United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, FRIDAY, OCTOBER 1, 1999 No. 131

House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. EWING).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 1, 1999.

I hereby appoint the Honorable THOMAS W. EWING to act as Speaker pro tempore on this day.

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

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Let us pray using the words of Psalm 117:

Praise the Lord, all you nations!
Extol Him, all you peoples!
For great is His steadfast love toward us, and the faithfulness of the Lord endures forever.
Praise the Lord!

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. VITTER 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 has passed a bill of the following title in which concurrence of the House is requested:

S. 1606. An act to extend for 9 additional months the period for which chapter 12 of title 11, United States Code, is reenacted.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain one minutes at the end of business.

CONFERENCE REPORT ON H.R. 2084, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 318 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 318

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 318 provides for the consideration of the conference report to accompany H.R. 2084, the Department of Transportation and Related Agencies Appropriations Bill for fiscal year 2000.

The rule waives all points of order against the conference report and against its consideration. The rule also provides the conference report will be considered as read.

Mr. Speaker, this bill provides for appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000. The legislation before the House this morning is vitally important to both the safety and the efficiency of travel and transportation in the United States.

The bill provides for the necessary resources for America's highways and airports, our railroads and public transportation facilities, and safety in all forms of transportation.

Mr. Speaker, ensuring the safety of American motorists, fliers, and travelers is this Government's highest responsibility, and clearly this bill addresses those needs and concerns. Indeed, the underlying legislation represents an increase in safety measures and resources in every area of America's transportation system, from the Coast Guard, to the Federal Aviation Administration, to the National Highway Traffic Safety Administration.

And even while we ensure adequate and appropriate financial resources to meet those needs, our conferees have met the challenge, while practicing fiscal responsibility and bipartisan cooperation, maintaining the fiscal restraints adopted in the Balanced Budget Act of 1997.

I commend my friend and colleague, the gentleman from Virginia (Mr. WOLF), the chairman of the Committee

Printed on recycled paper.

on Appropriations Subcommittee on Transportation, and the gentleman from Minnesota (Mr. SABO), for their hard work in crafting a responsible bipartisan bill.

I urge my colleagues to support this rule and the underlying bill.

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

Ms. SLAUGHTER. I yield myself such time as I may consume.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from New York for yielding me time.

Mr. Speaker, I do not oppose the rule, the transportation appropriations conference report for fiscal year 2000, but the conference report itself should be the subject of vigorous debate today as members of the authorizing committee and the Committee on Transportation and Infrastructure express their serious concerns about provisions added to the conference report by the other body. There are also issues which will be discussed on the floor today relating to unfunded mandates and numerous legislative provisions which appear in the conference report.

Mr. Speaker, there is no question but that the transportation system of this Nation helps us to maintain our competitive edge worldwide. There is no question but that the very same system must be maintained, repaired, and upgraded constantly for that competitive edge to remain. This is a goal shared by both the Committee on Transportation and Infrastructure and the Subcommittee on Transportation of the Committee on Appropriations. This debate might be described as a difference not of where we are going, but how we get there.

I wish to thank the gentleman from Pennsylvania (Chairman SHUSTER) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) of the Committee on Transportation and Infrastructure, and the gentleman from Virginia (Chairman WOLF), and the ranking member, the gentleman from Minnesota (Mr. SABO) of the Committee on Transportation and Infrastructure Subcommittee on Appropriations, for sharing strong support of and commitment to our transportation system for the people of America, unmatched anywhere in the world.

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

Mr. REYNOLDS. 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 resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. WOLF. Mr. Speaker, pursuant to House Resolution 318, I call up the conference report on the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

The Clerk read the title of the conference report.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 30, 1999, at page H9077).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. WOLF) and the gentleman from Minnesota (Mr. SABO) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. WOLF).

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2084, and that I may include tabular and extraneous material.

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

There was no objection.

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

Mr. Speaker, I am pleased to bring before the House an excellent conference report on the transportation appropriations bill for the coming fiscal year. We have worked long and hard in truly a bipartisan fashion, and I want to thank the gentleman from Minnesota (Mr. SABO) for that, with the Senate conferees to hammer out a conference agreement which hopefully will easily pass this body.

We said earlier that this House would pass individual appropriation bills in a timely manner and send them to the President for signature. We have fallen a little bit behind, but here is a way to get us back on track.

This is a bill which provides funding increases for all our vital transportation systems and infrastructure and gives the President another bill he can sign just as the new fiscal year begins.

Mr. Speaker, I include the following for the RECORD.

H.R. 2084 - TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL, 2000

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - DEPARTMENT OF TRANSPORTATION						
Office of the Secretary						
Salaries and expenses:						
Immediate Office of the Secretary	1,624	1,967	1,867	1,900	1,867	+243
Immediate Office of the Deputy Secretary	585	612	612	600	600	+15
Office of the General Counsel	8,750	9,150	9,000	9,000	9,000	+250
Office of the Assistant Secretary for Policy	2,808	2,924	.....	2,900	2,824	+16
Office of the Assistant Secretary for Aviation and International Affairs	7,650	7,732	7,632	7,700	7,650	.....
Office of the Assistant Secretary for Budget and Programs	6,349	6,790	6,770	6,870	6,870	+521
Office of the Assistant Secretary for Governmental Affairs	1,941	2,039	2,039	2,000	2,039	+98
Office of the Assistant Secretary for Administration	19,722	18,847	17,767	18,600	17,767	-1,955
Office of Public Affairs	1,565	1,836	1,836	1,800	1,800	+235
Executive Secretariat	1,047	1,102	1,102	1,110	1,102	+55
Board of Contract Appeals	561	520	520	560	520	-41
Office of Small and Disadvantaged Business Utilization	1,020	1,222	1,222	1,222	1,222	+202
Office of Intelligence and Security	1,036	1,574	1,454	.....	1,454	+418
Office of the Chief Information Officer	4,875	5,075	5,000	5,100	5,075	+200
Office of Intermodalism	957	1,187	.....	.....	1,062	+105
Office of the Assistant Secretary for Transportation Policy & Intermodalism	.....	.....	3,781	.....	.....	.....
Subtotal	60,490	62,577	60,602	59,362	60,852	+362
Y2K conversion (emergency funding)	(7,754)	.....	.....	.....	.....	(-7,754)
Office of civil rights	6,966	7,742	7,742	7,200	7,200	+234
Transportation planning, research, and development	9,000	6,275	2,950	3,300	3,300	-5,700
Transportation Administrative Service Center	(124,124)	.....	(157,965)	(169,953)	(148,673)	(+24,549)
Minority business resource center program	1,900	1,900	1,900	1,900	1,900	.....
(Limitation on direct loans)	(13,775)	(13,775)	(13,775)	(13,775)	(13,775)	.....
Minority business outreach	2,900	2,900	2,900	2,900	2,900	.....
Payments to air carriers (Airport and Airway Trust Fund) (rescission of contract authorization)	(-815)	.....	.....	.....	.....	(+815)
Total, Office of the Secretary	81,256	81,394	76,094	74,662	76,152	-5,104
Coast Guard						
Operating expenses	2,400,000	2,607,039	2,491,000	2,238,000	2,481,000	+81,000
Defense function	300,000	334,000	300,000	534,000	300,000	.....
Title I - Readiness (emergency funding)	(100,000)	.....	.....	.....	.....	(-100,000)
Title IV - Counterdrug (emergency funding)	(16,300)	.....	.....	.....	.....	(-16,300)
Y2K conversion (emergency funding)	(27,715)	.....	.....	.....	.....	(-27,715)
Y2K conversion (emergency funding)	(4,058)	.....	.....	.....	.....	(-4,058)
Emergency funding (P.L. 106-31)	(200,000)	.....	.....	.....	.....	(-200,000)
Acquisition, construction, and improvements:						
Vessels	219,923	165,760	205,560	123,560	134,560	-85,363
Aircraft	35,700	22,110	38,310	33,210	44,210	+8,510
Other equipment	36,569	53,726	59,400	52,726	51,626	+15,057
Shore facilities & aids to navigation facilities	54,823	55,800	55,800	63,800	63,800	+8,977
Personnel and related support	48,450	52,930	50,930	52,930	50,930	+2,480
Deepwater replacement project revolving fund	.....	.....	.....	44,200	.....	.....
Integrated Deepwater Systems	.....	.....	.....	.....	44,200	+44,200
Subtotal, A C & I appropriations	395,465	350,326	410,000	370,426	389,326	-6,139
Offsetting collections (user fees)	.....	-41,000	.....	.....	.....	.....
Title I - Counterdrug (emergency funding)	(100,000)	.....	.....	.....	.....	(-100,000)
Hurricane Georges (emergency funding)	(12,600)	.....	.....	.....	.....	(-12,600)
Title IV - Counterdrug (emergency funding)	(117,400)	.....	.....	.....	.....	(-117,400)
Environmental compliance and restoration	21,000	19,500	18,000	12,450	17,000	-4,000
Alteration of bridges	14,000	.....	15,000	14,000	15,000	+1,000
Retired pay	684,000	721,000	721,000	730,327	730,327	+46,327
Reserve training	69,000	72,000	72,000	72,000	72,000	+3,000
Title I - Readiness (emergency funding)	(5,000)	.....	.....	.....	.....	(-5,000)
Research, development, test, and evaluation	12,000	21,709	21,039	17,000	19,000	+7,000
Title I - Readiness (emergency funding)	(5,000)	.....	.....	.....	.....	(-5,000)
Total, Coast Guard	3,895,465	4,084,574	4,048,039	3,988,203	4,023,653	+128,188
Federal Aviation Administration						
Operations (Airport and Airway Trust Fund)	5,562,558	6,039,000	.....	5,857,450	5,900,000	+337,442
Y2K conversion (emergency funding)	(14,946)	.....	.....	.....	.....	(-14,946)
Y2K conversion (emergency funding)	(13,852)	.....	.....	.....	.....	(-13,852)
Facilities & equipment (Airport & Airway Trust Fund)	1,900,000	2,319,000	2,200,000	2,045,652	2,075,000	+175,000
Title II - Antiterrorism (emergency funding)	(100,000)	.....	.....	.....	.....	(-100,000)
Y2K conversion (emergency funding)	(106,612)	.....	.....	.....	.....	(-106,612)
Y2K conversion (emergency funding)	(15,521)	.....	.....	.....	.....	(-15,521)
Rescission	.....	.....	.....	-299,500	-30,000	-30,000
Research, engineering, and development (Airport and Airway Trust Fund)	150,000	173,000	173,000	150,000	156,495	+6,495
Y2K conversion (emergency funding)	(147)	.....	.....	.....	.....	(-147)
Y2K conversion (emergency funding)	(220)	.....	.....	.....	.....	(-220)

H.R. 2084 - TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Grants-in-aid for airports (Airport and Airway Trust Fund):						
(Liquidation of contract authorization)	(1,600,000)	(1,750,000)	(1,867,000)	(1,750,000)	(1,750,000)	(+150,000)
(Limitation on obligations)	(1,950,000)	(1,600,000)	(2,250,000)	(2,000,000)	(1,950,000)	.....
(Obligation limitation reduction) (P.L. 105-277)	.....	.....	.....	(-290,000)	.....	.....
Rescission of contract authority	.....	.....	-300,000	.....	.....	.....
Total, Federal Aviation Administration	7,612,558	8,531,000	2,373,000	8,053,102	8,131,495	+518,937
(Limitations on obligations)	(1,950,000)	(1,600,000)	(2,250,000)	(1,710,000)	(1,950,000)	.....
Total budgetary resources	(9,562,558)	(10,131,000)	(4,623,000)	(9,763,102)	(10,081,495)	(+518,937)
Rescission	.....	.....	-300,000	-299,500	-30,000	-30,000
Net total	(9,562,558)	(10,131,000)	(4,323,000)	(9,463,602)	(10,051,495)	(+488,937)
Federal Highway Administration						
Limitation on administrative expenses	(327,413)	(350,432)	(356,380)	(370,000)	(376,072)	(+48,659)
Limitation on transportation research	.....	.....	(422,450)	.....	.....	.....
Federal-aid highways (Highway Trust Fund):						
(Limitation on obligations)	(25,511,000)	(26,245,000)	(26,245,000)	(26,245,000)	(26,245,000)	(+734,000)
(Revenue aligned budget authority) (RABA)	.....	(1,456,350)	(1,456,350)	(1,456,350)	(1,456,350)	(+1,456,350)
(RABA transfer under Title III)	.....	(-502,120)	.....	.....	.....	.....
(Adjustment)	.....	(63,000)	.....	.....	.....	.....
Domestic Discretionary	.....	.....	.....	.....	.....	.....
Highway safety initiative (transfer to NHTSA)	.....	.....	.....	(-14,500)	.....	.....
Section 405(b) grant (transfer to NHTSA)	.....	.....	.....	(-7,500)	.....	.....
Subtotal, limitation on obligations	(25,511,000)	(27,262,230)	(27,701,350)	(27,679,350)	(27,701,350)	(+2,190,350)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(1,132,116)	(1,132,116)	(-291,931)
(Liquidation of contract authorization)	(24,000,000)	(26,000,000)	(26,125,000)	(26,300,000)	(26,000,000)	(+2,000,000)
Motor carrier safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(100,000)	(155,000)	(105,000)	(105,000)	(105,000)	(+5,000)
(Limitation on obligations)	(100,000)	(105,000)	(105,000)	(105,000)	(105,000)	(+5,000)
(RABA transfer under Title III)	.....	(50,000)	.....	.....	.....	.....
National motor carrier safety program (highway trust fund)	.....	.....	.....	50,000	.....	.....
Additional provisions - Division A P.L. 105-277:						
Surface transportation projects, Massachusetts	100,000	.....	.....	.....	.....	-100,000
Surface transportation projects, Arkansas	100,000	.....	.....	.....	.....	-100,000
Appalachian development highway system, Alabama	100,000	.....	.....	.....	.....	-100,000
Appalachian development highway system, West Va	32,000	.....	.....	.....	.....	-32,000
State infrastructure banks (rescission)	(-6,500)	.....	.....	.....	.....	(+6,500)
Total, Federal Highway Administration	332,000	.....	.....	50,000	.....	-332,000
(Limitations on obligations)	(25,611,000)	(27,417,230)	(27,806,350)	(27,784,350)	(27,806,350)	(+2,195,350)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(1,132,116)	(1,132,116)	(-291,931)
Total budgetary resources	(27,367,047)	(28,549,346)	(28,938,466)	(28,966,466)	(28,938,466)	(+1,571,419)
National Highway Traffic Safety Administration						
Operations and research	.....	.....	87,400	.....	87,400	+87,400
Operations and research (Highway Trust Fund)	87,400	.....	.....	72,900	.....	-87,400
Subtotal	87,400	.....	87,400	72,900	87,400	.....
Operations and research (highway trust fund):						
(Limitation on obligations)	(72,000)	(72,000)	(72,000)	(72,000)	(72,000)	.....
(RABA transfer under Title III)	.....	(125,450)	.....	.....	.....	.....
(Liquidation of contract authorization)	(72,000)	(197,450)	(72,000)	(72,000)	(72,000)	.....
Y2K conversion (emergency funding)	(752)	.....	.....	.....	.....	(-752)
(Transfer from FHA)	.....	.....	.....	(14,500)	.....	.....
National Driver Register (highway trust fund)	2,000	2,000	2,000	2,000	2,000	.....
Subtotal, Operations and research	(161,400)	(199,450)	(161,400)	(161,400)	(161,400)	.....
Highway traffic safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(200,000)	(206,800)	(206,800)	(206,800)	(206,800)	(+6,800)
(Limitation on obligations):						
Highway safety programs (Sec. 402)	(150,000)	(152,800)	(152,800)	(152,800)	(152,800)	(+2,800)
Occupant protection incentive grants (Sec. 405)	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	.....
Alcohol-impaired driving countermeasures grants (Sec. 410)	(35,000)	(36,000)	(36,000)	(36,000)	(36,000)	(+1,000)
State Highway safety data grants (Sec. 411)	(5,000)	(8,000)	(8,000)	(8,000)	(8,000)	(+3,000)
Child passenger protection education grants (transfer from FHWA)	.....	.....	.....	(7,500)	.....	.....
Total, National Highway Traffic Safety Administration	89,400	2,000	89,400	74,900	89,400	.....
(Limitations on obligations)	(272,000)	(404,250)	(278,800)	(300,800)	(278,800)	(+6,800)
Total budgetary resources	(361,400)	(406,250)	(368,200)	(375,700)	(368,200)	(+6,800)

H.R. 2084 - TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Federal Railroad Administration						
Office of the administrator	21,215					-21,215
Railroad safety	61,488					-61,488
Safety and operations		95,462	94,448	91,789	94,288	+94,288
Offsetting collections (user fees)		-66,461				
Subtotal	82,703	29,001	94,448	91,789	94,288	+11,585
Railroad research and development	22,364	21,800	21,300	22,364	22,464	+100
Offsetting collections (user fees)		-21,300				
Pennsylvania Station Redevelopment project (advance approp, FY 2001)		20,000		20,000		
Next generation high-speed rail	20,494	12,000	22,000	20,500	27,200	+6,706
Alaska Railroad rehabilitation	10,000			14,000	10,000	
Alaska Railroad capital improvements (Division A)	28,000					-28,000
Rhode Island Rail Development	5,000	10,000	10,000	10,000	10,000	+5,000
Capital grants to the National Railroad Passenger Corporation	609,230	570,976	570,976	571,000	571,000	-38,230
Rail initiative trust fund (Highway Trust Fund) (RABA transfer under Title III):						
(Liquidation of contract authorization)		(35,400)				
(Limitation on obligations)		(35,400)				
Total, Federal Railroad Administration	777,791	642,477	718,724	749,653	734,952	-42,839
(Limitations on obligations)		(35,400)				
Total budgetary resources	(777,791)	(677,877)	(718,724)	(749,653)	(734,952)	(-42,839)
Federal Transit Administration						
Administrative expenses	10,800	12,000	12,000	12,000	12,000	+1,200
Administrative expenses (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(43,200)	(48,000)	(48,000)	(48,000)	(48,000)	(+4,800)
Subtotal, Administrative expenses	(54,000)	(60,000)	(60,000)	(60,000)	(60,000)	(+6,000)
Y2K conversion (emergency funding)	(250)					(-250)
Formula grants	570,000	619,600	619,600	619,600	619,600	+49,600
Formula grants (Highway Trust Fund):						
(Limitation on obligations)	(2,280,000)	(2,478,400)	(2,478,400)	(2,478,400)	(2,478,400)	(+198,400)
(RABA transfer under Title III)		(212,270)				
Subtotal, Formula grants	(2,850,000)	(3,310,270)	(3,098,000)	(3,098,000)	(3,098,000)	(+248,000)
University transportation research	1,200	1,200	1,200	1,200	1,200	
University transportation research (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(4,800)	(4,800)	(4,800)	(4,800)	(4,800)	
Subtotal, University transportation research	(6,000)	(6,000)	(6,000)	(6,000)	(6,000)	
Transit planning and research (general fund)	19,800	21,000	21,000	21,000	21,000	+1,200
Transit planning and research (Highway Trust Fund, Mass Transit Account):						
(Limitation on obligations)	(78,200)	(86,000)	(86,000)	(86,000)	(86,000)	(+7,800)
(RABA transfer under Title III)		(4,000)				
Subtotal, Transit planning and research	(98,000)	(111,000)	(107,000)	(107,000)	(107,000)	(+9,000)
Rural transportation assistance	(5,250)	(5,250)	(5,250)	(5,250)	(5,250)	
National transit institute	(4,000)	(4,000)	(4,000)	(4,000)	(4,000)	
Transit cooperative research	(8,250)	(8,250)	(8,250)	(8,250)	(8,250)	
Metropolitan planning	(43,842)	(49,632)	(49,632)	(49,632)	(49,632)	(+5,790)
State planning and research	(9,158)	(10,368)	(10,368)	(10,368)	(10,368)	(+1,210)
National planning and research	(27,500)	(33,500)	(29,500)	(29,500)	(29,500)	(+2,000)
Subtotal	(98,000)	(111,000)	(107,000)	(107,000)	(107,000)	(+9,000)
Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization)	(4,251,800)	(4,929,270)	(4,638,000)	(4,638,000)	(4,929,270)	(+677,470)
Capital investment grants (general fund)	451,400	490,200	490,200	490,200	490,200	+38,800
Capital investment grants (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(1,805,600)	(1,960,800)	(1,960,800)	(1,960,800)	(1,960,800)	(+155,200)
Subtotal, Capital investment grants	(2,257,000)	(2,451,000)	(2,451,000)	(2,451,000)	(2,451,000)	(+194,000)
(Fixed guideway modernization)	(902,800)	(980,400)	(980,400)	(980,400)	(980,400)	(+77,600)
(Buses and bus-related facilities)	(451,400)	(490,200)	(490,200)	(490,200)	(490,200)	(+38,800)
(New starts)	(902,800)	(980,400)	(980,400)	(980,400)	(980,400)	(+77,600)
Subtotal	(2,257,000)	(2,451,000)	(2,451,000)	(2,451,000)	(2,451,000)	(+194,000)
Mass transit capital fund (Highway Trust Fund) (liquidation of contract authorization)	(2,000,000)					(-2,000,000)
Discretionary grants (Highway Trust Fund, Mass Transit Account) (liquidation of contract authorization)		(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	(+1,500,000)

H.R. 2084 - TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Job access and reverse commute grants (general fund)	35,000	15,000	15,000	15,000	15,000	-20,000
(Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(40,000)	(60,000)	(60,000)	(60,000)	(60,000)	(+20,000)
(RABA transfer under Title III)	.....	(75,000)	.....	.....	.....	.....
Subtotal, Job access and reverse commute grants	(75,000)	(150,000)	(75,000)	(75,000)	(75,000)	.....
Washington Metropolitan Area Transit Authority (general fund)	50,000	.....	.....	.....	.....	-50,000
Trust fund share of transit programs (Highway Trust Fund) (rescission of contract authorization)	(-665)	.....	.....	.....	.....	(+665)
Interstate transfer grants - transit (rescission)	(-600)	.....	.....	.....	.....	(+600)
Total, Federal Transit Administration	1,138,200	1,159,000	1,159,000	1,159,000	1,159,000	+20,800
(Limitations on obligations)	(4,251,800)	(4,929,270)	(4,638,000)	(4,638,000)	(4,638,000)	(+386,200)
Total budgetary resources	(5,390,000)	(6,088,270)	(5,797,000)	(5,797,000)	(5,797,000)	(+407,000)
Saint Lawrence Seaway Development Corporation						
Operations and maintenance (Harbor Maintenance Trust Fund)	11,496	.....	12,042	11,496	12,042	+546
Mandatory proposal	.....	(12,042)	.....	.....	.....	.....
Subtotal	(11,496)	(12,042)	(12,042)	(11,496)	(12,042)	(+546)
Research and Special Programs Administration						
Research and special programs	.....	33,340	.....	.....	32,061	+32,061
Hazardous materials safety	16,063	.....	17,813	16,960	.....	-16,063
Emergency transportation	997	.....	1,459	1,275	.....	-997
Research and technology	3,676	.....	3,547	3,297	.....	-3,676
Program and administrative support	8,544	.....	9,542	9,220	.....	-8,544
Subtotal, research and special programs	29,280	33,340	32,361	30,752	32,061	+2,781
Offsetting collections (user fees)	.....	-4,575	.....	.....	.....	.....
Y2K conversion (emergency funding)	(182)	.....	.....	.....	.....	(-182)
Y2K conversion (emergency funding)	(100)	.....	.....	.....	.....	(-100)
Pipeline safety:						
Pipeline Safety Fund	29,000	33,939	30,598	30,000	30,000	+1,000
Oil Spill Liability Trust Fund	4,248	4,248	5,494	4,704	5,479	+1,231
Pipeline safety reserve	(1,400)	.....	(1,300)	(1,400)	(1,400)	.....
Subtotal, Pipeline safety program (incl reserve)	(34,648)	(38,187)	(37,392)	(36,104)	(36,879)	(+2,231)
Y2K conversion (emergency funding)	(150)	.....	.....	.....	.....	(-150)
Emergency preparedness grants:						
Emergency preparedness fund	200	200	200	200	200	.....
(Limitation on obligations)	(11,000)	.....	(14,300)	(11,000)	.....	(-11,000)
Total, Research and Special Programs Administration	62,728	67,152	68,653	65,656	67,740	+5,012
(Limitations on obligations)	(11,000)	.....	(14,300)	(11,000)	.....	(-11,000)
Total budgetary resources	(73,728)	(67,152)	(82,953)	(76,656)	(67,740)	(-5,988)
Office of Inspector General						
Salaries and expenses	43,495	44,840	44,840	5,000	44,840	+1,345
Surface Transportation Board						
Salaries and expenses	16,000	17,000	17,000	15,400	17,000	+1,000
User fees	.....	-2,600	.....	.....	.....	.....
Offsetting collections	-2,600	-14,400	-1,600	.....	-1,600	+1,000
General Provisions						
Transportation Administrative Service Center reduction	-15,000	.....	-11,000	-60,000	-15,000	.....
Transit discretionary grants (rescission of contract authorization)	(-392,000)	.....	.....	.....	.....	(+392,000)
National Aviation Review Commission (rescission)	(-849)	.....	.....	.....	.....	(+849)
Amtrak Reform Council	450	750	450	950	750	+300
Urban discretionary grants (rescission)	(-4,026)	.....	.....	.....	.....	(+4,026)
Net total, title I, Department of Transportation	14,486,343	14,613,187	8,294,642	13,888,522	14,310,424	-175,919
Current year, FY 2000	(14,486,343)	(14,593,187)	(8,294,642)	(13,868,522)	(14,310,424)	(-175,919)
Appropriations	(14,043,239)	(14,593,187)	(8,594,642)	(14,168,022)	(14,340,424)	(+297,185)
Rescissions	(-405,455)	.....	(-300,000)	(-299,500)	(-30,000)	(+375,455)
Emergency appropriations	(848,559)	.....	.....	.....	.....	(-848,559)
Advance appropriation, FY 2001	.....	(20,000)	.....	(20,000)	.....	.....
(Limitations on obligations)	(32,095,800)	(34,386,150)	(34,987,450)	(34,444,150)	(34,673,150)	(+2,577,350)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(1,132,116)	(1,132,116)	(-291,931)
Net total budgetary resources	(48,006,190)	(50,131,453)	(44,414,208)	(49,464,788)	(50,115,690)	(+2,109,500)

H.R. 2084 - TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE II - RELATED AGENCIES						
Architectural and Transportation Barriers Compliance Board						
Salaries and expenses	3,847	4,633	4,633	4,500	4,633	+786
Y2K conversion (emergency funding)	(60)					(-60)
National Transportation Safety Board						
Salaries and expenses	53,473	57,000	57,000	51,500	57,000	+3,527
Rental payments (supplemental P.L. 160-31)	2,300					-2,300
Offsetting collections		-10,000				
Emergency fund	1,000			1,000		-1,000
Total, National Transportation Safety Board	56,773	47,000	57,000	52,500	57,000	+227
Total, title II, Related Agencies	60,680	51,633	61,633	57,000	61,633	+953
Appropriations	(60,620)	(51,633)	(61,633)	(57,000)	(61,633)	(+1,013)
Emergency appropriations	(60)					(-60)
Grand total	14,547,023	14,664,820	8,356,275	13,945,522	14,372,057	-174,966
Current year, FY 2000	(14,547,023)	(14,644,820)	(8,356,275)	(13,925,522)	(14,372,057)	(-174,966)
Appropriations	(14,103,859)	(14,644,820)	(8,656,275)	(14,225,022)	(14,402,057)	(+298,198)
Rescissions	(-405,455)		(-300,000)	(-299,500)	(-30,000)	(+375,455)
Emergency appropriations	(848,619)					(-848,619)
Advance appropriation, FY 2001		(20,000)		(20,000)		
(Limitation on obligations)	(32,095,800)	(34,386,150)	(34,987,450)	(34,444,150)	(34,673,150)	(+2,577,350)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(1,132,116)	(1,132,116)	(-291,931)
Net total budgetary resources	(48,066,870)	(50,183,086)	(44,475,841)	(49,521,788)	(50,177,323)	(+2,110,453)
Scorekeeping adjustments:						
Pipeline safety (OSLTF)	1,400	-5,000	-3,000	-2,000	-3,000	-4,400
General Provision (Sec. 329)	4,000					-4,000
FTA: Job access (mass transit category)	-25,000					+25,000
FTA: Job access (non-defense discretionary)	25,000					-25,000
Emergency funding	-848,619					+848,619
FY 1999 adjustments to CBO rescissions	205					-205
Trans Admin Service Center adjustment			1,000			
Advance appropriations		-20,000		-20,000		
Total, adjustments	-843,014	-25,000	-2,000	-22,000	-3,000	+840,014
Net grand total (including scorekeeping)	13,704,009	14,639,820	8,354,275	13,923,522	14,369,057	+665,048
Appropriations	(14,109,464)	(14,639,820)	(8,654,275)	(14,223,022)	(14,399,057)	(+289,593)
Rescissions	(-405,455)		(-300,000)	(-299,500)	(-30,000)	(+375,455)
(Limitations on obligations)	(32,095,800)	(34,386,150)	(34,987,450)	(34,444,150)	(34,673,150)	(+2,577,350)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(1,132,116)	(1,132,116)	(-291,931)
Net grand total budgetary resources	(47,223,856)	(50,158,086)	(44,473,841)	(49,499,788)	(50,174,323)	(+2,950,467)
RECAP BY FUNCTION						
Mandatory	684,000	721,000	721,000	730,327	730,327	+46,327
Discretionary:						
Highway category: (Limitation on obligations)	(25,883,000)	(27,821,480)	(28,085,150)	(28,085,150)	(28,085,150)	(+2,202,150)
Mass Transit category	721,200	1,159,000	1,159,000	1,159,000	1,159,000	+437,800
(Limitation on obligations)	(4,251,800)	(4,929,270)	(4,638,000)	(4,638,000)	(4,638,000)	(+386,200)
Total, Mass Transit category	4,973,000	6,088,270	5,797,000	5,797,000	5,797,000	+824,000
General purpose discretionary:						
Defense discretionary	300,000	334,000	300,000	534,000	300,000	
Nondefense discretionary	11,998,809	12,425,820	6,174,275	11,500,195	12,179,730	+180,921
Total, General purpose discretionary	12,298,809	12,759,820	6,474,275	12,034,195	12,479,730	+180,921
Total, Discretionary	12,298,809	12,759,820	6,474,275	12,034,195	12,479,730	+180,921

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

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

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

Mr. SABO. Mr. Speaker, this is a good bill. I hope we pass it. As always, a bill does not reflect everything each of us might want or what either the House or the Senate might want, but is a compromise. This is a reasonable bill within the money available. I think it treats the various programs fairly. It treats the huge array of requests we had for funding fairly on a bipartisan basis, and I urge support of the conference report.

I just want to take a moment to express my thanks to my staff, the minority staff, Cheryl Smith and Marge Duske from my personal office, and the majority staff, John Blazey, Rich Efford, Stephanie Gupta, Linda Muir, and David Whitestone. They do outstanding work on behalf of us.

I rise in strong support of the conference report on the FY2000 Transportation Appropriations conference report. I want to commend the gentleman from Virginia for his tireless work in hammering out fair and sensible compromises on the many difficult and controversial issues that the transportation conferees were faced with this year.

One of the most difficult issues we faced concerned driver privacy and the release of photographs and personal information contained on driver records. I am not convinced that we arrived at the best solution, but there was strong interest in the conference in restricting the release of sensitive, information such as social security numbers that are included on these records.

The gentleman from Virginia has touched on the significant funding provisions in the bill. I would just reiterate that this conference report includes $4.0 billion for the Coast Guard, an increase of $129 million over 1999, and funds the Coast Guard's highest priorities.

It provides $5.9 billion for FAA air traffic control and other operations, an increase of $337 million over 1999. While we were not able to provide as much as the Administration wanted for FAA operations due to severe budget constraints, I am satisfied that we have fully provided for safety of the travelling public and have addressed some of the concerns that the air traffic controllers have had regarding funding for this account.

The conference report funds both highways and transit at the guaranteed amounts specified in TEA21 and includes all the projects identified in TEA21. The conference report also includes the additional $1.456 billion gas taxes for the highway program—the so-called Revenue Aligned Budget Authority. This conference report ensures that every state will receive additional highway dollars under the highway funding formula allocation in TEA21, while protecting an additional $90 million in revenue aligned budget authority for the highway demonstration projects in TEA21.

I know that members of the California and New York delegations have had concerns about provisions in the Senate conference report capping the amount of transit funds those states would receive. This conference report maintains the House position and does not include those provisions.

With regard to truck safety, I believe the approach developed by the gentleman from Virginia will contribute greatly to making our highways safer. The conference report provides funding for motor carrier safety operations as provided in the House-passed conference report, but leaves the judgment of where this office should be relocated within DOT to the Secretary.

Amtrak is also fully funded at its budget request of $571 million in the conference agreement. This will enable Amtrak to continue its critical investments in its infrastructure and improve passenger rail service in the Northeast and other parts of the country where there is strong support for retaining and improving rail service.

Mr. Speaker, in closing, I want to again commend the chairman of the Subcommittee, the gentleman from Virginia, for the way he has handled the transportation subcommittee's business this year. He has been fair and open to suggestions as to how we could improve this bill and develop a final product that we all could support.

I also want to thank the majority staff—John Blazey, Rich Efford, Stephanie Gupta, Linda Muir and David Whitestone. They do a great job in attending to all the tedious detail and legwork that goes into this conference report.

In closing, Mr. Speaker, this is a fair and balanced conference report. I strongly urge a ''yes'' vote.

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

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

Mr. Speaker, before I close, let me just also again thank all the Members for their help and their support in working on this very important bill. We had emphasized safety, which I think has been addressed very, very well.

I again want to thank the gentleman from Minnesota (Mr. SABO), and I want to thank the staff members. John Blazey, who did an outstanding job; along with Rich Efford, Stephanie Gupta; Linda Muir; and David Whitestone from my office; Cheryl Smith from Mr. SABO's side; Marjorie Duske. Also from the Senate side, because we worked with them, Wally Burnett, Joyce Rose, Paul Doerrer, Peter Rogoff, and Denise Matthews. I just want to thank all of them. It has been a long, hard effort.

Mr. LIPINSKI. Mr. Speaker, I rise in strong opposition to the conference report for H.R. 2084, the Fiscal Year 2000 Department of Transportation Appropriations Act. There are many, many reasons why I oppose this conference report, not the least of which is the fact that most Members, including myself, have not even seen the report. Other Members have merely been able to glance at it, making it nearly impossible for my colleagues and I to make an informed decision on how to vote for this conference report. However, what I do know about the details of this conference report, I do not like.

One of the main reasons why I oppose this conference report is the fact that the conferees have decided to eliminate the general fund contribution to aviation funding. Historically, approximately 30 percent of the Federal Aviation Administration's funding has come from the general fund, rather than the aviation trust fund. The general fund payment is used to fund a variety of FAA services that benefit society as a whole. In fact, every American, whether he or she knows it or not, benefits from our national aviation system. The safe and efficient operation of a strong national aviation system allows our economy to grow and thrive. Therefore, the general fund contribution to aviation is more than justified. That is why, on June 15, 1999, the House of Representatives voted two-to-one in favor of retaining the general fund contribution in AIR 21, the Aviation Investment and Reform Act for the 21st Century. However, with this conference report, the appropriators have decided to ignore this decisive vote and eliminate the general fund contribution to aviation funding in Fiscal Year 2000.

