to join me in wishing Chaltraw many more years of continued success.

NATIONAL MONUMENT NEPA COMPLIANCE ACT

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. BLUMENAUER. Mr. Speaker, since I was elected to Congress, I have been focusing on the issue of livable communities and how we can create better partnerships between the Federal Government, State and local governments and our citizens. As amended this bill will increase input from local communities while preserving important national landmarks.

The 1906 Antiquities Act has served our nation well for almost a century. It has led to the preservation of the Grand Canyon, Death Valley, and Grand Teton National Parks. These sites have great environmental importance, they add to our nation's heritage, and through tourism they are an important part of local economies. This legislation would ensure that the President continues to have the authority to designate monuments, while giving communities a larger voice in the process. I urge my colleagues to support H.R. 1487, the Public Participation in the Declaration of National Monuments Act.

HONORING EFFORTS TO PRESERVE THE SAN JACINTO BATTLEGROUND STATE HISTORICAL PARK

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. BENTSEN. Mr. Speaker, I rise to honor the people and the spirit behind efforts to restore and maintain San Jacinto Battleground State Historical Park in the 25th Congressional District. This weekend I will have the honor to join members of the Harris County State Legislative Delegation and other members of the Texas Legislature, including the Speaker of the Texas House of Representatives James E. ''Pete'' Laney as they tour the battleground site including a boat ride down Buffalo Bayou and the Houston Ship Channel to its confluence with the San Jacinto River where the Battle of San Jacinto took place on April 21, 1836. This site, now State Park and monument along with the San Jacinto Museum of History, is where the Army of the Republic of Texas, under the command of General Sam Houston, surprised and overwhelmed the Mexican Army and forced the surrender by its General Santa Anna leading to the establishment of the Republic of Texas and, nine years later, its entry into the United States.

In Texas, we believe in honoring our ancestors and preserving history for future generations. That's why the old-fashioned boat ride and picnic symbolizes more than a pleasant outing. It is a reenactment of boat trips from a century ago, when the San Jacinto Chapter of the Daughters of the Republic of Texas hosted trips in the 1980s to attempt to persuade State Legislators to purchase and preserve land around the Battlefield.

The Battlefield and surrounding land, now totaling more than 1000 acres, has long been considered a historical treasure by Texas residents, and was dedicated as a State Park in 1907, eventually receiving designation as a National Historic Landmark. In 1939, work was completed on the towering 567-foot San Jacinto Monument. Designated as a National Engineering Landmark, the Monument rises 12 feet higher than the Washington Monument and is the world's tallest monument column. The Museum which is housed in the base of the Monument opened in 1939 and holds hundreds of thousands of artifacts relating to Texas as a part of Spain, Mexico, the Republic of Texas, and early Statehood. Operating in a public/private partnership, the Park is administered by the Texas Parks and Wildlife Department; and the San Jacinto Museum of History, a nonprofit educational organization, operates the Museum.

The goal of the individuals currently working to preserve San Jacinto State Park, the Battlefield, the Monument, and the Museum is just as compelling and challenging today as it was a hundred years ago. This weekend the Trustees of San Jacinto State Park and Museum will do more than launch a boat trip; they will launch the beginning of the effort to return much of the Battleground to its natural appearance at the time of the 1836 battle and to transform the site into a world-class interpretive center and museum. The New Master Plan for the San Jacinto Battleground State Park, which will be outlined for the public and legislators, will eliminate some of the modern additions to the site that lessen the impact of experience for the 1.5 million people who visit the site annually. Restoring the site to its original and natural state will serve to create a better understanding of the sacrifices of those who fought there and the extraordinary historical significance of the battle itself.

Today it is very difficult for visitors to traverse the site and understand the Battle because of so many changes to the Battleground. Since its original designation as a Park, the Battleground has been partially obscured by buildings and monuments; by disposition of dredging soil; by landscaping; by construction of roads, picnic pads and other structures; and by subsidence ranging from eight to ten feet. interpretation of the Battle is further complicated by the presence of the Battleship of Texas and its parking and support facilities. The main goals of the San Jacinto Battleground State Historical Park Master Plan is to give primary emphasis to the Battle and its physical setting in order to enhance interpretation and the visitor experience. After all, the site's national significance

is due to the 1836 Battle, and to the extent feasible, the Master Plan focuses on returning the Battleground to its 1836 condition of prairie, marshes and trees so that visitors can visualize and understand the terrain and its influence on the tactics and outcome of the Battle.

A hundred years after the Daughters of the Republic of Texas saw fit to lobby the Legislature, forward-thinking individuals with vision and heart who want to preserve historically significant Texas for our children and grandchildren are again springing into action. Great Texans such as the Trustees and officials of the San Jacinto Museum of History, including Paul Gervais Bell, William P. Conner, and J.C. Martin; the Daughters of the Republic of Texas, including Marian Beckham and Jan de Vault; Representatives for the Harris County Delegation, including Rep. Jessica Farrar and Rep. John Davis, and just some of the people who are once again taking up the cause of Texas history and culture. Also, Sam Houston IV, the great-grandson of General Sam Houston will be present along with Andrew Sansom, Executive Director of the Texas Parks and Wildlife Department.

As a fifth generation Texan I am especially proud that my family has been actively involved in the preservation of battleground and museum. My grandfather, the late Col. William B. Bates, was one of the five founding Trustees of the San Jacinto Museum of History when it was organized in 1938. He was instrumental in helping to establish and maintain the museum's operations and its historically significant collection of Texana and Western Americana. I maintain many volumes of Texas history from his personal library. That enduring love for preserving history and heritage lives on with my mother, Mary Bates Bentsen, who currently serves as a Trustee of the Museum.

In an area now known for petro-chemical production and the activity associated with one of the world's busiest seaports, one can still look out from the battleground site and see the Lynchburg Ferry which ran at the time of the battle and does so today. In his farewell to his troops delivered May 5, 1836, General Houston said of his forces, ''Your valor and heroism have proved unrivaled . . . You have countered the odds of two to one and borne yourselves in the onset and conflict of battle in a manner unknown in the manners of modern warfare. (W)hen liberty is firmly established by your patience and your valor, it will be fame enough to say, ''I was a member of the Army of San Jacinto.'''

Mr. Speaker, we Texans believe the Battle of San Jacinto was a defining moment in our history which must be preserved for generations to come. I congratulate the San Jacinto Museum of History's Trustees, the Daughters of the Republic of Texas, and other friends of the Park for continuing the fight to preserve our historical places and culture. All of Harris County, the entire state of Texas, and our future generations are the richer for their noble efforts.

TRAGEDY IN EAST TIMOR

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. GUTIERREZ. Mr. Speaker, on September 4, 1999, U.N. officials announced the results of a U.N.-sponsored referendum of voters in East Timor. 78.5 percent of the voters rejected an indonesian government plan for East Timor to receive a special autonomy arrangement within Indonesia. This result, which effectively called for independence, sparked a rampage of killings and other acts of terror by East Timorese paramilitary groups supported by the Indonesian Army.

One of my constituents, Mr. Michael Rhoades of Chicago, went to East Timor to serve as a United Nations accredited observer of the August 30 referendum. He participated with the International Federation for East Timor (IFET) Observer Project as a photojournalist. I submit a copy of a recent letter from Mr. Rhoades dated September 25, 1999. He was an eyewitness to the horrors that took place in East Timor.

I urge my colleagues to cosponsor H.R. 2809. This bill will impose an immediate suspension of assistance to Indonesia until the results of the August 30, 1999, vote in East Timor have been implemented.

I send this letter out of desperation, writing from Australia where I've been for a few weeks courtesy of an Australian Air Force evacuation flight from Dili, East Timor. Two weeks ago I flew from Darwin (our evac destination) to Sydney, sitting frustrated and sad now as I wait to fly back into Timor. It is difficult to write this because there is so much to say, because these have been some of the most heartbreaking weeks of my life, feeling absolutely powerless as politicians bow and curtsy through shallow condemnations of the Indonesian massacre in East Timor.

I was in East Timor as an election/human rights observer with the International Federation for East Timor's observer project (IFET–OP). We were (I add proudly) the largest observer group in Timor, at one time numbering almost 150 participants with small teams dispersed in villages and cities throughout the country. Our mandate was to document human rights abuses and election rule violations during the August 30 popular consultation, as well as the periods immediately preceding and following.

During my stay in Timor I saw time and again the blurring between ranks of military, police, and militia personnel. I heard stories from refugees sheltering in churches who'd been told that if the vote was for independence their village would be slaughtered. I heard soldiers scream to a family cowering behind the front wall of their home that they'd be back to kill them in the night. I helped try to save a young man (younger than me) dying from machete wounds, ghost-walking bleeding from his shoulder, arms, and gut—bone and intestines pressing through split flesh.

I saw this younger-than-me man wrapped in soaked-through bloody sheets as we helped him into our truck. He remained absolutely silent while his sister and father screamed his pain and part of our team sped him off to the only medical clinic still functioning in Dili. I saw him (in-head) as we dodged military and militia patrols trying to get (quick and nonchalant) back home. I see him as I write this letter, I see him as I remember hearing that he was dead.

I see this younger-than-me man as Indonesia stalls for time and our leaders huff and sigh for the cameras and their respective constituencies. I see this dead boy, and my friends left behind in East Timor.

I fear (am terrified) for the life of Gaspar da Costa whose house we rented in the mountain village of Maubisse, and who went behind that house to quietly cry while we went inside to hurridly pack after telling him we were evacuating, leaving his town for the ''safety'' of Dili; ''and what happens to my family?'' he asked as we swapped our integrity for our skins. And I snapped pictures of Gaspar and his brothers and wife and daughters to document in advance the barbarism of the Indonesian government, preferring to photograph the da Costas while still alive, hugging Gaspar with everything in me when we left, feeling (though not wanting to believe) that I was hugging a dead man.

And through the cacophony of U.N. sabre rattling I hear Father Mateus, the priest of Maubisse, who assured me that he was not a hero but who absolutely was. And though the East Timorese soil is wet with the blood of thousands far braver than me, I am particularly in awe of Father Mateus who sheltered refugees in his church and who stood up to the local police and militia heads, saying boldly that he did not trust them because he had been shown time after time that he could not trust them. The last I heard of Father Mateus, his name was at the top of the local militia deathlist. Selfless to the point of bullheadedness Father Mateus declared that there had not yet been a priest martyred for East Timor (because at the time there had not been) and he was prepared to be the first.