Another reason why I am opposed to this conference report is the inadequate and shameful level of funding for the Chicago Transit Authority. The CTA, one of the oldest transit systems in the United States, needs significant New Start funding to complete two important projects—reconstruction of the 102-year-old Douglas Branch on the Blue Line and capacity expansion of the Ravenswood Line. Both projects are critical to Chicago's transit system and cannot be completed without federal New Start funding, despite the substantial investments already made by the City of Chicago and the State of Illinois.

The Chicago region is currently the third most congested metropolitan area in the United States. Each day the CTA serves a population of approximately 3.7 million in Chicago and 38 of its surrounding suburbs. In fact, ridership on the CTA has reached new levels, increasing system-wide for the first time in more than a decade. Yet, at least 12 cities with much lower congestion, smaller transit systems and vastly lower ridership than the Chicago region are provided substantially more—most more than double—than Chicago's allocation of new start funds in this conference report. This is just not right.

This conference report virtually ignores the capital needs of the CTA. It ignores the outstanding needs of our national aviation system by eliminating the general fund contribution. And, these are just two examples of what is—or, more accurately, what is not—in this conference report. I cannot even imagine what else this conference report might contain. As a result, I must vote against this conference report and I urge my colleagues to do the same.

Ms. KILPATRICK. Mr. Speaker, today I rise in strong support of the FY 2000 Conference Report on Transportation Appropriations. I would like to commend the work of my Chairman, Mr. WOLF and My Ranking Member, Mr. SABO, as well as all of the other members of the Subcommittee and staff who worked extremely hard to make this a good bill.

THE FY 2000 TRANSPORTATION APPROPRIATIONS CONFERENCE REPORT ADDRESSES THE NEEDS OF THE NATION

As members of Congress and this Subcommittee it is our job to focus on the present and future transportation needs of the country. Today our communities face old and deteriorating transit systems. Our green spaces shrink in the shadow of urban sprawl, and massive commuter traffic flows have turned

our freeways and highways into rolling parking lots. As our economy continues to grow there is more and more pressure on our highways, skyways, roads and railways. Increased trade with our neighbors in Canada and Mexico means that we in Congress will have to work harder to maintain the quality and safety of our roads, highways and borders.

We have worked hard in Subcommittee to address these problems. This bill increases funding for the Coast Guard by $129 million dollars to $4 billion. The job of defending our coastline from the creative tactics used by drug smugglers has become more and more difficult. I will personally seek to find funding that allows the Coast Guard to address these difficulties and prevent drugs from reaching our neighborhoods.

The Conference Report provides over $20 billion for highway obligations for TEA 21 guaranteed levels. These funds will go to important highway projects aimed at upgrading deteriorating highways and eliminating gridlock.

THE FY 2000 TRANSPORTATION APPROPRIATIONS CONFERENCE REPORT ADDRESSES THE NEEDS OF THE CITY OF DETROIT AND THE STATE OF MICHIGAN

The state of Michigan will receive an outstanding $27.5 million dollars in funding for buses and bus facilities. In Detroit, the city I represent, these funds will go to projects like Time Transfer Centers to help those transitioning from welfare to work. By providing child care, retail, training, government and other needed services, these Centers will give people the tools they need to successfully empower themselves.

In 1999, Detroit was hit by paralyzing snow storms that shut down city streets for days on end. This bill provides funding that will help efficiently deal with weather emergencies. Funding provided in this measure will aid in the Development of Intelligent Transit Systems that use computer aided technology.

I have also secured funding to aid in the development of High Speed Rail between the City of Detroit and Chicago. High Speed Rail will give the citizens of Michigan an added choice in travel along this vital national corridor.

During the debate on the Transportation Appropriations Conference Report of FY 1998 I voiced my dissatisfaction with the level of funding provided the state of Michigan. Today, as a member of the Appropriations Subcommittee on Transportation, I stand poised to rectify this situation.

I strongly support the passage of H.R. 2084.

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

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on the conference report will be postponed until later today.

The pending business is the question of agreeing to the conference report on the bill, H.R. 2084, on which the yeas and nays are ordered.

The Clerk read the title of the conference report.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 304, nays 91, answered ''present'' 1, not voting 37, as follows:

[Roll No. 466]

YEAS—304

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Ballenger
Barr
Barrett (NE)
Bartlett
Becerra
Bentsen
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bonior
Bono
Boucher
Boyd
Brady (TX)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hansen
Hastings (WA)
Hayes
Hayworth
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Holt
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Kanjorski
Kaptur
Kennedy
Kilpatrick
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaFalce
Lantos
Largent
Larson
Latham
Lazio
Leach
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sawyer
Saxton
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiahrt
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (FL)

NAYS—91

Baird
Baker
Baldacci
Baldwin
Barcia
Barrett (WI)
Bass
Bereuter
Berkley
Berry
Blagojevich
Blumenauer
Boehlert
Borski
Boswell
Brady (PA)
Cardin
Coble
Condit
Conyers
Cook
Cooksey
Cubin
Davis (IL)
DeFazio
Dingell
Doggett
Doolittle
Duncan
Filner
Frost
Gilchrest
Green (TX)
Gutierrez
Hall (TX)
Hastings (FL)
Hefley
Herger
Hoeffel
Holden
Horn
Hostettler
Hutchinson
John
Johnson, E. B.
Jones (NC)
Kasich
Kelly
Kildee
Kind (WI)
Klink
Kucinich
LaHood
Lampson
LaTourette
Lipinski
Maloney (NY)
Manzullo
McDermott
Metcalf
Millender-McDonald
Miller, George
Moran (KS)
Nadler
Oberstar
Paul
Pease
Peterson (MN)
Petri
Phelps
Rahall
Royce
Salmon
Sanchez
Sandlin
Sanford
Schaffer
Schakowsky
Sensenbrenner
Shows
Shuster
Slaughter
Snyder
Stearns
Sweeney
Terry
Thune
Traficant
Waters
Weiner
Wise

ANSWERED ''PRESENT''—1

Bateman

NOT VOTING—37

Ackerman
Barton
Berman
Brown (FL)
Burton
Chenoweth
Clay
Cummings
Delahunt
Ehrlich
Fattah
Ford
Fossella
Gejdenson
Goodling
Hinchey
Hinojosa
Hooley
Jefferson
Johnson (CT)
Johnson, Sam
Jones (OH)
Kleczka
Levin
McHugh
Meeks (NY)
Mollohan
Northup
Pickering
Porter
Quinn
Rush
Scarborough
Velazquez
Waxman
Wu
Young (AK)

☐ 0957

Mr. BEREUTER, Ms. EDDIE BERNICE JOHNSON of Texas, Messrs. SHOWS, KUCINICH, BOEHLERT, Ms. BERKLEY, Messrs. LAHOOD, JOHN, HALL of Texas, SNYDER, GREEN of Texas, and Mrs. KELLY changed their vote from ''yea'' to ''nay.''

Messrs. WATT of North Carolina, BACHUS, ENGLISH, UDALL of Colorado, and HOYER changed their vote from ''nay'' to ''yea.''

So the conference report 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. BURTON of Indiana. Mr. Speaker, during rollcall vote 466, I was unavoidably detained and unable to be on the House floor during that time. Had I been here I would have voted ''yea.''

Mrs. NORTHUP. Mr. Speaker, on rollcall No. 466, I was unavoidably detained. Had I been present, I would have voted ''yes.''

Mr. PICKERING. Mr. Speaker, on rollcall No. 466, I was inadvertently detained. Had I been present, I would have voted ''yes.''

Ms. VELÁQUEZ. Mr. Speaker, I was unavoidably detained during rollcall vote No. 466, which provided for consideration of H.R. 2084, Conference Report for FY 2000 Transportation Appropriations. If I had been present I would have voted ''yes.''

Mr. FOSSELLA. Mr. Speaker, I am not recorded on rollcall No. 466 for the Conference Report accompanying H.R. 2084, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000. I was unavoidably detained and therefore, could not vote for this conference report. Had I been present, I would have voted ''yes'' on rollcall No. 466.

Stated against:

Mr. KLECZKA. Mr. Speaker, during rollcall vote No. 466, I was unavoidably detained. Had I been present, I would have voted ''no.''

Mr. CUMMINGS. Mr. Speaker, I was unavoidably detained during rollcall vote No. 466. Had I been present, I would have voted ''nay.''

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1906, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 317 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 317

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. BEREUTER). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. HALL), 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. DIAZ-BALART asked and was given permission to revise and extend his remarks, and include extraneous material.)

□ 1000

Mr. DIAZ-BALART. Mr. Speaker, House Resolution 317 is the standard rule waiving points of order for the conference report to accompany H.R. 1906, the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Bill for Fiscal Year 2000.

The rule waives points of order against the conference report and its consideration and provides that the conference report shall be considered as read.

I strongly support the rule. I also strongly support the underlying conference report. There are many important programs which are being funded. I commend the conferees for their dedication to their work and to the American farmer.

Mr. Speaker, I include for the RECORD an editorial from the Miami Herald.

The document referred to is as follows:

[From the Miami Herald, Sept. 24, 1999]

FOOD SALES TO CUBA—WILL BENEFIT ONLY THE REPRESSIVE REGIME

The idea of allowing U.S. firms freely to sell food and medicine to Cuba seems unassailable from afar, a humanitarian gesture toward deprived people, as well as good business for American farmers.

But that's a huckster's pitch being promulgated by U.S. business interests that either misunderstand the way Cuba's politically regimented economy works, or that are trying to break the U.S. trade embargo. Congress shouldn't fall for the pitch to legalize unrestricted food and medicine sales to Cuba.

This isn't about humanitarianism: Selling supplies to the totalitarian regime responsible for so much human misery in no way ensures that any benefits would trickle down to the people of Cuba. This is about money—including money for the regime's repressive machinery.

In Washington this week, the U.S. farm lobby is bringing to a climax its orchestrated campaign against trade sanctions in general and to open Cuba to grain sales specifically. Dreaming about yearly sales that they think could reach $2 billion within five years, farm groups appear eager to extend plenty of credits and take Cuban sugar or rum in barter. Listen to David Frey, the Kansas Wheat Commission administrator: ''With Cuba's stressed economic situation, we are talking about a long-term deal before they are paying cash for a lot of wheat. There will be a time when they will be able . . . to pay cash.''

Mr. Frey and his allies are deluding themselves if they believe that selling wheat to a government with no hard currency and a history of stiffing business partners is going to save America's farmers. Equally deluded are those well meaning people who think that selling such materials will alleviate the suffering of the average Cuban.

Remember that this is the regime that ruined Cuban agriculture and other industry in the first place. While Cuba's fertile soil and waters no longer produce enough to feed its ration-card weary people, the regime serves lobster to tourists. While Cuban children can't get asthma medication on any given night, foreigners paying for surgery get first-world medicines.

Measures to allow licensed sales of food and medicine were attached to an agriculture appropriations bill by the Senate last month. U.S. Reps. Lincoln Diaz-Balart and Ileana Ros-Lehtinen, both from Miami, helped kill the deal by attaching a provision that would make such sales contingent on Cuba having free elections.

That should end it. Better access to food and medicine isn't going to solve Cuba's biggest problem. Ridding itself of an odious state will.

Mr. Speaker, as many of my colleagues will recall, this was the first appropriations bill to come to the House floor for the fiscal year 2000 cycle. It passed the House in June. I think it is important and appropriate that we commend the subcommittee chairman the gentleman from New Mexico (Mr. SKEEN) and the ranking member the gentlewoman from Ohio (Ms. KAPTUR) and all the conferees and those who worked so hard along with them to move this process along. They have done an extraordinary job. They have worked extremely hard to produce legislation which provides approximately $60 billion in total budget authority for agriculture. We know that spending levels are tight, but I believe the conferees did a very good job of working within their limits.

The agriculture appropriations bill funds programs that help benefit each of us each and every day. From improving nutrition, to helping ensure safe and nutritious food to put on our tables, to fund in this bill so many programs. The reality is that less than 2 percent of the American population provide food that is safe and nutritious and affordable for the over 270 million Americans as well as for countless millions of others abroad.

Much of the funding in this conference report goes towards food stamps, over $21 billion; child nutrition programs, almost $10 billion; farm assistance programs, $1.2 billion; the supplemental nutrition program for women, infants and children, known as WIC, over $4 billion.

I have consistently supported agriculture, Mr. Speaker, and I commend the hard work of the conferees. Again, I think it is so just and proper that we thank the gentleman from New Mexico for his hard work on this conference report. There are many, many programs that are being brought forth that are important. It is important that this legislation be acted on as soon as possible.

That is why, Mr. Speaker, I urge the adoption of both this rule bringing forth this conference report and of the conference report itself.

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

Mr. HALL of Ohio. Mr. Speaker, I thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding me the time, and I yield myself such time as I may consume.

This rule makes in order consideration of the conference report to accompany H.R. 1906 which is the agriculture appropriations bill for fiscal year 2000. The rule waives all points of order against the conference report.

Mr. Speaker, the conference report was not written by the members of the conference committee. It was pretty much written by the House and the Senate leadership. Frustration among Democrats is running so high that a few days ago, the ranking Democrat on

the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, the gentlewoman from Ohio (Ms. KAPTUR), took out a special order to detail this process for the record.

The conference report contains many shortcomings. The measure fails to include a Senate provision exempting food and medicine from unilateral embargoes. This policy, I think, hurts the weakest and most needy people in foreign countries, and we should never use food as a weapon.

Leaving out this exemption also hurts the American farmers whom we are trying to help through this bill. The $1.2 billion in natural disaster assistance is inadequate for drought-stricken farmers and victims of Hurricane Floyd. The drought was particularly hard hitting for farmers in the Midwest and Northeast.

I am afraid the conferees, or whoever wrote this bill, missed a wonderful opportunity to assist farmers and help the needy at the same time. There is a natural link between support for farmers and the food safety net, and this measure does little to strengthen it. By buying commodities for humanitarian aid, we would boost prices for farmers, provide new markets for America's agriculture industry, and help the hungry here and abroad.

Despite my concerns about this bill, I think that the rule is in good shape. It is a standard rule for conference reports. I urge adoption of the rule.

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

Mr. DIAZ-BALART. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Speaker, I thank my colleague for yielding me this time. I am opposed to the agriculture appropriations bill. This is a difficult issue for me as a member of the Committee on Appropriations to stand before this body and advocate opposition to an appropriation bill. Unfortunately, I have such great respect for our chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies the gentleman from New Mexico (Mr. SKEEN) and the chairman of the full committee is my colleague from Florida who is just across the Skyway Bridge from me. But unfortunately this conference report when we sent it over to the Senate, it was a total of $60.7 billion. It has now grown to over $69 billion. There have not been any hearings on this. $8 billion. We are trying to live with a budget that was agreed to back in 1997 with the gentleman from Ohio (Mr. KASICH) to live within some constraints. What are we doing but spending $8 billion more without the hearings? They are saying it is the disaster. I am not opposed to supporting disasters in agriculture, if we have floods, if we have drought. I think we have a responsibility to step forward. But that is not most of this money. Most of this $8 billion in more spending is going to help destroy what Freedom to Farm created, which was the marketplace. That is what is unfortunate about this bill. It was approved last night, they got the signatures, we really have not had a chance to really look at the details in the bill, and that is unfortunate and disappointing. I supported the Freedom to Farm back in 1996 because it was a giant step in the right direction, so that the farmers were freed up from growing for the government but growing for the marketplace. The idea was we were going to have declining subsidies over the years to allow the farmers to free up and address the marketplace. We are only talking about approximately a third of the farmers in this country, because over two-thirds of the farmers are not dealing with these issues.

For example, in my area, I have a lot of agriculture in my area, a lot of citrus, Tropicana is headquartered in my area, we have lots of citrus groves in my area, we are the largest tomato grower in the State of Florida. We have two tomato crops a year in my area, November and December and again in April and May. These crops do not get help from the Federal Government. Two-thirds, as I say, of the farmers do not get help. So what is happening is for the one-third, they are getting dependent on the Federal Government when we try to develop a plan to get them not dependent on the Federal Government. In theory it was a good idea, but what we are doing now is we are just locking people in to dependency on these programs. There are over 400 major crop products in the Federal Government and only a few dozen get this subsidy.

Now, when this bill got into conference, it became a Christmas tree, and everybody said, ''I want something of that pie.'' Let me give my colleagues one illustration. Sugar. Sugar is the sugar daddy of all corporate welfare. It is costing consumers over $1 billion a year. What do they get? $80 million. Sugar, $80 million. They are the ones making the most money. These sugar plantations in Florida are rolling in the money and we give them $80 million. Because everybody deserves a piece of this pie once the conference, which is a small group of people on both sides of the aisle came together with.

It is unfortunate this bill was allowed to be brought to the floor today especially so quickly. For those of us opposed to it we just found out early this morning that it was going to be on the floor. I plan to seek time in opposition to the bill when it comes up. I will not be calling for a vote on the rule even though I will be voting against it. I look forward to further debate on the appropriation bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 13 minutes to the gentlewoman from Ohio (Ms. KAPTUR), who is the ranking minority member on the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies.

Ms. KAPTUR. Mr. Speaker, I want to thank the distinguished gentleman from Ohio for yielding me this time. I would say to my colleagues that I rise in opposition to the rule and I urge my colleagues to vote against the bill. For me, this is a very sad day personally, I think it is a sad day for our committee, it is a sad day for this institution, and it is really a sad day for the people that this bill is meant to assist, the farmers in rural communities across this country that are being pounded by the lowest prices in the last decade and a half, and by horrendous weather conditions.

Now, why do I ask my colleagues to vote against the rule and this bill? I believe that if we do this, the leadership of this institution—that should feel very bad about what it has done in this bill—the President of the United States, and the rest of the membership of this institution will do what is necessary to meet the needs of the farmers and rural dwellers of this country.

Let me tell my colleagues what the process has done over the last week and a half. I have been here 17 years. This has never happened in a committee on which I have served. Twice last week we were recessed because the majority could not reach agreement on some of the amendments that our committee was duly debating. And so we were sent out into the woods, and we were never called back. And all of a sudden the deal began to be brokered in the offices of the gentleman from Texas (Mr. DELAY) and Speaker HASTERT. There were a lot of special interests that were accommodated as these discussions ensued, but the truth is that the needs of the American people were shelved as people took care of their regional interests.

I do not have a problem with milk. I do not have a problem with citrus. I do not have a problem with hogs or specialty crops or corn or wheat or beans. But the issue is really bigger than that. The issue really is, will all interests of this country get a fair hearing in the normal committee process? That has not happened. This rule and bill were discussed after midnight last night up in the chambers here. Who was really present to hear that? And members of our committees never even had the text of the bill. Now, at some point, somebody has to say, stop, this game ought to be over.

Members of our committee were appointed in good faith by the members of this institution to discharge our duties. We have a crisis situation in rural America where today the suicide rate is three times as great as it is in urban America. The pain is really deep. So we have even more of an obligation to produce a bill that meets the needs of our country. I do not have a bone to pick with our chairman, the gentleman from New Mexico (Mr. SKEEN), because his members were divested of their power, too, and that is not how this institution should work. Who is really

afraid of open debate? Who is really afraid of that, and letting the normal committee process work?

Let me just say, what are some of the issues that should have been brought up, that cannot be brought up under the process under this tourniquet rule and narrow-focused process that we have been forced to go through? We should be talking about targeting this assistance to the people that really need the help. At least 20 percent of the assistance that is in this bill is going to go to people that really do not need it. And people who really need it are not going to be able to get it because we have not had an opportunity to amend. People who serve on the Committee on the Budget ought to be concerned about that. Somebody ought to be taking a look at these formulas. We never had a chance to debate that in our committee.

□ 1015

Now, what about adequate financing for victims of hurricanes and natural disasters across our country? This bill is a fig leaf for them. Yesterday in the Labor HHS appropriations the gentleman from North Carolina (Mr. PRICE) whose district is devastated was able to tuck in an additional $500 million in a Labor, Health, and Human Services appropriation bill to try to make up for what is not in this bill. Procedurally we cannot wed those two bills on this floor today, but that was just another sign of how inadequate this bill really is.

The question really is, is it just North Carolina that needs help? What about the bill's inadequacies in terms of covering those who raise apples or specialty crops or vegetables or happen to be in the livestock industry like up in my part of the country, in the hog industry where they are on their knees? Are they second class producers, that they do not get in this bill? They did not get in the room with the gentleman from Texas (Mr. DELAY) and the gentleman from Illinois (Mr. HASTERT)? Somehow they were not in the line? Should we close our eyes to their needs? Are we really going to take care of the fundamental problem here, which is low prices and bad weather? There are not provisions in this bill really to clear our markets and to lift commodities off these markets through humanitarian shipments and monetized sales to other countries at the level that is necessary to begin to give some easing in prices in the markets here at home.

So, this bill will not meet the needs of our country. We do not have any measure before us that will prevent the very same kind of chaos today next year in the market. If I look at the numbers, in the Commodity Credit Corporation over the last few years, we have spent more in this year trying to plug holes in Freedom to Farm. Rather, we should be going back and altering that, adding to it, changing it so we are not hemorrhaging in terms of the budget next year in trying to plug the holes in the dike in rural America.

Just in this year alone, 1999, we will spend $18.4 billion to try to make up for the insufficiencies of Freedom to Farm. People are worried about Social Security and everything else, and Mr. Speaker, I can tell my colleagues the bill before us today is not going to do a thing to change the fundamentals.

There were a host of other provisions that Members wanted us to debate and, on the merits, vote up or down in the committee. We never had a chance to do that. On economic sanctions relative to countries like Cuba and others in the Middle East, in Africa, there was a royal debate. And it should have continued, and we should have had a right to vote. That did not happen. The democratic process was squelched by the leadership of this institution.

In addition to that, we had Members who wanted to offer provisions dealing with protection of the American people on imported meats, making sure they were inspected and that plants were licensed in other places. Guess what? They never had a chance to bring those provisions up.

What about poultry inspections and all the outbreaks that we have had across this country in salmonella and trying to get amendments in here to deal with the health and safety of the American people? Could not do it. Those were squelched too. Those Members left the committee room as we were asked to leave.

Again I want to say we have no criticism of the gentleman from New Mexico (Mr. SKEEN). And I do not have any criticism of our subcommittee staff because they were poised to do a good job, but they were disposed of their duties. In many ways they are victims like the rest of us.

My parents always said to do good, do not ignore the needs of others if you hope that some day they will respond when you have needs of your own. This vital life lesson got lost in this whole process.

Mr. SANDERS. Mr. Speaker, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Speaker, I hope that the Members are listening to what the gentlewoman from Ohio (Ms. KAPTUR) was saying about process, and I hope that regardless of our political philosophy, we will oppose this bill if for no other reason than we think the Committee on Appropriations itself should be making the decisions and not a hand full of people in the House leadership.

I would like to ask the gentlewoman a question. I am concerned about dairy. All Members know that last week by a vote of 285 to 140, the Members of this body overwhelmingly defeated the administration's market reform proposal and voted for option 1 A. I wonder if the gentlewoman will tell me how much time the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee of the Committee on Appropriations spent in debating and discussing the bill that was passed on the floor of the House by two to one; was it 5 hours? Was it 10 hours? I wonder if the gentlewoman could inform our Members on this issue?

Ms. KAPTUR. Mr. Speaker, I would just have to say that on the issue of milk, the committee was dismissed. A private meeting was held somewhere; I was not invited to that, and a decision was made. Do not ask me what they did, but of course the issue never came before our committee.

Mr. SANDERS. So what the gentlewoman is saying, that despite the fact that 285 Members of this body, Democrats, Republicans, Independent, voted overwhelmingly to reform our milk marketing order. The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee did not spend 1 minute in discussing that issue, and of course what we voted for is not part of the bill that we are supposed to be voting on now.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for that comment.

I thank the gentleman, and I apologize for taking this many minutes, but it is the only time I have been able to be unmuzzled through this whole process, so it feels sort of good.

I just want to also want to state for the RECORD that in terms of the way this committee functions, when I first got to Congress, and I used to go to Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee meetings, there would be people that would come in and testify from around the country. They would talk about the country's needs. In addition to that we heard from Members of Congress, and they would come in, and they would talk to us about how they view the situation, whatever it might be in their area. And then we heard from people from the Executive Branch, and they would come in and they would make their plea. I always thought that the Committee on Appropriations ought to leave Washington and go out into the country and hold some hearings out there too. We never did that.

But in the last 3 years, what has happened is all outside witnesses have been asked not to come to our committee, and so we began to hear from the narrower band of people. And then this year, even the Members of Congress were not brought into our committee; they were told we will just send a letter. And so we were left only, Mr. Speaker, with dealing with people from the administration.

But the point is, whether it is the way this bill was handled or whether it is the way we are receiving information about the needs of rural America and agriculture in our country the viewing lens has gotten extremely myopic, Mr. Speaker, and that affects the way a bill looks when it comes forward here onto the floor of Congress.

So, Mr. Speaker, I would beg my colleagues to vote ''no'' on the rule based on the way we have been treated. This is an emergency situation. If the leadership hears us, we can produce a bill that meets the needs of our country. We have had no conference report to look at. Members on our side, and I would daresay I would guess Members on the other side on our committee, have had no materials to really review. Then late last night after midnight, the Rules Committee met and then we were directed to come to the floor first thing in this morning. Members are saying to us, ''Jeez, are you really up at 10 o'clock in the morning with the agriculture appropriation?''

But yes, we are, and yet we have not had the opportunity even for an orderly briefing by our own conferees. Then some members ask us to put in the $500 million for natural disaster in that was inserted in the Labor, Health, and Human Services bill yesterday into this bill, but procedurally we cannot do it. So we are asking the Members to help us produce a good bill.

We can do this. Give us the chance to do this. Please vote no on the rule. Please vote no on the bill when it comes before the membership.

Mr. Speaker, with the crisis in rural America, the country knows we need to do the right job here. Give us the chance to do it.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think that we have just seen in the last two distinguished speakers a beautiful example of democracy genuinely at work. The first speaker that we heard said that he was opposing this legislation because he feels that it is spending approximately $10 billion too much; a very distinguished Member of this House, the gentleman from Florida (Mr. MILLER).

We then heard another very distinguished Member of this House, the gentlewoman from Ohio (Ms. KAPTUR) explain in detail why she is opposing this legislation, one of the reasons being why, it is, in her estimate, not spending billions enough.

There is obviously a disagreement, but that is democracy. Some feel too much is being spent, others feel too little is being spent.

I think it is appropriate at this time, if I may, if I could take just a few minutes to explain what the bill is doing. It has been on line since we finished meeting in the Committee on Rules last night and has been available for reading.

Thirteen, almost 14, billion dollars, $13.988 billion, are in this conference committee report for agriculture; $8.7 billion to provide emergency aid to help farmers, including 1.2 billion for natural disasters; 5.5 billion for market loss payments, including 125 million for dairy producers; 650 million for crop insurance premium subsidy and for crop insurance associated costs.

With regard to supporting farmers in rural America, the Farm Service Agency, salaries and expenses are increased by $80 million over last year to continue the delivery of the farm ownership, farm operating, and disaster loan programs. Total funding is $796.8 million, which is the same as the President's request. Total loan authorization levels for agricultural credit programs are increased by $798.3 million over last year. Total loan authorization funding is $3.083 billion which is 74.6 million above the President's request. Rural housing loan authorizations are increased by $337.7 million over last year, including 334.7 million for single family housing. Total loan authorization funding is $4.589 billion which is $14.3 million above the President's request. Rental assistance programs are restored to the fiscal 1999 level of 640 million, an increase of 200 million over the President's request. The rural electric and telephone loans are 1.05 billion above the fiscal year 1999 levels. Total loan authorization funding is $2.612 billion, which is 1.54 billion above the President's request. The Distance Learning and Telemedicine Program loan authorization is increased by $50 million over last year, bringing fiscal year 2000 loan level to $200 million, which is the same as the President's request. Agricultural research activities are increased by $76 million over last year. Total funding is 1.837 billion, which is 12 million over the President's request.

Conservation operations activities are increased by $20 million over last year, bringing them to 661 million, 19 million below the President's request. Protecting human health and safety, the Food Safety Inspection Services, increased by $32 million over fiscal year 1999 for a total of 649 million, approximately the same as the President's request. The Food and Drug Administration is funded at $1.186 billion, $83 million more than fiscal year 1999, $69 million below the President's request.

Fulfilling commitments to important food and nutrition programs, the child nutrition programs are funded at almost $10 billion, an increase of $377 million over fiscal 1999, 11 million below the President's request. The special Supplemental Nutrition Program for Women, Infants, and Children, WIC, is funded at $4.032 billion, an increase of $108 million, 73 million below the President's request. The Food Stamp Program is funded at $21.073 billion. The Food For Peace Program is funded at 976 million, an increase of 38.7 million above the President's request, and yet a decrease of 105 million below the fiscal year 1999.

□ 1030

Title IX of the bill provides provisions regarding mandatory livestock price reporting which will provide information regarding the marketing of cattle, swine, lamb, and livestock prices that can be easily understood by packers and will encourage competition.

My colleagues saw I had not mentioned the issue of sanctions, and I feel very strongly about that issue. The authorizing committee feels very strongly. The chairman, the gentleman from New York (Mr. GILMAN), sent a letter saying that if there is one issue that should not be dealt with in the Committee on Appropriations as a rider but that should be dealt with by the authorizing committee, it is an issue as sensitive as authorizing and financing sales to terrorist states. Yet the issue has been brought up. I just want to make one point with regard to Cuba, because the distinguished gentlewoman from Ohio (Ms. KAPTUR) mentioned it.

One word to those interests who feel that it is appropriate now to sell to and finance to the Cuban dictatorship: irrespective and over and above the ethical questions, which obviously are important, it is not good business practice to do business, to make sales and finance them, with the jailers of the Vaclav Havels and Lech Walesas of that imprisoned island. They will be the future leaders of Cuba that will be making the decisions that are of so much import, that are so important, to so many interests.

If you do not want to base yourselves on ethics, base yourselves on the fact that the future leaders of democratic Cuba, many of them are in prison today, and it is not good business practice to be cozying up and financing sales with their jailers. I bring that point up because it was brought up previously; secondly, because the authorizing committee made its views known very clearly; and, thirdly, because the Committee on Appropriations as well voted earlier in the summer on that issue and rejected it. So I wanted to bring that out on the RECORD.

Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for yielding me this time and also for the great leadership that he has shown on the Committee on Rules.

I rise in support of the rule, Mr. Speaker, to the conference report on the agriculture appropriations bill. I applaud the work of the conferees in submitting a clean bill and one which upholds U.S. law and furthers U.S. domestic and humanitarian priorities.

As the gentleman from Florida (Mr. DIAZ-BALART) pointed out, the lifting of sanctions would not have really helped American farmers, but would have helped to extend the suffering of people by providing a lifeline to their oppressor.

As it stands now, the bill before us strengthens the position of human rights dissidents and the expanding political opposition by telling them that the world's remaining superpower supports their struggle for freedom and that it stands firm in its commitment to see democracy flourish; that it defends the human, political and civil rights of all oppressed people, and that

dictators should not use food as weapons.

This bill underscores the humanitarian concerns enshrined in U.S. law which allows for the donations of food and medicine, rather than promoting the perception of greed at the expense of slave labor.

We look forward to the day when freedom reigns eternal and a democratic government is in power everywhere. Then we will be proud to trade and have relations with those in leadership.

This bill promotes America's interests, it helps America's farmers, it helps the poor who are on food stamps, and I am proud to support it.

I thank the gentleman for his leadership. I especially thank the gentleman from New Mexico (Chairman SKEEN), the gentleman from Texas (Mr. DELAY), and so many who have worked in the conference committee to bring this agriculture appropriations rule and bill to the floor.

Mr. HALL of Ohio. Mr. Speaker, I yield 6 minutes to the gentleman from Vermont (Mr. SANDERS).

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

Mr. Speaker, I want to begin by concurring with much of what the gentlewoman from Ohio (Ms. KAPTUR) had to say a few minutes ago about the process that we undertook.

I am very glad that our friend from Florida informed us about some of what was in the bill. It is good to know some of the things that are in the bill, because there is not a Member of the House who has yet seen the bill.

Here is the bill. This bill is hundreds and hundreds of pages, and it ended up on our desks this morning. I dare say that there is not one Member of the House who has a deep understanding of what is in the bill, and yet we are asked this morning to vote for it, which is why I strongly oppose the rule and even more strongly oppose the legislation.

Mr. Speaker, there are two main issues involved: one is process and one is content. In terms of process, I would hope that every Member of this body, progressive, conservative, Democrat, Republican, believes that there should be full and free discussion in a committee on appropriations, a consensus reached, and the bill come back to the floor for a serious vote by the Members.

That did not happen in the Subcommittee on Agriculture of the Committee on Appropriations. This bill was dictated by the Republican leadership, the gentleman from Texas (Mr. DELAY), the gentleman from Illinois (Mr. HASTERT). They are the ones who called the tune, and it was not the members of the Subcommittee on Agriculture of the Committee on Appropriations, whether they were Republicans or Democrats. Deals were made in the back room; and at a time when the American people are more and more cynical about the political process, that is not the type of legislation we should be bringing before them today.

Mr. Speaker, my particular concern, coming from the State of Vermont and coming from New England, is dairy. In the State of Vermont and throughout the northeast, in fact, throughout this country, our dairy farmers are going out of business because the price that has been paid to them in recent years in real dollars is going down and down and down while their expenses and their costs go up. The bottom line is that the total number of dairy operations dropped by almost 26 percent in the last 6 or 7 years.

Now, last week on the floor of this House we spent an entire day, six or seven amendments came up. There was a major debate on dairy; and at the end of the day, by an overwhelming vote of 285 to 140 the Members of this House rejected the Agricultural Department's option 1–B, which the Members believed would be a disaster for farmers in almost every region of this country. And we said no, we do not want that. We want to see the price that farmers get for their milk go up, we want stability, we want to protect the family farmers.

All over, liberals, conservatives, people voted for that bill. I would ask the gentleman from Florida, I would ask the gentleman from Florida, after a full debate on dairy on the floor of the House, would the gentleman tell the Members how much time was spent in the conference committee discussing the 285 to 140 vote? My understanding is not one minute was spent discussing that. I hear no response, so I am assuming that the gentleman from Florida concurs. Of course he does; he is an honest man.

I ask my friends on the Democratic side, how much time was spent discussing the dairy issue that passed the House 285 to 140 that had the votes to pass the Senate? Is anyone going to tell me that 1 minute was spent discussing that issue? I am listening. I do not hear it.

So I say to all of my friends in this House, Republicans, Democrats, those of you who believe in a fair process, those of you who voted for option 1–A, reject this legislation. The gentlewoman from Ohio (Ms. KAPTUR) was right. Let us send a loud signal to the leadership and say that is not the way we want to do business.

Now, all over this country family farmers are crying out for help. We are seeing a tragedy of utmost proportions. From one end of this country to the other we are seeing the struggling family farmers who are maintaining rural America, who are maintaining our rural economies, working 60, 70, 80 hours a week, they are going out of business. And what does this legislation do for them? It does nothing.