I remember the horror in the Maubisse polling center the afternoon of the vote when certain militia members and military officers had whispered to the local Timorese polling staff that they'd kill them all in their homes that night. I remember that they slept in the polling center (Maubisse's schoolhouse) on the floor with no blankets, using deconstructed cardboard voting booths as mats. I remember leaving them there when we went home to dinner and a bed at Gaspar's because we were forbidden by our mandate to stay with them through the night. I remember walking up to the school at sunrise the next morning as we'd promised, to see if all was ok, and finding everyone across the road in the church for morning mass. I remember the terror still sharp in their faces as mass finished and they dragged along on tired-of-it feet back to their refuge in the school. And there were the folks who wound their way round to us between the mass and their refuge and shook our hands because they mistakenly thought that we had made the vote possible when it was them—the East Timorese—coming out to vote in mind-blowing numbers that made the vote. And there was the old woman who came up to us and shook our hands and kissed them and said, ''friend.''

I remember my friend Meta who shouted my name and came up to hug me when our team walked through the gates of IFET's Dili HQ after we'd evacuated Maubisse. Meta who was so proud to introduce me to his father. Meta my friend, who is running; who went to hide in the hills. Who I hope with every part of me is still alive, as I do Gaspar and his family and Father Mateus and the brothers and refugees in his church . . . and here I feel like I'm being selective and truly I wish that no Timorese were being slaughtered. But that now is an impossibility, estimates put the death toll in the high thousands or tens of thousands and the longer that we U.N. member states stall, the greater the number of East Timorese being massacred or forcibly ''relocated'' and the greater our collective shame.

When I originally drafted this letter for a few small U.S. newsweeklies, Indonesia had just conceded to allow a U.N. peacekeeping force into East Timor. I, among others, did not trust them. They would stall for time. And in that time there would be more slaughter. It is a week later now and much of this U.N. force is in the region, working with

an Indonesian military which continues to be uncooperative and brutal. Airdropped food is providing a minimum of sustenance for hundreds of thousands of refugees slowly starving in the Timorese hills, but the Jakarta-driven massacre continues as stories of mass-killings during the past few weeks come forward through eye-witness testimonials, as refugees forced into West Timorese camps are terrorized and murdered, and as the militia masses its Indonesian-military-backed forces along the western side of the Indonesia-East Timor border (as it now can be called). The Australian media reported that Interfet peacekeepers chased three TNI trucks (TNI being the acronym of the Indonesian military) through the streets of Dili Thursday, TNI trucks which were loaded with troops who fired three bursts from automatic rifles, trying hard to shatter any remnants of the peace which they were tasked with restoring.

Originally this letter was a call to action. Now, I hope, it acts as a call to continue that action. Unflinching vigilance and continued humanitarian action will be absolute necessities in the coming months, not only in East Timor but also for the hundreds of thousands of refugees forced into military convoys or onto boats headed to West Timor and other Indonesian islands. (Recent reports speak of a near total absences of males between the ages of 16 and 50 in the refugee camps and convoys.) And at home in the United States there are bills in both the House and the Senate (HR. 2809 and S. 1568) which would 'lock-in' the temporary bans on military and financial assistance to Indonesia. These bills also set conditions (including a safe and secure environment in East Timor, full humanitarian assistance, and the return of all refugees), which Indonesia must meet before this assistance can resume. I write this letter in the hopes that you will read it and be incensed, that you will read it and want to pressure our government to act, to continue to act. The United States government carries much of the blame for this slaughter in East Timor, as they have sat by for twenty-four years while Indonesia—third largest global market for U.S. weapons and consumer goods; home to a bargain-priced, easily-exploitable labor force; and our viciously anti-Communist Cold War ally—carried out its sadistic policies against the East Timorese population, as they (the U.S. government—and we citizens by extension) turned a blind-eye and an approving nod to the invasion. I write this letter as a plea, an agonized cry from across the Pacific, to ask that you pressure our representatives in Washington to act. Please pressure them to act.

OPPOSITION TO CONFERENCE AGREEMENT ON H.R. 2488

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. SANDLIN. Mr. Speaker, I have heard my friends on the Republican side talk about how their budget sets aside $2 trillion of the $3 trillion projected surplus for debt reduction. While this certainly sounds appealing to those of us who have been talking about the importance of paying off the national debt, the facts just don't match the rhetoric.

My Republican friends neglect to point out that they are double-counting the Social Security surplus in order to claim that they are reducing the debt. This body has overwhelmingly voted to exclude Social Security surpluses from budget calculations. These surpluses are essential to meet future obligations to Social Security. Every Member of this body, Republican and Democrat alike, have said that Social Security surpluses should only be used for Social Security, and should not be counted for any other purposes. But despite all of the rhetoric about Social Security lockboxes and taking Social Security off-budget, some folks on the other side of the aisle keep counting the Social Security surpluses when it suits their purposes.

Using the Social Security surplus to reduce debt held by the public simply offsets the increased debt held by the Social Security trust fund. If all we do is save the Social Security surplus, we won't reduce the total national debt by one dime, and we will have done nothing to reduce the burden we leave to our children and grandchildren. In fact, despite all of the rhetoric from the other side of the aisle about saving money for debt reduction, the total national debt will increase by $200 billion over the next five years under the Republican budget.

The truth is, they don't want the American people to know the consequences of their massive tax cuts. They don't want them to find out that, if we want to be fiscally responsible and stay within the spending caps we agreed to in the 1997 budget, passing their tax cut bill will require a 38% reduction in spending on important programs—programs like FEMA, class size reduction, and law enforcement. Both parties agree that defense spending needs to increase if we want to preserve military readiness, but if the Republicans pass their tax cuts, our military will suffer as well. While these important programs that benefit all Americans will have to be cut, two-thirds of the tax cut will benefit only those people who fall in the top income tax bracket.

The fiscal irresponsibility does not stop there. The new trick in Republican accounting books is the ''emergency'' spending designation being used to bypass the spending caps. They have even resorted to calling the 2000 census an ''emergency''—an outrageous claim considering that the Constitution requires a census every ten years! This ''emergency'' spending comes straight out of the ''projected'' surplus Republicans want to use to finance their tax cut.

This creative accounting is unacceptable. I am a strong advocate of a sound budget and fiscally responsible tax cuts, but the best tax cut we can give the American people is a promise we will first pay down the national debt by setting aside some of the true surplus—the non-Social Security surplus. The Blue Dogs have put forward a proposal that would lock up half of the true budget surplus to pay down the national debt. This approach will truly reduce the burden on future generations.

I am proud to be an original co-sponsor of this legislation. The Blue Dog's Debt Reduction Lockbox bill would save 100% of the Social Security surplus by requiring that the budget be balanced excluding the Social Security surplus. It also helps ensure a fiscally responsible budget by establishing a point of order against any budget resolution that contains an on-budget deficit or any legislation that would result in an on-budget deficit and would prohibit OMB, CBO and other federal government entities from including the Social Security trust fund as part of budget surplus or deficit calculations.

While the Republican tax cut bill's debt reduction provisions are merely a rhetorical gesture at best, the Blue Dog bill delivers on debt reduction. It places 50% of the projected on-budget surplus over the next five years in a Debt Reduction Lockbox, away from those who would squander it on irresponsible tax cuts.

The Blue Dog bill also delivers on our promise to save Social Security and Medicare by reserving the Debt Reduction Dividend—the savings from lower interest payments on the debt resulting from its reduction—for these two programs. Seventy-five percent of these savings would be reserved for Social Security reform and 25% for Medicare reform.

Mr. Speaker, the fundamental tenet of the Blue Dog proposal—debt reduction—has been recklessly omitted from the Republican bill. Our primary goal as we debate how to divide the projected budget surplus should be to maintain the strong and growing economy that has benefitted millions of Americans. Irresponsible tax cuts, however, are not the means to achieving this end. Using that simple objective as our guide, it is clear that the best course of action this body could take is to use the budget surpluses to start paying off the $5.6 trillion national debt. Reducing the national debt is clearly the best long-term strategy for the U.S. economy.

Economists from across the political spectrum agree that using the surplus to reduce the debt will stimulate economic growth by increasing national savings and boosting domestic investment. Paying down our debt will reduce the tremendous drain that the federal government has placed on the economy by running up a huge national debt. Quite simply, reducing the federal government's $5.6 trillion national debt takes money that is currently tied up in debt and puts it back into the private sector where it can be invested in plants, equipment and other investments that create jobs and economic output.

Federal Reserve Board Chairman, Alan Greenspan, has repeatedly advised Congress that the most important action we could take to maintain a strong and growing economy is to pay down the national debt. Earlier this year, Chairman Greenspan testified before the Ways and Means Committee that debt reduction is a much better use of surpluses than are tax cuts, stating:

The advantages that I perceive that would accrue to this economy from a significant decline in the outstanding debt to the public and its virtuous cycle on the total budget process is a value which I think far exceeds anything else we could do with the money.

We should follow Chairman Greenspan's advice by making debt reduction the highest priority for any budget surplus.

There has been a lot of discussion here in Washington about a ''grand bargain'' on the budget that would divide the surplus between tax cuts and higher spending. Our constituents are giving a very different message. I would encourage my colleagues to ignore this inside the beltway speculation, and listen to the American public. Our constituents are telling us to meet our obligations by paying down the national debt.

The folks I represent understand that the conservative thing to do when you have some extra resources is to pay your debts first. They don't understand how we can be talking about grand plans to divide up the

budget surplus when we have a $5.6 trillion national debt. They want us to use this opportunity to pay down our debt.

We hear a lot of talk about ''giving the American people their money back''. I would remind my colleagues that it is the American people who owe the $5.6 trillion national debt we have run up. If we are truly interested in giving the surpluses back to the American people, we should start by paying off the debt we have run up on their credit card.

I would suggest that the best tax cut we could provide for all Americans, and the best thing that we can do to ensure that taxes remain low for our children and grandchildren, is to start paying down our $5.6 trillion national debt. Reducing our national debt will provide a tax cut for millions of Americans by restraining interest rates. Lower interest rates will put money in the pockets of working men and women by saving them money on variable mortgages, new mortgages, auto loans, credit card payments, and other debts. The reduction in interest rates we have had as a result of the fiscal discipline over the last few years has put at least $35 billion into the hands of homeowners through lower mortgage payments. Continuing this fiscal discipline and paying down the debt is the best way to keep putting money into the hands of middle class Americans.

Just as importantly, reducing the national debt will protect future generations from increasing tax burdens to pay for the debts that we have incurred. Today, more than twenty five percent of all individual income taxes go to paying interest on our national debt. The amount of income taxes the government will have to collect just to pay the interest on the debt will continue to increase unless we take action now to pay down the national debt.

Every dollar of lower debt saves more than one dollar for future generations. These savings that can be used for tax cuts, covering the costs of the baby boomers retirement without tax increases or meeting other needs. We should give future generations the flexibility to deal with the challenges they will face, instead of forcing them to pay higher taxes just to pay for the debt we incurred with our consumption today.

I urge my colleagues to vote against reckless spending by voting against the Republican tax cuts—but let's not stop there. Join me in supporting the Blue Dog Debt Reduction Lockbox bill and let's eliminate our debt.

IN CELEBRATION OF NATIONAL UNITY DAY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. STARK. Mr. Speaker, I rise today in support of the designation of a ''National Unity Day'' to celebrate our country's diversity as well as promote the need for harmony within our nation.

Presently, my good friend Paul Callens and several of his colleagues are participating in the Unity Walk, a 3,200-mile trek across the United States. This Unity Walk is a means for sending the message to all Americans that we must create racial harmony within our communities at both the local and national levels. The walkers also hope to interest community leaders and local government officials in celebrating a National Unity Day.

Their voyage is scheduled to end in San Francisco on October 10, 1999. The participants hope to engage fellow Americans in worthwhile discussion about the issue of racial harmony. Their ultimate goal, however, is the designation of a National Unity Day commemorating the importance of indivisibility among our diverse group of citizens here in the United States. This would also include an annual National Unity Day celebration to recognize National Unity Day on the second Sunday of October every year.

In our land of great freedom, we must not tolerate racism or prejudice of any kind. We must work together for peace and unity among the citizens of the United States to whom liberty and justice are natural human rights. The Unity Walkers have asked communities to examine their attitudes toward racial differences and make strides toward ending those racial divisions that threaten the soul of our nation.

I ask my colleagues to join with me today in support of the establishment of National Unity Day, as we work to celebrate the differences among us.

CONGRATULATING LION RAISINS GRAND OPENING

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Lion Raisins on the Grand Opening of California's newest raisin processing facility. After four generations, Lion Raisins still strives to deliver quality and service beyond their customer's expectations.

In 1903, Alex Lion established one of the first raisin packing facilities in Fresno, California, named Lion Raisins. He packed raisins for the first time, probably Muscats since that was the principal variety at that time. He shipped them by train to Chicago. The price of raisins dropped while they were in route, causing the buyers to reject them. Alex went by train to Chicago and spent several weeks there selling raisins on the streets. His packing career was somewhat sporadic after that, according to his grandson, Al Lion. The first actual packing was done on the farm that the family owned at Kings and Highland. Later they had a packing house on ''H'' Street, and then in 1923 or 1926 the packinghouse was built at the present site at California Avenue and Second Street.

During this time Alfred Lion, Alex's son, was living in San Francisco and was involved in the selling there. His father called him back to take an active part in the packing operation. He took over the management after his father's death in 1963.

Brother's Herb and Al entered the family business; Herb in 1947 and Al in 1957. For years, until Herb's retirement in 1991, the brothers shared responsibilities, with one managing the business end of the operation, and the other the packing. They alternated responsibilities every year. In recent years, Al's sons, Larry and John, were active in the business for a time. Larry worked from 1970 to 1981. John worked in the plant from 1974–1975. Herb Lion died in July 1995.

Four generations later, Lion Raisins is the largest family owned and operated raisin processing facility in California. For nearly 100 years, the Lion family has been committed to the raisin industry and a vital part of the San Joaquin Valley. Today Lion Raisins processes nearly 50,000 tons of California raisins annually, and distributes them around the world under the Lion brand label. This has led them to be the largest independent raisin packing company in the area in terms of tonnage packed and sold.

Mr. Speaker, it is with great honor that I rise to congratulate Lion Raisins in the grand opening of California's newest raisin processing facility. Lion Raisins has been a model business, after four generations of delivering quality and service beyond customer expectations; through commitment, pride, and integrity. I urge my colleagues to join me in wishing Lion Raisins many more years of continued success.

TRIBUTE TO ALLEN A. PICKENS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. UNDERWOOD. Mr. Speaker, I would like to commend and congratulate Mr. Allen A. Pickens on his very distinguished career and well-earned retirement. Through the years, Al has made great contributions toward the development and economic stability of the island of Guam. He played a significant role in the transformation of Guam from an economy dependent on Federal and local government to its present state as a self-sufficient economic center of the Western Pacific.

As a teenager growing up in Des Moines, Iowa, Al dreamt of being an accountant. In pursuit of this objective, he attended the Central College in Iowa for a year on a basketball scholarship. Forced to drop-out due to an illness, he later enlisted in the United States Air Force. After four years of involvement with Air Force security operations in West Pakistan and Okinawa, Al was able to return to school. He spent the next 3 years finishing his studies at Drake University.

Upon graduation, Al was offered a job in Hawaii with the accounting firm Peat Marwick. It was in Hawaii that he met and married his wife Dianne, who was an office manager and accountant for the state's Catholic Social Services.

Al first came to Guam in 1962, during the island's introduction to international commerce which was made possible by President Kennedy's withdrawal of the island's security clearance requirements. After several years of working and traveling between Guam and Hawaii, Al was assigned to manage the Peat Marwick Guam office in 1969. Less than six years later, he became the youngest partner in the firm. As resident manager and, later, partner, Al guided KPMG Peat Marwick toward great success as a premier accounting firm on Guam. Since the 1994 merger of KPMG Peat Marwick with Deloitte & Touche LLP, Al served as managing partner. As one of the first accountants on the island, he was considered mentor to hundreds of young accountants who have gone through his firm. A large number of his former apprentices now run Guam's top companies.

In time, Al also gained a solid reputation as a business consultant. Local businessmen have come to rely upon his professional advice. Several island businesses would never

make a major move without first consulting him. They have come to realize that the value of his advise is worth far beyond any fee that he may charge.

A confessed workaholic, Al usually works 7 days a week taking time off only on Christmas, Thanksgiving and an annual 2-week vacation. Not one to miss a day of work, Al claims never to have had a sick day. He is usually at his desk by seven in the morning.

Although he usually works eleven-hour days, Al is usually home at around six in the evening for his daily run. Begun in 1976 to cure chronic headaches and chest pains, Al's preoccupation with this activity led to the formation of the Guam Running Club. On behalf of the club, he has organized marathons—participating in more than a dozen. Nowadays, he usually participates in 10k's and hill climbs.

Always one to foster community involvement, Al has been a pervading presence in the island's many civic and community organizations. Among others, Al served as charter president of the Guam Society of Certified Public Accountants, member and charter vice-president of the Guam Chapter of the Association of Governmental Accountants, chairman and director of the Guam Chamber of Commerce, charter chairman of the Guam Business Hall of Fame and president of the Rotary Club of Guam, the Air Force Association and the Navy League of Guam. He is also president emeritus of the St. John's School Board of Trustees and founder of Junior Achievement of Guam. For his achievements he merited mention in the 1988 Who's Who in America and in the 1984/1985 Who's Who in the West.

The distinguished professional career and expansive community involvement of Allen A. Pickens has endeared him to the people of Guam. I congratulate him for his outstanding achievements and commend him for all the good work he has done for the local community. I wish him and his family the best for his retirement. On behalf of the people of Guam, a heartfelt ''Si Yu'os Ma'ase'' to a distinguished business and community leader.

TRIBUTE TO FELIX ''TITO'' TRINIDAD

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mr. Felix ''Tito'' Trinidad, an outstanding Puerto Rican athlete, and a very successful boxer. On Saturday, September 18, 1999, in the dramatic end to the welterweight showdown nicknamed the ''Fight of the Millennium,'' Trinidad scored with his punishing right hand and won by a majority decision, taking the WBC title from a very talented and worthy opponent, Mr. Oscar De La Hoya. The result was a joyful outpouring in Puerto Rico and in my Bronx Congressional district.

Mr. Speaker, on Monday government workers in Puerto Rico were given the day off to welcome Trinidad, and entire families turned out, with many children kept from school to celebrate. Pounding his heart with this fist, Trinidad stood atop a white truck wearing a floppy hat that read in English ''Peace for Vieques.''

The success added the WBC welterweight title to the IBF crown Trinidad already holds. Trinidad has now won 36 consecutive professional fights. He has held a world title since 1993, making him the longest-serving currently active world boxing champion.

Through his dedication, discipline, and success in boxing, Mr. Trinidad has served as a role model for millions of youngsters in the United States and Puerto Rico who dream of succeeding, like him, in the world of sports.

Mr. Speaker, I ask my colleagues to join me in congratulating Mr. Felix ''Tito'' Trinidad for his contributions and dedication to boxing, as well as for serving as a role model for the youth of Puerto Rico and America.

PERSONAL EXPLANATION

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. SANDLIN. Mr. Speaker, unfortunately, due to unforeseen business in my district, I was unable to be present for seven votes regarding H.R. 2684, VA–HUD–Independent Agencies Appropriations for FY 2000. Had I been present, I would have voted in the following manner: Rollcall vote 390: ''nay''; rollcall vote 391: ''yea''; rollcall vote 392: ''nay''; rollcall vote 393: ''nay''; rollcall vote 394: ''nay''; rollcall vote 395: ''yea''; rollcall vote 396: ''nay''.

COMMEMORATING THE 150TH ANNIVERSARY OF LEXINGTON CEMETERY

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. FLETCHER. Mr. Speaker, I rise today to acknowledge the 150th anniversary of the Lexington Cemetery. ''The Athens of the West'', as Lexington was once known, serves as a resting place for such notable residents as Senator Henry Clay and General John Hunt Morgan. This cemetery has a national reputation as being one of the most beautiful in America and the people of the sixth district of Kentucky are very proud of it.