Mr. Speaker, let me simply conclude by saying this: for those Members of the body, Republicans, Democrats, who are concerned about the family farmer, vote no on this bill. Send it back, and let us develop legislation that can save the family farm and help rural America.

For those Members of this body who are concerned about the democratic process, honest debate, real discussion, I urge you to vote ''no'' on this legislation. Send it back and let us have a real debate, an honest debate, as to how we can save family farmers.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. LAHOOD).

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

Mr. LAHOOD. Mr. Speaker, if you want to save the family farm, I suggest that you vote for this rule and vote for this bill. This bill helps family farms.

I represent one of the largest agricultural districts in the country, 14 counties in central Illinois, hog producers, corn producers, soybean producers, people who have made their living for years and years and years on the good black soil of central Illinois.

What I have been doing is traveling around my district throughout the summer and the fall, and what I found is there are two economies in America. There is the booming economy, where you drive around your district and every fast-food restaurant says ''hiring for all positions.'' Americans are doing well; they are investing in the stock market. That is the one economy.

The other economy is the agriculture economy, which is in a recession; and if you are a hog producer, you are in a depression. Many of the hog producers in my districts have gone out of business, and many of the corn and soybean producers in my district are hurting very badly.

This bill helps them. Just because you feel you were shut out or you were not a part of the final negotiations, why should we sell short then those people who badly need this assistance? I say to all of you who represent agriculture, all of you who represent hard-hit farmers, this is the time to step up and vote for a bill that provides the needed assistance.

Now, you can say all you want about Freedom to Farm. You can criticize it. Many people have. I have not heard any criticism of Freedom to Farm for the first 3 years that it was in existence. Not one word have I heard.

This year we have. You know why? Because we got lousy markets. The Asia market is lousy, Russia is a mess, we never passed Fast Track. That is the reason behind Freedom to Farm.

One of the successes of Freedom to Farm is you have to have markets. We do not have the markets. Every time I have met with Secretary Glickman, Secretary Bill Daley, they ask, when are we going to pass Fast Track to open up the South American market? We need trade. We need markets in order for our farmers to survive.

So I say to the chairman of the Committee on Agriculture, the gentleman

from Texas (Mr. COMBEST), thank you for agreeing to hold hearings next year on Freedom to Farm. We are going to have a debate on that. But because you do not like Freedom to Farm, do not vote against the rule, do not vote against the bill.

We have farmers all over America, either because of a drought, which we have not experienced in central Illinois, or because of lousy prices because we do not have the markets which are in a recession, and this bill helps them. So if you want to help hard-hit farmers, this is your opportunity today to do it. Vote for the rule, vote for the bill, and we will help them get out of this recessionary period.

This is an opportunity for Congress and the government to step up and help those who need the help. I say vote for the rule, vote for the bill, and we will help our hard-hit farmers.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

□ 1045

Mr. HINCHEY. Mr. Speaker, if the previous speaker has not heard any criticism of Freedom to Farm, he has not been listening. The criticism has been loud and clear from the moment that bill came to the floor. In fact, so much so that over the past several years people in the farm belt are calling it no longer Freedom to Farm but freedom to starve, but that is not the issue before us today.

The issue before us right now is the rule governing the agricultural appropriations bill. There are good things in that agricultural appropriations bill, and they were put in there by the Committee on Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies in this House and the other body.

I want to say that I have the greatest respect for the chairman of our Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies. I do not think there is a man in this body who is held in greater affection than is the gentleman from New Mexico (Mr. SKEEN), but the process was wrested from his hands just as it was wrested from the hands of all of the rest of us all who were members of that conference committee; and the result is disaster and this rule continues that disaster because it does not give us the opportunity to offer to the full body here, all the Members of this House, the opportunity to vote up or down on critical issues.

Ought we not open some of these markets? The market in Cuba alone represents $800 million a year for agricultural producers in this country. We are providing $5.5 billion of subsidies, some of it going to people telling them not to grow anything, while we are depriving them of an $800 million-a-year market right offshore. That is true of other markets as well that are closed to us, open to our allies but closed to us only because we adhere to an archaic principle founded in the Cold War that is no longer relevant to anyone anywhere on this planet, except for a narrow group of people in this country who are controlling this process. It is the height of absurdity.

Furthermore, we are deprived from having the opportunity to vote up or down on a dairy provision which will save dairy farms in New England, in New York, in Pennsylvania, New Jersey, and the coastal Atlantic States. We are deprived of that because this is a bad rule. Vote ''no'' on this rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield an additional 2 minutes to the distinguished gentleman from Florida (Mr. MILLER), in the spirit of democracy.

Mr. MILLER of Florida. Mr. Speaker, I thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding me this additional time.

Mr. Speaker, since I am not going to be able to get time under the general debate on the conference report, I appreciate the opportunity to speak once again. I think the process, I have to agree with my colleagues on the other side of the aisle, it is very limited and everybody gets what they want within that small group. I do not agree with my colleagues on everything because I think one of the good things in the bill is they did not put a dairy provision in there. That is the utter nonsense of the whole agriculture program is dairy, and I am delighted that that was not included in that.

I am also glad that the chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies will be having hearings on Freedom to Farm and I will be able to bring up issues of sugar and peanuts and such.

One of the problems about this whole agricultural subsidy program is that only one-third of the farmers in this country get to benefit from this. I am not advocating that the other two-thirds get it. I think we should open up to the free market.

Let me give some numbers we have here. The third that get benefit out of this receive an average subsidy of $24,000 a crop year. Now they are going to get $35,000 a year in subsidies, $35,000 a year per farmer for just those one-third of the farmers.

Now, we had a debate under Labor-HHS and on the welfare issue that the average welfare family of three gets $12,000 a year, but we are going to give $35,000 a year to the farmer and the statistics will show only 57 percent of it goes to families of limited resource and small family farms; 43 percent of it goes to these big corporate farms, retirement farmers, residential life-style, the hobby farmer.

So it is not really helping the small farmer as much because we are just providing $8 billion. That is what is frustrating about this bill. I voted for it, I believe, when it came originally on the floor of the House, keeping the process moving forward; but we had $8 billion added without any hearing, without any participation, getting it in the middle of the night, and it is very frustrating.

So for fiscal conservatives, I urge their opposition to this particular appropriation bill. I do this, as I say, with great reluctance.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. BALDACCI).

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

Mr. BALDACCI. Mr. Speaker, I thank the gentleman from Ohio (Mr. HALL) for yielding me this time.

Mr. Speaker, I rise in opposition to this rule. I rise in opposition to this conference report. There is not a Member on either side of this aisle that can go home and look their farmers in the eye and say that we brought home a fair deal. There is not enough money in this conference agreement to take care of all of the natural disasters across the United States.

I know that some of my colleagues on the other side of the aisle think that they have the power to add an additional month to the calendar year and in some cases have even invoked Scottish law in terms of U.S. law. I know there has even been an attempt to try to change the Constitution and say that the census is an emergency, but the fact of the matter is that there are disasters and droughts that are going on throughout this country that cannot be controlled, even though some think that they can control the weather.

The drought and those disasters are impacting throughout this country even to today, and just in the Northeast alone we are talking about $2.5 billion in crop losses; Pennsylvania, $700 million, less than $3 million being allowed for in this bill; New York, $370 million. How much money is in this bill to help New York? Maine, $31 million. Less than $1 million is available in this legislation. Virginia, $200 million; Ohio, $600 million. Disasters that have occurred on the East Coast in 13 East Coast States, very little, if any, assistance is being provided or available to them. Those are natural disasters.

Those pigs that are floating in the waters in North Carolina are real. We see them on our TV screens every night, and we talk to our friends here in the House that have been impacted, not to say anything of the toxic waste and the underground piles that are floating throughout the country both in North Carolina and in the South.

We do not have enough assistance, and a promise that $500 million additional in a Labor-HHS bill is going to be available for disaster assistance is not good enough.

I am encouraging Members to vote against the rule, vote against the conference report, and send this back.

Mr. HALL of Ohio. Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin (Mr. OBEY), the ranking minority member on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman from Ohio (Mr. HALL) for yielding the time.

Mr. Speaker, in the end I will be voting for the bill and the rule, but before I do I would like to get some things off of my chest about what I think the real problems are.

I do not think that the committee was wrong not to include dairy in this bill because there were no provisions on dairy, and they would have been not germane to the bill to begin with. I think the committee made the proper decision.

I think a number of things happened in the conference that should not have happened. Example: we had a serious debate on the issue of sanctions. I think this country's sanctions policy is deeply flawed. I think it makes no sense to use farmers as pawns in foreign policy. I did not agree with the Senate language on sanctions because I thought it was open sesame and I thought it was carelessly applied; and it could have made available to a number of dictatorial regimes around the world items which they could use to build their own foreign exchange, and we do not want to do that.

I think we could have, if we had had the opportunity in conference, worked out a recalibrated sanction program to meet the national interests of the country without making farmers be the infantrymen in every argument we have with a foreign power, but we did not get the chance because the conference was shut down.

I think that the distribution of money under the emergency bill should have been along the lines of the suggestions by the gentleman from Texas (Mr. STENHOLM), because that would have guaranteed that the aid would go to people who are actually farming; but we did not get a chance to deal with that issue because the conference was shut down before we were able to offer amendments.

I agree, there is not enough money in this bill for disasters, for the Carolina region and for other areas. I think the basic problem in this bill is not the Committee on Appropriations. All we can do is deal with funding issues. The basic problem is that we are dealing with an underlying law that makes no sense because it is based on ideology rather than real-world economics.

Somebody said once that economists are people who spend their time worrying about whether what works in real life could actually work in theory, and that certainly is the case when we are dealing with agricultural economics.

We have a law right now, the Freedom to Farm Act, which basically says we are going to let the market work, but there is no true market in agriculture for the most part. There is not a country on this globe that does not play games with trade to the detriment of somebody else's farmers.

Processors have a fundamental advantage in dealing with farmers in the exchange of most commodities. Markets need to recognize that there are weather problems, there are pest problems, there are disease problems, and we need to try to use government to even out what happens to farmers when they get hit with those problems. Otherwise, we are not going to have family farmers left to produce any commodities in this country.

What ought to happen is that the Freedom to Farm bill, which in my opinion has become the freedom-to-lose-your-shirt bill, that bill ought to be tossed out and we ought to start over and produce a bill that makes long-term sense for American farmers.

Until that is done, the Committee on Appropriations cannot fix up the problem.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we saw a magnificent, as I said before, demonstration of the clash of views in a democratic process. Again and again, we saw the gentleman from Florida (Mr. MILLER) feeling so strongly about the fact that in his view the bill spends too much money; and despite the fact that it breaks usual tradition, I allowed him time to speak twice with regard to that point of view. He believes it spends too much money, and we had a number of speakers on the other side of the aisle say that this bill spends too little money. That is a clash. That is what democracy is about.

We had some allegations made which I think deserve reference, some of which because I believe they were incorrect. For example, one of the speakers mentioned that with regard to the Cuban market a billion dollars of sales are possible there.

Let us remember that a few years ago, even after the Cuban dictator had destroyed that economy, he was receiving $6 billion a year in subsidies from the Soviet Union, and that is why he could maintain his tyranny functioning and purchasing things. He does not have that subsidy anymore. How could he now have a billion dollars from American farmers? It would seem that any intelligent analysis would see how illusory that is and how patently absurd that is, and yet we hear it.

Now, the distinguished gentleman from Wisconsin (Mr. OBEY) made one point which was very important, and I disagree with his conclusion; yet I think it is important to mention it. He said that while he disagrees with our sanctions policy, the Senate language, the Senate rider which was on this legislation, the gentleman from Wisconsin (Mr. OBEY) mentioned, I think correctly, it was very sloppily drafted and overly broad and it would have facilitated terrorist states obtaining hard currency.

That points to the fact of why the authorizing committee, the Committee on International Relations that has hearings on this issue, was so adamant, as made clear through a letter by its chairman, that this rider-way of legislating on appropriations bills on such delicate issues is not the appropriate way to proceed.

□ 1100

So wisely I believe because of the point brought out by the gentleman from Wisconsin (Mr. OBEY), the sloppiness of the Senate language and the underlying seriousness of the issue as brought out by the authorizing committee why it was wise that legislating through a rider was not permitted by the conference committee.

So I now close and urge support for this rule because of the importance of the underlying legislation, Mr. Speaker. My colleagues know very well that this legislation is needed by American farmers, that there are a myriad of critical programs in this legislation that are going to be funded; that there are many families that will benefit directly and immediately in our country from this legislation.

That is why we need to bring it to the floor, and that is why we need to vote for the rule, and that is why we need to vote for this underlying legislation, and that is why I support it, and that is why I urge my colleagues to vote for it.

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. BEREUTER). The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 230, nays 188, not voting 16, as follows:

[Roll No. 467]

YEAS—230

Aderholt	Bono	Coburn
Archer	Boswell	Collins
Armey	Brady (TX)	Combest
Baker	Bryant	Cook
Ballenger	Burr	Cox
Barr	Burton	Cramer
Barrett (NE)	Buyer	Crane
Barton	Callahan	Cubin
Bateman	Calvert	Cunningham
Bereuter	Campbell	Danner
Berry	Canady	Davis (VA)
Biggert	Cannon	Deal
Bilbray	Capps	DeLay
Bilirakis	Capuano	DeMint
Bishop	Castle	Diaz-Balart
Bliley	Chabot	Dickey
Blunt	Chambliss	Dingell
Boehner	Clyburn	Dooley
Bonilla	Coble	Doolittle

Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Evans
Everett
Ewing
Fletcher
Foley
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Millender-McDonald
Miller, Gary
Minge
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ose
Oxley
Packard
Pastor
Paul
Pease
Petri
Phelps
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Sanford
Schaffer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Shimkus
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NAYS—188

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bartlett
Becerra
Bentsen
Berkley
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Camp
Cardin
Carson
Clayton
Clement
Condit
Conyers
Cooksey
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Doyle
Engel
English
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fossella
Frank (MA)
Franks (NJ)
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hastings (FL)
Hinchey
Hoeffel
Holden
Holt
Hoyer
Hutchinson
Inslee
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lazio
Lee
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Miller (FL)
Miller, George
Mink
Moakley
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Price (NC)
Quinn
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Sabo
Salmon
Sanders
Sawyer
Saxton
Schakowsky
Scott
Sherman
Sherwood
Shows
Shuster
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Stabenow
Stark
Strickland
Sweeney
Tauscher
Thompson (CA)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Vitter
Walsh
Waters
Watt (NC)
Weiner
Wexler
Weygand
Woolsey
Wynn

NOT VOTING—16

Bass
Berman
Chenoweth
Clay
Ford
Goodling
Hinojosa
Hooley
Jefferson
Levin
Meeks (NY)
Pomeroy
Rush
Scarborough
Waxman
Wu

□ 1122

Mrs. CLAYTON, and Messrs. COYNE, CAMP, SHOWS and COOKSEY changed their vote from ''yea'' to ''nay.''

Mr. MCINNIS and Mr. MINGE 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.

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, regrettably I was unavoidably detained for rollcall votes 466 and 467. Had I been present, I would have voted "yes" on rollcall vote 466 and "no" on rollcall vote 467.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 298

Mr. VISCLOSKY. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Ohio (Mr. SAWYER) be removed as a cosponsor of H. Res. 298.

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

There was no objection.

CONFERENCE REPORT ON H.R. 1906, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. SKEEN. Mr. Speaker, pursuant to House Resolution 317, I call up the conference report on the bill (H.R. 1906), making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 317, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Thursday, September 30, 1999, at page H9141.)

The SPEAKER pro tempore. The gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR) each will control 30 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. SKEEN).

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 1906, and that I may include tabular and extraneous material.

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

There was no objection.

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

Mr. Speaker, I feel somewhat like Mrs. Custer, and how she would have felt about Indian relief, after we have gone through this exercise earlier. But I am pleased to bring before the House today the conference report on H.R. 1906, providing appropriations for Agriculture, Rural Development, the Food and Drug Administration and Related Agencies.

This bill does a lot of good for important nutrition, research, and rural development programs and still meets our conference allocations on discretionary and mandatory spending.

Basic research on agriculture, food safety and nutrition has been increased by $80 million. The Farm Service Agency budget is also increased by $80 million, and this will be especially important to farms affected by the drought, the floods and the low prices.

Loan authorizations for the Rural Housing Service are increased by $330 million. The program to provide loans and grants for rural schools and medical facilities, to allow them to access the resources of large urban institutions, is increased by two-thirds to $20.7 million.

Our feeding and nutrition programs are all increased or maintained at the 1999 levels. This report has $108 million for the WIC program over last year, and the direct appropriation for Food and Drug Administration is $70 million over last year.

We were able to make these increases by cutting administrative and management costs and by benefiting from lower loan costs in our farm and rural development programs.

Finally, this bill carries an additional title this year that provides about $8.7 billion in emergency assistance, including $1.2 billion for farm losses caused by natural disaster.

OMB Director Lew has promised an assessment of Hurricane Floyd damage

but indicated it may be some time before the assessment is completed. I expect we will be dealing with additional disaster needs in a future bill.

Once again I would like to thank all the members of our subcommittee and their staffs for their hard work and cooperation on this bill, which began with the budget presentation back in February.

I want to offer special thanks to the ranking member of the Committee on Appropriations, the distinguished gentleman from Wisconsin (Mr. OBEY), for his support, and a special thanks also to my good friend, the ranking member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, the distinguished gentlewoman from Ohio (Ms. KAPTUR). I know she has strong concerns regarding the conference report, but I want to make clear to every Member that she is a strong supporter of rural America and that she deserves a share of the credit for the good that this bill will do.

Mr. Speaker, this is a bill that benefits every American every day, no matter where they live, whether it is FDA protecting the safety of our foods and medicines, or the nutrition programs for children and the elderly, or creating economic development in rural America. This bill is for urban and suburban Americans just as much as it is for the farmer and the rancher.

And, by the way, I think that everybody, every member of the United States, is a farmer by acquisition, because everybody I know knows more about farming than most farmers do.

I know some of our colleagues are concerned for what is not in the bill, particularly dairy policy and the relaxation of export sanctions to certain countries.

□ 1130

But if we all voted on the basis of what is not in a bill, I am not sure any legislation would ever get passed here. I would say to my colleagues that this is a good bipartisan bill, and it will benefit every one of their constituents.

This is the first day of the new fiscal year, and we need to put this bill to work immediately. Please support the good that is in this bill today and vote aye on the conference report.

Mr. Speaker, I include the following for the RECORD:

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 1906)

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - AGRICULTURAL PROGRAMS						
Production, Processing, and Marketing						
Office of the Secretary	2,836	2,942	2,836	2,836	15,436	+12,600
Executive Operations:						
Chief Economist	5,620	6,622	5,620	6,411	6,411	+791
National Appeals Division	11,718	12,699	11,718	11,718	11,718	.....
Office of Budget and Program Analysis	6,120	6,583	6,583	6,583	6,583	+463
Office of the Chief Information Officer	5,551	7,998	5,551	5,551	6,051	+500
Y2K conversion (emergency appropriations)	46,168	.....	.....	.....	.....	-46,168
Office of the Chief Financial Officer	4,283	6,288	4,283	5,283	4,783	+500
Total, Executive Operations	79,460	40,190	33,755	35,546	35,546	-43,914
Office of the Assistant Secretary for Administration	613	636	613	613	613	.....
Agriculture buildings and facilities and rental payments	137,184	166,364	140,364	145,364	140,364	+3,180
Payments to GSA	(108,057)	(115,542)	(115,542)	(115,542)	(115,542)	(+7,485)
Building operations and maintenance	(24,127)	(24,822)	(24,822)	(24,822)	(24,822)	(+695)
Repairs, renovations, and construction	(5,000)	(26,000)	.....	(5,000)	.....	(-5,000)
Hazardous waste management	15,700	22,700	15,700	15,700	15,700	.....
Departmental administration	32,168	36,117	36,117	34,738	34,738	+2,570
Outreach for socially disadvantaged farmers	3,000	10,000	3,000	3,000	3,000	.....
Office of the Assistant Secretary for Congressional Relations	3,668	3,805	3,668	3,668	3,568	-100
Office of Communications	8,138	9,300	8,138	8,138	8,138	.....
Office of the Inspector General	65,128	68,246	65,128	65,128	65,128	.....
Office of the General Counsel	29,194	32,675	29,194	30,094	29,194	.....
Office of the Under Secretary for Research, Education and Economics	540	2,061	940	540	540	.....
Economic Research Service	65,757	55,628	70,266	62,919	65,419	-338
National Agricultural Statistics Service	103,964	100,559	100,559	99,355	99,405	-4,559
Census of Agriculture	(23,599)	(16,490)	(16,490)	(16,490)	(16,490)	(-7,109)
Agricultural Research Service	785,518	836,868	823,381	809,499	834,322	+48,804
Buildings and facilities	56,437	44,500	.....	53,000	52,500	-3,937
Total, Agricultural Research Service	841,955	881,368	823,381	862,499	886,822	+44,867
Cooperative State Research, Education, and Extension Service:						
Research and education activities	481,216	468,965	467,327	473,377	485,698	+4,482
Native American Institutions Endowment Fund	(4,600)	(4,600)	(4,600)	(4,600)	(4,600)	.....
Extension activities	437,987	401,603	438,987	422,620	424,922	-13,065
Integrated activities	.....	72,844	.....	35,541	39,541	+39,541
Total, Cooperative State Research, Education, and Extension Service	919,203	943,412	906,314	931,538	950,161	+30,958
Office of the Under Secretary for Marketing and Regulatory Programs	618	641	618	618	618	.....
Animal and Plant Health Inspection Service:						
Salaries and expenses	425,803	435,445	444,000	439,445	441,263	+15,460
AQI user fees	(88,000)	(95,000)	(87,000)	(90,000)	(87,000)	(-1,000)
Buildings and facilities	7,700	7,200	7,200	5,200	5,200	-2,500
Total, Animal and Plant Health Inspection Service	433,503	442,645	451,200	444,645	446,463	+12,960
Agricultural Marketing Service:						
Marketing Services	48,831	60,182	49,152	51,229	51,625	+2,794
Standardization user fees	(4,000)	(4,000)	(4,000)	(4,000)	(4,000)	.....
(Limitation on administrative expenses, from fees collected)	(60,730)	(60,730)	(60,730)	(60,730)	(60,730)	.....
Funds for strengthening markets, income, and supply (transfer from section 32)	10,998	12,443	12,443	12,443	12,443	+1,445
Payments to states and possessions	1,200	1,200	1,200	1,200	1,200	.....
Total, Agricultural Marketing Service	61,029	73,825	62,795	64,872	65,268	+4,239
Grain Inspection, Packers and Stockyards Administration:						
Salaries and expenses	26,787	26,448	26,448	26,287	26,448	-339
Limitation on inspection and weighing services	(42,557)	(42,557)	(42,557)	(42,557)	(42,557)	.....
Office of the Under Secretary for Food Safety	446	469	446	446	446	.....
Food Safety and Inspection Service	616,986	652,955	652,955	638,404	649,411	+32,425
Lab accreditation fees 1/	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	.....
Total, Production, Processing, and Marketing	3,447,877	3,572,986	3,434,435	3,476,948	3,542,426	+94,549
Farm Assistance Programs						
Office of the Under Secretary for Farm and Foreign Agricultural Services	572	595	572	572	572	.....

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 1906) — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Farm Service Agency:						
Salaries and expenses	714,499	794,839	794,839	794,839	794,839	+80,340
(Transfer from export loans)	(589)	(672)	(672)	(589)	(589)	.....
(Transfer from P.L. 480)	(815)	(845)	(845)	(815)	(815)	.....
(Transfer from ACIF)	(209,861)	(209,861)	(209,861)	(209,861)	(209,861)	.....
Subtotal, Transfers from program accounts	(211,265)	(211,378)	(211,378)	(211,265)	(211,265)	.....
Total, salaries and expenses	(925,764)	(1,006,217)	(1,006,217)	(1,006,104)	(1,006,104)	(+80,340)
State mediation grants	2,000	4,000	4,000	2,000	3,000	+1,000
Dairy indemnity program	450	450	450	450	450	.....
Subtotal, Farm Service Agency	716,949	799,289	799,289	797,289	798,289	+81,340
Agricultural Credit Insurance Fund Program Account:						
Loan authorizations:						
Farm ownership loans:						
Direct	(85,651)	(128,049)	(128,049)	(128,049)	(128,049)	(+42,398)
Guaranteed	(425,031)	(431,373)	(431,373)	(431,373)	(431,373)	(+6,342)
Subtotal	(510,682)	(559,422)	(559,422)	(559,422)	(559,422)	(+48,740)
Farm operating loans:						
Direct	(500,000)	(500,000)	(500,000)	(500,000)	(500,000)	.....
Guaranteed unsubsidized	(948,276)	(1,697,842)	(1,697,842)	(1,697,842)	(1,697,842)	(+749,566)
Guaranteed subsidized	(200,000)	(97,442)	(97,442)	(200,000)	(200,000)	.....
Subtotal	(1,648,276)	(2,295,284)	(2,295,284)	(2,397,842)	(2,397,842)	(+749,566)
Indian tribe land acquisition loans	(1,000)	(1,028)	(1,028)	(1,028)	(1,028)	(+28)
Emergency disaster loans	(25,000)	(53,000)	(53,000)	(25,000)	(25,000)	.....
Boll weevil eradication loans	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	.....
Total, Loan authorizations	(2,284,958)	(3,008,734)	(3,008,734)	(3,083,292)	(3,083,292)	(+798,334)
Loan subsidies:						
Farm ownership loans:						
Direct	12,822	4,827	4,827	4,827	4,827	-7,995
Guaranteed	6,758	2,416	2,416	2,416	2,416	-4,342
Subtotal	19,580	7,243	7,243	7,243	7,243	-12,337
Farm operating loans:						
Direct	34,150	29,300	29,300	29,300	29,300	-4,850
Guaranteed unsubsidized	11,000	23,940	23,940	23,940	23,940	+12,940
Guaranteed subsidized	17,480	8,585	8,585	17,620	17,620	+140
Subtotal	62,630	61,825	61,825	70,860	70,860	+8,230
Indian tribe land acquisition	153	21	21	21	21	-132
Emergency disaster loans	5,900	8,231	8,231	3,882	3,882	-2,018
Boll weevil loans subsidy	1,440	.....	.....	.....	.....	-1,440
Total, Loan subsidies	89,703	77,320	77,320	82,006	82,006	-7,697
ACIF expenses:						
Salaries and expense (transfer to FSA)	209,861	209,861	209,861	209,861	209,861	.....
Administrative expenses	10,000	4,300	4,300	4,300	4,300	-5,700
Total, ACIF expenses	219,861	214,161	214,161	214,161	214,161	-5,700
Total, Agricultural Credit Insurance Fund	309,564	291,481	291,481	296,167	296,167	-13,397
(Loan authorization)	(2,284,958)	(3,008,734)	(3,008,734)	(3,083,292)	(3,083,292)	(+798,334)
Total, Farm Service Agency	1,026,513	1,090,770	1,090,770	1,093,456	1,094,456	+67,943
Risk Management Agency	64,000	70,716	70,716	64,000	64,000	.....
Support Services Bureau	.....	74,050	.....	.....	.....	.....
Total, Farm Assistance Programs	1,091,085	1,236,131	1,162,058	1,158,028	1,159,028	+67,943
Corporations						
Federal Crop Insurance Corporation:						
Federal crop insurance corporation fund	1,504,036	997,000	997,000	997,000	997,000	-507,036

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 1906) — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Commodity Credit Corporation Fund:						
Reimbursement for net realized losses	8,439,000	14,368,000	14,368,000	14,368,000	14,368,000	+5,929,000
Operations and maintenance for hazardous waste management (limitation on administrative expenses)	(5,000)	(5,000)	(5,000)	(5,000)	(5,000)	.....
Total, Corporations	9,943,036	15,365,000	15,365,000	15,365,000	15,365,000	+5,421,964
Total, title I, Agricultural Programs	14,481,998	20,174,117	19,961,493	19,999,976	20,066,454	+5,584,456
(By transfer)	(211,265)	(211,378)	(211,378)	(211,265)	(211,265)	.....
(Loan authorization)	(2,284,958)	(3,008,734)	(3,008,734)	(3,083,292)	(3,083,292)	(+798,334)
(Limitation on administrative expenses)	(108,287)	(108,287)	(108,287)	(108,287)	(108,287)	.....
TITLE II - CONSERVATION PROGRAMS						
Office of the Under Secretary for Natural Resources and Environment	693	721	693	693	693	.....
Natural Resources Conservation Service:						
Conservation operations	641,243	680,679	654,243	656,243	661,243	+20,000
(By transfer)	.....	(44,423)	.....	.....	.....	.....
Watershed surveys and planning	10,368	11,732	10,368	10,368	10,368	.....
Watershed and flood prevention operations	99,443	83,423	99,443	99,443	99,443	.....
Resource conservation and development	35,000	35,265	35,265	35,000	35,265	+265
Forestry incentives program	6,325	.....	.....	6,325	6,325	.....
Debt for nature	.....	5,000	.....	.....	.....	.....
Farmland protection program	.....	50,000	.....	.....	.....	.....
Total, Natural Resources Conservation Service	792,379	866,099	799,319	807,379	812,644	+20,265
Total, title II, Conservation Programs	793,072	866,820	800,012	808,072	813,337	+20,265
TITLE III - RURAL DEVELOPMENT PROGRAMS						
Office of the Under Secretary for Rural Development	588	612	588	588	588	.....
Rural community advancement program	722,686	670,103	669,103	718,006	718,837	-3,849
Rural Housing Service:						
Rural Housing Insurance Fund Program Account:						
Loan authorizations:						
Single family (sec. 502)	(965,313)	(1,100,000)	(1,337,632)	(1,100,000)	(1,100,000)	(+134,687)
Unsubsidized guaranteed	(3,000,000)	(3,200,000)	(3,200,000)	(3,200,000)	(3,200,000)	(+200,000)
Housing repair (sec. 504)	(25,001)	(32,396)	(32,400)	(32,396)	(32,396)	(+7,395)
Farm labor (sec. 514)	(20,000)	(25,001)	(25,000)	(25,001)	(25,001)	(+5,001)
Rental housing (sec. 515)	(114,321)	(100,000)	(120,000)	(114,321)	(114,321)	.....
Multifamily housing guarantees (sec. 538)	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	.....
Site loans (sec. 524)	(5,152)	(5,152)	(5,152)	(5,152)	(5,152)	.....
Credit sales of acquired property	(16,930)	(7,503)	(7,503)	(12,824)	(7,503)	(-9,427)
Self-help housing land development fund	(5,000)	(5,000)	(5,000)	(5,000)	(5,000)	.....
Total, Loan authorizations	(4,251,717)	(4,575,052)	(4,832,687)	(4,594,694)	(4,589,373)	(+337,656)
Loan subsidies:						
Single family (sec. 502)	114,100	93,830	114,100	93,830	93,830	-20,270
Unsubsidized guaranteed	2,700	19,520	19,520	19,520	19,520	+16,820
Housing repair (sec. 504)	8,808	9,900	9,900	9,900	9,900	+1,092
Multifamily housing guarantees (sec. 538)	2,320	480	480	480	480	-1,840
Farm labor (sec. 514)	10,406	11,308	11,308	11,308	11,308	+902
Rental housing (sec. 515)	55,160	39,680	47,616	45,363	45,363	-9,797
Site loans (sec. 524)	17	4	4	4	4	-13
Credit sales of acquired property	3,492	874	874	1,499	874	-2,618
Self-help housing land development fund	282	281	281	281	281	-1
Total, Loan subsidies	197,285	175,877	204,083	182,185	181,560	-15,725
RHIF administrative expenses (transfer to RHS)	360,785	383,879	375,879	360,785	375,879	+15,094
Rental assistance program:						
(Sec. 521)	577,497	434,100	577,500	634,100	634,100	+56,603
(Sec. 502(c)(5)(D))	5,900	5,900	5,900	5,900	5,900	.....
Subtotal	583,397	440,000	583,400	640,000	640,000	+56,603
Advance appropriation, FY 2001	.....	200,000	.....	.....	.....	.....
Total, Rental assistance program	583,397	640,000	583,400	640,000	640,000	+56,603
Total, Rural Housing Insurance Fund	1,141,467	1,199,756	1,163,362	1,182,970	1,197,439	+55,972
(Loan authorization)	(4,251,717)	(4,575,052)	(4,832,687)	(4,594,694)	(4,589,373)	(+337,656)
Mutual and self-help housing grants	26,000	30,000	28,000	26,000	28,000	+2,000
Rural housing assistance grants	41,000	54,000	50,000	41,000	45,000	+4,000
Subtotal, grants and payments	67,000	84,000	78,000	67,000	73,000	+6,000

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 1906) — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
RHS expenses:						
Salaries and expenses	60,978	61,979	61,979	60,978	61,979	+1,001
(Transfer from RHIF)	(360,785)	(383,879)	(375,879)	(360,785)	(375,879)	(+15,094)
Total, RHS expenses	(421,763)	(445,858)	(437,858)	(421,763)	(437,858)	(+16,095)
Total, Rural Housing Service	1,269,445	1,345,735	1,303,341	1,310,948	1,332,418	+62,973
(Loan authorization)	(4,251,717)	(4,575,052)	(4,832,687)	(4,594,694)	(4,589,373)	(+337,656)
Rural Business-Cooperative Service:						
Rural Development Loan Fund Program Account:						
(Loan authorization)	(33,000)	(52,495)	(52,495)	(38,256)	(38,256)	(+5,256)
Loan subsidy	16,615	22,799	22,799	16,615	16,615	.....
Administrative expenses (transfer to RBCS)	3,482	3,337	3,337	3,337	3,337	-145
Total, Rural Development Loan Fund	20,097	26,136	26,136	19,952	19,952	-145
Rural Economic Development Loans Program Account:						
(Loan authorization)	(15,000)	(15,000)	(15,000)	(15,000)	(15,000)	.....
Direct subsidy	3,783	3,453	3,453	3,453	3,453	-330
Rural cooperative development grants	3,300	9,000	6,000	5,500	6,000	+2,700
RBCS expenses:						
Salaries and expenses	25,680	24,612	24,612	25,680	24,612	-1,068
(Transfer from RDLFP)	(3,482)	(3,337)	(3,337)	(3,337)	(3,337)	(-145)
Total, RBCS expenses	(29,162)	(27,949)	(27,949)	(29,017)	(27,949)	(-1,213)
Total, Rural Business-Cooperative Service	52,860	63,201	60,201	54,585	54,017	+1,157
(By transfer)	(3,482)	(3,337)	(3,337)	(3,337)	(3,337)	(-145)
(Loan authorization)	(48,000)	(67,495)	(67,495)	(53,256)	(53,256)	(+5,256)
Alternative Agricultural Research and Commercialization Revolving Fund	3,500	10,000	.....	3,500	.....	-3,500
Rural Utilities Service:						
Rural Electrification and Telecommunications Loans Program Account:						
Loan authorizations:						
Direct loans:						
Electric 5%	(71,500)	(50,000)	(121,500)	(71,500)	(121,500)	(+50,000)
Telecommunications 5%	(75,000)	(50,000)	(75,000)	(75,000)	(75,000)	.....
Subtotal	(146,500)	(100,000)	(196,500)	(146,500)	(196,500)	(+50,000)
Treasury rates: Telecommunications	(300,000)	(300,000)	(300,000)	(300,000)	(300,000)	.....
Muni-rate: Electric	(295,000)	(250,000)	(295,000)	(295,000)	(295,000)	.....
FFB loans:						
Electric, regular	(700,000)	(300,000)	(1,500,000)	(700,000)	(1,700,000)	(+1,000,000)
Telecommunications	(120,000)	(120,000)	(120,000)	(120,000)	(120,000)	.....
Subtotal	(820,000)	(420,000)	(1,620,000)	(820,000)	(1,820,000)	(+1,000,000)
Total, Loan authorizations	(1,561,500)	(1,070,000)	(2,411,500)	(1,561,500)	(2,611,500)	(+1,050,000)
Loan subsidies:						
Direct loans:						
Electric 5%	9,325	450	1,095	643	1,095	-8,230
Telecommunications 5%	7,342	560	840	840	840	-6,502
Subtotal	16,667	1,010	1,935	1,483	1,935	-14,732
Treasury rates: Telecommunications	810	2,370	2,370	2,370	2,370	+1,560
Muni-rate: Electric	25,842	9,175	10,827	10,826	10,827	-15,015
Total, Loan subsidies	43,319	12,555	15,132	14,679	15,132	-28,187
RETLP administrative expenses (transfer to RUS)	29,982	31,046	31,046	29,982	31,046	+1,064
Total, Rural Electrification and Telecommunications Loans Program Account	73,301	43,601	46,178	44,661	46,178	-27,123
(Loan authorization)	(1,561,500)	(1,070,000)	(2,411,500)	(1,561,500)	(2,611,500)	(+1,050,000)
Rural Telephone Bank Program Account:						
(Loan authorization)	(157,509)	(175,000)	(175,000)	(157,509)	(175,000)	(+17,491)
Direct loan subsidy	4,174	3,290	3,290	2,961	3,290	-884
RTP administrative expenses (transfer to RUS)	3,000	3,000	3,000	3,000	3,000	.....
Total	7,174	6,290	6,290	5,961	6,290	-884