The Lexington Cemetery, which spans over 170 acres, serves as a memorial to the lives of folks who meant so much to so many people. These grounds tell a story of those who walked the hills of central Kentucky as far back as 1849. However, these grounds also tell us a story of those who came over the years to grieve the loss of a loved one, of the memories they left behind and many contributions made throughout their lives.

It represents the cord that binds families to their roots and connects them to past generations. For 150 years, the Lexington Cemetery has honored those lives whose contribution and value will always be remembered. These hallowed grounds offer a place to preserve the memories of those who have passed on but left behind many who will always mourn their loss.

So, as folks from throughout central Kentucky gather on Saturday to commemorate the beginning of the historical and sacred grounds of Lexington Cemetery, they will experience the beauty this special resting place has offered so many families for the past 150 years. It is an honor to stand before the United States House of Representatives to acknowledge this historic day for the Lexington Cemetery.

THE HILLSDALE UNITED METHODIST CHURCH OF SAN MATEO CELEBRATES ITS FIRST FIFTY YEARS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. LANTOS. Mr. Speaker, in a few days, the Hillsdale United Methodist Church of San Mateo, California, will celebrate fifty years of ministry to the San Mateo community. I would like to take this opportunity to congratulate the Hillsdale United Methodist Church for its outstanding record of service to the people of my congressional district for the past half century.

The Hillsdale United Methodist Church's mission is to ''celebrate God's gifts as an accepting community, inviting all people to explore and live out new beginnings and dimensions in faith.'' The church's devotion to this credo of acceptance is clearly demonstrated by its welcoming attitude and its numerous and active community outreach programs. Some of these many programs include a Tutor Learning Center, the sponsorship of Boy Scout Troop and Cub Pack 27, YANSY (Young and Not So Young—an adult social group with monthly meetings and activities), and Samaritan House, which collects food and monthly donations for low-income residents in the area.

The Hillsdale United Methodist Church has also sponsored two refugee families and, as a service to the immigrant community, holds a Tongan language service every Sunday afternoon. In fact, five years after Hillsdale United Methodist welcomed its first Tongan members in 1966, the Tongan Methodist Church began in the United States at the Hillsdale United Methodist building. In 1993 the Fale Hufanga United Methodist Church began in San Carlos. Hillsdale United Methodist Church's Tongan members are still active in this church and recently resumed a Tongan language service.

I would like to invite my colleagues to join me in extending congratulations for the manifold achievements of the Hillsdale United Methodist Church over the last 50 years. The church's generosity and exemplary civic virtues have favorably impacted the lives of innumerable people in my congressional district—men and women, children and adults, American citizens as well as immigrants and refugees. I would like to express my personal gratitude for the outstanding work of the church, and I anticipate with great pleasure all that the church will accomplish in the new millennium.

RECOGNITION OF FAIRFAX COUNTY URBAN SEARCH AND RESCUE TEAM

HON. FRANK R. WOLF

OF VIRGINIA

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. WOLF. Mr. Speaker, my colleague, Mr. DAVIS of Virginia, and I are honored to extend our deepest admiration and sincere thanks to the 92 members of the Fairfax County Urban Search and Rescue Team in their courageous response mission to help the people in Touliu, Taiwan, following the massive earthquake there on September 20.

Fairfax County is one of the few localities in our country which has trained and authorized a search and rescue team that can be deployed at a moment's notice to deal with crisis situations anywhere in the world. Less than an hour after the Office of Foreign Disaster Assistance activated the Fairfax County Fire and Rescue Department's Urban Search and Rescue Team to assist in the international effort, the team was mobilized and ready for deployment; ready to leave their families, friends and loved ones. We understand that this was the team's ninth mission—nine times they have left their families and homes to answer the ''International 911'' call.

What's most remarkable is that the firefighters on this team volunteered to be part of this specially trained unit, which is on the front lines, working round the clock, going into perilous situations—whether natural disasters or terrorist-inspired—driven by self-sacrifice to help save lives. Each member of this team has shown extraordinary heroism.

We are very proud of each and every member of the Fairfax County Urban Search and Rescue Team. They truly are heroes and deserve to be recognized.

The U.S. Congress and all of America salute the following members of the Fairfax County Urban Search and Rescue Team:

Chris Bastin, James Bernanzani, William Bertone, Greg Bunch, David Conrad, Sean Evans, Thomas Feehan, Tom Griffin, Mark Guditus, Andrew Hubert, Matt Nacy, Clyde Pittard, Mark Plunkett, Scott Smith, Rex Strickland, Jim Walsh, Kent Watts, Robert Zoldos, Daniel Bickham, Edward Brinkley, Clyde Buchanan, John Chabal, James Chinn, Kevin Dabney, Kurt Hoffman, Joseph Kaleda, Joseph Knerr, Randall Leatherman, Evan Lewis, Craig Luecke, Glenn Mason, Joe Meritt, Gary Morin, Gery Morrison, Dewey Perks, Michael Regan, Michael Tamillow, David Taylor, James Tolson, Jack Walmer, Jerome Williams, Barry Anderson, Donald Booth, Gary Bunch, Carlton Burkhammer, Brian Cloyd, Michael Davis, Jeffrey Donaldson, Michael Istvan, Mark Lucas, John Mayers, Rich McKinney, Wayne Reedy, Bill Reedy, Michael Reilly, Charles Ruble, Mike Stone, Ruben Almaguer, Marilyn Arwe, Joe Barbera, William Barker, Tony Beale, Bill Berger, Jack Brown, Jennifer Brown, Mike Canfield, Paul Carlin, Steve Catlin, Carol Chan, Tom Cole, Robert Dube, Garrett Dyer, Dr. French, Sonja Heritage, Brooke Holt, Gerald Jaskulski, Mike Keeler, Anthony MacIntyre, Paul Majarowitz, Chuck Mills, Susan Mingle, Richard Owens, Dean Sherick, Earl Shuggart, Dallas Slemp, Jim Strickland, Nate Smith, Lorenzo Thrower, Dean Tills, Steve Weissman, Steve Willey, John Tung.

HONORING OLIVER BIRCKHEAD ON RECEIVING THE FIRST ANNUAL CINCINNATI BRAIN INJURY ASSOCIATION AWARD

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. PORTMAN. Mr. Speaker, I rise today to honor Oliver Birckhead, who will receive the First Annual Cincinnati Brain Injury Association Award. Mr. Birckhead's community leadership on children's issues will be recognized on October 1, 1999, at a dinner that will benefit Cincinnati's Children's Hospital Medical Center.

Traumatic brain injury is the leading cause of acquired disability and death among children. Each year, more than one million children sustain brain injuries, most commonly from sports injuries caused by bicycling, skiing, diving, or playground falls. Brain injury is also the most common cause of mortality in young adult Americans under the age of 45. Depending on the type and severity of the injury, rehabilitation may restore crucial skills that are necessary to lead a more normal life.

Oliver Birckhead is well known for his distinguished career in banking. He was born in Brooklyn, New York, and graduated from Nichols College in Dudley, New Hampshire and Stonier Graduate School of Banking at Rutgers University. Ollie entered the banking business in 1937 with the Peoples National Bank and Trust Company in White Plains, New York. In 1942, Ollie entered the U.S. Army Air Corps, where he served until 1946. He then resumed his career in banking, and was appointed Assistant National Bank Examiner in the Second District of New York by the Comptroller of the Currency. Ollie joined Chemical Bank in 1948, and in 1951, he joined the Central Trust Company, now PNC Bank, in Cincinnati. Ollie rose to the position of Vice Chairman and Director of PNC until he retired from the Board in 1989. He has served as a Board Member of the Union Central Life Insurance Company; the Cincinnati Gas and Electric Company (now CINergy); the Manhattan Life Insurance Company; and the Federal Reserve Bank of Cleveland.

A committed community leader, Ollie has served on the Executive Committee of the Cincinnati Art Museum; as Vice Chairman, Advisory Board member, and Life Member of the Salvation Army; and as a board member of the Cincinnati Council of World Affairs, the Boys Club of Cincinnati, and the Cincinnati Association of the Blind. He also served in leadership positions with United Way of Cincinnati. Along the way, Ollie made many friends, and I am proud to be among them.

We congratulate Ollie Birckhead as he receives this prestigious honor.

HONORING JOANN WARD

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. PETRI. Mr. Speaker, I rise in tribute to JoAnn Ward, executive director of the Fond du Lac, Wisconsin Convention and Visitors Bureau, who will retire this Friday, October 1 after more than 22 years of service.

As Bureau executive, JoAnn's job has included marketing the city of Fond du Lac and its environs as a desirable tourist and convention destination. It is a task she has accomplished so well, and with such creativity and leadership, that it can be said with no exaggeration that her stamp has left a lasting imprint on the character of the community.

The considerable economic impact from tourism and convention dollars on the Fond du Lac area during her tenure is a significant and tangible result of JoAnn Ward's efforts. But perhaps more telling than the bottom-line success story are the personal characteristics that engendered that success—JoAnn's gift for innovative ideas her keen sense of the public's tastes and preferences, and her amazing ability to enlist volunteers to share her vision and accomplish common goals.

Over 20 years ago, her imagination inspired the creation of Walleye Weekend, Fond du Lac's signature festival that draws hundreds of volunteers and tens of thousands of festival goers to the city's Lakeside Park each June. JoAnn has either originated or taken a lead role in developing and enhancing scores of other Fond du Lac area special events and festivals, including the annual Taste of Fond du Lac, the Fond du Lac Jazz Festival and the International Acrobatic Competition, which has been hosted by Fond du Lac the past 29 years.

She has built attractions centered around the natural beauty of the area and the unique assets of its residents, and has helped the many businesses that depend on conventions and tourism to capitalize on their strengths. A tireless worker and consummate promoter of both her community and the state of Wisconsin, JoAnn Ward has never accepted limits on her ability to try out new ideas or strive for new levels of achievement.

JoAnn's influence has extended beyond Fond du Lac to larger metropolitan areas and to national and international organizations. A recipient of the Wisconsin Tourism Federation's Award for Outstanding Contributions, she was appointed by Governor Tommy Thompson to the state's prestigious Sesquicentennial Commission, which over a three-year period organized and oversaw planning for the huge, multifaceted 150th celebration of Wisconsin's statehood in 1998.