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 1906) — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Distance learning and telemedicine program:						
(Loan authorization)	(150,000)	(200,000)	(200,000)	(200,000)	(200,000)	(+50,000)
Direct loan subsidy	180	700	700	700	700	+520
Grants	12,500	20,000	16,000	12,500	20,000	+7,500
Total	12,680	20,700	16,700	13,200	20,700	+8,020
RUS expenses:						
Salaries and expenses	33,000	34,107	34,107	33,000	34,107	+1,107
(Transfer from RETLP)	(29,982)	(31,046)	(31,046)	(29,982)	(31,046)	(+1,064)
(Transfer from RTP)	(3,000)	(3,000)	(3,000)	(3,000)	(3,000)	.....
Total, RUS expenses	(65,982)	(68,153)	(68,153)	(65,982)	(68,153)	(+2,171)
Total, Rural Utilities Service	126,155	104,698	103,275	96,822	107,275	-18,880
(By transfer)	(32,982)	(34,046)	(34,046)	(32,982)	(34,046)	(+1,064)
(Loan authorization)	(1,869,009)	(1,445,000)	(2,786,500)	(1,919,009)	(2,986,500)	(+1,117,491)
Total, title III, Rural Economic and Community Development Programs	2,175,234	2,194,349	2,136,508	2,184,449	2,213,135	+37,901
(By transfer)	(397,249)	(421,262)	(413,262)	(397,104)	(413,262)	(+16,013)
(Loan authorization)	(6,168,726)	(6,087,547)	(7,686,682)	(6,566,959)	(7,629,129)	(+1,460,403)
TITLE IV - DOMESTIC FOOD PROGRAMS						
Office of the Under Secretary for Food, Nutrition and Consumer Services	554	576	554	554	554	.....
Food and Nutrition Service:						
Child nutrition programs	4,128,747	4,620,768	4,611,829	4,611,829	4,611,829	+483,082
Transfer from section 32	5,048,150	4,929,268	4,935,199	4,935,199	4,935,199	-112,951
Discretionary spending	.....	15,000	.....	13,000	7,000	+7,000
Total, Child nutrition programs	9,176,897	9,565,036	9,547,028	9,560,028	9,554,028	+377,131
Special supplemental nutrition program for women, infants, and children (WIC)	3,924,000	4,105,495	4,005,000	4,038,107	4,032,000	+108,000
Food stamp program:						
Expenses	19,909,106	20,109,444	20,109,444	20,098,744	19,605,751	-303,355
Reserve	100,000	1,000,000	100,000	100,000	100,000	.....
Nutrition assistance for Puerto Rico	1,236,000	1,268,000	1,268,000	1,268,000	1,268,000	+32,000
Discretionary spending	.....	7,000	.....	.....	.....	.....
The emergency food assistance program	90,000	100,000	100,000	97,000	98,000	+8,000
Advance appropriation, FY 2001	.....	4,800,000	.....	.....	.....	.....
Total, Food stamp program	21,335,106	27,284,444	21,577,444	21,563,744	21,071,751	-263,355
Commodity assistance program	131,000	155,215	151,000	131,000	133,300	+2,300
Food donations programs:						
Needy family program	1,081	1,081	1,081	1,081	1,081	.....
Elderly feeding program	140,000	150,000	140,000	140,000	140,000	.....
Total, Food donations programs	141,081	151,081	141,081	141,081	141,081	.....
Food program administration	108,561	119,841	108,561	111,561	111,561	+3,000
Total, Food and Nutrition Service	34,816,645	41,381,112	35,530,114	35,545,521	35,043,721	+227,076
Total, title IV, Domestic Food Programs	34,817,199	41,381,688	35,530,668	35,546,075	35,044,275	+227,076
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS						
Foreign Agricultural Service and General Sales Manager:						
Direct appropriation	136,203	137,768	137,768	136,203	109,203	-27,000
(Transfer from export loans)	(3,231)	(3,413)	(3,413)	(3,231)	(3,231)	.....
(Transfer from P.L. 480)	(1,035)	(1,093)	(1,093)	(1,035)	(1,035)	.....
Total, Program level	(140,469)	(142,274)	(142,274)	(140,469)	(113,469)	(-27,000)
Public Law 480 Program and Grant Accounts:						
Title I - Credit sales:						
Program level	(219,724)	(150,324)	(214,582)	(159,089)	(176,000)	(-43,724)
Direct loans	(203,475)	(138,324)	(200,582)	(142,840)	(155,000)	(-48,475)
Ocean freight differential	16,249	12,000	11,000	16,249	21,000	+4,751
Title II - Commodities for disposition abroad:						
Program level	(837,000)	(787,000)	(837,000)	(787,000)	(800,000)	(-37,000)
Appropriation	837,000	787,000	837,000	787,000	800,000	-37,000
Title III - Commodity grants:						
Program level	(25,000)	.....	.....	.....	.....	(-25,000)
Appropriation	25,000	.....	.....	.....	.....	-25,000
Loan subsidies	176,596	114,062	165,400	117,786	127,813	-48,783

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 1906) — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Salaries and expenses:						
General Sales Manager (transfer to FAS)	1,035	1,093	1,093	1,035	1,035	.....
Farm Service Agency (transfer to FSA)	815	845	845	815	815	.....
Subtotal	1,850	1,938	1,938	1,850	1,850	.....
Total, Public Law 480:						
Program level	(1,081,724)	(937,324)	(1,051,582)	(946,089)	(976,000)	(-105,724)
Appropriation	1,056,695	915,000	1,015,338	922,885	950,663	-106,032
CCC Export Loans Program Account (administrative expenses):						
Salaries and expenses (Export Loans):						
General Sales Manager (transfer to FAS)	3,231	3,413	3,413	3,231	3,231	.....
Farm Service Agency (transfer to FSA)	589	672	672	589	589	.....
Total, CCC Export Loans Program Account	3,820	4,085	4,085	3,820	3,820	.....
Total, title V, Foreign Assistance and Related Programs	1,196,718	1,056,853	1,157,191	1,062,908	1,063,686	-133,032
(By transfer)	(4,266)	(4,506)	(4,506)	(4,266)	(4,266)	.....
TITLE VI - FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES						
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Food and Drug Administration						
Salaries and expenses, direct appropriation	970,867	1,109,950	1,052,950	1,035,538	1,040,638	+69,771
Prescription drug user fee act	(132,273)	(145,434)	(145,434)	(145,434)	(145,434)	(+13,161)
Subtotal	(1,103,140)	(1,255,384)	(1,198,384)	(1,180,972)	(1,186,072)	(+82,932)
Limitation on payments to GSA	(82,866)	(100,180)	(100,180)	(100,180)	(100,180)	(+17,314)
Buildings and facilities	11,350	31,750	31,750	8,350	11,350	.....
Total, Food and Drug Administration	982,217	1,141,700	1,084,700	1,043,888	1,051,988	+69,771
DEPARTMENT OF THE TREASURY						
Financial Management Service: Payments to the Farm Credit System Financial Assistance Corporation	2,565	.....	.....	.....	.....	-2,565
INDEPENDENT AGENCIES						
Commodity Futures Trading Commission	61,000	67,655	65,000	61,000	63,000	+2,000
Y2K conversion (emergency appropriations)	356	.....	.....	.....	.....	-356
Farm Credit Administration (limitation on administrative expenses)	(35,800)	.....	(35,800)	.....	(35,800)	.....
Total, title VI, Related Agencies and Food and Drug Administration	1,046,138	1,209,355	1,149,700	1,104,888	1,114,988	+68,850
TITLE VII - GENERAL PROVISIONS						
Hunger fellowships	.....	.....	1,000	3,000	2,000	+2,000
Sec. 388 Fair Act - NH	.....	.....	.....	250	250	+250
Total, title VII, General provisions	.....	.....	1,000	3,250	2,250	+2,250
TITLE VIII - EMERGENCY APPROPRIATIONS						
Emergency appropriations (P.L. 105-277)	5,916,655	.....	.....	.....	.....	-5,916,655
Emergency appropriations (P.L. 106-31)	700,630	.....	.....	.....	.....	-700,630
DEPARTMENT OF AGRICULTURE						
Commodity Credit Corporation						
Crop loss (contingent emergency appropriations)	.....	.....	.....	.....	1,200,000	+1,200,000
Market loss (contingent emergency appropriations)	.....	.....	.....	.....	5,544,000	+5,544,000
Specialty Crops:						
Peanuts (contingent emergency appropriations)	.....	.....	.....	.....	42,000	+42,000
Suspend sugar assessments (contingent emergency appropriations)	.....	.....	.....	.....	42,000	+42,000
Tobacco (contingent emergency appropriations)	.....	.....	.....	.....	328,000	+328,000
Subtotal, Specialty crops	.....	.....	.....	.....	412,000	+412,000
Oilseeds (contingent emergency appropriations)	.....	.....	.....	.....	470,000	+470,000
Livestock and dairy (contingent emergency appropriations)	.....	.....	.....	.....	322,000	+322,000
Upland cotton competitiveness (contingent emergency appropriations)	.....	.....	.....	.....	201,000	+201,000
Extend milk price supports (contingent emergency appropriations)	.....	.....	.....	.....	-102,000	-102,000
Crop insurance (contingent emergency appropriations)	.....	.....	.....	.....	400,000	+400,000
Crop insurance discount associated costs (contingent emergency appropriations)	.....	.....	.....	.....	250,000	+250,000

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 1906) — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Water and waste loan forgiveness (contingent emergency appropriations)	.....	.....	.....	.....	2,000	+2,000
Total, title VIII, Emergency appropriations	6,617,285	.....	.....	.....	8,699,000	+2,081,715
SEC. 748 EMERGENCY APPROPRIATIONS						
DEPARTMENT OF AGRICULTURE						
Commodity Credit Corporation						
Market loss (contingent emergency appropriations)	.....	.....	.....	5,544,000	.....	.....
Specialty Crops:						
Fruits and vegetables (contingent emergency appropriations)	.....	.....	.....	50,000	.....	.....
Peanuts (contingent emergency appropriations)	.....	.....	.....	42,000	.....	.....
Suspend sugar assessments (contingent emergency appropriations)	.....	.....	.....	42,000	.....	.....
Tobacco (contingent emergency appropriations)	.....	.....	.....	328,000	.....	.....
Subtotal, Specialty crops	.....	.....	.....	462,000	.....	.....
Oilseeds (contingent emergency appropriations)	.....	.....	.....	470,000	.....	.....
Livestock and dairy (contingent emergency appropriations)	.....	.....	.....	322,000	.....	.....
Upland cotton competitiveness (contingent emergency appropriations)	.....	.....	.....	201,000	.....	.....
Crop insurance (contingent emergency appropriations)	.....	.....	.....	400,000	.....	.....
Crop insurance discount associated costs (contingent emergency appropriations)	.....	.....	.....	250,000	.....	.....
Total, Sec. 748 Emergency appropriations	.....	.....	.....	7,649,000	.....	.....
Grand total:						
New budget (obligational) authority	61,127,644	66,883,182	60,736,572	68,358,618	69,017,125	+7,889,481
Appropriations	(54,463,835)	(61,883,182)	(60,736,572)	(60,709,618)	(60,318,125)	(+5,854,290)
Emergency appropriations	(6,663,809)	.....	.....	.....	.....	(-6,663,809)
Contingent emergency appropriations	.....	.....	.....	(7,649,000)	(8,699,000)	(+8,699,000)
Advance appropriations	.....	(5,000,000)	.....	.....	.....	.....
(By transfer)	(612,780)	(681,569)	(629,146)	(612,635)	(628,793)	(+16,013)
(Loan authorization)	(8,453,684)	(9,096,281)	(10,695,416)	(9,650,251)	(10,712,421)	(+2,258,737)
(Limitation on administrative expenses)	(144,087)	(108,287)	(144,087)	(108,287)	(144,087)	.....

1/ In addition to appropriation.

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

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

Mr. Speaker, let me commend my colleague, the gentleman from New Mexico (Mr. SKEEN), for his hard work on this bill, though I cannot support the bill. I think it is like a two-legged dog being brought to the floor of the Congress today.

Mr. Speaker, I will reserve my remarks until closing.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the great State of Minnesota (Mr. PETERSON), who has fought harder than any other Member here to try to get the needs of not just his district but rural America recognized.

Mr. PETERSON of Minnesota. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I rise today to ask my colleagues to oppose this conference report. And I do that reluctantly.

I want to commend the chairman. He has been very fair and works hard on this. But I represent a part of America that has had disasters. Some of these people have lost their crops 6 years out of the last 7. And this bill does not address their problems. Frankly, I do not know what we are going to do if we do not get some help for these people up in this area.

There is a disaster component in this bill. In my judgment, it is not enough money to cover all of the things that have gone wrong with this country. I also do not think that it is structured in a way that is going to get at what people really need.

Also, we have got a price problem in this country, as everybody knows, in agriculture. Some of us that oppose Freedom to Farm said that we thought this was going to happen eventually, and it is here right now. And we all want to address that. But I do not know how I can go home and tell the people in Roseau County or Kittson County that it is more important that we put out money to people that have not been damaged by disaster, that have had bumper crops year after year after year and have sold those bumper crops, received the AMPTA payments and then we are going to give them additional AMPTA payments, and we are not going to go out and help the people that have lost crops 5 or 6 or 7 years out of the last 7 years.

I do not know how I can go home and tell the people that this is a good bill, that this is something we should support. I do not know how my colleagues can do that. I wish they could come up and look in the eyes of these people and see what they are up against. We are not dealing with this the way we should. We are spending this money the wrong way. We are not spending enough money.

I would just implore my colleagues to defeat this bill, give us a chance to go back to the committee, and address these issues.

As I understand it, this was basically taken away from the subcommittee, and there was not even a chance for people to debate these multiple-year problems, to debate these other disaster problems. Defeat this conference report.

Mr. SKEEN. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I thank my chairman, the gentleman from New Mexico (Mr. SKEEN), for yielding me the time and for the hard work that he has done on this very important bill.

Mr. Speaker, I rise today to take the unusual step of opposing my chairman and also opposing this bill, a bill that I have spent a good deal of my time on this year trying to resolve some of the real issues in farm country.

I am very disappointed with the way this bill came out. I am disappointed with the process. We had assurances all the way along through subcommittee and full committee and then going into conference that we would be able to address the dairy issue, but that was denied us. In fact, the conference never actually concluded its work. We did not have the opportunity even to offer amendments or to debate these critical issues. That is very disappointing, and it is very unusual. I hope we do not see a lot of this in the future.

But more to the point than just the process are the issues. The absence of dairy legislation in this bill is going to hurt farmers all over the country. It may benefit two States, but it will definitely hurt over 40. Dairy farmers who work 24 hours a day, 7 days a week, who never get a break, are going to lose money. It is estimated as much as $8,000 a family in my State.

And believe me, I do not know a dairy farmer in my State on a regular size farm that is putting $8,000 in their pocket after a year of dairy farming. It just is not a cash-flow business.

Disaster relief. My colleagues, I have no envy for what the Midwest has accomplished in this bill. I praise them. I admire them. I wish we could have done the same for farmers in the Northeast. But the fact is Midwestern farmers will receive $7.5 billion in disaster payments because they did not get the price they wanted for the crops.

Our farmers in the Northeast had no crops. In fact, they have no topsoil because of drought and now flood. They will get pennies on the dollar, $1.2 billion for all the Northeast for weather-related disaster; and the Midwest gets $7.5 billion. That is not fair. It is not right.

Sanctions reform. My colleagues wanted to open up new markets to the farmers so that we could sell our crops and get the price that we need. Would they rather open up and sell food to Iran and Iraq, where people are starving, or would they rather spend all of our taxpayers' dollars to give the farmers the price that they want through an artificial means? Let us open up our markets. But we did not do it.

The dairy compact, which provides price stability, supported by consumers and farmers in the Northeast, we cannot have that anymore because this does not allow it to be extended.

Mr. Speaker, the pricing option that the Secretary has promulgated is a presidential policy, this is the Clinton policy on dairy, helps two States and it harms 40. I do not get it. I mean, I thought these people were good politically down at the White House. This makes no sense. It hurts 40 States to benefit two.

But we do not have to do that. There is another option, Option 1–A, that holds Minnesota and Wisconsin harmless and it helps the other States. But that is not available to us, either.

So, Mr. Speaker, in conclusion, I thank the chairman for yielding me the time to speak against our own bill. I respect him highly. I regret that I have to oppose this bill, but I can take no other action.

I urge my colleagues to voice their objection to the process and the policy by voting no on this bill.

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY), a member of the subcommittee, who has worked so diligently on this bill and, as the rest of the members on our subcommittee, was actually robbed of his rights as a Member of this institution because our committee was recessed and never called back to complete work on this bill.

Mr. HINCHEY. Mr. Speaker, first of all, I want to express my appreciation and respect for the chairman of the subcommittee and the hard work that he has done, the diligent and conscientious work that he has done to try to put an effective bill together. The gentleman from New Mexico (Mr. SKEEN) is an example for all of us in this House. I also thank the staff of the subcommittee for the work that they have done, as well.

For those reasons, I wish I could support the bill. But I cannot. I cannot support it for the same reasons which were enunciated just a moment ago by the gentleman from New York (Mr. WALSH), my friend and colleague from the other side of the aisle.

I would focus my remarks in the brief time that I have on the dairy issue alone. As the gentleman from New York (Mr. WALSH) pointed out, the provisions that fail to appear in this bill would have benefited the dairy industry in 40 States across this country. They are suffering so that perhaps two States can benefit, and that is only perhaps. Because the real beneficiaries of this legislation and the failure to act in a responsible way with regard to the agriculture dairy industry in our country, the real beneficiaries are those who seek to consolidate the dairy industry, those who seek to rob consumers of the opportunity to buy fresh, wholesome dairy products from local producers in their own State and the surrounding region.

The real beneficiaries are a handful of people who are seeking increasingly

to consolidate the dairy industry in the hands of fewer and fewer people so that they can control where dairy is produced, where it is shipped, under what conditions and at what price.

Dairy farmers in New York and New England and New Jersey and Pennsylvania, the middle Atlantic States, and elsewhere in this country are suffering because of the failure to put effective dairy provisions in this legislation, and that failure is due entirely to the fact that the bill was wrested from the subcommittee by the leadership of this House which adheres to an ideological imperative which is outdated and always has been wrong, and that is let the free market system run agriculture in this country.

It will not work because the free market is run by a handful of people. They control it, and they will continue to do so. Therefore, we must defeat this bill.

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

Mr. NETHERCUTT. Mr. Speaker, I thank the chairman of our subcommittee (Mr. SKEEN) for yielding me the time. He is a fine gentleman and has been eminently fair with me and I thank every other member of the subcommittee. I thank him for his dedication to agriculture.

Mr. Chairman, I speak today in support of this bill. I am going to vote for it. I think it is a good bill. It could be a much better bill, for the reasons that the gentleman from New York (Mr. WALSH) stated and I think the reasons that other Members may state here today, as well.

My concern has been not only with process but with policy relative to this particular measure as it relates to me as a member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies. I felt for a long time that, in order to have the Freedom to Farm approach to agriculture policy succeed, we have to have freedom to market. Our farmers need to market overseas.

My State of Washington, the east side of the State of Washington, grows some of the best wheat crops and peas and lentil crops and potatoes and other commodities, apples and others, to compete with anybody in the world. But we are restricted, Mr. Speaker, because of an antique kind of a sanctions policy, unilateral sanctions policy, that hurts our farmers.

The power to change this policy rests with Congress. And we tried to do that on this bill, but the process did not allow it. I felt frustrated, frankly, that we could not have a good vote on this issue and let the Senate speak, as they have, Senator ASHCROFT, Senator HAGEL and others, Senator BROWNBACK, Senator DURBIN, Senator DORGAN, who spoke in favor of this change in policy, as well as people on our side, like the gentlewoman from Missouri (Mrs. EMERSON) and the gentleman from New York (Mr. WALSH) and the gentleman from Arkansas (Mr. DICKEY) and others who feel that that policy is outdated.

It is nonsense, in my judgment, that we should not sell food and medicine to countries that others can sell to around the world. It hurts our farmers. It hurts us as a country I believe. And we can open up dictatorships and open up terrorist regimes, for that matter, if we can engage them and engage the people.

The measure that was ready to pass the subcommittee and the conference was no funding for government-to-government assistance. Absolutely not one dollar would go to the governments of Iran, Iraq, Cuba, or anyplace else. But there would be a funding option allowed in order to allow our farmers to get some coverage for the sale of their product overseas.

I fought the President on this in some respects. This administration threw up a roadblock with respect to completing the sanction relief that we had imposed. We want to work with the administration and the Democrats and the Republicans and our leadership to try to have this sanctions policy relief become a reality.

So I would urge my colleagues to support this policy in the future.

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO), a distinguished member of the subcommittee who also was robbed of her rights to offer an amendment, as these proceedings were recessed.

Ms. DELAURO. Mr. Speaker, I rise in opposition to the agriculture appropriations conference report.

The process was unprecedented and heavy-handed. But the substance and the policy and final version reflects the majority leadership's lack of concern for farmers of America.

The summer's droughts and hurricanes have devastated thousands of farming families. In my own State of Connecticut, farmers suffered $41.6 million in losses. The pastures dried up. Fruit dropped. Trees and bushes and dairy production plummeted.

□ 1145

Farmers across the country are begging Congress to do something and we must do something. It is our responsibility. It is why we were elected. We come here to give voice to the people that we represent. Our constituents can only conclude from this conference report that we have been silent on their behalf.

This report includes only $1.2 billion in much needed emergency aid. But this is a short-term fix to a long-term problem, the lack of markets promised when the Freedom to Farm bill eliminated the farmers' safety net.

Committee members on both sides of the aisle were ready to address this issue with sanction relief, but the opportunity was snatched away. It is wrong to deny our farmers over $1 billion in new sales abroad, and it is wrong to punish innocent families, children, in other countries who suffer under repressive regimes by denying them food and medicine.

Finally, this report fails to reauthorize the Northeast Dairy Compact. Without that compact, Connecticut's farmers will lose $4.2 million a year as well as the security of stable prices to guarantee safe futures.

We are here to help farmers address short-term disasters and the long-term problems that threaten their survival. The health of our Nation is directly linked to agriculture's future. We must do more. I urge my colleagues to oppose the conference report.

Mr. SKEEN. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. DICKEY).

Mr. DICKEY. Mr. Speaker, understanding the immediate need for assistance that our farmers have, I have signed the conference report, and I am supporting this bill. However, there were several issues that were left undecided, and I want to discuss one of them, that is, sanctions on our agricultural products with other countries.

Let us take Cuba, for example, and in this context, we have to understand that our Arkansas farmers are the finest and the largest producers of rice there is in this country. For 37 years, it has been proven that the embargo on food and medicine in Cuba does not work. Fidel Castro and the members of his Communist regime have never missed a meal, but the poor have gone hungry. Those are who the embargo is affecting.

But the effects of this embargo are not only felt 90 miles off of Florida's coast, it has had much more of a local effect. An enormous market for our agricultural products has been deemed off-limits. Our Arkansas farmers sit facing one of the largest financial crises that we have ever encountered. They are the best farmers in the world and produce an excellent crop, but they need more places to market it. The USDA estimates that Cuba will import 570,000 metric tons of long grain, rough rice from countries all across the world. Conversely, the United States has over 630,000 metric tons of this very type of rice from the 1998 harvest still in storage. The USDA anticipates this number to drastically increase and next year our farmers will have 1.5 million metric tons of carryover stock from the 1999 harvest, all of which will bring prices down. The Cuban rice market has an estimated value of $125 million annually. Allowing our rice producers to trade with Cuba would not only enable them to collect the lion's share of the $125 million but it would also reduce our yearly carryover stock which would increase the commodity's market price.

The Congressional Research Service estimates that current economic sanctions on agricultural goods for sanctioned countries in 1996 reduced farm income by $150 million, overall U.S. economic activity by $1.2 billion, and U.S. jobs by 7,600. This is an issue that

America cannot afford to ignore any longer. Even though I am going to vote for this bill, I want us to be aware of the fact that we must do something about these sanctions to help our farmers in America.

Ms. KAPTUR. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. BOSWELL) who represents such a major share of U.S. agriculture.

Mr. BOSWELL. Mr. Speaker, I thank the gentlewoman for yielding me this time. First off, let me say that I am supporting this bill. I think that I have to associate myself with those who made other comments about the inadequacies. I do not understand why we did not have an opportunity to have the full discussion. But there is where we are at.

We have got two economies in our country right now, a robust economy and an ag economy. The ag economy is in bad, bad shape. We have to address these things. The farmers are desperate out there. I am supporting this to get the movement going and get this money to those producers. They need it now. I would say to the Secretary and anybody else that is listening that this money needs to go to those producers that have had losses. They are the ones that need it. I would trust and hope that we are doing everything we can to get it to them.

I also appreciate the fact that my colleague and friend the gentleman from Texas (Mr. STENHOLM) is offering something that will be coming up I hope very soon, the Supplemental Income Protection Act that will help all of us put the money where it belongs and help the farmers move ahead. Support the bill.

Mr. SKEEN. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Speaker, I thank the gentleman very much for yielding me this time.

Mr. Speaker, I rise in support of the agriculture appropriations conference agreement. This agreement will keep America's family farms afloat, fund critical research and protect the environment in some of our most fragile regions. Furthermore, this legislation includes language that dramatically improves competition for livestock producers.

Thanks to the cooperation of the gentleman from New Mexico (Mr. SKEEN), the gentleman from Texas (Mr. COMBEST) and determined colleagues in the Senate, in the other body, we were able to include mandatory price reporting for livestock in this package. This legislation will contribute to our efforts to revive the current farm economy. As anyone in Iowa can tell you, the difficulties associated with low grain prices have been compounded by low livestock prices to a devastating level last December and January.

Today, America's farmers want to know if they are receiving fair compensation for their hard work. With this agreement, we have made the first step in assuring that they can. It is important that accurate information be available to the livestock industry in order for competitive markets to function properly. Without this pricing information, we risk supporting a business environment that gives too much control to a few. We cannot allow our Nation's farmers to be left without the tools they can use to make sure they receive the best possible price for their livestock.

It is important to note that mandatory price reporting language included is the result of significant negotiations and represents a concerted effort to find consensus. Title 9 of the bill is identical to legislation that was ordered reported by the Senate Committee on Agriculture, Nutrition, and Forestry on July 29, 1999. The intent of these provisions and their attendant legislative history are explained in detail in that committee's report on the reported bill, S. 1672, and Senate Report 106–168.

Much of the language in this report was also the subject of painstaking negotiations and represents the consensus of a number of parties interested in mandatory price reporting legislation. I join all of these interested parties in directing the Department of Agriculture and the administration generally to this document for use in the correct interpretation and administration of this important law.

Mr. Speaker, this is an extremely important provision, and this bill does truly address as best we can under the budget constraints that we have the real problem we have in agriculture today, trying to get in a very timely manner dollars in the hands of farmers who so desperately need it. I just want to thank the chairman and the ranking member of the subcommittee, the chairman and ranking member of the full Committee on Appropriations, the staff on the subcommittee and my personal staff for doing an outstanding job. There are problems obviously, but a lot of the issues that were not addressed should never be on this bill to start with.

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes to the able gentleman from Pennsylvania (Mr. HOLDEN) who has worked so hard with us to try to make sure that the producers of Pennsylvania and the drought affected areas of this country are treated fairly in this measure.

Mr. HOLDEN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in opposition to the conference report. There is not a Member from either side of the aisle from the mid-Atlantic or northeastern States that can go home and look their farmers in the eye and say that this is a fair piece of legislation. It simply is not. $1.2 billion for all weather-related disasters simply does not add up to meet the needs of our farmers throughout the country. We have experienced a 100-year drought in the Northeast. In Pennsylvania alone, $700 million of damage; New York, $370 million; Maine, $31 million; Ohio, $600 million. Combined in the mid-Atlantic and northeastern part of the country, $2.5 billion of losses from drought. Then we look at the terrible situation in North Carolina, what they are facing in flooding and how we need to help our friends and colleagues from North Carolina; early on in the year, the flooding in the upper Midwest.

Mr. Speaker, we were not trying to be greedy in this bill, we were just trying to ask for what our friends in other parts of the country received before in other emergency appropriation bills. We wanted 42 percent of our losses that were uninsured to be paid for with cash assistance and livestock assistance. $1.2 billion, Mr. Speaker, simply does not get there. I urge my colleagues to reject this conference report and give us the opportunity to do what is fair for the mid-Atlantic and northeastern States.

Ms. KAPTUR. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. STENHOLM), the ranking member of the Committee on Agriculture.

Mr. STENHOLM. Mr. Speaker, I rise in support of H.R. 1906. Let me say I am grateful to the conferees for their recognition of the economic plight of American agriculture and I commend the chairman and the ranking member for their efforts. I cannot, however, feel good about the way in which we are helping our farmers and ranchers. For the second year in a row, we are using emergency spending to compensate producers for low prices. This fact is a stark admission that our basic farm program is not working. Our Nation deserves a long-term reliable farm policy. Taxpayers have a right to know what the Nation's agriculture programs will cost and agriculture producers should be able to know up-front what kind of assistance they can expect and what the rules will be for distributing it. I wonder how much longer we can go on like this, how much more our government will spend on ad hoc, supplemental AMTA payments before we realize that a more rational, predictable policy needs to be in force.

Mr. Speaker, last year we waited until the last hour to debate the omnibus appropriation bill and the emergency agricultural spending it contained. Many of us spoke at that time about the need to prepare for this year. Instead of preparing, however, we waited, and today we respond with off-budget spending to address a problem that was entirely foreseeable. I would like to once again thank the appropriators for delivering a bill that recognizes many of the needs. The deficiencies contained in the bill are a result of a lack of coherent agricultural policy which is impossible to address in one year's spending.

Let me say to my friend from Pennsylvania who spoke a moment ago, his request is reasonable. We should treat

the northeastern States no different than any other States were treated last year, and it is my belief that in a supplemental we will do so. Dairy policy, I agree, but we passed a bill here. It is now up to the Senate to deal with it in the regular legislative process. Sanctions, we ought to be doing more, but we cannot do it all on an appropriations bill. We need to do most of this in the regular legislative process. I am dedicated to working with my colleagues on that.

I am very grateful that the gentleman from Texas (Mr. COMBEST) has announced that we start full committee hearings early next year to address this problem so we do not find ourselves back in the same position next year at the same time.

Mr. SKEEN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, I thank the gentleman from New Mexico for his extraordinarily good work in very, very unordinary circumstances on this bill. As everyone has said, our farmers are facing the worst financial crisis in decades because of low prices, because of weather-related disasters, and unfortunately our current farm law does not provide a safety net for our producers. And so we will lose a lot of them this year, causing the very fabric, the very essence of our rural way of life to be at risk.

And so with reluctance I say yes, we must pass this bill today. But I also want to say, as my colleagues have, as an ag conferee, the last 2 weeks have been gut wrenching, they have been heart wrenching, as our rights to write this bill were stolen from us. That makes me angry. I am deeply disappointed that we were not allowed to vote on lifting food and medicine embargoes against six foreign countries. We should have learned the lesson from the Soviet grain embargo that food should not be used as a tool of foreign policy, that our farmers in America are the only losers in this battle. And we could not vote on fixing a problem for our dairy producers even though the vast majority of this body supports that fix.

Yes, Mr. Speaker, I am greatly disappointed, but the bill does have many good things in it for America's producers, for our ranchers and our farmers. They need our help today. They need financial assistance today. And so I urge a ''yes'' vote on the bill. I can only say in closing that we will continue the fight to lift embargoes and sanctions, we will continue the fight for our dairy farmers, because that fight, Mr. Speaker, has only just begun.

□ 1200

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. PRICE) who has been such an advocate for the needs of farmers in his State as well as around our Nation.

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I commend her for her hard work to focus attention and action on disaster relief in the bill. I think everyone in this body is aware of the disaster that has befallen our farmers, our citizens in North Carolina and other States up and down the Eastern Seaboard with Hurricane Dennis and Hurricane Floyd. Our communities have been severely damaged, our infrastructure, our farms.

Mr. Speaker, it is already estimated that the overall damages in North Carolina for this hurricane will exceed the 6 billion in damages we experienced with Hurricane Fran, which was our historical high point up to this year. Too many North Carolinians are still in shelters, and many have returned home or will return home to find out they have lost everything. Estimates from the United States Department of Agriculture and the North Carolina Department of Agriculture now are approaching 2 billion in agricultural losses alone for North Carolina alone, $2 billion.

Now, consider the amount of disaster relief in this bill. When we look at that, Mr. Speaker, we realize how pitifully inadequate it is. It is $1.2 billion, and it is supposed to meet the needs of both drought and flood relief.

The State Departments of Agriculture in the Southeastern and Eastern States, drought States, have estimated that the need for drought assistance alone is $2.5 billion. That is before anyone had ever heard of Hurricane Floyd. And unlike aid to homeowners and businesses, direct aid cannot go to farmers unless we appropriate it in this or a comparable bill.