In 1995, she served as the Sixth District delegate to the White House Conference on Tourism. And in 1997, JoAnn was inducted into the International Festival & Events Association's Hall of Fame.

But it is at home where her impact has been most keenly felt. JoAnn has succeeded in making my hometown of Fond du Lac not only a desirable travel destination but a better place to live. It is testament to her stature in the Fond du Lac community that her retirement announcement was not only front page news, but the main headline in the daily newspaper. A later editorial stated, ''It will take a

rare combination of enterprise, persuasiveness, grace and good humor to build a successor for this woman who has done so much for Fond du Lac.''

I am proud to call attention to the many accomplishments of my friend, JoAnn Ward, and join the members of the Fond du Lac community in honoring her as she continues to pursue new horizons.

HEALTH RESEARCH AND QUALITY ACT OF 1999

SPEECH OF

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2506) to amend title IX of the Public Health Service Act to revise and extend the Agency for Health Care Policy and Research:

Mr. BILBRAY. Mr. Chairman, the grant program included in Representative JOHNSON's amendment has broad bipartisan support of over 190 Members of the House, including the chairs, ranking members and other members of subcommittees and committees of jurisdiction—the Commerce, Ways and Means and Appropriations Committees. I am a proud cosponsor of Representative JOHNSON'S related legislation and I look forward to the passage of this amendment.

Children's Hospitals across this Nation, especially Children's Hospital and Health Center in San Diego, are critical to the future of pediatric medicine and therefore to the future health of all children. Because of the inequity in our current federal GME funding structure, our Children's Hospitals are disadvantaged when compared to other teaching facilities. Because GME funds are based on the amount of Medicare patients in each hospital, and Children's Hospitals rarely treat patients that use Medicare funds as payments, these hospitals are treated unfairly compared to other teaching schools that receive funds allocated through the Medicare Program.

The grant program in this amendment would provide $280 million in FY 2000 and $285 million in FY 2001. Since comprehensive GME reform will take more time to develop, this amendment would provide immediate financial assistance through a capped, time-limited authorization of appropriations.

Children's Hospital and Health Center in San Diego is the region's only pediatric medical center, a 220-bed hospital offering comprehensive programs in diagnosis and treatment, research, rehabilitation, medical education, outcomes and community outreach and education. Founded in 1954 to treat polio victims, Children's has continually grown in direct response to the needs of the communities it serves through the San Diego and Imperial regions.

Mr. Chairman, I look forward to working with Representative JOHNSON and my other colleagues on this issue because the education and training programs of these institutions are critical to the future of pediatric medicine and the health of our children.

DR. KATHLEEN C. CRATES NAMED PRINCIPAL OF THE YEAR

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. OXLEY. Mr. Speaker, it is my honor to recognize my former Findlay High School classmate, Dr. Kathleen C. Crates, upon her selection as Ohio's 1999 Principal of the Year.

This award, sponsored by MetLife and given by the National Association of Secondary School Principals (NASSP), acknowledges the achievements of Ohio's most outstanding secondary school principal. Candidates were judged based on their relationships with teaching staff, their ability to promote positive change, and their use of creativity in solving problems. In announcing Dr. Crates's selection, Ohio NASSP Director Steven Raines cited her outstanding leadership skills and her creation of a caring environment at Findlay High School, a facility that serves more than 2,100 students.

Before she was named principal of our alma mater in 1995, Dr. Crates served as principal of Findlay's Donnell Middle School, assistant principal at Findlay High School, and as a teacher of learning disabled students. She completed her undergraduate work at Findlay College, now the University of Findlay, in 1968, and earned her master's and doctoral degrees from nearby Bowling Green State University. Dr. Crates has supplemented her skills through seminars at Harvard, Johns Hopkins, and the University of California.

In her honor, March 12, 1999, was designated ''Dr. Kathleen Crates Day'' by the students and staff of Findlay High School. Last month, Dr. Crates was further honored as one of six Ohio educators chosen to receive Ohio's first ever Pioneer in Education Awards, presented by the Ohio Department of Education.

Dr. Crates will now compete on the national level with 49 of her peers, as they vie for the title of National Principal of the year.

I am proud to join the chorus of voices saluting Kathy's quarter century of dedication to the young people of Findlay. I congratulate her on a job well done, and wish her the best of luck in the national competition and in all her future endeavors.

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, September 30, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 5

9:30 a.m.

Environment and Public Works

Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee

To hold hearings on the Environmental Protection Agency's Blue Ribbon Panel findings on methyl tertiary-butyl ether.

SD–406

Banking, Housing, and Urban Affairs

Housing and Transportation Subcommittee

To hold hearings on S.1452, to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

SD–538

10 a.m.

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings on S.758, to establish legal standards and procedures for the fair,prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure.

SD–226

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S.1608, to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanism for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes.

SD–366

Foreign Relations

African Affairs Subcommittee

To hold hearings to examine development assistance to Africa and the implementation of United States foreign policy.

SD–419

OCTOBER 6

9 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to review public policy related to biotechnology, focusing on domestic approval process, benefits of biotechnology and an emphasis on challenges facing farmers to segregation of product.

SR–328A

10 a.m.

Judiciary

Technology, Terrorism, and Government Information Subcommittee

To hold hearings to examine fiber terrorism on computer infrastructure.

SD–226

Environment and Public Works

To hold hearings on the nomination of Skila Harris, of Kentucky, to be a Member of the Board of Directors of the Tennessee Valley Authority for the remainder of the term expiring May 18, 2005; the nomination of Glenn L. McCullough, Jr., of Mississippi, to be a Member of the Board of Directors of the Tennessee Valley Authority; and the nomination of Gerald V. Poje, of Virginia, to be a Member of the Chemical Safety and Hazard Investigation Board.

SD–406

3 p.m.

Indian Affairs

Business meeting to consider pending calendar business.

SR–485

OCTOBER 7

9 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to review public policy related to biotechnology, focusing on domestic approval process, benefits of biotechnology and an emphasis on challenges facing farmers to segregation of product.

SR–328A

10 a.m.

Judiciary

To resume hearings to examine certain clemency issues for members of the Armed Forces of National Liberation.

SD–226

2:30 p.m.

Energy and Natural Resources

Energy Research, Development, Production and Regulation Subcommittee

To hold hearings on S.1183, to direct the Secretary of Energy to convey to the city of Bartlesville, Oklahoma, the former site of the NIPER facility of the Department of Energy; and S.397, to authorize the Secretary of Energy to establish a multiagency program in support of the Materials Corridor Partnership Initiative to promote energy efficient, environmentally sound economic development along the border with Mexico through the research, development, and use of new materials.

SD–366

OCTOBER 12

2:30 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S.167, to extend the authorization for the Upper Delaware Citizens Advisory Council and to authorize construction and operation of a visitor center for the Upper Delaware Scenic and Recreational River, New York and Pennsylvania; S.311, to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs; S.497, to designate Great Kills Park in the Gateway National Recreation Area as ''World War II Veterans Park at Great Kills''; H.R.592, to redesignate Great Kills Park in the Gateway National Recreation Area as ''World War II Veterans Park at Great Kills''; S.919, to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor; H.R.1619, to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor; S.1296, to designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System; S.1366, to authorize the Secretary of the Interior to construct and operate a visitor center for the Upper Delaware Scenic and Recreation River on land owned by the New York State; and S.1569, to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System.

SD–366

OCTOBER 13

9:30 a.m.

Armed Services

SeaPower Subcommittee

To hold hearings on the force structure impacts on fleet and strategic lift operations.

SR–222

Indian Affairs

To hold hearings on S.1507, to authorize the integration and consolidation of alcohol and substance programs and services provided by Indian tribal governments.

SR–485

2:30 p.m.

Foreign Relations

To hold hearings on numerous tax treaties and protocols.

SD–419

OCTOBER 19

2:30 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S.1365, to amend the National Preservation Act of 1966 to extend the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation; S.1434, to amend the National Historic Preservation Act to reauthorize that Act; and H.R.834, to extend the authorization for the National Historic Preservation Fund.

SD–366

OCTOBER 20

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the use of performance enhancing drugs in Olympic competition.

SR–253

Indian Affairs

To hold hearings on proposed legislation authorizing funds for elementary and secondary education assistance, focusing on Indian educational programs.

SR–285

OCTOBER 27

9:30 a.m.

Indian Affairs

To hold oversight hearings on the implementation of the Transportation Equity Act in the 21st Century, focusing on Indian reservation roads.

SR–485

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S11585–S11662

Measures Introduced: Twelve bills and three resolutions were introduced, as follows: S. 1657–1668, S. Res. 190–191, and S. Con. Res. 57. **Page S11640**

Measures Reported: Reports were made as follows:

Report to accompany S. 1650, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000. (S. Rept. No. 106–166)

H.R. 560, to designate the Federal building located at 300 Recinto Sur Street in Old San Juan, Puerto Rico, as the ''Jose V. Toledo United States Post Office and Courthouse''.

S. 1567, to designate the United States courthouse located at 223 Broad Street in Albany, Georgia, as the ''C.B. King United States Courthouse''.

S. 1595, to designate the United States courthouse at 401 West Washington Street in Phoenix, Arizona, as the ''Sandra Day O'Connor United States Courthouse''.

S. 1652, to designate the Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the Dwight D. Eisenhower Executive Office Building. **Pages S11639–40**

Measures Passed:

Energy Policy and Conservation Act Amendments: Senate passed S. 1051, to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, after agreeing to a committee amendment in the nature of a substitute. **Page S11656**

Committee Expenditures: Senate agreed to S. Res. 189, a resolution authorizing expenditures by committees of the Senate for the periods October 1, 1999, through September 30, 2000, and October 1, 2000, through February 28, 2001. **Pages S11656–61**

Labor/HHS/Education: By unanimous-consent, Senate agreed to the motion to proceed to the consideration of S. 1650, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and began consideration of the bill, taking action on the following amendments proposed thereto: **Pages S11585–S11637**

Adopted:

By 53 yeas to 45 nays (Vote No. 297), Gorton Amendment No. 1805, to provide funds for a teacher assistance initiative pending authorization of that initiative. **Pages S11604–23**

Smith (of N.H.) Amendment No. 1808, to express the sense of the Senate regarding language prohibiting funds from being used for the Brooklyn Museum of Art unless the Museum immediately cancels the exhibit 'Sensation'. **Pages S11625–26**

Rejected:

Murray Amendment No. 1804, to specify that $1.4 billion be made available for class size reduction programs consistent with the provisions of Section 307 of the Department of Education Appropriation Act of 1999 (as contained in Public Law 105–277, Omnibus Appropriations for Fiscal Year 1999). (By 54 yeas to 44 nays (Vote No. 298), Senate tabled the amendment.) **Pages SS11602–23**

Pending:

Reid Amendment No. 1807, to require the Secretary of Labor to issue regulations to eliminate or minimize the significant risk of needlestick injury to health care workers. **Pages S11623–25**

Boxer Amendment No. 1809, to increase funds for the 21st century community learning centers program. **Pages S11627–37**

Gregg Amendment No. 1810 (to Amendment No. 1809), to require that certain appropriated funds be used to carry out part B of the Individuals with Disabilities Education Act. **Pages S11627–37**

A unanimous-consent-time agreement was reached providing for further consideration of the bill and pending amendments, on Thursday, September 30, 1999, with a vote on or in relation to Gregg Amendment No. 1810 (to Amendment No. 1809), listed above, to occur at 10 a.m., and following that vote, if agreed to, Senator Boxer be recognized to offer a second degree amendment, with a vote on or in relation to that amendment to occur thereon. **Page S11629**

Nominations Confirmed: Senate confirmed the following nominations:

Armando Falcon, Jr., of Texas, to be Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, for a term of five years.

Zell Miller, of Georgia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2000.

Edward W. Stimpson, of Idaho, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Council of the International Civil Aviation Organization.

Roger Walton Ferguson, Jr., of Massachusetts, to be Vice Chairman of the Board of Governors of the Federal Reserve System for a term of four years.

Sim Farar, of California, to be a Representative of the United States of America to the Fifty-fourth Session of the General Assembly of the United Nations.

16 Army nominations in the rank of general.

Routine lists in the Army. **Pages S11656, S11662**

Nominations Received: Senate received the following nominations:

Skila Harris, of Kentucky, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2008.

Glenn L. McCullough, Jr., of Mississippi, to be a Member of the Board of Directors of the Tennessee Valley Authority for the remainder of the term expiring May 18, 2005. **Page S11662**

Nominations Withdrawn: Senate received notification of the withdrawal of the following nominations:

Skila Harris, of Kentucky, to be a Member of the Board of Directors of the Tennessee Valley Authority, which was sent to the Senate on September 23, 1999.

Glenn L. McCullough, Jr., of Mississippi, to be a Member of the Board of Directors of the Tennessee Valley Authority, which was sent to the Senate on September 23, 1999. **Page S11662**

Measures Referred: **Page S11638**

Communications: **Pages S11638–39**

Executive Reports of Committees: **Page S11640**

Statements on Introduced Bills: **Pages S11640–48**

Additional Cosponsors: **Pages S11648–49**

Amendments Submitted: **Pages S11652–53**

Notices of Hearings: **Page S11653**

Authority for Committees: **Pages S11653–54**

Additional Statements: **Pages S11654–56**

Record Votes: Two record votes were taken today. (Total—298) **Pages S11622–23**

Adjournment: Senate convened at 10:01 a.m., and adjourned at 7:16 p.m., until 9:30 a.m., on Thursday, September 30, 1999. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11662.)

Committee Meetings

(Committees not listed did not meet)

MOTOR CARRIER SAFETY IMPROVEMENT

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine concluded hearings on S. 1501, to improve motor carrier safety, after receiving testimony from Kenneth M. Mead, Inspector General, and Kenneth R. Wykle, Administrator, Federal Highway Administration, both of the Department of Transportation; Stephen F. Campbell, Commercial Vehicle Safety Alliance, Bethesda, Maryland; Joan Claybrook, Advocates for Highway and Auto Safety, Washington, D.C.; Ken Bryant, Teamsters Local 745, Dallas, Texas, on behalf of the International Brotherhood of Teamsters; Walter B. McCormick, Jr., American Trucking Associations, Inc., Alexandria, Virginia; and Kevin Sharpe, Illinois Commerce Commission, Springfield, on behalf of the National Conference of State Transportation Specialists.

BUREAU OF RECLAMATION

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded oversight hearings on the practices of the Bureau of Reclamation regarding operations and maintenance costs and contract renewals, after receiving testimony from Eluid Martinez, Commissioner, Bureau of Reclamation, Department of the Interior; Beverly Bridgewater, Oregon Water Resources Congress, Irrigon; Steve Arveschoug, Southeastern Colorado Water Conservancy District, Pueblo; Richard M. Moss, Friant Water Users Association, Lindsay, California; Glenn D. Johnson, National Water Resources Association, Arlington, Virginia; and Scott L. Campbell, Elam and Burke, Boise, Idaho, on behalf of the Payette Water Users Association, Inc., Pioneer Irrigation District, and Settlers Irrigation District.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the following business items:

S. 1652, to designate the Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW., in Washington, District of Columbia,

as the Dwight D. Eisenhower Executive Office Building;

S. 1567, to designate the United States courthouse located at 223 Broad Street in Albany, Georgia, as the ''C.B. King United States Courthouse'';

S. 1595, to designate the United States courthouse at 401 West Washington Street in Phoenix, Arizona, as the ''Sandra Day O'Connor United States Courthouse'';

H.R. 560, to designate the Federal building and United States courthouse located at the intersection of Comercio and San Justo Streets, in San Juan, Puerto Rico, as the ''Jose V. Toledo Federal Building and United States Courthouse'';

S. 835, to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, with an amendment;

S. 492, to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay;

S. 1119, to amend the Act of August 9, 1950, to continue funding of the Coastal Wetlands Planning, Protection and Restoration Act;

S. 1632, to extend the authorization of appropriations for activities at Long Island Sound;

An original bill to provide that certain environmental reports shall continue to be required to be submitted;

S. 1398, to clarify certain boundaries on maps relating to the Coastal Barrier Resources System, with an amendment in the nature of a substitute;

H.R. 2724, to make technical corrections to the Water Resources Development Act of 1999, with an amendment in the nature of a substitute;

S. 1144, to provide increased flexibility in use of highway funding, with amendments;

S. 1627, to extend the authority of the Nuclear Regulatory Commission to collect fees through 2004, with an amendment in the nature of a substitute;

S. 1053, to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999, with an amendment in the nature of a substitute;

H.R. 2454, to assure the long-term conservation of mid-continent light geese and the biological diversity of the ecosystem upon which many North American migratory birds depend, by directing the Secretary of the Interior to implement rules to reduce the overabundant population of mid-continent light geese, with an amendment; and

The nominations of Richard A. Meserve, of Virginia, to be a Member of the Nuclear Regulatory Commission, Paul L. Hill, Jr., of West Virginia, to be Chairperson of the Chemical Safety and Hazard Investigation Board, Maj. Gen. Phillip R. Anderson, United States Army, to be a Member and President of the Mississippi River Commission, and Sam Epstein Angel, of Arkansas, and Brig. Gen. Robert H. Griffin, United States Army, each to be a Member of the Mississippi River Commission.

WTO MINISTERIAL MEETING

Committee on Finance: Committee held hearings on the preparations of the United States for the upcoming World Trade Organization ministerial meeting in Seattle and the objectives for the multilateral negotiations that will follow, after receiving testimony from Charlene Barshefsky, United States Trade Representative; William M. Daley, Secretary of Commerce; and Dan Glickman, Secretary of Agriculture.

Hearings recessed subject to call.

NOMINATIONS

Committee on the Judiciary: Committee concluded hearings on the nominations of Q. Todd Dickinson, of Pennsylvania, to be Commissioner of Patents and Trademarks, Department of Commerce, and John W. Marshall, of Virginia, to be Director of the United States Marshals Service, Department of Justice, after the nominees testified and answered questions in their own behalf. Mr. Marshall was introduced by Senators Warner and Robb.

INDIAN TRIBAL JUSTICE ASSISTANCE

Committee on Indian Affairs: Committee concluded hearings on S. 1508, to provide technical and legal assistance for tribal justice systems and members of Indian tribes, after receiving testimony from Mark C. Van Norman, Director, Office of Tribal Justice, Department of Justice; John McKay, Legal Services Corporation, Washington, D.C.; Taylor McKenzie, Navajo Nation, Window Rock, Arizona; Mary T. Wynne, National American Indian Court Judges Association, Nespelem, Washington; Peterson Zah, Arizona State University, Tempe, on behalf of the National Association of Indian Legal Services; and Eric D. Eberhard, Dorsey and Whitney, Seattle, Washington.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee will meet again tomorrow.

House of Representatives

Chamber Action

Bills Introduced: 8 public bills, H.R. 2969–2976; 1 private bill, H.R. 2977; and 3 resolutions, H. Res. 314–316, were introduced. **Pages H9021–22**

Reports Filed: Reports were filed today as follows:

H. Res. 312, providing for consideration of H.R. 2910, to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002 (H. Rept. 106–347); and

H. Res. 313, providing for consideration of H.R. 2436, to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder (H. Rept. 106–348). **Page H9021**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Nussle to act as Speaker pro tempore for today. **Page H8969**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Dr. John H. White of Beaver Falls, Pennsylvania. **Page H8969**

Journal Vote: Agreed to the Speaker's approval of the Journal of Tuesday, September 28, by a yea and nay vote of 375 yeas to 43 nays, Roll No. 459. **Pages H8969, H8977–78**

Agricultural Risk Protection Act: The House passed H.R. 2559, to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program. **Pages H8978–96**

Agreed to the committee amendment in the nature of a substitute made in order by the rule. **Page H8996**

Agreed to:

The LaHood amendment that creates a pilot project to evaluate the effectiveness of risk management tools for livestock producers; and **Page H8989**

The Jackson-Lee amendment of Texas that expresses the Sense of Congress that the Department of Agriculture should ensure the full participation of minority and limited-resource farmers and ranchers in crop insurance programs. **Page H8995**

Withdrawn:

The Upton amendment was offered, but subsequently withdrawn, that sought to correct the erroneous crop insurance price paid to Michigan peach farmers by the Department of Agriculture. **Pages H8990–91**

The Clerk was authorized in the engrossment of the bill to correct section numbers, punctuation, cross references, and to make other necessary technical and conforming corrections to reflect the actions of the House. **Page H8996**

H. Res. 308, the rule that provided for consideration of the bill was agreed to by a yea and nay vote of 422 yeas with 1 voting "nay" Roll No. 458. **Pages H8973–77**

Recess: The House recessed at 3:42 p.m. and reconvened at 4:43 p.m. **Page H9020**

Senate Messages: Message received from the Senate appears on page H8969.