Farmers need immediate assistance, and we ought to give it to them, yet there was never any real opportunity for the conference to consider disaster assistance. Before the conference had sufficient opportunity to take up this issue, the bill was taken by the majority leadership from the hands of the conferees. So, Mr. Speaker, we are forced to ask, what are we going to do? How are we going to get this assistance to the people who so desperately need it?

Yesterday I offered, and the Committee on Appropriations approved, an amendment to the Labor HHS appropriations bill to provide 508 million for direct assistance to farmers in all the states affected by Hurricane Floyd for crop and livestock losses. The Labor-HHS bill is not the normal vehicle for agriculture disaster assistance, but fortunately, Appropriations Committee leaders, Mr. YOUNG and Mr. PORTER, as well as Mr. OBEY, accommodated us, and we got this done.

That is not the way this process is supposed to work, but it was made necessary by the inadequacy of this agriculture appropriations bill. Farmers in North Carolina and the other states affected by natural disasters need our help now, and that need is greater than what is provided in this bill.

Mr. SKEEN. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. BARRETT).

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentleman for yielding this time to me, and I certainly rise in support of the conference report. And I want to thank my colleagues on the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee of the Appropriations Committee for their very hard work. This bill, especially the emergency provisions, is very badly needed by our farmers and ranchers.

Mr. Speaker, we have got a unique problem in agriculture. It is a cash flow crisis, and this conference report will help ease that situation by providing farmers with the financial resources to close out this year's growing season and prepare for the next.

I specifically want to commend the conferees for maintaining the AMTA payment mechanism. This will allow producers to receive payments in possibly less than 2 weeks after it is enacted, and I charge the Department of Agriculture to meet this goal.

I strongly encourage the President to sign the bill. Our producers do not have the time for political games as they are making decisions today which will affect their families for many years to come. We have got the right bill, and now is the right time to sign it.

Mr. Speaker, I think it is critical that the House agree to this conference report, and I urge an aye vote.

Ms. KAPTUR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Arkansas (Mr. BERRY) who has been such an active participant in these negotiations.

Mr. BERRY. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. KAPTUR) for yielding this time to me, and I appreciate her hard work along with the hard work of all the other people that have worked on this bill, Mr. Speaker.

Mr. Speaker, our farmers need the assistance in this bill, and they need a lot more. The funding in this bill is just simply not enough.

The other side of the aisle comes to the well over and over to criticize the lack of action on trade issues, yet when they have the opportunity, they fail to lift the sanctions on Cuba and other countries for food and medicine for only political reasons. Mr. Speaker, this is shameful.

This bill is inadequate. I will vote for it, but once again we are forcing America's farmers to pay for the political and foreign policy failures. The majority leadership should be ashamed of this bill because they did not accomplish what they should have for America's farmers.

Mr. SKEEN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. COMBEST).

Mr. COMBEST. Mr. Speaker, we have heard a lot this morning about, obviously, the wants and desires of Members in regards to the process, in regards to things that were in the bill,

that were not in the bill, and if we spent, made all of those decisions, based upon that and those Beltway issues, we would probably never pass anything. Let me just mention a few of the people that are out there that this bill has tried to intend to help that support it:

The Southwest Peanut Growers Association of Virginia, North Carolina Peanut Growers Association, the American sheep industry, the American Farm Bureau, the National Cotton Council, the American Soybean Association, the U.S. Rice Federation, the National Grain and Sorghum Association, the United States Sugar Beet Association, the American Sugar Beet Growers, the Hawaiian Sugar Growers, the Florida Sugar League, the Rio Grande Valley Sugar Growers, the National Corn Growers Association are the ones that have just come in since we started debating this bill.

Mr. Speaker, let me mention one other thing, if I might, as well. I agree with those people who have said that this is probably inadequate in terms of disaster money. We do not know how much that is. In fact, in some instances and in some cases the waters have not even receded enough to know what the damage is.

But I will tell my colleagues that as this bill started off at $500 million, we had a hearing in the Committee on Agriculture, and we asked the administration and the Secretary how much would they need, and they said they had no idea. But they guessed, and they would estimate at this time between 800 million and 1.2 billion.

Mr. Speaker, this bill has 1.2 billion. It is at the top end of what the administration suggested that they would need. If that is not enough, then at some point in the process I think we should come back and revisit that issue. But I will tell my colleagues that the farmers of America see the opportunity in a very short order to begin to get some very needed assistance in their hands. This is the way to do it, and I would encourage Members on both sides to give strong support to this bill. I think the American farmers deserve it, and I think they anticipate it.

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON) who has done such a tremendous job as a member of the authorizing committee.

Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman from Ohio for yielding the time, and I want to thank her for her leadership and her strong advocacy for rural America and for her due process, and I want to thank the gentleman from New Mexico (Mr. SKEEN), the chair of the subcommittee, for his fairness and his advocacy for rural America and for agriculture.

Mr. Speaker, this bill does have things that many of our farmers are advocating. I, too, have received the notice from my peanut farmers, said they would like to have this bill passed. But I also have received notice from people who need disaster relief saying: Is that all the disaster relief they have? I have my farm bureau, which I am very strongly supported by, call and say, yes, this is insufficient, but vote for it.

Here we have a bill. Not only did we have an opportunity to respond to the disaster, but we refused to. I heard the gentleman from Texas (Mr. COMBEST) say $1.2 billion was the up side of what USDA suggests, but that was before we had Hurricane Floyd. Now we have had such disaster in large proportions. We have lost in North Carolina alone the agriculture has estimated to be over $3 billion. Over 120,000 hogs have died, 2.5 million chickens have died; that is just agriculture, and all of the crop has gone.

One third of agriculture production is said to be lost in North Carolina, and we have $1.2 billion both for the drought and for Hurricane Floyd from the Northeast and to the Midwest.

How can we even think that is indeed sufficient response? We had a unique opportunity to respond. That is almost an insult, Mr. Speaker, to suggest that that is sufficient.

Now do I find that there are things in this bill that my farmers want? I would be less than honest to say yes, they do. The process really is important. Process in a democracy is important. Even when we lose, we would like to think that people have had an opportunity to have a full discussion. I am amazed that we have refused to have the opportunity to talk about the disaster that we so desperately need.

Mr. SKEEN. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS of Oklahoma. Mr. Speaker, I rise today to offer my strong support for H.R. 1906, the agriculture appropriations conference report. Let us pass this bill today and show our unwavering commitment to all agricultural producers across this country.

I am extremely proud of this legislation, of what it does, and what it provides for Oklahoma agricultural producers. The 100-percent bump-up on the 1999 AMTA payment is desperately needed by our producers who have faced some unbelievable challenges this past year including Mother Nature, low commodity prices, and the worldwide financial situation. I am proud that this Congress has decided to take the necessary steps to combat these obstacles.

I am also pleased to see funding for the Cotton Step 2 program and the inclusion of much needed livestock price reporting language. We have worked with producers over the past several months to ensure that these items were included in the conference report. This is just one more indication that this Congress is listening and responding to the needs of our producers.

Finally, Mr. Speaker, this Congress expects the USDA to allow producers to collect a payment equal to their LDP on their wheat crop.

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

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS) who has just been vigilant throughout this process to be fair to all segments of the United States.

Mr. SANDERS. Mr. Speaker, I thank the gentlewoman for yielding this time to me.

I strongly oppose this legislation, and I urge all of my Democratic and Republican Members and friends to oppose it.

This bill should be opposed from both a process point of view and a policy point of view.

In terms of process, there is no disagreement that this bill, as a Republican member, the gentlewoman from Missouri (Mrs. EMERSON), just told my colleagues a few moments ago was quote, unquote, stolen away from the committee by the Republican leadership. That is what she said, and what the Republican leadership then did is went behind closed doors, where, heavily influenced by special interests, they wrote the bill. We received the bill this morning, hundreds of pages, and now we are supposed to support it.

This process is undemocratic, it is an outrage, and no Member should vote for this bill on that ground alone. But we should also oppose this bill because of its content.

Last week we had an all-day debate upon the crisis of dairy farming in this country. There were six or seven amendments, and we went on and on, and at the end of the day, by a 285 to 140 vote, the Members of this body, Republicans and Democrats, said we need to reform the milk market order system in order to protect family farmers all over this country; 285 Members voted for it. When that issue came to the conference committee, they did not spend 1 minute discussing that issue. We spent all day; we voted for it; they did not spend 1 minute.

□ 1215

How can you support legislation which ignores an attempt to address the crisis facing dairy farmers? Please vote ''no.''

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

Mr. Speaker, again to the gentleman from New Mexico (Mr. SKEEN), for whom I have the highest respect, the chairman of our committee, I know that no member of our committee could be proud of the bill that is on the floor today. Many have referenced that in their remarks.

I would urge the membership to recommit this bill back to our subcommittee where it belongs to fix its flaws.

In the years that I have been here in the Congress, I have never seen a conference report that comes to the floor where over one-third of our members do not even sign it. There was pressure put on a number of these people who

did sign. This is not the way that one of the bills out of appropriations ought to come to the floor.

I want to say a word about how this overall legislation is structured. Our concern does not necessarily go to the fundamental appropriations for the Department of Agriculture that are in the bill for the Year 2000. Our problem goes to the heart of the emergency package, the disaster assistance package, which is so fundamentally unfair.

I would beg my colleagues to listen. I am going to spend a few minutes here and lay out some numbers.

There are two parts to that portion of the legislation. There is $7.5 billion that goes out in economic assistance. That basically means low prices—trying to help people, as one of the gentlemen here said, the gentleman from Nebraska (Mr. BARRETT), meet cash flow problems in rural America. Of that $7.5 billion, $5.5 billion of it goes out under the AMTA formula. But, remember, AMTA is based on the planting of program crops in the years 1991 to 1995. It is not tied at all to what was planted this year, to what is planted now, prices received, or economic loss. In fact, there is no requirement to have planted a crop at all in order to get these dollars!

In fact, there is nothing in that section of the bill for fruits and vegetables. Many of our Members are coming up here and saying we want a fair bill. There are provisions that are in there for sugar, for cotton, for peanuts, for tobacco, for oil seeds, for honey, for mohair. But there are no provisions for vegetables, for fruits, for revegetation.

In fact, in that section of the bill, if we look at livestock, hog farmers, an industry that is on its knees, it only gets a chance to compete for up to $200 million nationally. Other claimants in that fund are livestock producers, including those suffering from natural disasters. So their ability to be made ''whole,'' or to even be helped to be made ''half'' or even ''40 percent,'' is almost nothing when you look at the losses that are out there.

I will submit for the RECORD from the Governors of over a dozen States what they believe the losses to be in their areas. Or look at a State like Ohio, my own State, where over $600 million of losses is documented, with a letter from our Governor. Dollars in the bill for livestock amount to almost nothing as we try to keep some family farmers whole as they try to transition in this difficult rural economy.

SEPTEMBER 10, 1999.

Hon. TRENT LOTT,
Majority Leader,
U.S. Senate, Washington, DC.

Hon. THOMAS A. DASCHLE,
Minority Leader,
U.S. Senate, Washington, DC.

Hon. J. DENNIS HASTERT,
Speaker of the House,
House of Representatives, Washington, DC.

Hon. RICHARD A. GEPHARDT,
Minority Leader,
House of Representatives, Washington, DC.

DEAR SENATORS LOTT AND DASCHLE AND REPRESENTATIVES HASTERT AND GEPHARDT: On behalf of farmers and agricultural communities in more than 12 states, we request your help in obtaining immediate federal emergency grant assistance to address the economic losses caused by this year's severe drought. Farmers and rural communities along the eastern seaboard—from Rhode Island to South Carolina and west to Ohio—are experiencing the worst drought in decades. The drought of 1999 is compounded by the farm crisis caused by low agriculture commodity prices. This combination is placing tremendous financial stress on farmers throughout the region.

Initial estimates indicate that these states will experience agricultural losses in excess of $1.64 billion because of the severe and extended drought conditions. This will have a ripple effect on the economy. The USDA Disaster Declarations which have been issued for our states enable farmers to apply for emergency low interest loans; however, loan assistance programs do not adequately respond to this year's unexpected economic impact on the farm communities. Many farmers are simply not in the financial position to assume more debt when they have lost their income. We urge you to act quickly to include direct payment assistance to those producers impacted by the drought.

The recently passed Senate Agriculture Appropriations bill provides assistance for the commodity price disaster, but does not address the natural disaster impacting our farmers. We request that the final aid package be augmented to provide adequate funding for USDA disaster assistance programs such as the Crop Loss Disaster Assistance Program, the Non-insured Crop Disaster Assistance Program, the Livestock Assistance and the Emergency Conservation Programs. These programs can provide the rapid response we are looking for and the agricultural community deserves. We further request that this disaster funding be earmarked for drought-impacted states.

We appreciate your assistance in helping our farmers in this time of crisis.

Sincerely,

Bob Taft, Parris N. Glendening, Jim Hodges, Cecil H. Underwood, James S. Gilmore III, Lincoln C. Almond, George E. Pataki, Jim Hunt, John G. Rowland, Tom Carper, Tom Ridge, Christine T. Whitman.

MEMORANDUM

Re: Latest Estimates of Agriculture losses in 13 State Drought Region (revised 9/21/99 4:30 pm).

Date: September 21, 1999.

To: Agriculture Appropriations Conferees.

From: DC Offices of Drought-Affected States.

Following, you will find our most recent estimates of agriculture losses in our states due to the recent drought. You will note these estimates reflect increases from our August numbers due to the inclusion of specialty crops, livestock, aquaculture and dairy that had not been accounted for in our previous estimates. Some states were unable to provide specific estimates per commodity at this time. The recent Hurricane has caused constraints on staff resources. Our states believe these numbers are conservative estimates of what is expected to be the eventual effect of this devastating drought, but represent the best information we can provide at this date.

We also request the following programs be activated to deliver immediate and direct emergency assistance to our agriculture communities:

(1) Crop Loss Disaster Assistance
(2) Emergency Livestock Feed Program
(3) Emergency Conservation Program
(4) Dairy Loss Assistance Program
(5) Non-Insured Crop Disaster Assistance Program
(6) Tree Assistance Program

The Secretary should be directed to release funds to our farmers and producers in need within a reasonable, but expedited timeframe, based on estimated crop losses. We suggest 30–90 days.

	In millions
State Losses:	
Connecticut	$41
Delaware	30
Maryland	78
Maine	31
New Jersey	80
New York	370
North Carolina	53
Ohio	600
Pennsylvania	700
Rhode Island	10
South Carolina	150
Virginia	200
West Virginia	200
Total	2,543

STATE OF OHIO, WASHINGTON OFFICE,
Washington, DC, September 21, 1999.

Hon. MARCY KAPTUR,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE KAPTUR: On behalf of Ohio's farm families, I am writing to request your help in contacting House leadership to secure federal emergency assistance to overcome drought losses. This summer's drought not only has devastated crops, but has caused corresponding economic loss of livestock and dairy producers.

In the past month I have notified you of the State of Ohio's response to the drought emergency and expressed my hope that additional appropriations might be made available to provide the help that Ohio farmers badly need. Ohio's drought losses already are approaching a projected $600 million and will continue to grow (see attached Ohio Drought Impact Fact Sheet and memo to the Agriculture Appropriations conferees for estimated crop loss breakout).

I understand that Agriculture Appropriations conferees will soon meet to discuss a final bill and will consider providing meaningful drought assistance to states such as Ohio where it is sorely needed. I hope that you can support this effort and work with your House colleagues and the leadership to ensure that this happens.

As you know, the USDA has made available low interest loans to disaster designated areas. However, loan assistance programs do not adequately respond to this year's unexpected economic impact on the farm communities of the Drought affected states. Rather, producers impacted by drought require dedicated direct payment assistance. A farm aid package should provide adequate funding for USDA disaster assistance programs, such as the Crop Loss Disaster Assistance Program, the Non-Insured Crop Disaster Assistance Program, the Livestock Assistance Program and the Emergency Conservation Program. Further, this disaster funding should be earmarked for drought-impacted states.

In addition, I hope you will agree that in order for our farmers to receive the help they need, Congress should include emergency grant assistance for drought disaster in the FY 2000 Agriculture Appropriations Bill.

I appreciate your efforts with this important issue.

Sincerely,

BOB TAFT.

FACT SHEET: IMPACT OF 1999 DROUGHT ON OHIO CROP AND LIVESTOCK FARMS, SEPTEMBER 21, 1999

Drought Loss—Governors' recent estimate for 12 northeastern states: $2.5 billion.

Natural Disaster Loss—National Assn. Of State Departments of Agriculture (U.S.) estimate for all affected states: $3.56 billion.

Drought loss—Projected estimate for Ohio: $600 million (While harvest has just begun, there are projections that Ohio's losses could be in the range of $600 million of agricultural products. This represents about 10 to 15 percent of the nearly $4.7 billion of Ohio agricultural products sold in 1997. The FSA's July estimate was $422 million.)

Estimated direct USDA assistance payments

Drought Assistance—Estimated direct USDA assistance payments for which Ohio producers would be eligible: $164.8 million.

Breakdown of potential USDA funding to program assistance grants:

Crop Loss Disaster Assistance Program (CLDAP) and Noninsured Assistance Program (NAP), $80.6 million;

Livestock Assistance Program (LAP), $82.3 million;

Emergency Conservation Program (ECP), $1.9 million.

According to the Palmer Drought Severity Index, the long-term forecasting tool used by the NOAA's Climate Prediction Center, all of Ohio is now in either severe or extreme drought. Rainfall needed to end the drought, according to the Index, ranges regionally from about 6 to 10 inches. Topsoil moisture in Ohio is now 78 percent short to very short, compared to the five-year average of 41 percent short to very short. (See Palmer Index map.)

Eighty-seven Ohio counties have been designated natural disaster areas by U.S. Agriculture Secretary Glickman, enabling qualified farmers in those counties to apply for federal disaster assistance loans. Of those, 66 counties were designated primary natural disaster areas.

Hay Shortage: There is a significant shortage of hay in southern Ohio (estimated need is 325,000 tons).

MEMORANDUM

Re: Latest Estimates of Agriculture losses in 12 State Drought Region.

Date: September 17, 1999.

To: Agriculture Appropriations Conferees.

From: DC Offices of Drought-Affected States.

Following, you will find our most recent estimates of agriculture losses in our states due to the recent drought. You will note these estimates reflect increases from our August numbers due to the inclusion of specialty crops, livestock, aquaculture and dairy that had not been accounted for in our previous estimates. Some states were unable to provide specific estimates per commodity at this time. The recent Hurricane has caused constraints on staff resources. Our states believe these numbers are conservative estimates of what is expected to be the eventual effect of this devastating drought, but represent the best information we can provide at this date.

We also request the following programs be activated to deliver immediate and direct emergency assistance to our agriculture communities:

(1) Crop Loss Disaster Assistance
(2) Emergency Livestock Feed Program
(3) Emergency Conservation Program
(4) Dairy Loss Assistance Program
(5) Non-Insured Crop Disaster Assistance Program
(6) Tree Assistance Program

The Secretary should be directed to release funds to our farmers and producers in need within a reasonable, but expedited timeframe, based on estimated crop losses. We suggest 30–90 days.

	In millions
State Losses:	
Connecticut	$41
Delaware	30
Maryland	78
New Jersey	80
New York	370
North Carolina	53
Ohio	600
Pennsylvania	700
Rhode Island	10
South Carolina	150
Virginia	200
West Virginia	200
Total	2,512

NET EXPENDITURES OF THE COMMODITY CREDIT CORPORATION

[In billions of dollars]

	Total	Commodity programs (incl. AMTA)	Other
FY 1990	6.5	4.5	2.0
FY 1991	10.1	7.8	2.3
FY 1992	9.7	6.9	2.8
FY 1993	16.0	11.9	4.1
FY 1994	10.3	6.1	4.2
FY 1995	6.0	4.1	2.0
FY 1996	4.6	4.5	0.1
FY 1997	7.3	5.3	2.0
FY 1998	10.1	8.0	2.2
FY 1999 est.	18.4	13.2	5.2
FY 2000:			
Budget estimate	14.1	10.1	4.0
Emergency package	7.3	.....	.....
Total	21.5		

FY 1999 and FY 2000 estimates are from the OMB mid-session review.

Figures for FY 2000 emergency package is CBO estimate of outlays resulting from the package (which is $8.7 billion in budget authority).

''Other'' includes export programs (EEP, MAP, export credit, etc.), conservation programs (CRP, etc.), various disaster assistance programs, among other items.

Then if you look at the natural or weather-related disaster portion of the emergency bill, there is only $1.2 billion in that, $1.2 billion. And these estimates are pre-hurricane Floyd. As Members have verified these numbers were put in the draft bill before North Carolina happened. So the natural disaster section is woefully inadequate. These are weather-related losses, and the funds are seriously short of what would be needed to assist those faced with disasters this year.

Why should producers in the Northeast and the middle Atlantic States that have had droughts this year not get some attention in this bill, as have producers in Texas who had droughts last year? If you look at the way the formulas work, there is not fair treatment for these States. Had our conference not been suspended, we would have offered amendments that would have attempted to fix these formulas and constructs that give such unequal treatment.

We know what this will mean are more bankruptcies and more loss of equity, which is so unfair. This bill should be targeted at people who are suffering hardship, not just some formula that was cooked up 3 or 4 years ago that does not meet current needs.

I wanted to put this on the RECORD and beg my colleagues, it would not take us long to go back to subcommittee to try to fix this, to make sure that we meet fairly the current needs of our country, and also help to position ourselves for the long term because of the fundamental inadequacy of Freedom to Farm alone to deal with the volatility that we have experienced with the downturn in the markets and what has happened with our lack of access to overseas markets.

There are longer-term solutions here that we are not being given the opportunity to address in this bill. Please do not do this. Please do not do this. Next year we are going to be back here again with more requests for supplemental credit, as we were this year.

This is not the way to deal with this problem. This is important enough and the gun is at our head, that if the Members of this Congress recommit this bill, we can do it right. Just do not bar us from the opportunity to do that.

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

Mr. SKEEN. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. GOODLING).

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

Mr. GOODLING. Mr. Speaker, I cannot get two pennies to help disadvantaged children in the area of education, but we can put $7 million into this bill to make sure your children, my children, and every other child of a Member of Congress, can have a free breakfast. That really makes a lot of sense.

They will tell you well, it has been authorized. It has been on the books, yes, but it has never been funded. Why? Because we have done something a darn sight better. What we have done is said that any school district that feeds a lot of free and reduced-price children in lunch can also serve free breakfast, and we know that 85 percent of all children eating free and reduced-priced meals at noontime are now eating breakfast.

Others will tell you, oh, well, the rich and those almost rich do not have time to give their children breakfast. What a sorry state that is; the Government should do it.

Give the money to the farmers who are caught in drought problems. Give the money to those of us who are trying to educate those who are disadvantaged. But, for goodness' sake, don't give $7 million to feed your children or my children free breakfast.

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

Mr. Speaker, I would like to commend the Chair for doing a beautiful job of allowing equal time during this debate, which is something we were not allowed by the leadership of this institution in subcommittee. I would like to know how much time we have remaining on each side.

The SPEAKER pro tempore (Mr. BEREUTER). There are 6½ minutes remaining on either side at this moment.

Mr. SKEEN. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, this is a good bill. I am from North Carolina. We have a serious problem, a huge problem; but this bill helps our farmers now. We can do more for them later,

and we will. But, please, support this conference report. It helps North Carolina farmers and it helps them now.

I come to the floor today along with my fellow colleagues from North Carolina to educate Congress on the state of dire emergency in North Carolina. I support this conference report. As you know, Mr. Speaker, North Carolina has experienced the most destructive natural disaster ever to hit our State, It is already estimated that damages from Hurricane Floyd will exceed $2 billion in agricultural losses alone, not to mention loss of homes, businesses, roads, schools and other services.

The extent of damage is currently still being assessed and will not be known for sure until the water recedes. It is for that reason that I implore this body, as Representatives of the United States, to work with us from North Carolina, as well as with those suffering in New Jersey, New York and other States from the destruction of Hurricane Floyd, when we came back to you in the upcoming weeks and ask for your assistance in passing a package which will accurately address the needs of these people who have literally lost everything.

In light of the fact we do not have a clear idea of how much money will be needed to aid these hurricane victims, I believe it is wise for us to press forward with the emergency farm assistance package we are voting on today. Farmers from North Carolina, as well as farmers from all the nation, will greatly benefit from this bill. We need to pass this bill and pass it quickly so that farmers can begin receiving assistance as soon as possible.

I urge you to vote in favor of this conference report.

Mr. SKEEN. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, I have the greatest respect for the chairman of this committee, a man with his roots deep in agriculture, and he has worked long and hard on this bill with his committee. But there are some fundamental problems if you are from the Northeast or mid-Atlantic. This does not address our drought relief. I wish the people that could have decided to shortchange us could have been to Bradford County, Pennsylvania, with me and looked at the corn this high and the barns empty of forage.

This bill is bad for us for three reasons: it does not address the drought; it does not address option 1–A, which means we are going to allow Secretary Glickman's mistake to put our farmers out of business, and it does not address the compacts.

Mr. Speaker, the only thing that this bill is good for in the Northeast is the auctioneers. I hate to go home and see the hammer fall on another Northeastern dairy farm.

I ask Members to oppose this bill.

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BECERRA), who has been such an outspoken advocate for fairness to all people.

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

Mr. BECERRA. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, there is no doubt that we should be doing something and doing it quickly for our farmers in America, because they are in distress. At times of economic prosperity, we go to some of our agriculture regions in this country, and we find that farmers are having to close down their shop, and there are fewer and fewer farmers independently farming in this country, and that has to stop.

But this bill, unfortunately, is very troubling for someone like me who comes from California, where right now, with a State prospering so much, and you find unemployment rates have plummeted in a State that for the longest time was suffering higher unemployment rates than the rest of the Nation, right now, while we are doing well in California, if you walk into the agricultural regions of California, you will find unemployment rates above 10 percent, up to 15 to 20 percent in some of our rural areas where there are farm workers desperate to work. Yet in this particular conference report we have a particular provision that was added with regard to guest worker programs where we get to import workers to do work here in America.

This provision would allow us to go out and seek people from other countries to do the work that Americans can do today by simply saying that for 3 to 4, maybe up to 8 days, we searched for someone to do the job out there in the fields.

That is unfortunate, because those unemployment rates for farm workers still exist. They are very high. Yet right now this bill would say rather than give those American workers a chance to work in those fields, to earn a decent living, even if sometimes it may be a low wage, no, instead we are going to allow some of these mega-corporations to go out and say we tried for 3 days to find an American worker to work that crop, but we could not find anyone, so now let us go abroad and hire the cheap labor to come in here and do the work for us.

How can we do that right now, when not just farmers, but farm workers are hurting, to say we are going to cut the throats of agriculture? This is not the way to do it.

This is a good bill with many good features to it, but why we had to go about doing it this way I do not know. It makes it very difficult for someone who, by the way, has not a piece of farmland in his congressional district, to get up here and say this; but I think we may have to oppose this bill.

Mr. SKEEN. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, in the brief time I have, I simply want to say this: I have spent the last several weeks working with the committee and working with the members of the committee to impress upon them the needs of the dairy farmers of the northeastern part of our State.

To my colleagues who will come to this floor to vote on this bill, I want to make this very clear: because we have been threatened by a veto and because we have followed a misguided path set for us by the Secretary of Agriculture on option 1–A and because we have decided to ignore the fact that the Northeast Dairy Compact, which provides for minimum supports for farmers in the Northeast so that they can maintain their process, we have decided to put forward a bill today that promotes the worst kind of regional divisions in this body. We have decided to put forth a bill today that promotes and benefits singular Members, singular states, at the expense of others.

So, with that, I would urge all of my colleagues to strongly oppose this bill and let us make sure we come back and do the right thing for all of our farmers.

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

Mr. Speaker, I would like to thank the gentleman from New York for his remarks and again plead with my colleagues, as we move to a motion to recommit, to support the motion to recommit and go back to subcommittee where it belongs and fix this bill.

As you have listened to the speakers today, you have heard Members like the gentleman from Minnesota (Mr. PETERSON). We look at the farmers in the Red River Valley. We can do better for them. They have had no crops. Just because some areas of the country have been benefited by this current conference report before us, simply because of who was in the room writing it, does not mean that other parts of America that have been deeply hurt by drought and by crop loss do not also deserve the attention of this broader membership. We need to fix what was done improperly by those who took the bill away from our committee where it rightfully belonged.

How can you turn down someone like the gentleman from Maine (Mr. BALDACCI), an area of the country in the Northeast that really has not had a lot of losses in years past.

□ 1230

Yet if we look at the specialty crop area, it is given almost no consideration in this legislation. Speaking for our region of the country, the heart of the midwest, for those people who are literally going bankrupt in the pork industry, why should they not be treated similarly to those who are in the row crop business?

These are good Americans, too. They deserve the attention of this Congress. It is not going to take a Ph.D. or 6 years of education for us to go back into committee and fix this. All we need is people who are sensitive to the differing needs across this country to do a good job.

I want to say to our chairman, the gentleman from New Mexico (Mr.

SKEEN), no chairman could have treated his committee members more fairly than he has. To the staff who has worked with us throughout, they have my highest admiration on both sides of the aisle.

However, what was done to us is unforgivable, and it is the reason that we have a two-legged dog bill before us today. Give us the opportunity next week to go back and do what is right for America, for those who are hurting today and to help position this marketplace for the future.

No less is expected of us as leaders who know more about these subjects, frankly, than anyone else in the United States. So to produce a bill that is half baked just does not do credit to this institution. I beg my colleagues who are listening today, to those who are with us here on the floor, to support our motion to recommit. Let us go back and fix this thing and bring it back next week. America deserves better than we are able to produce today.

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

The SPEAKER pro tempore. The gentleman from New Mexico (Mr. SKEEN), the chairman of the Committee on Agriculture, is recognized to close. He has 4 minutes remaining.

Mr. SKEEN. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I would like to restate the points that I have made earlier. This is a bill that benefits every American every day, no matter where they live. Whether it is FDA protecting the safety and foods and medicines or the nutrition programs for children and the elderly or creating economic development in rural America, this bill is for urban and suburban America just as much as if it were for the farmer or the rancher.

I know that some colleagues are concerned for what is not in the bill, particularly dairy policy and the relaxation of export sanctions to certain countries, but if we all voted on the basis of what is not in a bill then I am not sure that any legislation could get passed here.

I would like to say to my colleagues that this is a good, bipartisan bill. It will benefit every one of our constituents. I have letters from a number of farm groups supporting this conference report: The American Farm Bureau Federation, the National Cotton Council, USA Rice Federation, National Grain Sorghum Producers, and the National Corn Growers Association.

Mr. Speaker, there has been talk of a motion to recommit. I think that recommitting this bill to conference would be a serious mistake. There is $8.7 billion in assistance to rural America in this bill. Sending this bill back to conference for weeks or months of more haggling would deny any money at all to the people that we are trying to help.

A motion to recommit, in effect, says we want more money for farm assistance so we will send no money at all, farmers and ranchers will just have to wait while we talk.

I would say to my colleagues, some folks cannot wait. They need assistance now. They do not need more talking from Congress. They need the help that is in this bill, and they need it now. Vote no on any motion to recommit.

This is the first day of the first fiscal year, and we need to put this bill to work immediately. Please support the good that is in the bill today and vote aye on the conference report, and hopefully, Mr. Speaker, this will finally come to an end.

Mr. BERMAN. Mr. Speaker, I rise in opposition to the Agriculture Appropriations conference report. I am especially concerned about the Senate rider, not included in the House version of the bill, which would deny jobs to United States farmworkers by allowing agricultural employers to secure vulnerable foreign guest workers without any meaningful recruitment of U.S. farmworkers. This rider makes a mockery of the obligation of employers to show a labor shortage before gaining access to temporary foreign agricultural workers.

The General Accounting Office has reviewed the unemployment rates in America's counties where there are major populations of migrant farmworkers and found that in most, there were double-digit unemployment rates. From this, one would expect that agricultural employers would develop new methods of recruiting this readily available pool of unemployed and underemployed farmworkers.

But that is not what has happened.

Instead, they have sought this legislation to permit employers to escape the requirement that they recruit U.S. workers before gaining access to vulnerable foreign workers. This proposal, offered by Senator MCCONNELL of Kentucky, (where many tobacco growers use the H–2A guest worker program), would drastically shorten the time period for recruitment of U.S. workers before the Department of Labor must decide whether the growers actually faces a labor shortage.

Agricultural employers, under this provision, will apply for guest workers 45 days before the first day of work. The Department of Labor then will have 7 days to make sure that the wages and working conditions meet applicable standards. If they do meet applicable standards, then the employer begins recruitment inside the state and in other states where migrant workers reside. That leaves just 38 days before the season begins. But the Department of Labor must decide whether recruitment was successful no more than 30 days before the season begins. So in reality, employers have just 8 days to recruit U.S. farmworkers.

This would be bad enough, but there are even more problems: Often, the employer offers wages and working conditions that do not meet DOL standards. The Department must then give such an employer 5 additional days to correct the job terms. Recruitment does not begin until that approval is granted, at about 33 days before the season begins. But DOL is still bound to decide whether a labor shortage exists no more than 30 days before the season begins. This leaves only three days to recruit U.S. workers—a scenario utterly designed for failure.

In the meantime, many agricultural employers have elaborate recruitment networks that have been seeking foreign guestworkers for months.

I recognize that the H–2A law contains job preference requirements for U.S. workers. But there exist great economic incentives for H–2A program employers to hire foreign guest workers rather than domestic farmworkers. Guestworkers are far more docile and compliant than U.S. workers who have legal protections. Also, employers save money because guestworkers' wages are not subject to unemployment taxes or Social Security contributions. Once DOL has give approval to hire foreign guestworkers, U.S. farmworkers know that they usually won't be welcome at those jobs.

The General Accounting Office report on the H–2A program made recommendations about the very issues the McConnell rider addresses, and the McConnell amendment is inconsistent with the GAO recommendations. The GAO recommended shortening the H–2A progress, which the Department of Labor recently did through regulation changes. But the GAO warned that recruitment of U.S. workers should not be reduced and that is precisely what the McConnell amendment does.

I am firmly opposed to the conference committee report because this appropriations bill contains the McConnell amendment that unjustifiably denies jobs to the poorest of the working poor, America's farmworkers.

Mr. MALONEY of Connecticut. Mr. Speaker, I rise in opposition to H.R. 1906, the Agriculture Appropriations Conference Report. If everyone in Congress is serious about locking away Social Security, we simply can not afford to pass this bill. I urge all of my colleagues to exercise fiscal responsibility, and vote ''no'' on this conference report.

This agreement is a perfect example of the type of legislation that pushes us down the path towards raiding the Social Security trust fund. The Agriculture Conference agreement provides $69 billion for the Department of Agriculture and related programs—including $8.7 billion in ''emergency'' funds for disaster relief.

Emergency funding aside, the conference report is approximately $100 million over its allocation. That increase will be paid for through the projected surplus.

Indeed, since the emergency relief funds do not count against the 1997 spending caps, those, to, will be paid for with the surplus. In fact, the emergency funds alone consume more than half of the expected non-Social Security surplus for fiscal year 2000.