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on page H9023.

Quorum Calls—Votes: Two yea and nay votes developed during the proceedings of the House today and appear on pages H8977 and H8977–78. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 4:44 p.m.

Committee Meetings

DRUG CONTROL LAWS ENFORCEMENT

Committee on Appropriations: Subcommittee on the District of Columbia held a hearing on Enforcement of Drug Control Laws. Testimony was heard from Delegate Norton; Barry McCaffrey, Director, Office of National Drug Control Policy; Brian Jordan, Assistant Chief, District of Columbia Metropolitan Police Department; Mary Lee Warren, Deputy Assistant, Attorney General; Wilma Lewis, U.S. Attorney, District of Columbia; and Keith B. Vines, Assistant District Attorney, San Francisco, State of California.

MISCELLANEOUS MEASURES

Committee on Commerce: Ordered reported, as amended, the following bills: H.R. 2884, to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003; H.R. 2531, Nuclear Regulatory Commission Authorization Act for Fiscal Year 2000; H.R. 1832, Muhammad Ali Boxing Reform Act; and H.R. 754, Made in America Information Act.

LAND RECYCLING ACT

Committee on Commerce: Subcommittee on Finance and Hazardous Materials approved for full Committee action, as amended, H.R. 2580, Land Recycling Act.

OVERSIGHT—2000 CENSUS

Committee on Government Reform: Subcommittee on the Census held an oversight hearing on the 2000 Census: Evaluating the Local Update of Census Addresses Program. Testimony was heard from the following officials of the Bureau of the Census, Department of Commerce: Kenneth Prewitt, Director, John Thompson, Associate Director, Decennial Census; and Preston Jay Waite, Assistant to the Associate Director, Decennial Census; J. Christopher Mihm, Acting Associate Director, Federal Management and Workforce Issues, GAO; and public witnesses.

GSA—BUILDING ACQUISITION

Committee on Government Reform: Subcommittee on Government Management, Information, and Technology held a hearing on H.R. 2513, to direct the Administrator of General Services to acquire a building located in Terre Haute, Indiana. Testimony was heard from Representative Pease; the following officials of the GSA: James Whitlock, Assistant Regional Administrator for Public Building, Great Lakes Region (Region 5); and Gordon Creed, Deputy Assistant Commissioner for Property Disposal, Public Buildings Service; Edward J. Rynne, Jr., Real Estate Specialist, Asset Management Group, U.S. Postal Service; Jim Jenkins, Mayor, Terre Haute, State of Indiana; and a public witness.

ANTHRAX VACCINE PROGRAM IMPACT

Committee on Government Reform: Subcommittee on National Security, Veterans Affairs, and International Relations held a hearing on the Impact of the Anthrax Vaccine Program on Reserve and National Guard Units. Testimony was heard from the following officials of the Department of Defense: Charles Cragin, Acting Assistant Secretary, Reserve Affairs; Lt. Col. Thomas Heemstra, USAF, Air National Guard, State of Kentucky; Maj. Cheryl Hansen, USAF, Air Force Reserves; Capt. David A. Panzera, USAF and Tech Sgt. William Mangieri, USAF, both with the Air National Guard, State of New York.

TRANSATLANTIC TRADE AGENDA

Committee on International Relations: Subcommittee on International Economic Policy and Trade held a hearing on Transatlantic Trade Agenda: A Conflict or Cooperation? Testimony was heard from Charles Ludolph, Deputy Assistant Secretary, Europe, International Trade Administration, Department of Commerce; E. Bryan Samuel, Deputy Assistant Secretary, Trade Policy, Bureau of Economic and Business Affairs, Department of State; and public witnesses.

SELECTED REGIONAL ISSUES

Committee on International Relations: Subcommittee on Western Hemisphere held a hearing to receive an Update on Selected Regional Issues including the following: Colombia and U.S. Policy; Legislative Elections in Haiti and U.S. Troop Withdrawal; Status of Counter-Drug Forward Operating Locations; U.S.-Cuba Counter-Narcotics Cooperation Proposal; Chinese Influence in the Panama Canal; Political Events in Venezuela; and Status of U.S. Property Claims in Nicaragua. Testimony was heard from Peter F. Romero, Acting Assistant Secretary, Bureau of Western Hemisphere Affairs, Department of State.

SMALL BUSINESS LIABILITY REFORM ACT

Committee on the Judiciary: Held a hearing on H.R. 2366, Small Business Liability Reform Act of 1999. Testimony was heard from public witnesses.

REGULATORY FAIR WARNING ACT; OVERSIGHT—LEGAL SERVICES CORPORATION

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law approved for full Committee action, as amended, H.R. 881, Regulatory Fair Warning Act of 1999.

The Subcommittee also held an oversight hearing on the Legal Services Corporation. Testimony was heard from the following officials of the Legal Services Corporation: Edouard R. Quatrevaux, Inspector General; John McKay, President; and John N. Erlenborn, Vice Chair, Board of Director; Laurie E. Ekstrand, Director; Administration of Justice Issues, GAO; and public witnesses.

VIOLENCE AGAINST WOMEN ACT; STALKING PREVENTION AND VICTIM PROTECTION ACT

Committee on the Judiciary: Subcommittee on Crime held a hearing on the following bills: H.R. 1248, Violence Against Women Act of 1999; and H.R. 1869, Stalking Prevention and Victim Protection Act of 1999. Testimony was heard from Bonnie Campbell, Director, Violence Against Women Office, Department of Justice; Robert Fein, Forensic Psychologist, U.S. Secret Service, Department of the Treasury; and public witnesses.

OVERSIGHT—FEDERAL AID PROGRAMS ADMINISTERED BY FISH AND WILDLIFE SERVICE; SUBPOENA AUTHORITY

Committee on Resources: Continued oversight hearings on the Federal Aid Programs administrated by the U.S. Fish and Wildlife Service (Part II). Testimony

was heard from Barry Hill, Associate Director, Energy, Resources and Science, GAO; James Beers, Wildlife Biologist, Division of Federal Aid, U.S. Fish and Wildlife Service, Department of the Interior; and a public witness.

The Committee also approved a motion granting Chairman Young authority to issue such subpoenas as he may deem necessary in relation to an inquiry into the administration and execution of the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnston Sport Fish Restoration Act and into the expenditure and maintenance of certain funds under these and other Acts administrated by the Fish and Wildlife Service of the U.S. Department of the Interior; including the authority to require by subpoena the testimony of Assistant Interior Secretary Donald J. Barry at a future hearing before the Committee, and the production of other materials related to the inquiry.

UNBORN VICTIMS OF VIOLENCE ACT

Committee on Rules: Granted, by voice vote, a structured rule, providing 2 hours of debate on H.R. 2436, Unborn Victims of Violence Act of 1999. The rule waives points of order against consideration of the bill for failure to comply with clause 3(b) of rule XIII (requiring the inclusion in the report of any record votes on a motion to report, or on any amendment to a bill reported from committee). The rule makes in order the Committee on the Judiciary amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment, which shall be considered as read. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule permits the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Canaday of Florida, Graham, Conyers, Watt of North Carolina, and Lofgren.

NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 2910, National Transportation Safety Board Amendments Act of 1999. The rule makes in order the Committee on Transportation and Infrastructure amendment in the nature of a substitute as an original bill for the purpose of amendment, modified by the amendment printed in the report of the Committee of Rules accompanying the resolution. The rule provides that the bill will be open for amendment by section. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the *Congressional Record.* The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Shuster and Representative Lipinski.

NASA'S X–33 PROGRAM

Committee on Science: Subcommittee on Space and Aeronautics held a hearing on NASA's X–33 Program. Testimony was heard from Gary Payton, Deputy Associate Administrator, Space Transportation Technology, Office of Aero-Space Technology, NASA; Allen Li, Associate Director, Defense Acquisition Issues, GAO; and a public witness.

"RE-GROW" RURAL AMERICA

Committee on Small Business: Held a hearing on Helping Agricultural Producers "Re-Grow" Rural America. Testimony was heard from Dayton Watkins, Administrator, Rural Business-Cooperative Service, USDA; and public witnesses.

GROUND-WATER CONTAMINATION

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on H.R. 910, to authorize the Secretary of the Army, acting through the Chief of Engineers and in coordination with other Federal agency heads, to participate in the funding and implementation of a balanced, long-term solution to the problems of ground-water contamination, water supply, and reliability affecting the San Gabriel groundwater basin in California, and the role of the Corps of Engineers in the Formerly Utilized Sites Remedial Action Program. Testimony was heard from Representatives Dreier and Napolitano; Brig. Gen. Hans A. Van Winkle, USA, Deputy Commander for Civil

Works, Corps of Engineers, Department of the Army; and public witnesses.

TREASURY'S DEBT BUYBACK PROPOSAL

Committee on Ways and Means: Held a hearing on the Treasury's Debt Buyback Proposal. Testimony was heard from Lee Sachs, Assistant Secretary, Financial Markets, Department of the Treasury; Paul L. Posner, Director, Budget Issues, Accounting and Information Management Division, GAO; and public witnesses.

BALLISTIC MISSILE THREAT BRIEFING

Permanent Select Committee on Intelligence: Met in executive session to hold a briefing on the National Intelligence Estimate on the Ballistic Missile Threat. The Committee was briefed by departmental officials.