If we continue to chip away at the surplus, beginning with H.R. 1906, Congress will begin to dip into Social Security. As someone who is committed to locking away Social Security and living within the budget caps, I urge all of you to vote No on this and every bill that leads us down a fiscally irresponsible path.

Mr. CROWLEY. Mr. Speaker, I rise in support of H.R. 1906 the agriculture Appropriations Bill for FY2000.

Mr. Speaker, I understand the concerns of my colleagues on both sides of the aisle who have concerns about this bill. Farmers truly are facing a crisis in his country. From the drought of the Northeast to the recent flooding in North Carolina, more federal funding is needed to insure the livelihood of the American family farmer.

But there is also an agriculture crisis in our cities. This bill funds important agriculture programs which help provide more greenery in

our cities, trees to fight pollution and make the air cleaner and Federal research monies against plant and tree pests.

I am supporting this bill because it addresses the needs in urban areas, and New York City in particular, which have been severely impacted by the Asian Long Horned Beetle. This predator, which is a non-native species came to New York and other areas through packaging materials in shipping crates. This infestation has led to the destruction of thousands of trees in Queens, New York and most recently was found in Central Park in Manhattan.

I thank Chairman SKEEN, Ranking Member KAPTUR, and the House and Senate Conferees for including $2.1 million for the Animal Plant Health Inspection Service (APHIS) for eradication of the Asian Long Horned Beetle in New York City. This money is an important step to stop this pest which left unchecked will destroy the trees of New York City which provide my constituents with much needed shade and greenery.

Mr. BONILLA. Mr. Speaker, Mr. Chairman I rise in support of this Conference Report for the Agriculture Appropriations bill for fiscal year 2000. We members of the subcommittee were charged with developing an appropriations bill, not a bill to address every agriculture authorization issue pending before Congress.

There are several very important agriculture issues that call for attention. They should be addressed, and considered on the House floor. But these are not issues that should hold up a badly needed appropriations bill. In fact, I do not recall over the last two weeks hearing any complaints regarding the regular appropriations bill.

There are some very good provisions in this appropriation. Each one of us would probably like to change some part of this bill, but we have to remember this bill provides for $8.7 billion in emergency assistance for agriculture producers.

I have had calls streaming into my office from producers, and I am talking the producers, not the Washington lobbyists, asking me to support the bill. They know that the items in the disaster package are too important to lose.

In this bill there is $5.5 billion in direct emergency financial assistance. There is help for cotton's step 2 program, help for livestock producers and $1.2 billion for disaster funding.

No, this bill may not be perfect, and there are things that may not be in the bill that we would like to have seen in the bill, but I do not believe we can turn our backs on $8.7 billion in financial assistance and our producers.

Mr. GILMAN. Mr. Speaker, I rise to express great disappointment on behalf of our farmers throughout the State of New York and the entire northeast region.

In my home State of New York, agriculture is the largest industry. With abundant rainfall, productive soil, and proximity to the Nation's largest markets, the outlook for the future of New York's dairy farmers is of great potential. However, as a result of the recent drought, natural disasters, and fluctuating market prices, New York farmers are in dire need of assistance; which is not provided in this legislation.

Apple and onion producers in New York State have suffered severe weather conditions in three out of the last four years, including this year's drought. Nevertheless, the USDA has been ineffective in providing needed, equitable crop loss disaster assistance for onion and apple producers.

Due to 1998 onion and apple losses in New York State, repeated and intense communications transpired between producers, Congress and the USDA. Over the past few months, communications with the Secretary of the USDA, Dan Glickman, have failed to address most of our producers concerns.

Our agricultural producers have received sympathy from the Department of Agriculture, but USDA has stated that they do not have a clear direction from Congress on how to proceed with the complicated, untraditional questions which are unique to these nonprogram crops.

In 1999, estimates of drought losses to onions and apples in New York are again substantial. In fact, the loss in yield at $12CWT for onions on the 5,000 acres in Orange County, New York will translate into an approximate $15 million loss.

The $15 million loss in 1999, coupled with the $15 million dollar loss in 1998 for onion producers in Orange County, will prove devastating not only for the Hudson Valley's family farms, but also for those businesses dependent upon the onion and vegetable $100 million industry in New York.

Furthermore, New York's dairy farmers, which make up 60% of our agricultural base in my home State, have been cut out of this legislation. Producers and their organizations have been concerned about the viability of the dairy industry in the northeastern states for several years.

Declining herd and cattle numbers, combined with drought and fluctuating market prices, have led to loss of infrastructure and revenue for our New York dairy farmers. Our farmers are facing the implementation of option 1B milk pricing, a plan that reduces farm income in 45 states and will force New York producers to lose at least $200 million annually. Our dairy farmers are relying on their inclusion in the Northeast Dairy Compact, to provide them with stability in pricing. However, that measure is not only missing from this legislation, it was not even permitted to be discussed. Time and time again, our Nation's dairy farmers have had to face the challenges of nature and an unstable market.

In response to these challenges, these distressed farmers looked to the Congress to provide them with a crucial milk price safety net, by extending the Northeast Dairy Compact, and offering the preferred milk pricing structure, option 1A.

Accordingly, along with my colleagues from New York and throughout the region, I anticipated the opportunity to respond to our farmers by negotiating for the inclusion of favorable dairy language in this legislation. However, in an effort to force this legislation through, this opportunity was not afforded to us.

Therefore, on behalf of farmers throughout our Nation, I cannot support this legislation and, in the name of the thousands of farmers forgotten today, I urge my colleagues to do the same.

Mr. HOEFFEL. Mr. Speaker, agriculture is Pennsylvania's number one industry and Pennsylvania has one of the largest rural populations in the nation. There are 45,000 farms in the state and Pennsylvania is second in the nation in the number of acres of farmland preserved for agricultural use. We all depend on the food that these hard working citizens produce for our tables.

As we all know, 1999 has been a bad year for farmers. Month after month brought no rain. September brought hurricane rains.

There is a small dairy farmer in my district who raises fresh market sweet corn to sell from a roadside stand. His normal production is about 28,000 ears. This year, his production was 500 ears. This farmer has already purchased hay from out of state for his dairy herd and will do so repeatedly through the winter. This is one small example of the effect of the devastating 100-year drought in Pennsylvania.

Pennsylvania farmers have lost $700 million. This bill provides an anemic $58 million for our farmers. Our farmers need a combination of direct assistance, emergency livestock feed assistance and low interest disaster loans. Unfortunately, this bill does not adequately meet these needs.

This conference report provides only $1.2 billion for crop losses due to all natural disasters in the 1999 crop year. This includes the damages due to Hurricanes Dennis and Floyd, natural disasters in Texas and the Northern Plains in addition to the 13 states affected by the drought.

This bill leaves our northeastern farmers without enough help, and I will therefore vote against this conference report.

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

The SPEAKER pro tempore (Mr. BEREUTER). Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the conference report?

Ms. KAPTUR. We are, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. KAPTUR moves to recommit the conference report on the bill H.R. 1906 to the committee of conference.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit offered by the gentlewoman from Ohio (Ms. KAPTUR).

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 187, nays 228, not voting 18, as follows:

[Roll No. 468]

YEAS—187

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Barcia
Bartlett
Becerra
Bentsen
Berkley
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Cardin
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Frank (MA)
Franks (NJ)
Gejdenson
Gephardt
Gilman
Gonzalez
Goodling
Gordon
Green (TX)
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hoyer
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Minge
Moakley
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Norwood
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rangel
Rivers
Roemer
Rothman
Roukema
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Serrano
Sherman
Sherwood
Shows
Shuster
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Spratt
Stark
Strickland
Sweeney
Tauscher
Taylor (MS)
Thompson (MS)
Thurman
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Vitter
Waters
Watt (NC)
Weiner
Weygand
Woolsey
Wynn

NAYS—228

Aderholt
Archer
Armey
Bachus
Baker
Baldwin
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Everett
Ewing
Fletcher
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kind (WI)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Nussle
Obey
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Simpson
Sisisky
Skeen
Smith (MI)
Smith (TX)
Snyder
Souder
Spence
Stabenow
Stearns
Stenholm
Stump
Sununu
Talent
Tancredo
Tanner
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Traficant
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Berman
Boucher
Carson
Chenoweth
Clay
Ford
Hinojosa
Hooley
Jefferson
Levin
Meeks (NY)
Rush
Scarborough
Stupak
Taylor (NC)
Waxman
Weldon (FL)
Wu

□ 1257

Messrs. MILLER of Florida, HAYES, BONILLA, BARRETT of Wisconsin, PITTS, EHLERS, and HOUGHTON changed their vote from ''yea'' to ''nay.''

Messrs. MURTHA, DOYLE, NADLER, LAMPSON, BENTSEN and GOODLING changed their vote from ''nay'' to ''yea.''

Mr. WALSH changed his vote from ''present'' to ''nay.''

Messrs. SWEENEY, SAXTON and KING changed their vote from ''present'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PEASE). The question is on the conference report.

Pursuant to the provisions of clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 240, nays 175, not voting 18, as follows:

[Roll No. 469]

YEAS—240

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bateman
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Chambliss
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Cook
Cooksey
Costello
Cramer
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Dunn
Edwards
Emerson
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Fowler
Frank (MA)
Frost
Gallegly
Ganske
Gibbons
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Horn
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Jackson (IL)
Jenkins
John
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kasich
Kind (WI)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCarthy (MO)
McCollum
McCrery
McInnis
McIntosh
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller, Gary
Minge
Mink
Mollohan
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Nussle
Obey
Ortiz
Ose
Oxley
Packard
Pastor
Pease
Petri
Phelps
Pickering
Pickett
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Regula
Reyes
Riley
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Schaffer
Schakowsky
Scott
Sessions
Shadegg
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stenholm
Strickland
Stump
Talent
Tanner
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Towns
Traficant
Turner
Udall (NM)
Walden
Wamp
Watkins
Watt (NC)
Watts (OK)
Weller
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NAYS—175

Ackerman
Allen
Andrews
Baird
Baldacci
Ballenger
Barr
Bartlett
Bass
Becerra
Blumenauer
Boehlert
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Campbell
Cardin
Castle
Chabot
Collins
Conyers
Cox
Coyne
Crane
Cummings
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Duncan
Ehlers
Ehrlich
Engel
English
Eshoo
Fattah
Filner
Forbes
Fossella
Franks (NJ)
Frelinghuysen
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Goodling
Green (TX)
Gutierrez
Hefley
Hinchey
Hoeffel
Hoekstra
Holden
Holt
Hostettler
Houghton
Hoyer

Inslee
Istook
Jackson-Lee (TX)
Johnson (CT)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Klink
Kucinich
LaFalce
Lantos
Larson
Lazio
Lee
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Millender-McDonald
Miller (FL)
Miller, George
Moakley
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Norwood
Oberstar
Olver
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pitts
Quinn
Rangel
Reynolds
Rivers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Salmon
Sanders
Sanford
Sawyer
Saxton
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Slaughter
Smith (NJ)
Stark
Stearns
Sununu
Sweeney
Tancredo
Tauscher
Taylor (MS)
Thurman
Tierney
Toomey
Udall (CO)
Upton
Velazquez
Vento
Visclosky
Vitter
Walsh
Waters
Weiner
Weldon (PA)
Weygand
Woolsey
Wynn

NOT VOTING—18

Berman
Boucher
Carson
Chenoweth
Clay
Ford
Hinojosa
Hooley
Jefferson
Levin
Meeks (NY)
Rush
Scarborough
Stupak
Taylor (NC)
Waxman
Weldon (FL)
Wu

□ 1315

Ms. MILLENDER-McDONALD and Mrs. MALONEY of New York changed their vote from ''yea'' to ''nay.''

Ms. SCHAKOWSKY changed her vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. BERMAN. Mr. Speaker, I was unable to cast a vote on the Agriculture Appropriations Conference Report due to a family emergency. However, had I been present, I would have voted ''nay.''

PERSONAL EXPLANATION

Ms. HOOLEY of Oregon. Mr. Speaker, I was unable to vote on several items today, the 1st of October.

Had I been present, I would have voted: ''Yea'' on rollcall No. 466; ''no'' on rollcall No. 467; ''yea'' on rollcall No. 468; ''yea'' on rollcall No. 469.

PERSONAL EXPLANATION

Mr. BOYD. Mr. Speaker, yesterday during the vote on H.R. 2910, the National Transportation Safety Board Amendments Act of 1999, I was unavoidably detained. If I had been present and voting, I would have voted ''aye'' on rollcall vote 462.

TRIBUTE TO LILLIE DRAYTON ON HER RETIREMENT FROM THE HOUSE OF REPRESENTATIVES

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

Mr. INSLEE. Mr. Speaker, I would ask Members in the Chamber to join me for just a moment in honoring a very important American who is in the gallery to my left today, Lillie Drayton, who for the last 39 years has served the American public and us running the elevators in our office buildings. I want to recognize her on her day of retirement. I do not know anyone who has epitomized public service as much as Lillie. When Americans have come to their Capitol, she has been the one to let them know that people care about them and they are doing a fine job of them.

I would like to recognize and respect her for all her fine work, Lillie Drayton.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Regrettably, Members are reminded not to introduce guests in the gallery.

ADJOURNMENT TO MONDAY, OCTOBER 4, 1999

Mr. PICKERING. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. PICKERING. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE RIGHT TO SUE AN HMO

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

Mr. NORWOOD. Mr. Speaker, in a few days this House is going to vote on an issue that will impact the health of every family in this country. The managed care lobby will do their best to confuse the Members of this body as to the real effect of the Bipartisan Consensus Managed Care Improvement Act that I introduced along with the gentleman from Michigan (Mr. DINGELL).

I urge all Members to simply read the bill. The HMO lobby is telling Members that employers can be sued for simply offering a health plan, for their choice of a health plan, for the actions of that health plan. But yesterday Members heard in this Chamber the truth, the actual language of the bill, that dispels every one of these falsehoods.

The managed care lobby has also tried to tell Members that employers and insurers can be sued for not buying or providing a specific benefit, and that this bill would mandate all kinds of new coverage. Read the bill, page 61 beginning on line 24. Read the bill. Employers and insurance companies cannot be sued for, and I would like to quote:

> ''The decision to include or exclude from the plan any specific benefit.

How can we be any clearer than that?

The managed care lobby has told Members that this bill opens the door for unlimited punitive damages against health plans with jury awards soaring into the hundreds of millions of dollars.

To begin with, 30 of our States have already capped punitive damages. In my home State of Georgia, if the consensus bill becomes law, when it becomes law, there will be no punitive damages allowed regardless of the circumstances.

It is for precisely this reason that the consensus bill puts these court remedies back into the hands of the States, where tort reforms have been far more effective than here at the Federal level.

Read the bill. We have left a way for insurance companies to remain shielded from any punitive damages. Not a penny. If there is a dispute and the health plan agrees to settle it fairly with external appeals, they remain shielded from all punitive damages. Read the bill, on page 60 beginning line 3. I quote again:

> The plan is not liable for any punitive, exemplary or similar damages if the plan or the issuer complied with the determination of the external appeal entity.

How can we be any simpler than that? As a matter of fact, read the whole section of this bill of who can sue for what. It is just three pages. But those simple three pages overturn 25 years of injustice, and they close the door on unscrupulous health plans using this loophole in the law to breach

their contracts and kill people with impunity.

The HMO lobby has one last chance to defeat this legislation and that is to distort the issue. If they were successful, I believe they would find the end result of their success would be far less agreeable than the reasonable reforms of this bill.

We can correct the problems of managed care with responsible legislation right here in the People's House, or it will be corrected by the courts and the States, without the carefully crafted provisions to ensure that we do not disrupt our current health care system in the process.

For those who would oppose reforms, take your choice. But either way, the people, the Constitution and the rule of law will prevail in this room next week.

WORLD SMILE DAY

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

Mr. MCGOVERN. Mr. Speaker, today I rise to recognize one of Worcester, Massachusetts' favorite sons, Mr. Harvey Ball, on the occasion of the first annual World Smile Day.

Born and raised in Worcester, Mr. Ball worked as a free-lance commercial artist. He first designed the yellow smiley face in December of 1963 as part of a campaign to enhance morale in his workplace. Since then, the smiley face has taken on a life of its own, developing into an international symbol of friendship, love and peace.

In the early 1970s, the smiley face image became a symbol for an entire generation of Americans, emerging as one of the most well-known images in the country. Recently, the smiley face was chosen to represent the 1970s as a part of the Celebrate the Century commemorative stamp program.

This morning, the United States Postal Service unveiled the smiley face stamp in Worcester, Massachusetts. The stamp will be officially issued this November.

Mr. Speaker, there are few symbols which so fully represent the American spirit of friendship, happiness and peace as the smiley face. It is therefore my great pleasure to congratulate my friend Mr. Harvey Ball, and the entire Worcester community, on the occasion of World Smile Day.

NO EPA OR IBWC EXTORTION

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

Mr. FILNER. Mr. Speaker, I rise today to talk about a situation in San Diego, California on the border with Mexico, and I rise to object to a move by our very own Environmental Protection Agency to attempt to block a plan, a plan to treat 50 million gallons a day of raw sewage that flows from Mexico into the United States, a plan that was unanimously supported by this House of Representatives. The plan involves treating Mexican sewage that is flowing into the United States in Mexico. What can make more sense?

But the EPA supports a less comprehensive plan to build sewage treatment ponds in the United States. And to get its way, the EPA seems to be extorting support for the U.S. plant from Mexico. In fact, the EPA has told Mexico that if the sewage treatment ponds are built in the United States by their plan, rather than the House of Representatives plan, the EPA would have $9 million left over to help Mexico with Tijuana-area sewage projects. And if the treatment plant were to be built in Mexico, according to the plan approved by this House, with a private firm's money, EPA says Mexico gets no money from the U.S. Government for their infrastructure needs.

Mr. Speaker, that simply does not make sense. It is extortion, if I may speak bluntly. If a private firm builds a plant in Mexico, then the EPA would have its entire fund of $54 million available for infrastructure improvements in the Tijuana/San Diego area. It is hard to believe that the Environmental Protection Agency would not even consider working together with Mexico in this way to solve an international problem.

And to make matters worse, the International Boundary and Waters Commission, known as the IBWC, is a partner in this extortion. This is the bureaucratic sabotaging of a plan that the House voted unanimously to pursue. It thwarts the Mexican government's fair and open review of a proposal that promises environmental benefits to the United States and clean water for Mexico.

It is an outrage, Mr. Speaker, that this win-win international solution for the problem of sewage that has plagued us and our area for 50 years may never be fully explored. The EPA has a 2-year history of obstructing the consideration of any other proposal to conduct sewage treatment at our border. Mexico is where the sewage starts and Mexico, by right, owns the water from any treatment plant. Why is the EPA opposed to building treatment ponds, then, in Mexico? I cannot understand how an agency such as EPA, which I support in the main and which is charged with protecting the environment of the United States, can be preventing a long-term or comprehensive solution to this problem.

The gentleman from California (Mr. BILBRAY) and I share the problem of Mexican sewage on the beaches and in the riverbeds of our districts. We have asked EPA, we have asked IBWC to work with us and to work with this House to solve the problem. We want those agencies to assure the Mexican government that they can undertake a fair review of this House's proposal without facing the possibility of loss of infrastructure help. We want the Mexican government, as supported by the gentleman from California (Mr. BILBRAY) and myself and hopefully with EPA and IBWC, to get Mexico to do a fair, objective review of this proposal and tell us how long it would take and what steps have to be done to implement it.

□ 1330

Mr. Speaker, the bureaucrats in EPA and IBWC have employed spectacularly poor judgment on this issue. Let us hope that they come to their senses soon. We look forward to continuing to work with them to create a long-term solution that will protect the environment of our districts in San Diego, of the international border in the southwest corner of our Nation.

RESOLUTION ON POTENTIALLY LETHAL FOOD ALLERGIES

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, as we complete this week of business here in Congress, I wanted to remind my colleagues of a resolution I introduced a little earlier; it is H. Res. 309, because it is an important resolution expressing the sense of the House regarding strategies to better protect the millions of Americans with food allergies from potentially fatal allergic reactions and to further assure the safety of manufactured food from inadvertent allergen contamination.

The majority of the 5.2 million people who have serious and potentially fatal allergic reactions to foods such at peanuts, fish, shellfish, tree nuts are children. These children will never outgrow their allergies, and there is no vaccine to prevent these deadly allergic reactions. All that these children can do is avoid eating or coming in contact in any way with peanuts, fish, shellfish or tree nuts.

Even a small trace of peanuts or shellfish can produce a severe allergic reaction. Many children spend their day at school in fear, afraid to touch a door knob or a desk top that might have a smear of peanut butter. While it would be difficult to control the school or the work environment, there are steps that can be taken to protect children and adults from severe allergic reaction to food.

For instance, major commercial food processors and producers should produce products on separate dedicated manufacturing lines. Allergens in food should be identified in terms that are clear, understandable to the average citizen. Most consumers have no idea that products that are labeled with ingredients such as natural flavors contain peanuts or that shrimp extract is used to enhance the flavor of frozen beef teriyaki. Any food product that lists natural flavors as part of the ingredients should specify on the package that the product includes peanuts.

Foods which are common, life-threatening allergens should not be added gratuitously to products where their taste is negligible.

Industry, consumer and scientific groups should voluntarily work together on initiatives to better educate food industry workers and the public on the issues of food allergy safety, and after 1 year an assessment should be made of the success of these initiatives.

Mr. Speaker, every year about 125 people die from fatal allergic reactions to food in the United States, and every year the number of people who have potentially fatal allergic reactions to food is increasing. I have a number of constituents who fall into that category, and I am sure that all of my colleagues will find the same in their districts.

H. Res. 309 will increase awareness of the serious impact of severe food allergies on the American people and the need to address this very important health problem.

ALTERING TAX CREDIT FOR WORKING FAMILIES IS WRONG

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

Mr. DOGGETT. Mr. Speaker, while I have not heard many cries of Happy New Year or singing of Auld Lang Syne, today is New Year's day for the Federal fiscal year. This is day number one, and we find ourselves in this new year with the Government being able to operate only because a stop-gap emergency measure was approved earlier this week.

As we begin this new year, the Federal Government is supposed to have some 13 appropriation bills approved for its normal operation. Fewer than half of those at this late date have even been sent to the President. The measure that funds all of our Federal education programs, our health research, a number of other very important programs for seniors, and for Americans of all ages, that bill has not even been presented for consideration on the floor of this House, much less sent to the President.

I have just come from a press conference with the Concord Coalition with the national debt clock, which displays by the second how the national debt continues to rise. Billions of dollars of new national debt are being incurred as we fail in the Congress to deal responsibly with our budget.

Instead of responsibility, what we have seen throughout this year has been one budget gimmick after another. We have had more budget emergencies designated here, I think more emergencies than the EMS has to deal with; the census being declared an emergency; an emergency on fuel assistance, since it still turns hot in the summer and cold in the winter, as it always has. All these gimmicks just like the proposal to go to a 13-month Federal fiscal year are designed solely to circumvent the spending limitations established in the Balanced Budget agreement.

This year the Republicans have dipped some $18 billion into the Social Security Trust Fund just to fund the measures that they themselves have advanced this year without even getting to their irresponsible tax bill.

Particularly indicative of the problems that we have been dealing with in this Congress is what has happened just within the last 24 hours. The latest of these gimmicks is to turn to the working poor in this country, the starting police officer or teacher, the fast-food worker, the nursing home worker, those who earn an earned income tax credit and get a tax refund at the end of the year as an incentive to continue working and providing for their families.

The Republicans voted yesterday in committee and plan to present perhaps as early as this next week a deferral of that earned income tax credit. Instead of providing it to the folks that are working hard to make ends meet, they want to defer it. They have had the audacity to suggest that this gimmick to gain $8 billion right out of the hides of working families; the Republicans defended that in the Washington Post this week saying their plan ''would encourage better monthly planning for the beneficiaries.''

They want better monthly planning for the nurse who is looking forward to that tax refund in order to make a down payment on a car, for the police officer that is looking forward to that money to pay for her child's tuition.

I think that that is wrong, and I am pleased to see within the last few hours that another person who thinks it is wrong is Governor George Bush of Texas, who said ''I don't think they ought to balance their budget on the backs of the poor.'' Another Texan responded to that, an indication of the problems we have here in this House.

The majority whip, my colleague from Texas (Mr. DELAY), is reported to have said ''It is obvious that Governor Bush needs a little education on how Congress works. I don't think he knew what he was talking about.'' I happen to believe that when you choose between these two Texas Republicans, Governor Bush has the better of it, and the American people will have the worst of it, if this Congress proceeds next week to balance the budget on the backs of those people who are there working hard trying to make ends meet, entitled to receive this earned income tax credit, House Republicans would deny working families from receiving that refund on a timely basis in the way that they have in prior years in what even Ronald Reagan called one of the ''most effective anti-poverty programs we have,'' the earned income tax credit. Because of their irresponsibility, because of their failure to budget in a proper and timely way, Republicans have turned to this gimmick.

Mr. Speaker, let us hope the House will reject it next week.

OMISSION FROM THE RECORD OF THURSDAY, SEPTEMBER 30, 1999

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1051. An act to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes; to the Committee on Commerce.

OMISSION FROM THE RECORD OF THURSDAY, SEPTEMBER 30, 1999

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration reported that the committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2981. An act to extend energy conservation programs under the Energy Policy and Conservation Act through March 31, 2000.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. HOOLEY of Oregon (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. RUSH (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. LEVIN (at the request of Mr. GEPHARDT) for today on account of a death in the family.

Mr. FORD (at the request of Mr. GEPHARDT) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

(The following Members (at the request of Mr. PICKERING) to revise and extend their remarks and include extraneous material:)

Mrs. MORELLA, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, today.

ADJOURNMENT

Mr. DOGGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until Monday, October 4, 1999, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

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

4599. A communication from the President of the United States, transmitting a request and notification of the availability of appropriations for the Department of Health and Human Services' Low Income Home Energy Assistance Program to made available for the needs of North Carolina in the wake of Hurricane Floyd; (H. Doc. No. 106–138); to the Committee on Appropriations and ordered to be printed.

4600. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Reform of Affirmative Action in Federal Procurement, Part II [DFARS Case 98–D021] received September 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4601. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Reform of Affirmative Action in Federal Procurement [DFARS Case 98–D007] received September 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4602. A letter from the Deputy Assistant Judge Advocate General, Department of the Navy, Department of Defense, transmitting the Department's final rule—United States Navy Regulations (RIN: 0703–AA55) received September 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4603. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–7293] received September 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4604. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determination—received September 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4605. A letter from the Acting Director, Mine Safety and Health Administration, transmitting the Administration's final rule—Safety Standard for Preshift Examinations in Underground Coal Mines (RIN: 1219–AB10) received September 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4606. A letter from the Deputy Executive Secretary to the Department, Department of Health and Human Services, transmitting the Department's final rule—Federal Enforcement in Group and Individual Health Insurance Markets [HCFA–2019–IFC] (RIN: 0938–AJ48) received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4607. A letter from the Trial Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule—List of Nonconforming Vehicles Decided to be Eligible for Importation [Docket No. NHTSA–99–6239] (RIN: 2127–AH88) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4608. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Tennessee [TN 222–1–9928a; FRL–6448–3] received September 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4609. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; GSA Central and West Heating Plans [DC040–2016; FRL–6448–9] received September 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4610. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Delaware; Enhanced Motor Vehicle Inspection and Maintenance (I/M) Program [DE039–1026; FRL–6449–2] received September 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4611. A letter from the Director, Office of Regulatory Mangement and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, El Dorado County Air Pollution Control District [CA 033–0171; FRL–6446–2] received September 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4612. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan: Alaska [AK21–1709; FRL–6450–8] received September 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4613. A letter from the Deputy Secretary, Division of Corporate Finance, Securities and Exchange Commission, transmitting the Commission's final rule—International Disclosure Standards (RIN: 3235–AH62) received September 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4614. A letter from the Director, Defense Security Cooperation Agency, transmitting the listing of all outstanding Letters of Offer to sell any major defense equipment for $1 million or more as of June 30, 1999, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

4615. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Adminitration's final rule—Safeguarding Classified National Security Information (RIN: 3095–AA95) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4616. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—West Virginia Regulatory Program [WV–082–FOR] received September 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4617. A letter from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Application Procedures [WO–350–1430–00–24 1A] (RIN: 1004–AC83) received September 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4618. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Wyoming Regulatory Program [SPATS No. WY–028–FOR] received September 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4619. A letter from the Assistant Secretary of the Interior, Land and Minerals Management, Department of Interior, Bureau of Land Management, transmitting the Department's final rule—Leasing of Solid Minerals Other Than Coal and Oil Shade [WO–320–1990–01–24 A] (RIN: 1004–AC49) received September 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4620. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod [Docket No. 990304063–9063–01; I.D. 092299A] received September 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4621. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and the Aleutian Islands Management Area [Docket No. 990304063–9063–01; I.D. 091499F] received September 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4622. A letter from the Deputy Assistant Administrator For Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Effective Data Notification and Office of Management and Budget (OMB) Control Numbers [Docket No. 990330083–9166–02; I.D. 091499E] (RIN: 0648–AK32) received September 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4623. A letter from the Acting General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting the Department's final rule—Office of the Chief Administrative Hearing Officer; Executive Office for Immigration Review; Rules of Practice and Procedure for Administrative Hearings Before Administrative Law Judges in Cases Involving Allegations of Unlawful Employment of Aliens, Unfair Employment Practices, and Document Fraud [EOIR No. 116F; A.G. ORDER No. 2255–99] (RIN: 1125–AA17) received September 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4624. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—NASA Structured Approach for Profit or Fee Objective—received September 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

4625. A letter from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting the Department's final rule—Advance Payments and Lump-Sum Payments of Educational Assistance; Miscellaneous Nonsubstantive Changes (RIN: 2900–AI31) received September 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4626. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last—in, First-out Inventories [Rev. Rul. 99–42] received September 27, 1999, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Ways and Means.

4627. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 99–49] received September 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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. GOODLING: Committee on Education and the Workforce. H.R. 1381. A bill to amend the Fair Labor Standards Act of 1938 to provide that an employee's ''regular rate'' for purposes of calculating overtime compensation will not be affected by certain additional payments; with an amendment (Rept. 106–358). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 2884. A bill to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003; with an amendment (Rept. 106–359). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. H.R. 764. A bill to reduce the incidence of child abuse and neglect, and for other purposes (Rept. 106–360). 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 of the following titles were introduced and severally referred, as follows:

By Mr. COMBEST (for himself, Mr. STENHOLM, Mr. DELAY, Mr. PORTMAN, Mr. EWING, Mr. WATKINS, Mr. HOLDEN, Mr. BOEHNER, Mr. BERRY, Mr. CHAMBLISS, Mr. THOMAS, Mr. CAMP, and Mr. BLUNT):

H.R. 2991. A bill to amend the Trade Act of 1974 to provide for periodic revision of retaliation lists or other remedial action implemented under section 306 of such Act; to the Committee on Ways and Means.

By Mr. HAYWORTH (for himself and Mr. CAMP):

H.R. 2992. A bill to amend the Indian Gaming Regulatory Act to protect Indian tribes from coerced labor agreements; to the Committee on Resources.

By Mr. BERRY:

H.R. 2993. A bill to require congressional approval of unilateral United States agricultural and medical sanctions and to provide for the termination of agricultural and medical sanctions currently in effect; to the Committee on International Relations, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOOLITTLE:

H.R. 2994. A bill to provide for the conveyance of various reclamation projects to local water authorities, and for other purposes; to the Committee on Resources.

By Mr. EVERETT (for himself, Mr. ADERHOLT, Mr. CALLAHAN, Mr. DEAL of Georgia, Mr. FARR of California, Mr. FOLEY, Mr. HINCHEY, Mr. KUCINICH, Mr. SENSENBRENNER, Mr. SHOWS, and Mrs. THURMAN):

H.R. 2995. A bill to amend section 304 of the Tariff Act of 1930 to require the marking of frozen produce with the country of origin on the front panel of the package for retail sale; to the Committee on Ways and Means.

By Mr. GOODLATTE (for himself, Mr. GOODE, Mr. COMBEST, Mr. STENHOLM, Mr. TANCREDO, and Mr. CHAMBLISS):

H.R. 2996. A bill to provide incentives for the Forest Service to improve its accounting and financial reporting systems by temporarily capping discretionary appropriations for the Forest Service until improvements are made; to the Committee on Agriculture.

By Mr. HILLEARY:

H.R. 2997. A bill to provide grants to certain rural local educational agencies; to the Committee on Education and the Workforce.

By Mr. MCCOLLUM (for himself and Mr. DIAZ-BALART):

H.R. 2998. A bill to amend the Immigration and Nationality Act to reduce the annual income level at which a person petitioning for a family-sponsored immigrant's admission must agree to provide support in a case where a United States employer has agreed to employ the immigrant for a period of not less than one year after admission or where the sponsored alien is under the age of 18; to the Committee on the Judiciary.

By Mr. MCCOLLUM (for himself, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. BILBRAY, and Mr. OSE):

H.R. 2999. A bill to permit the Attorney General to grant relief to certain permanent resident aliens of good moral character who are adversely affected by changes made in 1996 to the definition of aggravated felony under the Immigration and Nationality Act, and to amend certain provisions of such Act relating to detention of an alien pending and after a decision on whether the alien is to be removed from the United States; to the Committee on the Judiciary.

By Ms. LEE (for herself, Mrs. CHRISTENSEN, and Mr. JACKSON of Illinois):

H.R. 3000. A bill to establish a United States Health Service to provide high quality comprehensive health care for all Americans and to overcome the deficiencies in the present system of health care delivery; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 3001. A bill to amend the Federal Food, Drug, an Cosmetic Act to promote clinical research and development on dietary supplements and foods for their health benefits; to establish a new legal classification for dietary supplements and food with health benefits, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SWEENEY (for himself, Mr. FOSSELLA, Mr. KING, Mr. TAYLOR of Mississippi, Mrs. NORTHUP, Mr. TRAFICANT, Mr. LARGENT, Mr. LAHOOD, Mr. DELAY, Mr. BLILEY, Mr. CUNNINGHAM, Mr. CANADY of Florida, Mr. SAXTON, Mr. ARMEY, Mr. TAUZIN, Mr. SESSIONS, Mr. GIBBONS, Mr. POMBO, Mr. FLETCHER, Mr. PAUL, Mr. ROGAN, Mr. QUINN, Mr. REYNOLDS, Mr. MCHUGH, Mr. NEY, Mr. COBURN, Mr. MANZULLO, Mr. WHITFIELD, Mr. GOSS, Mr. TANCREDO, Mr. SENSENBRENNER, Mr. JENKINS, Mr. LAZIO, Mr. WAMP, Mrs. BIGGERT, Mr. TAYLOR of North Carolina, Mr. CRANE, Mr. COBLE, Mr. TIAHRT, Mr. LUCAS of Oklahoma, Mrs. KELLY, Mrs. ROUKEMA, Mr. SHOWS, Mr. BOEHNER, Mr. HALL of Texas, Mr. BURTON of Indiana, Mr. TALENT, Mr. MCINTOSH, Mr. HOSTETTLER, Mr. BARR of Georgia, Mr. CONDIT, Mr. PICKERING, and Mr. SMITH of New Jersey):

H. Con. Res. 191. Concurrent resolution expressing the sense of Congress that the Brooklyn Museum of Art should not receive Federal funds unless it cancels its upcoming exhibit featuring works of a sacrilegious nature; to the Committee on Education and the Workforce.

By Mr. CUMMINGS (for himself, Mr. SPRATT, Mr. WATTS of Oklahoma, Ms. PELOSI, Mr. BRADY of Pennsylvania, Mr. SANDLIN, Mr. FROST, Ms. STABENOW, Mr. SAWYER, Mr. TRAFICANT, Mr. KLECZKA, Mr. ENGLISH, Mr. SABO, Mr. ROMERO-BARCELÓ, Mr. KENNEDY of Rhode Island, Mr. BARRETT of Wisconsin, Mr. CARDIN, Mr. GEJDENSON, Mrs. MINK of Hawaii, Ms. BERKLEY, Ms. SCHAKOWSKY, Ms. ROYBAL-ALLARD, Mr. MCNULTY, Mrs. MALONEY of New York, Mr. ETHERIDGE, Mr. MCDERMOTT, Mr. HINCHEY, Mr. UDALL of Colorado, Mr. FOLEY, Mr. BERMAN, Mrs. THURMAN, Mr. GEPHARDT, Mrs. MORELLA, Mr. BROWN of Ohio, Ms. DELAURO, Mr. LIPINSKI, Mr. NADLER, Mr. HOYER, Mr. SHOWS, Ms. BALDWIN, Mr. RUSH, Mr. MEEKS of New York, Mr. HILLIARD, Mr. CLAY, Mr. DIXON, Mrs. JONES of Ohio, Mr. SCOTT, Mr. JEFFERSON, Mr. TOWNS, Mr. HASTINGS of Florida, Mr. THOMPSON of Mississippi, Mr. FATTAH, Mrs. MEEK of Florida, Ms. NORTON, Mr. CONYERS, Ms. CARSON, Mr. LEWIS of Georgia, Mr. JACKSON of Illinois, Ms. KILPATRICK, Mr. OWENS, Ms. WATERS, Ms. BROWN of Florida, Mrs. CHRISTENSEN, Mr. WATT of North Carolina, Mr. WYNN, Mr. PAYNE, Mr. BISHOP, Mr. FORD, Mr. GONZALEZ, Mr. CLYBURN, Ms. LEE, Mr. RANGEL, Ms. MILLENDER-MCDONALD, Mr. DAVIS of Illinois, Mrs. CLAYTON, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FRANK of Massachusetts, Mr. COSTELLO, and Mrs. TAUSCHER):

H. Res. 319. A resolution expressing the sense of the House of Representatives that a commemorative postage stamp should be issued in honor of Thurgood Marshall; to the Committee on Government Reform.

By Mr. EWING:

H. Res. 320. A resolution recognizing the Korean War Veterans National Museum and Library in Tuscola, Illinois, as a National Korean War Veterans Museum; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Ms. ESHOO.
H.R. 110: Ms. ESHOO.
H.R. 133: Mr. MASCARA.
H.R. 135: Mr. WEINER.
H.R. 354: Mr. LINDER.
H.R. 405: Mr. GONZALEZ.
H.R. 406: Mr. GONZALEZ.
H.R. 460: Mr. WELDON of Pennsylvania, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. LIPINSKI.
H.R. 528: Mr. BURR of North Carolina.
H.R. 534: Mr. BOEHNER, Mr. ROYCE, Mr. KIND, Mr. GILLMOR, Mr. BOEHLERT, and Mr. BAKER.

H.R. 568: Ms. LOFGREN.
H.R. 602: Mr. GOODE and Mr. DEAL of Georgia.
H.R. 623: Mr. BRADY of Texas.
H.R. 670: Ms. JACKSON-LEE of Texas, Mr. LANTOS, Mr. MOORE, Ms. BALDWIN, and Mr. BLILEY.
H.R. 728: Mr. BARR of Georgia.
H.R. 798: Mr. MENENDEZ.
H.R. 957: Mr. CLEMENT, Mr. BASS, Mr. COSTELLO, and Mr. RODRIGUEZ.
H.R. 1001: Mr. MORAN of Kansas.
H.R. 1067: Mr. VITTER.
H.R. 1083: Mr. DUNCAN and Mr. VITTER.
H.R. 1091: Mr. BRADY of Texas.
H.R. 1103: Mr. CLYBURN, Mr. HALL of Ohio, Mr. PRICE of North Carolina, Mr. BONIOR, Mr. KILDEE, and Mr. RUSH.
H.R. 1115: Mr. FARR of California, Mr. REYES, Mr. LAMPSON, Mr. DAVIS of Illinois, Ms. SANCHEZ, Mr. SISISKY, Mr. EDWARDS, Mr. MCDERMOTT, Mr. THOMPSON of California, Ms. BERKLEY, Mr. MENENDEZ, Mr. DELAHUNT, Mr. GEORGE MILLER of California, Mr. KIND, Mr. MORAN of Virginia, Mr. LEVIN, Mr. LIPINSKI, Mr. NEAL of Massachusetts, Mr. CROWLEY, Mr. CLEMENT, Mr. HOLDEN, Mr. LANTOS, Mr. FORBES, Mr. KUCINICH, Mr. BARCIA, Mr. SCOTT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. UDALL of New Mexico, Mr. SABO, and Mr. PICKETT.
H.R. 1180: Mr. GONZALEZ.
H.R. 1344: Mr. PETRI, Mr. GONZALEZ, and Mr. ALLEN.
H.R. 1423: Ms. RIVERS.
H.R. 1424: Ms. RIVERS.
H.R. 1494: Mr. VITTER.
H.R. 1504: Mr. GARY MILLER of California, Mr. MANZULLO, and Mr. DOOLEY of California.
H.R. 1505: Mr. BARCIA.
H.R. 1644: Mr. SANFORD.
H.R. 1657: Mr. RANGEL.
H.R. 1693: Mr. COOK.
H.R. 1697: Ms. DEGETTE, Mr. FRANK of Massachusetts, Mr. HUTCHINSON, Mr. SOUDER, and Mr. WISE.
H.R. 1728: Mr. DUNCAN.
H.R. 1785: Mr. RUSH, Mr. CAPUANO, Mr. BONIOR, Mr. DOYLE, and Mr. KILDEE.
H.R. 1794: Mr. COX and Mr. TANCREDO.
H.R. 1869: Mr. WELLER.
H.R. 1899: Ms. VELAZQUEZ, Mr. SHAYS, and Ms. NORTON.
H.R. 1987: Mr. HAYES, Mr. WELDON of Florida, Mr. GARY MILLER of California, Mr. MANZULLO, Mr. VITTER, Mr. WATTS of Oklahoma, Mr. COBLE, Mr. ADERHOLT, Mr. CUNNINGHAM, Mr. BUYER, and Mr. BLUNT.
H.R. 2005: Mr. ROGAN.
H.R. 2101: Ms. CARSON, Mr. STUMP, Mr. BAIRD, Mr. CUMMINGS, and Mr. SOUDER.
H.R. 2247: Mr. COMBEST.
H.R. 2300: Mr. BONILLA, Mr. TOOMEY, Mr. KOLBE, Mr. GIBBONS, and Mr. GOSS.
H.R. 2303: Mr. BRADY of Texas and Mr. MINGE.
H.R. 2328: Mr. GUTIERREZ, Mr. ISAKSON, Mr. HINCHEY, Mr. BARR of Georgia
H.R. 2418: Mr. OXLEY and Mr. DUNCAN.
H.R. 2534: Ms. STABENOW.
H.R. 2539: Mr. CALVERT and Mr. MCKEON.
H.R. 2562: Mr. HYDE.
H.R. 2634: Mr. RANGEL.
H.R. 2636: Mr. VITTER.
H.R. 2720: Mr. GEKAS.
H.R. 2739: Mr. LANTOS.
H.R. 2741: Mr. FILNER.
H.R. 2743: Mr. HALL of Ohio.
H.R. 2764: Mr. UDALL of Colorado.
H.R. 2824: Mr. PICKERING.
H.R. 2890: Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. FALEOMAVAEGA, and Mr. BONIOR.
H.R. 2892: Mr. BAKER.
H.R. 2926: Ms. PRYCE of Ohio, Mr. PETERSON of Pennsylvania, and Mr. BAKER.
H.R. 2933: Ms. STABENOW and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2934: Ms. STABENOW and Mr. SHAYS.
H.R. 2960: Mr. STUMP, Mr. NEY, and Mr. METCALF.
H.R. 2980: Ms. DEGETTE and Ms. WOOLSEY.
H. Con. Res. 51: Mr. WEXLER.
H. Con. Res. 120: Mr. BLUNT and Mr. NORWOOD.
H. Con. Res. 133: Ms. NORTON.
H. Con. Res. 189: Mr. COOK and Mr. METCALF.
H. Res. 107: Mr. WU.
H. Res. 298: Mr. EVERETT.
H. Res. 303: Mr. CANNON, Mr. COBURN, Mr. HASTERT, and Mr. OXLEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 298: Mr. SAWYER.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 5 by Mr. RANGEL on House Resolution 240: Mr. PAUL E. KANJORSKI, Mr. JIM MCDERMOTT, and Mr. TIM HOLDEN.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, FRIDAY, OCTOBER 1, 1999 No. 131

Senate

The Senate met at 9 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Winford L. Hendrix, Vienna Baptist Church, Vienna, VA.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Dr. Winford L. Hendrix, offered the following prayer:

May we pray together, please.

On behalf of this assembly, Lord, thank You for another week of their service in Your kingdom and for our beloved country. And today we pray that You will grant the kind of understanding which will enable this Senate to see beneath the surface and identify the implications, consequences, and benefits of the decisions they shall make. May each Senator sense Your divine leadership in determining what is well founded, fair, and equitable; indeed, what is for the good of all the citizens of this great land. And I pray that You may reward all who respond to Your divine prompting with an inner sense of peace and fulfillment. In Your Holy Name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PAUL COVERDELL, a Senator from the State of Georgia, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the distinguished President pro tempore.

THE PRESIDENT PRO TEMPORE

Mr. SPECTER. Mr. President, let me comment at the outset what a great pleasure it is to see you opening the Senate again this morning, looking hale and hardy. We keep moving the time earlier and earlier; but no matter how early it is, you are always here first.

The PRESIDENT pro tempore. I thank the Senator very much.

SCHEDULE

Mr. SPECTER. On behalf of the leader, I have been asked to announce that we will now begin 30 minutes of debate on the amendment offered by the distinguished Senator from Maine, Ms. COLLINS, regarding diabetes. Following that debate, the Senate will proceed to a vote on the amendment at approximately 9:30 a.m.

The Senate is expected to continue consideration of the Labor-HHS bill during today's session. Senators who still intend to offer amendments to the bill are encouraged to work with the managers to schedule time for those amendments. Following the Labor-HHS bill today, there will be a period of morning business.

The leader advised me last night that the Senate will be proceeding to other business on Monday and Tuesday and that we will return to the Labor-HHS bill on Wednesday.

There are a great many amendments pending. As the chairman of the full committee announced yesterday, it is his intention, and for that matter, mine, too, to challenge any amendments which violate rule XVI; that is, to offer legislation on an appropriations bill. I encourage all Senators to consult with me or have their staffs consult with committee staff to work out time agreements and sequencing so that when the amendment is called we can move to it as promptly as possible.

The leader called my attention to the fact that following next week's session, we will be on the holiday for Columbus Day, so there may be some motivation for people to want to get the Senate business in order to be concluded as promptly as possible before the start of that 3-day weekend.

I thank the Chair.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. DEWINE). 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 Senate will now resume consideration of S. 1650, which the clerk will report.

The legislative 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 PRESIDING OFFICER. Under the previous order, the Senator from Maine is recognized to offer amendment No. 1824 on which there will be 30 minutes of debate equally divided.

The Senator from Maine.

Ms. COLLINS. I thank the Chair.

AMENDMENT NO. 1824

(Purpose: To express the sense of the Senate that diabetes and its resulting complications have had a devastating impact on Americans of all ages in both human and economic terms, and that increased support for research, education, early detection, and treatment efforts is necessary to take advantage of unprecedented opportunities for progress toward better treatments, prevention, and ultimately a cure)

Mr. President, I do call up amendment No. 1824, which is at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. BREAUX, and Mr. GRASSLEY, proposes an amendment numbered 1824.

Ms. COLLINS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in title II, insert the following:

SEC. ——. EXPRESSING THE SENSE OF THE SENATE TO RAISE THE AWARENESS OF THE DEVASTATING IMPACT OF DIABETES AND TO SUPPORT INCREASED FUNDS FOR DIABETES RESEARCH.

(a) FINDINGS.—Congress makes the following findings:

(1) Diabetes is a devastating, lifelong condition that affects people of every age, race, income level, and nationality.

(2) Sixteen million Americans suffer from diabetes, and millions more are at risk of developing the disease.

(3) The number of Americans with diabetes has increased nearly 700 percent in the last 40 years, leading the Centers for Disease Control and Prevention to call it the ''epidemic of our time''.

(4) In 1999, approximately 800,000 people will be diagnosed with diabetes, and diabetes will contribute to almost 200,000 deaths, making diabetes the sixth leading cause of death due to disease in the United States.

(5) Diabetes costs our nation an estimated $105,000,000,000 each year.

(6) More than 1 out of every 10 United States health care dollars, and about 1 out of every 4 Medicare dollars, is spent on the care of people with diabetes.

(7) More than $40,000,000,000 a year in tax dollars are spent treating people with diabetes through Medicare, Medicaid, veterans benefits, Federal employee health benefits, and other Federal health programs.

(8) Diabetes frequently goes undiagnosed, and an estimated 5,400,000 Americans have the disease but do not know it.

(9) Diabetes is the leading cause of kidney failure, blindness in adults, and amputations.

(10) Diabetes is a major risk factor for heart disease, stroke, and birth defects, and shortens average life expectancy by up to 15 years.

(11) An estimated 1,000,000 Americans have Type 1 diabetes, formerly known as juvenile diabetes, and 15,200,000 Americans have Type 2 diabetes, formerly known as adult-onset diabetes.

(12) Of Americans aged 65 years or older, 18.4 percent have diabetes.

(13) Of Americans aged 20 years or older, 8.2 percent have diabetes.

(14) Hispanic, African, Asian, and Native Americans suffer from diabetes at rates much higher than the general population, including children as young as 8 years-old, who are now being diagnosed with Type 2 diabetes, formerly known as adult-onset diabetes.

(15) In 1999, there is no method to prevent or cure diabetes, and available treatments have only limited success in controlling diabetes devastating consequences.

(16) Reducing the tremendous health and human burdens of diabetes and its enormous economic toll depend on identifying the factors responsible for the disease and developing new methods for treatment and prevention.

(17) Improvements in technology and the general growth in scientific knowledge have created unprecedented opportunities for advances that might lead to better treatments, prevention, and ultimately a cure.

(18) After extensive review and deliberations, the congressionally established and National Institutes of Health-selected Diabetes Research Working Group has found that ''many scientific opportunities are not being pursued due to insufficient funding, lack of appropriate mechanisms, and a shortage of trained researchers''.

(19) The Diabetes Research Working Group has developed a comprehensive plan for National Institutes of Health-funded diabetes research, and has recommended a funding level of $827,000,000 for diabetes research at the National Institutes of Health in fiscal year 2000.

(20) The Senate as an institution, and Members of Congress as individuals, are in unique positions to support the fight against diabetes and to raise awareness about the need for increased funding for research and for early diagnosis and treatment.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Federal Government has a responsibility to—

(A) endeavor to raise awareness about the importance of the early detection, and proper treatment of, diabetes; and

(B) continue to consider ways to improve access to, and the quality of, health care services for screening and treating diabetes;

(2) the National Institutes of Health, within their existing funding levels, should increase research funding, as recommended by the congressionally established and National Institutes of Health-selected Diabetes Research Working Group, so that the causes of, and improved treatments and cure for, diabetes may be discovered;

(3) all Americans should take an active role to fight diabetes by using all the means available to them, including watching for the symptoms of diabetes, which include frequent urination, unusual thirst, extreme hunger, unusual weight loss, extreme fatigue, and irritability; and

(4) national organizations, community organizations, and health care providers should endeavor to promote awareness of diabetes and its complications, and should encourage early detection of diabetes through regular screenings, education, and by providing information, support, and access to services.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senator from Michigan, Mr. ABRAHAM, be added as a cosponsor of this amendment.

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

Ms. COLLINS. I thank the Chair.

Mr. President, I am pleased to join my co-chair of the Senate Diabetes Caucus, Senator BREAUX, as well as the chairman of the Senate Special Committee on Aging, Senator GRASSLEY, and the distinguished Senator from Michigan, Mr. ABRAHAM, in introducing a sense-of-the-Senate resolution to help address the devastating impact of diabetes and its resulting complications on Americans of all ages.

This resolution calls for increased support for diabetes research, education, early detection, and treatment. Diabetes research has been underfunded in recent years. It is imperative that we increase our commitment in order to take full advantage of the unprecedented and exciting scientific opportunities that we have as the millennium approaches for advances leading to better detection, treatment, prevention, and ultimately a cure for this devastating disease.

Diabetes is a very serious condition that affects people of every age, race, and nationality. Here in America, 16 million people suffer from diabetes, and about 800,000 new cases are diagnosed each year.

Moreover, diabetes frequently goes undiagnosed. Of the 16 million Americans with diabetes, it is estimated that 5.4 million do not realize they have this very serious condition.

Diabetes is one of our Nation's most costly diseases, both in human and economic terms. It is the sixth deadliest disease in the United States and kills almost 200,000 Americans annually. It is the leading cause of kidney failure, of blindness in adults, and amputations. It is a significant risk factor for heart disease, stroke, and birth defects. The disease shortens the average life expectancy by up to 15 years

Moreover, it is very costly in financial terms as well. Diabetes costs the Nation in excess of $105 billion annually in health-related expenditures. At present, more than 1 out of every 10 dollars that we spend on health care is related to treating people with diabetes. About 1 out of 4 Medicare dollars are used to treat people with diabetes. Indeed, more than 40 billion in tax dollars is spent each year treating people with diabetes through Medicare, Medicaid, veterans' health, and Federal employees' programs.

Unfortunately, there currently is no way to prevent or to cure diabetes. Available treatments have had only limited success in controlling the devastating consequences of this disease. This problem is made all the more complex by the fact that diabetes is not a single disease, but rather it occurs in several forms and the complications affect virtually every system of the body.

Children with type I diabetes face a lifetime of multiple daily finger pricks to check their blood sugar levels, daily insulin injections, and the possibility of lifelong complications, including kidney failure and blindness, which can be deadly, can be disabling.

Older Americans with diabetes also can be disabled by the multiple complications of the disease.

Every year, the Juvenile Diabetes Foundation hosts a children's congress in Washington, DC. They bring children from all over this Nation to put a human face on the consequences of type I diabetes.

Recently, I had the opportunity to meet a courageous 8-year-old boy from North Yarmouth, ME. Nathan Reynolds is an active young boy. He loves school, biking, swimming, and baseball, and he particularly likes collecting old coins. He is also suffering from type I diabetes. He was diagnosed about 2 years ago, and it has completely changed his life and the life of his family.

He has had to learn how to check his blood. In fact, his 4-year-old brother reminds him to do it before each meal.

He has to give himself an insulin shot or get his teacher or the school nurse or his parents to help him do so. Nathan can never take a day off from his disease. It does not matter whether it is Christmas or his birthday, he still has to prick his finger and check his blood sugar. He still has to inject himself with insulin in order to keep relatively healthy.

I will never forget the story a teacher told me of all the children in her class making a wish for Christmas. Some of them wished for a new toy, one wished for a pony, another wished to go to Disney World. But one little boy who had juvenile diabetes made the wish that he could just have Christmas without having to give himself ''yucky'' shots.

That story touched me deeply, and it hit home with the fact that this is a lifelong condition for children who are diagnosed with type I diabetes.

I will also never forget the anguish on a young mother's face who told me her 5-year-old son had just been diagnosed with diabetes. ''How do I tell him?'' she said. ''How do I tell him he is going to have to have shots every day, that he is going to have to constantly prick his finger to check his blood sugar levels? How do I tell him what this means for him and for all of us who love him?''

There is also some good news. Exciting research is underway that should lead to medical breakthroughs for Nathan, for other children, and for adults who have type I and type II diabetes. Reducing the tremendous health and human burdens of diabetes and its enormous economic toll depends upon identifying the factors responsible for the disease and developing new methods for treatment, prevention, and ultimately a cure.

The next decade holds tremendous potential and promise for diabetes research. Improvements in technology and the general growth in scientific knowledge have created unprecedented opportunities for advancements that might lead to better treatments, prevention, and a cure.

Earlier this year, the congressionally mandated diabetes research working group, an independent panel composed of 12 scientific experts of diabetes and 4 representatives of the lay diabetes communities, issued an important report. It is called ''Conquering Diabetes: A Strategic Plan for the 21st Century.'' This important report details the magnitude of the problem, and it lays out a comprehensive plan for research conducted by the National Institutes of Health on diabetes.

In this report, the diabetes working group found, ''Many scientific opportunities are not being pursued due to insufficient funding, lack of appropriate mechanisms and a shortage of trained researchers.''

The report also concluded that the current level of funding, the level of effort, and the scope of diabetes research falls far short of what is needed to capitalize on these promising opportunities. The funding level, the report found, is so far short of what is required to make progress on this complex and difficult problem.

The report goes on to recommend a funding level of $827 million for diabetes research at NIH in fiscal year 2000, and, indeed, many of our colleagues signed a letter to the Appropriations Committee requesting an appropriation of just that level to be included to advance the goals of this legislation.

I am a strong supporter of increased research and of efforts to double our investment in biomedical research over the next few years. There is simply no investment that would yield greater returns for the American taxpayers, and the commitment of the bill before us of an additional $2 billion in funding for NIH, which represents nearly a 13-percent increase, will bring us so much closer to that goal. This strategy is particularly important as we move into the next century when our public health and disability programs will be under increasing strains due to the aging of our population.

I am also very pleased and commend the chairman of the subcommittee, Senator SPECTER, and the ranking minority member, Senator HARKIN, for including very strong language in the report accompanying this bill which recognizes that diabetes research has been underfunded in the past and directs that funding for diabetes be increased at the National Institute for Diabetes and Digestive and Kidney Disease and other NIH institutes. Again, the chairman of the Appropriations Committee, Senator STEVENS, and the chairman and ranking member of the subcommittee, Senator SPECTER and Senator HARKIN, have all been tremendous advocates for people with diabetes and are to be commended for their strong leadership in this effort.

The amendment I am offering today does not earmark a particular funding level for diabetes research. Rather, it is intended to heighten awareness of the devastating impact of this disease, and it is intended to affirm that diabetes research is a high priority. Most of all, the amendment expresses the clear intent of the Senate that the National Institutes of Health should substantially increase its investment in the fight against diabetes along the lines recommended in this landmark report, the $827 million recommendation.

We must ensure that sufficient resources are available to take full advantage of the extraordinary and unprecedented scientific opportunities identified by the diabetes working group. If we do so, we can better understand and ultimately conquer this devastating disease.

I thank the Chair for his attention. I hope all of my colleagues will join us in supporting this resolution to send a clear signal that we are committed to conquering diabetes.

I reserve any remaining time I may have left.

Mr. GRASSLEY. Mr. President, I rise today in support of the sense-of-the-Senate resolution regarding diabetes. I thank my colleagues from Maine for sponsoring this resolution. Senator COLLINS and I were among the original co-founders of the Senate Diabetes Caucus and have worked together to raise awareness of the disease and the need for a cure.

Diabetes is a devastating illness that affects people of every age, race, and nationality. More than sixteen million Americans suffer from diabetes and 800,000 new cases are diagnosed each year. Diabetes is also a leading chronic illness affecting children, a special population with which it places an especially heavy burden.

Although many people with diabetes are able to survive with multiple daily injections of insulin, it is not a cure for this dreaded disease. Despite the availability of insulin, diabetes continues to cause serious health complications, including kidney failure and blindness, and it is the cause of nearly 200,000 deaths per year.

Diabetes costs our nation nearly $100 billion each year in direct and indirect costs. In fact, more than forty billion tax dollars are spent each year in treating people with diabetes through Medicare, Medicaid, veterans and federal employees health benefits.

Past investments in diabetes research at the National Institutes for Health (NIH) are beginning to show real promise for a cure and the number of research opportunities in the field continue to expand. We now stand at a pivotal juncture in the fight to cure diabetes and its complications.

A report released in February by the congressionally mandated Diabetes Research Working Group (DRWG) called upon NIH to substantially expand its support for diabetes research and has identified specific research recommendations as part of a new national plan to find a cure.

On April 26, 1999, a letter signed by myself, Senator COLLINS, and 37 of our colleagues was sent to Chairman SPECTER and Ranking Member HARKIN in requesting increased funding for diabetes research within NIH in accordance with the DRWG report. And, it is clear from the work of the Senate Appropriations Committee that diabetes has not been neglected. Therefore, in an effort to bolster the work of the committee, and I believe rightly so, this resolution is being introduced today to send a clear signal to all Americans that diabetes is a serious concern of the United States Senate.

We have not yet found a cure for diabetes. But, I am confident that in time and with sufficient support, a cure will be found and we will be able to declare victory over this debilitating disease.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I congratulate the distinguished Senator from Maine, Ms. COLLINS, for offering this amendment. I agree with her that the amendment will appropriately

focus attention on the problems of diabetes, especially among the young people in America.

I thank Senator COLLINS for noting the work of the subcommittee and the full committee in moving ahead with funding on this important ailment and, as she noted, with the very strong language that is present in the bill encouraging the National Institutes of Health to move forward.

I think it appropriate to note for the record that on June 22 of this year we had a special hearing on diabetes. At that time, we had testimony from officials at the National Institutes of Health, the Director, Dr. Harold Varmus; Dr. Phillip Gorton, the Director of the Institute of Diabetes and Digestive and Kidney Diseases; as well as a number of others.

It is very important to put a human face on the issue, as Senator COLLINS did with the specific reference in her speech to the youngsters. At that time, we had coming forward the celebrity, Mary Tyler Moore, a juvenile diabetic; Mr. Tony Bennett, the famous singer, the grandfather of a child with diabetes; Mr. Alan Silvestri, a composer and father of a child with diabetes; and also our distinguished colleague, Senator STROM THURMOND, who has a daughter with diabetes.

It is a curious factor, but a fact of life nonetheless, that when people of celebrated stature come and testify, there is more public understanding of the ailment and more willingness to face up to it in the appropriations process.

In order to carry forward on what this sense-of-the-Senate resolution requests—and I feel confident in predicting it will pass 90-something to nothing; the only open question is how many Senators will be present to vote for it; I think it will be a unanimous vote, but our ability to carry that forward depends upon what we appropriate.

In the bill currently pending, we have an increase in NIH funding of $2 billion. That is a tremendous sum of money. We have a bill which is $4 billion higher than last year's bill, with the funding coming largely for education, where we have an increase of $2.3 billion. In assessing the priorities in education, we have put in more than $500 million more than the President's request. We have in excess of $35 billion for education.

When it comes to health care, Senator HARKIN and I have taken the lead in adding $2 billion, as we did last year. When we have assessed those priorities, it has made it necessary to reduce funding on some other proposals. I found myself in a very unique position in managing this bill. I have voted against amendments I never voted against before. I voted against an amendment to add $200 million on class size, which I would like to have supported. The bill continues the funding at $1.2 billion. If we added the $200 million on class size, in addition to the $1.2 billion, there would not be room for funding for NIH, for programs such as diabetes.

Then we had an amendment come up on afterschool programs, again, a request for $200 million more. There is $200 million in the current budget, and Senator HARKIN and I took the lead of adding $200 million to bring it to $400 million. I would like to have more for afterschool programs, but I had to vote against that amendment, because if we add $200 million more to afterschool programs, it has to come from some place. And NIH is a big target out there. The amendment adding the $200 million for afterschool programs was offered by the Senator from California, Mrs. BOXER.

Then Senator DODD offered an amendment to add about $900 million more to day care. I have always supported. But again, when you have a bill of $91.7 billion, which is at the breaking point as to what this body will pass—and I think there is a question as to whether we will have 51 votes for that because it is a lot of money, although staying within the caps—again with great reluctance, I could not support Senator DODD's amendment on day care.

Then we had a very important social service block grant, again where it is a matter of priorities. When it comes to health, I believe there is no higher priority. I have said with some frequency that the National Institutes of Health is the crown jewel of the Federal Government—perhaps the only jewel of the Federal Government.

In my position as chairman of the subcommittee, which has the baseline responsibility to fund the National Institutes of Health—and Senator HARKIN has the same consideration—we receive requests constantly from people who have Parkinson's—we had a hearing this week on Parkinson's disease. We had a hearing on prostate cancer, a special concern on breast cancer, heart ailments, a very large number of unknown diseases.

I said on the floor yesterday that Senator HARKIN is very frequently lobbied when he gets on the plane between Washington and Des Moines. I find a lot of people with unique ailments on the Metroliner between Washington and Philadelphia.

As Senator COLLINS has brought forward the issue this morning, I think it is a very profound message. But to accomplish what Senator COLLINS seeks, we have to appropriate the increase of $2 billion. Even then, if there are 10 doors with research projects behind them, 7 of those doors will not be opened, even with funding NIH at a level of $17.6 billion.

So again, I thank my colleague from Maine—carrying on the great tradition of Maine Senators.

I yield the floor, leaving her the remainder of the time before 9:30 to close.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. I again salute the Senator from Pennsylvania for his tremendous commitment to medical research. Without his leadership, we would not see the kinds of advancements that are being made. I thank him for his support.

Mr. President, I ask unanimous consent the Senator from Ohio, Mr. DEWINE, and the Senator from Arkansas, Mr. HUTCHINSON, be added as cosponsors to my sense-of-the-Senate amendment.

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

Ms. COLLINS. Mr. President, we are on the edge of an exciting breakthrough in the treatment and ultimately the prevention and cure of diabetes. That is why I am so excited by the possibility of a significant increase in research in this area.

As the chairman of the Senate Diabetes Caucus, I have had the opportunity to visit some of the leading-edge research labs that are doing work on diabetes. I have visited Jackson Labs in Bar Harbor, MA, where very exciting research is ongoing into the causes of both type I and type II diabetes. I am very proud of the contributions made by these distinguished scientists in my home State.

In addition, I have had the pleasure of visiting the JDF Foundation Center at Harvard Medical School, where there is also tremendous research underway. I am convinced, with the kind of increased commitment called for by my resolution, and indicated in the Appropriations Committee's report, that we can in fact break through and reach a cure for this devastating disease.

Mr. President, I do not know whether there is any other request for time. It is my understanding the vote is scheduled for 9:30. We have reached that hour.

Mr. President, seeing no one seeking further time to speak, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is all time yielded back? Does the Senator from Pennsylvania yield back the remaining time?

Mr. SPECTER. I do, Mr. President. The hour is 9:30. I think we are set for the vote.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the Collins amendment No. 1824. 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 Indiana (Mr. LUGAR), the Senator from Florida (Mr. MACK), the Senator from Arizona (Mr. MCCAIN), and the Senator from Wyoming (Mr. THOMAS), are necessarily absent

Mr. REID. I announce that the Senator from California (Mrs. BOXER) and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

I also announce that the Senator from Michigan (Mr. LEVIN) is absent because of 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 93, nays 0, as follows:

[Rollcall Vote No. 305 Leg.]

YEAS—93

Abraham	Edwards	Lieberman
Akaka	Enzi	Lincoln
Allard	Feingold	Lott
Ashcroft	Feinstein	McConnell
Baucus	Fitzgerald	Mikulski
Bayh	Frist	Moynihan
Bennett	Gorton	Murkowski
Biden	Graham	Murray
Bingaman	Gramm	Nickles
Bond	Grams	Reed
Breaux	Grassley	Reid
Brownback	Gregg	Robb
Bryan	Hagel	Roberts
Bunning	Harkin	Rockefeller
Burns	Hatch	Roth
Byrd	Helms	Santorum
Campbell	Hollings	Sarbanes
Chafee	Hutchinson	Schumer
Cleland	Hutchison	Sessions
Cochran	Inhofe	Shelby
Collins	Inouye	Smith (NH)
Conrad	Jeffords	Smith (OR)
Coverdell	Johnson	Snowe
Craig	Kennedy	Specter
Crapo	Kerrey	Stevens
Daschle	Kerry	Thompson
DeWine	Kohl	Thurmond
Dodd	Kyl	Torricelli
Domenici	Landrieu	Voinovich
Dorgan	Lautenberg	Warner
Durbin	Leahy	Wellstone

NOT VOTING—7

Boxer	Mack	Wyden
Levin	McCain	
Lugar	Thomas	

The amendment (No. 1824) was agreed to.

Mr. COVERDELL. I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE. Mr. President, I ask to proceed as in morning business.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered

MEDICARE BENEFICIARY ACCESS TO CARE ACT OF 1999

Mr. DASCHLE. Mr. President, 2 years ago, we passed the Balanced Budget Act. It was a monumental example of what Congress can achieve when we work together.

Not only did we end 30 years of deficit spending with the Balanced Budget Act, we also extended the life of the Medicare Part A Trust Fund by 13 years. And we added important new preventive benefits, including mammograms and Pap smears, for Medicare beneficiaries.

We made many changes that achieved a lot of good.

We also know now that we made some miscalculations.

Frankly, that is to be expected. Very often, when you make a lot of changes, you don't get everything right the first time.

But the miscalculations we made about Medicare in the Balanced Budget Act are causing real hardships for some of our most vulnerable citizens—hardships that cannot be justified on either financial or medical grounds. We did not anticipate these consequences when we passed the Balanced Budget Act. But now that we know about them, we have a responsibility to address them.

Today I am introducing the Medicare Beneficiary Access to Care Act of 1999.

This bill is not a comprehensive Medicare reform plan. Nor is it a wholesale revision of the Balanced Budget Act. Instead, it is a reasonable, targeted solution to certain specific problems with Medicare that Congress created inadvertently as part of the Balanced Budget Act.

Before I outline the specific remedies in my bill, I want to tell you about the real-life consequences of one of the changes we made to Medicare under the Balanced Budget Act.

Two years ago, Congress decided to limit how much Medicare would pay for rehabilitation therapy. The new limits are $1,500 a year per patient for physical and speech therapy combined, and another $1,500 for occupational therapy.

For some Medicare patients who need rehabilitation therapy, the new limits on payments are not a problem. But for Ruth Irwin, they are a nightmare.

A while back, Mrs. Irwin had to have one of her legs amputated because of complications of diabetes. With an incredible amount of effort and the help of regular physical therapy, Mrs. Irwin was learning how to walk with a prosthetic leg and two canes.

Her goal was to learn to walk with one cane, so she would have one hand free. She was on the verge of reaching that goal—when she hit the $1,500 physical-therapy limit. She couldn't afford to pay out-of-pocket, so she stopped seeing her physical therapist. Her condition deteriorated. A few months later, she tripped on a curb and broke three ribs. Ruth Irwin is not alone.

It is estimated that 1 in 7 Medicare recipients who need physical therapy—about 200,000 Americans—will hit the caps this year. These are mostly patients who are recuperating from amputations, strokes, and head trauma, and people who suffer from serious degenerative diseases such as multiple sclerosis, Alzheimer's, and Parkinson's disease.