Joint Meetings

BIOTECHNOLOGY

Joint Economic Committee: Committee concluded hearings to explore the effects biotechnology has on our economy, standard of living, and everyday lives, after receiving testimony from Arthur D. Levinson and Steven Shak, both of Genentech, Inc., James Glassman, American Enterprise Institute, Robert Bunning, National Rehabilitation Hospital, and Carolyn Boyer-Fortier, all of Washington, D.C.; Arthur Ullian, Task Force on Science, Healthcare and the Economy, Henri Termeer, Genzyme Corporation, Peter Lynch, Fidelity Management and Research Company, Carl Rausch, Biopure Corporation, and Alan Sager, Boston University School of Public Health, all of Boston, Massachusetts; Hendrik A. Verfaillie, Monsanto Company, St. Louis, Missouri; Lewis E. Edelheit, General Electric Company, Schenectady, New York; Christine Cassel, Mt. Sinai Medical Center, Mt. Sinai, New York; Matthew Andresen, Island ECN, Inc., New York, New York; M. Kathy Behrens, National Venture Capital Association, Arlington, Virginia; Daniel Callahan, Hastings Center, Garrison, New York; John Kim Niparko, Johns Hopkins University School of Medicine, Baltimore, Maryland; Edward Fritzky, Immunex Corporation, Seattle, Washington; Ronald W. Dollens, Guidant Corporation, Santa Clara, California; George B. Rathmann, ICOS Corporation, Bothell, Washington; Larry Einhorn, Indiana University School of Medicine, Bloomington; Lance Armstrong, Austin, Texas; Julia Breyer-Lewis, Vanderbilt University, and Erin Fagan, both of Nashville, Tennessee; and Joan London, Adelphi, Maryland.

FINANCIAL SERVICES MODERNIZATION

Conferees continued to resolve the differences between the Senate and House passed versions of S. 900/H.R. 10, bills to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, but did not complete action thereon, and will meet again tomorrow.

COMMITTEE MEETINGS FOR THURSDAY, SEPTEMBER 30, 1999

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to review the Administration's agriculture agenda for the upcoming World Trade Organization meeting in Seattle, 9 a.m., SR–328A.

Committee on Commerce, Science, and Transportation: business meeting to consider the nomination of Stephen D. Van Beek, of the District of Columbia, to be Associate Deputy Secretary of Transportation; the nomination of Michael J. Frazier, of Maryland, to be an Assistant Secretary of Transportation; the nomination of Thomas B. Leary, of the District of Columbia, to be a Federal Trade Commissioner; the nomination of Linda Joan Morgan, of Maryland, to be a Member of the Surface Transportation Board; and the nomination of Gregory Rohde, of North Dakota, to be Assistant Secretary of Commerce for Communications and Information; and lists for promotion in the National Oceanic and Atmospheric Administration, and the United States Coast Guard, Time to be announced, Room to be announced.

Subcommittee on Consumer Affairs, Foreign Commerce, and Tourism, to hold hearings on S. 1130, 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, 10:30 a.m., SR–253.

Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management, to hold hearings on S. 1457, to amend the Energy Policy Act of 1992 to assess opportunities to increase carbon storage on national forests derived from the public domain and to facilitate voluntary and accurate reporting of forest projects that reduce atmospheric carbon dioxide concentrations, 2:30 p.m., SD–366.

Committee on Foreign Relations: to hold hearings to examine issues on corruption in Russia, 10:30 a.m., SD–419.

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.J. Res. 3, proposing an amendment to the Constitution of the United States to protect the rights of crime victims, 10 a.m., SD–226.

Special Committee on the Year 2000 Technology Problem: to hold hearings to examine the global impact of Y2K technology on the transportation system, 9:30 a.m., SD–192.

House

Committee on Appropriations, to mark up the Labor, Health and Human Services, and Education appropriations for fiscal year 2000, 9:30 a.m., 2359 Rayburn,

Committee on Armed Services, Subcommittee on Military Personnel, hearing on the Department of Defense Anthrax Vaccine Immunization Program, 9 a.m., 2118 Rayburn.

Committee on Commerce, Subcommittee on Health and Environment, to mark up the following bills: H.R. 2634, Drug Addiction Treatment Act of 1999; H. Res. 278, expressing the sense of the House of Representatives regarding the importance of education, early detection and treatment, and other efforts in the fight against breast cancer; H.R. 1070, to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program; H.R. 2418, Organ Procurement and Transplantation Network Amendments of 1999; and H.R. 11, to amend the Clean Air Act to permit the exclusive application of California State regulations regarding reformulated gas in certain areas within the State, 10 a.m., 2123 Rayburn.

Subcommittee on Telecommunications, Trade, and Consumer Protection, hearing on H.R. 1746, Schools and Libraries Internet Access Act, 10 a.m., 2322 Rayburn.

Committee on Government Reform, to consider the following bills: H.R. 1451, to establish the Abraham Lincoln Bicentennial Commission; H. Res. 279, congratulating Henry ''Hank'' Aaron on the 25th anniversary of breaking the Major League Baseball career home run record established by Babe Ruth and recognizing him as one of the greatest baseball players of all time; H.R. 2904, to amend the Ethics in Government Act of 1978 to reauthorize funding for the Office of Government Ethics; H.R. 915, to authorize a cost of living adjustment in the pay of administrative law judges; H.R. 2885, Statistical Efficiency Act of 1999; H.R. 1788, Nazi Benefits Termination Act of 1999; H.R. 2513, to direct the Administrator of General Services to acquire a building located in Terre Haute, Indiana; H.R. 642, to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the ''Mervyn Malcolm Dymally Post Office Building''; H.R. 643, to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the ''Augustus F. Hawkins Post Office Building''; H.R. 1666, to designate the facility of the United States Postal Service at 200 East Pinckney Street in Madison, Florida, as the ''Captain Colin P. Kelly, Jr., Post Office''; H.R. 2307, to designate the building of the United States Postal Service located at 5 Cedar Street in Hopkinton, Massachusetts, as the ''Thomas J. Brown Post Office Building''; H.R. 2357, to designate the United States Post Office located at 3675 Warrensville Center Road in Shaker Heights, Ohio, as the ''Louise Stokes Post Office''; H.R. 1374, to designate the United States Post Office building located at 680 State Highway 130 in Hamilton, New Jersey, as the ''John K. Rafferty Hamilton Post Office Bui1ding''; H.R. 2302, to designate the building of the United States Postal Service located at 307 Main Street in Johnson City, New York, as the ''James W. McCabe, Sr. Post Office Building''; H.R. 2358, to designate the United States Post Office located at 3813 Main Street in East Chicago, Indiana, as the ''Lance Corporal Harold Gomez Post Office''; H.R. 2460, to designate the United States Post Office located at 125 Border Avenue West in Wiggins, Mississippi, as the ''Jay Hanna 'Dizzy' Dean Post Office''; H.R. 2591, to designate the United States Post Office located at 713 Elm Street in Wakefield, Kansas, as the ''William H. Avery Post Office''; and H.R. 2938, to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the ''John Brademas Post Office'', 10 a.m., 2154 Rayburn.

Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs and the Subcommittee on Government Management, Information, and Technology, joint hearing on Grant Waivers: H.R. 2376, to require executive agencies to establish expedited review procedures for granting a waiver to a State under a grant program administered by the agency if another State has already been granted a similar waiver by the agency under such program, and Streamlining the Process, 2 p.m., 2247 Rayburn.

Subcommittee on Postal Service, to consider H.R. 170, Honesty in Sweepstakes Act of 1999, 2 p.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on International Operations and Human Rights, hearing on the Humanitarian Crisis in East Timor, 12:30 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Courts and Intellectual Property, hearing on H.R. 1714, Electronic Signatures in Global and National Commerce Act, 10 a.m., 2237 Rayburn.

Subcommittee on Crime, hearing on the following bills: H.R. 1349, Federal Prisoner Health Care Copayment Act of 1999; and H.R. 1887, to amend title 18, United States Code, to punish the depiction of animal cruelty, 1:30 p.m., 2226 Rayburn.

Subcommittee on Immigration and Claims, to mark up the following: H.R. 1520, Child Status Protection Act of 1999; H.R. 2886, to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after s sibling who is a child under such Act; H.R. 2961, International Patient Act; and two private relief bills, 1:30 p.m., 2237 Rayburn.

Committee on Resources, Subcommittee on National Parks and Public Lands, hearing on the following bills: H.R. 1864, to standardize the process for conducting public hearings for Federal agencies within the Department of the Interior; H.R. 1866, to provide a process for the public to appeal certain decisions made by the National Park Service and by the United States Fish and Wildlife Service; and H.R. 2541, to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi, 10 a.m., 1324 Longworth.

Subcommittee on Water and Power, hearing on H.R. 2918, Dakota Water Resources Act of 1999, 2 p.m., 1334 Longworth.

Committee on Science, Subcommittee on Energy and Environment, to continue hearings on Reformulated Gasoline (Part II), 10 a.m., 2318 Rayburn.

Subcommittee on Technology, hearing on H.R. 2413, Computer Security Enhancement Act of 1999, 1:30 p.m., 2318 Rayburn.

Committee on Small Business, to mark up H.R. 1497, Women's Business Centers Sustainability Act of 1999, 9 a.m., 2360 Rayburn,

Committee on Transportation and Infrastructure, Subcommittee on Ground Transportation, hearing on the Future of the Woodrow Wilson Bridge, 10 a.m., 2167 Rayburn.

Subcommittee on Oversight, Investigations, and Emergency Management, hearing on Financial Data Quality, 2 p.m., 2253 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Oversight and Investigations, hearing on the Department of Veterans Affairs Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication, 10 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Oversight, hearing on the Impact of Tax Laws on Land Use, Conservation, and Preservation, 1 p.m., 1100 Longworth.

Joint Meetings

Conference: meeting of conferees on S. 900, to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, insurance companies, and other financial service providers, 3 p.m., 2128, Rayburn Building.

Next Meeting of the SENATE

9:30 a.m., Thursday, September 30

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 1650, Labor/HHS/Education Appropriations, with a vote on or in relation to the Gregg Amendment No. 1810 (to Amendment No. 1809) to occur at 10 a.m. Also, Senate will consider any conference reports when available.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, September 30

House Chamber

Program for Thursday: Consideration of H.R. 2910, National Transportation Safety Board Amendments Act of 1999 (open rule, one hour of general debate); and

Consideration of H.R. 2436, Unborn Victims of Violence Act of 1999 (structured rule, two hours of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE

Bentsen, Ken, Tex., E1986
Bilbray, Brian P., Calif., E1992
Blumenauer, Earl, Ore., E1986
Davis, Thomas M., Va., E1991
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