Mr. President, between 1990 and 1996, Medicare spending on rehabilitation therapy grew 18 percent a year, to $1 billion. We had good reason to try to curb that growth. But we now know, we chose the wrong way to accomplish our goal. It's wrong to force stroke victims in nursing homes to decide whether they want to learn how to walk or talk. The Medicare Beneficiary Access to Care Act repeals the current, arbitrary caps rehabilitation therapy and replaces it with limits based on individual patients' specific needs.

It also makes a number of other, targeted adjustments.

First: It adjusts the new payment system for nursing homes and skilled nursing facilities to better reflect the increased costs of caring for very sick patients.

Second: It postpones additional cuts in home health care payments for two years and addresses the more serious problems that have come to light while the current ''interim payment system'' has been in place.

Third: It protects hospitals from crippling losses they might otherwise suffer as the result of a new Medicare payment system for outpatient medical services.

This protection is especially important for people who depend on rural hospitals—like Mobridge Hospital, in Mobridge, South Dakota. Mobridge Hospital is the only source of inpatient hospital care for 100 miles. If it were forced to drastically reduce its services, or close, that would have a devastating impact on scores of communities. Because they serve a population that is generally older and less wealthy than average, America's rural hospitals operate on lower profit margins, and they have virtually no margin for error. They need the relief that is in this bill.

A fourth area addressed by the bill are the deep cuts made by the BBA in payments to teaching hospitals. Major teaching hospitals represent only 6% of all hospitals. But they account for 70% of the burn units in America, more than half of the pediatric intensive care units, and they provide 44% of the indigent care in this country. The bill moderates these cuts.

When you combine other BBA cuts in payments with reductions in payments for indirect medical education, nearly half of America's major teaching hospitals are projected to lose money during the next few years. We cannot sacrifice the high-quality care, teaching, and research activities these hospitals provide. We must make this fix, and keep these hospitals whole. This bill does it.

Fifth, Mr. President, the Medicare Beneficiary Access to Care Act provides new protections for seniors enrolled in Medicare+Choice, when their plan pulls out of their community.

Finally, the bill includes additional provisions to protect access to rural hospitals, hospice care, community health centers, and rural health clinics.

As I said, this is not a comprehensive solution to Medicare. There are still many questions we must work together to answer. How can we add the prescription drug plan both our parties—and the vast majority of Americans—say we support? How can we make sure Medicare remains solvent when the Baby Boomers retire—and beyond?

These are questions that must be answered. They are important and must be addressed in legislation that falls outside the purview of the bill we introduce today. But make no mistake,

they are high priorities, and ones which will not go away, and will be addressed in future bills.

For now, though, there is no question that we made some miscalculations in 1997, when we changed the way Medicare pays for certain services. There is no question that those miscalculations are causing real hardships today for some of America's sickest and frailest citizens, and for the institutions that care for them. And there should be no delay in correcting those miscalculations.

We should make these changes not just because of the human suffering they are causing. There are compelling economic reasons to make them as well. That is the other part of Ruth Irwin's story. As a result of her three broken ribs, Mrs. Irwin received regular visits by a registered nurse and a home health aide—all paid for by Medicare. She also received physical therapy three times a week.

The bottom line: Her recovery was far longer, more painful—and more costly—than it needed to be. We did a lot of good in 1997. We made some tough decisions that added years of solvency to Medicare, and enabled us to add life-saving new preventive benefits. But we also made some miscalculations.

We didn't know at the time the harsh consequences some of these miscalculations would have.

Now that we do, we need to correct them—the sooner, the better. So I urge all my colleagues to support this bill and to work with us to ensure its prompt consideration and passage.

This legislation was the result of a tremendous amount of work by a number of our colleagues. This is clearly a team effort. I thank in particular Senator MOYNIHAN for his extensive efforts to help us draft and craft this legislation. His expertise was invaluable in making very important decisions. I thank Senators MIKULSKI and DURBIN and KERREY for their commitment to solving the problem. I thank Senator JACK REED for his help on home health and Senators BAUCUS and CONRAD for their efforts on rural health. I thank especially Senator ROCKEFELLER and the distinguished senior Senator from Massachusetts for their commitment to access to health care, to education, and to the array of issues they have raised throughout the work we have done on this bill to this date.

Mr. President, I now yield the floor and again thank Senator KENNEDY and others for their efforts on the floor this morning.

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

There being no objection, the bill was ordered to be printed in the RECORD.

S. 1678

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

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Medicare Beneficiary Access to Care Act of 1999''.

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

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

Sec. 1. Short title; amendments to Social Security Act; table of contents.

TITLE I—HOSPITALS

Sec. 101. Multiyear transition to prospective payment system for hospital outpatient department services.
Sec. 102. Limitation in reduction of payments to disproportionate share hospitals.
Sec. 103. Changes to DSH allotments and transition rule.
Sec. 104. Revision of criteria for designation as a critical access hospital.
Sec. 105. Sole community hospitals and medicare dependent hospitals.

TITLE II—GRADUATE MEDICAL EDUCATION

Sec. 201. Revision of multiyear reduction of indirect graduate medical education payments.
Sec. 202. Acceleration of GME phase-in.
Sec. 203. Exclusion of nursing and allied health education costs in calculating Medicare+Choice payment rate.
Sec. 204. Adjustments to limitations on number of interns and residents.

TITLE III—HOSPICE CARE

Sec. 301. Increase in payments for hospice care.

TITLE IV—SKILLED NURSING FACILITIES

Sec. 401. Modification of case mix categories for certain conditions.
Sec. 402. Exclusion of clinical social worker services and services performed under a contract with a rural health clinic or Federally qualified health center from the PPS for SNFs.
Sec. 403. Exclusion of certain services from the PPS for SNFs.
Sec. 404. Exclusion of swing beds in critical access hospitals from the PPS for SNFs.

TITLE V—OUTPATIENT REHABILITATION SERVICES

Sec. 501. Modification of financial limitation on rehabilitation services.

TITLE VI—PHYSICIANS' SERVICES

Sec. 601. Technical amendment to update adjustment factor and physician sustainable growth rate.
Sec. 602. Publication of estimate of conversion factor and MedPAC review.

TITLE VII—HOME HEALTH

Sec. 701. Delay in the 15 percent reduction in payments under the PPS for home health services.
Sec. 702. Increase in per visit limit.
Sec. 703. Treatment of Outliers.
Sec. 704. Elimination of 15-minute billing requirement.
Sec. 705. Recoupment of overpayments.
Sec. 706. Refinement of home health agency consolidated billing.

TITLE VIII—MEDICARE+CHOICE

Sec. 801. Delay in ACR deadline under the Medicare+Choice program.
Sec. 802. Change in time period for exclusion of Medicare+Choice organizations that have had a contract terminated.
Sec. 803. Enrollment of medicare beneficiaries in alternative Medicare+Choice plans and medigap coverage in case of involuntary termination of Medicare+Choice enrollment.
Sec. 804. Applying medigap and Medicare+Choice protections to disabled and ESRD medicare beneficiaries.
Sec. 805. Extended Medicare+Choice disenrollment window for certain involuntarily terminated enrollees.
Sec. 806. Nonpreemption of State prescription drug coverage mandates in case of approved State medigap waivers.
Sec. 807. Modification of payment rules for certain frail elderly medicare beneficiaries.
Sec. 808. Extension of medicare community nursing organization demonstration projects.

TITLE IX—CLINICS

Sec. 901. New prospective payment system for Federally-qualified health centers and rural health clinics under the medicaid program.

TITLE I—HOSPITALS

SEC. 101. MULTIYEAR TRANSITION TO PROSPECTIVE PAYMENT SYSTEM FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES.

(a) IN GENERAL.—Section 1833(t) (42 U.S.C. 1395(t)) is amended by adding at the end the following:

''(10) MULTIYEAR TRANSITION.—

''(A) IN GENERAL.—In the case of covered OPD services furnished by a hospital during a transition year, the Secretary shall increase the payments for such services under the prospective payment system established under this subsection by the amount (if any) that the Secretary determines is necessary to ensure that the payment to cost ratio of the hospital for the transition year equals the applicable percentage of the payment to cost ratio of the hospital for 1996.

''(B) PAYMENT TO COST RATIO.—

''(i) IN GENERAL.—The payment to cost ratio of a hospital for any year is the ratio which—

''(I) the hospital's reimbursement under this part for covered OPD services furnished during the year, including through cost-sharing described in subparagraph (D)(ii), bears to

''(II) the cost of such services.

''(ii) CALCULATION OF 1996 PAYMENT TO COST RATIO.—The Secretary shall determine each hospital's payment to cost ratio for 1996 as if the amendments to this title by the provisions of section 4521 of the Balanced Budget Act of 1997 were in effect in 1996.

''(iii) TRANSITION YEARS.—The Secretary shall estimate each payment to cost ratio of a hospital for any transition year before the beginning of such year.

''(C) INTERIM PAYMENTS.—

''(i) IN GENERAL.—The Secretary shall make interim payments to a hospital during any transition year for which the Secretary estimates a payment is required under subparagraph (A).

''(ii) ADJUSTMENTS.—If the Secretary makes payments under clause (i) for any transition year, the Secretary shall make retrospective adjustments to each hospital based on its settled cost report so that the amount of any additional payment to a hospital for such year equals the amount described in subparagraph (A).

''(D) DEFINITIONS.—In this paragraph:

''(i) APPLICABLE PERCENTAGE.—The term 'applicable percentage' means, with respect to covered OPD services furnished during—

''(I) the first full year (and any portion of the immediately preceding year) for which the prospective payment system under this subsection is in effect, 95 percent;

''(II) the second full calendar year for which such system is in effect, 90 percent; and

''(III) the third full calendar year for which such system is in effect, 85 percent.

''(ii) COST-SHARING.—The term 'cost-sharing' includes—

''(I) copayment amounts described in paragraph (5);

''(II) coinsurance described in section 1866(a)(2)(A)(ii); and

''(III) the deductible described under section 1833(b).

''(iii) TRANSITION YEAR.—The term 'transition year' means any year (or portion thereof) described in clause (i).

''(E) EFFECT ON COPAYMENTS.—Nothing in this paragraph shall be construed as affecting the unadjusted copayment amount described in paragraph (3)(B).

''(F) APPLICATION WITHOUT REGARD TO BUDGET NEUTRALITY.—The transitional payments made under this paragraph—

''(i) shall not be considered an adjustment under paragraph (2)(E); and

''(ii) shall not be implemented in a budget neutral manner.''.

(b) SPECIAL RULE FOR RURAL AND CANCER HOSPITALS.—Section 1833(t) (42 U.S.C. 1395(t)), as amended by subsection (a), is amended by adding at the end the following:

''(11) SPECIAL RULE FOR RURAL AND CANCER HOSPITALS.—

''(A) IN GENERAL.—For each year (or portion thereof), beginning in 2000, in the case of covered OPD services furnished by a medicare-dependent, small rural hospital (as defined in section 1886(d)(5)(G)(iv)), a sole community hospital (as defined in section 1886(d)(5)(D)(iii)), or in a hospital described in section 1886(d)(1)(B)(v), the Secretary shall increase the payments for such services under the prospective payment system established under this subsection by the amount (if any) that the Secretary determines is necessary to ensure that the payment to cost ratio of the hospital (as determined pursuant to paragraph (10)(B)) for the year equals the payment to cost ratio of the hospital for 1996 (as calculated under clause (ii) of such paragraph).

''(B) INTERIM PAYMENTS.—

''(i) IN GENERAL.—The Secretary shall make interim payments to a hospital during any year for which the Secretary estimates a payment is required under subparagraph (A).

''(ii) ADJUSTMENTS.—If the Secretary makes payments under clause (i) for any year, the Secretary shall make retrospective adjustments to each hospital based on its settled cost report so that the amount of any additional payment to a hospital for such year equals the amount described in subparagraph (A).

''(C) EFFECT ON COPAYMENTS.—Nothing in this paragraph shall be construed as affecting the unadjusted copayment amount described in paragraph (3)(B).

''(D) APPLICATION WITHOUT REGARD TO BUDGET NEUTRALITY.—The payments made under this paragraph—

''(i) shall not be considered an adjustment under paragraph (2)(E); and

''(ii) shall not be implemented in a budget neutral manner.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 4523 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 445).

SEC. 102. LIMITATION IN REDUCTION OF PAYMENTS TO DISPROPORTIONATE SHARE HOSPITALS.

(a) IN GENERAL.—Section 1886(d)(5)(F)(ix) (42 U.S.C. 1395ww(d)(5)(F)(ix)) is amended—

(1) in subclause (II)—

(A) by striking ''fiscal year 1999,'' and inserting ''each of fiscal years 1999, 2000, 2001, and 2002,''; and

(B) by inserting ''and'' after the semicolon;

(2) by striking subclauses (III), (IV), and (V); and

(3) by redesignating subclause (VI) as subclause (III).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the amendments made by section 4403 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 398).

SEC. 103. CHANGES TO DSH ALLOTMENTS AND TRANSITION RULE.

(a) CHANGE IN DISPROPORTIONATE SHARE HOSPITAL ALLOTMENTS.—Section 1923(f)(2) (42 U.S.C. 1396r–4(f)(2)) is amended, in the table contained in such section and in the DSH Allotments for fiscal years 2000, 2001, and 2002—

(1) for Minnesota, by striking ''16'' and inserting ''33'';

(2) for New Mexico, by striking ''5'' and inserting ''9''; and

(3) for Wyoming, by striking ''0'' and inserting ''0.1''.

(b) MAKING MEDICAID DSH TRANSITION RULE PERMANENT.—Section 4721(e) of the Balanced Budget Act of 1997 is amended—

(1) in the matter before paragraph (1), by striking ''1923(g)(2)(A)'' and ''1396r–4(g)(2)(A)'' and inserting ''1923(g)(2)'' and ''1396r–4(g)(2)'', respectively;

(2) in paragraphs (1) and (2)—

(A) by striking '', and before July 1, 1999''; and

(B) by striking ''in such section'' and inserting ''in subparagraph (A) of such section''; and

(3) by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ''; and'', and by adding at the end the following:

''(3) effective for State fiscal years that begin on or after July 1, 1999, 'or (b)(1)(B)' were inserted in 1923(g)(2)(B)(ii)(I) after '(b)(1)(A)'.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251).

SEC. 104. REVISION OF CRITERIA FOR DESIGNATION AS A CRITICAL ACCESS HOSPITAL.

(a) CRITERIA FOR DESIGNATION.—Section 1820(c)(2)(B)(iii) (42 U.S.C. 1395i–4(c)(2)(B)(iii)) is amended by striking ''to exceed 96 hours'' and all that follows before the semicolon and inserting ''to exceed, on average, 96 hours per patient''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

SEC. 105. SOLE COMMUNITY HOSPITALS AND MEDICARE DEPENDENT HOSPITALS.

(a) IN GENERAL.—Section 1886(b)(3)(B)(iv) (42 U.S.C. 1395ww(b)(3)(B)(iv)) is amended—

(1) in subclause (III), by striking ''and'' at the end;

(2) in subclause (IV)—

(A) by striking ''fiscal year 1996 and each subsequent fiscal year'' and inserting ''fiscal years 1996 through 1999''; and

(B) by striking the period at the end and inserting '', and''; and

(3) by adding at the end the following:

''(V) for fiscal year 2000 and each subsequent fiscal year, the market basket percentage increase.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act.

TITLE II—GRADUATE MEDICAL EDUCATION

SEC. 201. REVISION OF MULTIYEAR REDUCTION OF INDIRECT GRADUATE MEDICAL EDUCATION PAYMENTS.

(a) IN GENERAL.—Section 1886(d)(5)(B)(ii) (42 U.S.C. 1395ww(d)(5)(B)(ii)) is amended by striking subclauses (III), (IV), and (V) and inserting the following:

''(III) during each of fiscal years 1999, 2000, and 2001, 'c' is equal to 1.6; and

''(IV) on or after October 1, 2001, 'c' is equal to 1.35.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in section 4621 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 475).

SEC. 202. ACCELERATION OF GME PHASE-IN.

(a) ACCELERATION OF PAYMENT TO HOSPITALS OF INDIRECT AND DIRECT MEDICAL EDUCATION COSTS FOR MEDICARE+CHOICE ENROLLEES.—

(1) IN GENERAL.—Section 1886(h)(3)(D)(ii) (42 U.S.C. 1395ww(h)(3)(D)(ii)) is amended by striking subclauses (IV) and (V) and inserting the following:

''(IV) 100 percent in 2001 and subsequent years.''.

(2) ACCELERATION OF CARVE-OUT.—Section 1853(c)(3)(B)(ii) (42 U.S.C. 1395w–23(c)(3)(B)(ii)) is amended—

(A) in subclause (III), by inserting ''and'' at the end;

(B) by striking subclause (IV); and

(C) by redesignating subclause (V) as subclause (IV).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251).

SEC. 203. EXCLUSION OF NURSING AND ALLIED HEALTH EDUCATION COSTS IN CALCULATING MEDICARE+CHOICE PAYMENT RATE.

(a) EXCLUDING COSTS IN CALCULATING PAYMENT RATE.—

(1) IN GENERAL.—Section 1853(c)(3)(C)(i) (42 U.S.C. 1395w–23(c)(3)(C)(i)) is amended—

(A) in subclause (I), by striking ''and'' at the end;

(B) in subclause (II), by striking the period at the end and inserting '', and''; and

(C) by adding at the end the following:

''(III) for costs attributable to approved nursing and allied health education programs under section 1861(v).''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply in determining the annual per capita rate of payment for years beginning with 2001.

(b) PAYMENT TO HOSPITALS OF NURSING AND ALLIED HEALTH EDUCATION PROGRAM COSTS FOR MEDICARE+CHOICE ENROLLEES.—Section 1861(v)(1) (42 U.S.C. 1395x(v)(1)) is amended by adding at the end the following:

''(V)(i) In determining the amount of payment to a hospital for portions of cost reporting periods occurring on or after January 1, 2001, with respect to the reasonable costs for approved nursing and allied health education programs, individuals who are enrolled with a Medicare+Choice organization under part C shall be treated as if they were not so enrolled.

''(ii) The Secretary shall establish rules for applying clause (i) to a hospital reimbursed under a reimbursement system authorized under section 1814(b)(3) in the same manner as it would apply to the hospital if it were not reimbursed under such section.''.

SEC. 204. ADJUSTMENTS TO LIMITATIONS ON NUMBER OF INTERNS AND RESIDENTS.

(a) INDIRECT GRADUATE MEDICAL EDUCATION ADJUSTMENT.—Section 1886(d)(5)(B)(v) (42 U.S.C. 1395ww(d)(5)(B)(v)) is amended—

(1) by striking ''(v) In determining'' and inserting ''(v)(I) Subject to subclause (II), in determining'';

(2) by striking ''in the hospital with respect to the hospital's most recent cost reporting period ending on or before December 31, 1996'' and inserting ''who were appointed by the hospital's approved medical residency training programs for the hospital's most recent cost reporting period ending on or before December 31, 1996''; and

(3) by adding at the end the following:

''(II) Beginning on or after January 1, 1997, in the case of a hospital that sponsors only 1 allopathic or osteopathic residency program, the limit determined for such hospital under subclause (I) may, at the hospital's discretion, be increased by 1 for each calendar year but shall not exceed a total of 3 more than the limit determined for the hospital under subclause (I).''.

(b) DIRECT GRADUATE MEDICAL EDUCATION ADJUSTMENT.—

(1) LIMITATION ON NUMBER OF RESIDENTS.—Section 1886(h)(4)(F) (42 U.S.C. 1395ww(h)(4)(F)) is amended by inserting ''who were appointed by the hospital's approved medical residency training programs'' after ''may not exceed the number of such full-time equivalent residents''.

(2) FUNDING FOR PROGRAMS.—Section 1886(h)(4)(H)(i) (42 U.S.C. 1395ww(h)(4)(H)(i)) is amended in the second sentence, by inserting '', including facilities that are not located in an underserved rural area but have established separately accredited rural training tracks'' before the period.

(c) GME PAYMENTS FOR CERTAIN INTERNS AND RESIDENTS.—

(1) INDIRECT AND DIRECT MEDICAL EDUCATION.—Each limitation regarding the number of residents or interns for which payment may be made under section 1886 of the Social Security Act (42 U.S.C. 1395ww) is increased by the number of applicable residents (as defined in paragraph (2)).

(2) APPLICABLE RESIDENT DEFINED.—In this subsection, the term ''applicable resident'' means a resident or intern that—

(A) participated in graduate medical education at a facility of the Department of Veterans Affairs;

(B) was subsequently transferred on or after January 1, 1997, and before July 31, 1998, to a hospital and the hospital was not a Department of Veterans Affairs facility; and

(C) was transferred because the approved medical residency program in which the resident or intern participated would lose accreditation by the Accreditation Council on Graduate Medical Education if such program continued to train residents at the Department of Veterans Affairs facility.

(d) EFFECTIVE DATE.—This section shall take effect as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251).

TITLE III—HOSPICE CARE

SEC. 301. INCREASE IN PAYMENTS FOR HOSPICE CARE.

(a) IN GENERAL.—Section 1814(i)(1)(C)(ii)(VI) (42 U.S.C. 1395f(i)(1)(C)(ii)(VI)) is amended by striking ''through 2002'' and inserting ''and 1999''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 4441 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 422).

TITLE IV—SKILLED NURSING FACILITIES

SEC. 401. MODIFICATION OF CASE MIX CATEGORIES FOR CERTAIN CONDITIONS.

(a) IN GENERAL.—For purposes of applying any formula under paragraph (1) of section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)), for services provided on or after April 1, 2000, and before the earlier of October 1, 2001, or the date described in subsection (d), the Secretary of Health and Human Services shall increase the adjusted Federal per diem rate otherwise determined under paragraph (4) of such section for services provided to any individual during the period in which such individual is in a RUG III category by the applicable payment add-on as determined in accordance with the following table:

RUG III category	Applicable payment add-on
RUB	$23.06
RVC	$76.25
RVB	$30.36
RHC	$54.07
RHB	$27.28
RMC	$69.98
RMB	$30.09
SE3	$98.41
SE2	$89.05
SSC	$46.80
SSB	$55.56
SSA	$59.94.

(b) UPDATE.—The Secretary shall update the applicable payment add-on under subsection (a) for fiscal year 2001 by the skilled nursing facility market basket percentage change (as defined under section 1888(e)(5)(B) of the Social Security Act (42 U.S.C. 1395yy(e)(5)(B))) applicable to such fiscal year.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as permitting the Secretary of Health and Human Services to include any applicable payment add-on determined under subsection (a) in updating the Federal per diem rate under section 1888(e)(4) of the Social Security Act (42 U.S.C. 1395yy(e)(4)).

(d) DATE DESCRIBED.—The date described in this subsection is the date that the Secretary of Health and Human Services—

(1) refines the case mix classification system under section 1888(e)(4)(G)(i) of the Social Security Act (42 U.S.C. 1395yy(e)(4)(G)(i)) to better account for medically complex patients; and

(2) implements such refined system.

SEC. 402. EXCLUSION OF CLINICAL SOCIAL WORKER SERVICES AND SERVICES PERFORMED UNDER A CONTRACT WITH A RURAL HEALTH CLINIC OR FEDERALLY QUALIFIED HEALTH CENTER FROM THE PPS FOR SNFs.

(a) IN GENERAL.—Section 1888(e)(2)(A)(ii) (42 U.S.C. 1395yy(e)(2)(A)(ii)) is amended—

(1) in the first sentence, by inserting ''clinical social worker services,'' after ''qualified psychologist services,''; and

(2) by inserting after the first sentence the following: ''Services described in this clause also include services that are provided by a physician, a physician assistant, a nurse practitioner, a qualified psychologist, or a clinical social worker who is employed, or otherwise under contract, with a rural health clinic or a Federally qualified health center.''.

(b) CONFORMING AMENDMENT.—Section 1861(hh)(2) (42 U.S.C. 1395x(hh)(2)) is amended by striking ''and other than services furnished to an inpatient of a skilled nursing facility which the facility is required to provide as a requirement for participation''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services provided on or after the date which is 60 days after the date of enactment of this Act.

SEC. 403. EXCLUSION OF CERTAIN SERVICES FROM THE PPS FOR SNFs.

(a) IN GENERAL.—Section 1888(e)(2)(A)(ii) (42 U.S.C. 1395yy(e)(2)(A)(ii)), as amended by section 402, is amended—

(1) in the first sentence, by inserting ''ambulance services, services identified by HCPCS code in Program Memorandum Transmittal No. A–98–37 issued in November 1998 (but without regard to the setting in which such services are furnished),'' after ''subparagraphs (F) and (O) of section 1861(s)(2),''; and

(2) by inserting after the second sentence the following: ''In addition to the services described in the previous sentences, services described in this clause include chemotherapy items (identified as of July 1, 1999, by HCPCS codes J9000–J9020, J9040–J9151, J9170–J9185, J9200–J9201, J9206–J9208, J9211, J9230–J9245, and J9265–J9600), chemotherapy administration services (identified as of July 1, 1999, by HCPCS codes 36260–36262, 36489, 36530–36535, 36640, 36823, and 96405–96542), radioisotope services (identified as of July 1, 1999, by HCPCS codes 79030–79440), and customized prosthetic devices (identified as of July 1, 1999, by HCPCS codes L5050–L5340, L5500–L5610, L5613–L5986, L5988, L6050–L6370, L6400–L6880, L6920–L7274, and L7362–L7366).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after the date which is 60 days after the date of enactment of this Act.

SEC. 404. EXCLUSION OF SWING BEDS IN CRITICAL ACCESS HOSPITALS FROM THE PPS FOR SNFs.

(a) IN GENERAL.—Section 1888(e)(7) of the Social Security Act (42 U.S.C. 1395yy(e)(7)) is amended—

(1) in the heading, by striking ''TRANSITION'' and inserting ''SPECIAL RULES'';

(2) in subparagraph (A), by striking ''IN GENERAL.—The'' and inserting ''TRANSITION.—Except as provided in subparagraph (C), the''; and

(3) by adding at the end the following:

''(C) EXEMPTION OF SWING BEDS IN CRITICAL ACCESS HOSPITALS FROM PPS.—The prospective payment system under this subsection shall not apply (and section 1834(g) shall apply) to services provided by a critical access hospital under an agreement described in subparagraph (B).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to services provided on or after October 1, 1999.

TITLE V—OUTPATIENT REHABILITATION SERVICES

SEC. 501. MODIFICATION OF FINANCIAL LIMITATION ON REHABILITATION SERVICES.

(a) 3-YEAR REPEAL.—Section 1833(g) (42 U.S.C. 13951(g)) is amended by adding at the end the following:

''(4) Subject to paragraph (6), the provisions of paragraphs (1) through (3) shall not apply to outpatient physical therapy services, outpatient occupational therapy services, and outpatient speech-language pathology services covered under this title and furnished on or after January 1, 2000.

''(5)(A) Notwithstanding the preceding provisions of this subsection and subject to subparagraph (B), with respect to services described in paragraph (4) that are furnished on or after January 1, 2003, the Secretary shall implement, by not later than January 1, 2003, a payment system for such services that takes into account the needs of beneficiaries under this title for differing amounts of therapy based on factors such as diagnosis, functional status, and prior use of services.

''(B) The payment system established under subparagraph (A) shall be designed so that the system shall not result in any increase or decrease in the expenditures under this title on a fiscal year basis, determined as if paragraph (4) had not been enacted.

''(6) If the Secretary for any reason does not implement the payment system described in paragraph (5) on or before January 1, 2003, paragraph (4) shall not apply with respect to services described in such paragraph

that are furnished on or after such date and before the date on which the Secretary implements such payment system.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251).

TITLE VI—PHYSICIANS' SERVICES

SEC. 601. TECHNICAL AMENDMENT TO UPDATE ADJUSTMENT FACTOR AND PHYSICIAN SUSTAINABLE GROWTH RATE.

(a) UPDATE ADJUSTMENT FACTOR.—

(1) CHANGE TO CALENDAR YEAR BASIS.—Section 1848(d) (42 U.S.C. 1395w–4(d)) is amended—

(A) in paragraph (1), by striking subparagraph (E) and inserting the following:

''(E) PUBLICATION.—The Secretary shall publish in the Federal Register—

''(i) not later than November 1 of each year (beginning with 1999), the conversion factor that will apply to physicians' services for the succeeding year and the update determined under paragraph (3) for such year; and

''(ii) not later than November 1 of 1999—

''(I) the special update for the year 2000 under paragraph (3)(E)(i); and

''(II) the estimated special adjustments for years 2001 through 2006 under paragraph (3)(E)(ii).''; and

(B) in paragraph (3)(C)—

(i) in the matter preceding clause (i), by striking ''the 12-month period ending with March 31 of'';

(ii) in clause (i)—

(I) by striking ''1997'' and inserting ''1996,''; and

(II) by striking ''such 12-month period'' and inserting ''1996''; and

(iii) in clause (ii)—

(I) by inserting a comma after ''subsequent year''; and

(II) by striking ''fiscal year which begins during such 12-month period'' and inserting ''year involved''.

(2) FORMULA FOR DETERMINING THE UPDATE ADJUSTMENT FACTOR.—Section 1848(d)(3) (42 U.S.C. 1395w–4(d)(3)) is amended—

(A) in subparagraph (A)—

(i) in clause (ii), by striking ''(divided by 100),'' and inserting a period; and

(ii) by striking the matter following clause (ii);

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by inserting ''the sum of'' after ''Secretary) to''; and

(ii) by striking clauses (i) and (ii) and inserting the following:

''(i) the figure arrived at by—

''(I) determining the difference between the allowed expenditures for physicians' services for the prior year (as determined under subparagraph (C)) and the actual expenditures for such services for that year;

''(II) dividing that difference by the actual expenditures for such services in that year; and

''(III) multiplying that quotient by 0.75; and

''(ii) the figure arrived at by—

''(I) determining the difference between the allowed expenditures for physicians' services (as determined under subparagraph (C)) from 1996 through the prior year and the actual expenditures for such services during that period, corrected with the best available data;

''(II) dividing that difference by actual expenditures for such services for the prior year as increased by the sustainable growth rate under subsection (f) for the year whose update adjustment factor is to be determined; and

''(III) multiplying that quotient by 0.33.''; and

(C) by amending subparagraph (D) to read as follows:

''(D) RESTRICTION ON UPDATE ADJUSTMENT FACTOR.—The update adjustment factor determined under subparagraph (B) for a year may not be less than negative 0.07 or greater than 0.03.''.

(3) SPECIAL PROVISIONS.—Section 1848(d)(3) (42 U.S.C. 1395w–4(d)(3)) is amended—

(A) in subparagraph (A), in the matter preceding clause (i), by striking ''subparagraph (D)'' and inserting ''subparagraphs (D) and (E)''; and

(B) by adding at the end the following:

''(E) SPECIAL UPDATE AND ADJUSTMENTS.—

''(i) YEAR 2000.—For the year 2000, the update under this paragraph shall be the percentage that the Secretary estimates will, without regard to any otherwise applicable restriction, result in expenditures equal to the expenditures that would have occurred in that year in the absence of the amendments made by section 601 of the Medicare Beneficiary Access to Care Act of 1999.

''(ii) YEARS 2001–2006.—For each of the years 2001 through 2006, the Secretary shall make that adjustment to the update for that year which the Secretary estimates will, without regard to any otherwise applicable restriction, result in expenditures equal to the expenditures that would have occurred for that year in the absence of the amendments made by section 601 of the Medicare Beneficiary Access to Care Act of 1999.''.

(b) SUSTAINABLE GROWTH RATE.—Section 1848(f) (42 U.S.C. 1395w–4(f)) is amended—

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

''(1) PUBLICATION.—Not later than November 1 of each year (beginning with 1999), the Secretary shall publish in the Federal Register the sustainable growth rate as determined under this subsection for the succeeding year, the current year, and each of the preceding 2 years.''; and

(2) in paragraph (2)—

(A) by striking ''fiscal'' each place it appears; and

(B) in the matter preceding subparagraph (A), by striking ''year 1998'' and inserting ''1997''.

(c) DATA TO BE USED IN DETERMINING THE SUSTAINABLE GROWTH RATE.—Section 1848(f) (42 U.S.C. 1395w–4(f)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) METHODOLOGY.—For purposes of determining the update adjustment factor under subsection (d)(3)(B) and the allowed expenditures under subsection (d)(3)(C) for a year, the sustainable growth rate for each year taken into consideration in the determination under paragraph (2) shall be determined as follows:

''(A) For purposes of such calculations for the year 2000, the sustainable growth rate shall be determined on the basis of the best data available to the Secretary as of September 1, 1999.

''(B) For purposes of such calculations for each year after the year 2000—

''(i) the sustainable growth rate for such year and each of the 2 preceding years shall be determined on the basis of the best data available to the Secretary as of September 1 of such year; and

''(ii) the sustainable growth rate for each year preceding the years specified in clause (i) shall be the rate used for such year in such calculation for the immediately preceding year.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251).

(2) NO EFFECT ON UPDATES FOR 1998 AND 1999.—The amendments made by this section shall have no effect on the updates established by the Secretary for 1998 and 1999, and such established updates may not be changed.

SEC. 602. PUBLICATION OF ESTIMATE OF CONVERSION FACTOR AND MEDPAC REVIEW.

(a) PUBLICATION.—Not later than April 15 of each year (beginning in 2000), the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall publish in the Federal Register—

(1) an estimate of the single conversion factor to be used in the next calendar year for reimbursement of physicians services under section 1848 of the Social Security Act (42 U.S.C. 1395w–4); and

(2) the data on which such estimate is based.

(b) MEDPAC REVIEW AND REPORT.—

(1) REVIEW.—The Medicare Payment Advisory Commission (in this section referred to as ''MedPAC'') shall annually review the estimates and data published by the Secretary pursuant to subsection (a).

(2) REPORT.—Not later than June 30 of each year (beginning in 2000), MedPAC shall submit a report to the Secretary and to the committees of jurisdiction in Congress on the review conducted pursuant to paragraph (1), together with any recommendations as determined appropriate by MedPAC.

TITLE VII—HOME HEALTH

SEC. 701. DELAY IN THE 15 PERCENT REDUCTION IN PAYMENTS UNDER THE PPS FOR HOME HEALTH SERVICES.

(a) CONTINGENCY REDUCTION.—Section 4603(e) of the Balanced Budget Act of 1997 (42 U.S.C. 1395fff note), as amended by section 5101(c)(3) of the Tax and Trade Relief Extension Act of 1998 (contained in division J of Public Law 105–277), is amended by striking ''September 30, 2000'' and inserting ''September 30, 2002''.

(b) PROSPECTIVE PAYMENT SYSTEM.—Section 1895(b)(3)(A) (42 U.S.C. 1395fff(b)(3)(A)), as amended by section 5101 of the Tax and Trade Relief Extension Act of 1998 (contained in division J of Public Law 105–277), is amended by striking clause (i) and inserting the following:

''(i) IN GENERAL.—Under such system the Secretary shall provide for computation of a standard prospective payment amount (or amounts). Such amount (or amounts) shall initially be based on the most current audited cost report data available to the Secretary and shall be computed in a manner so that the total amounts payable under the system—

''(I) for fiscal year 2001, shall be equal to the total amount that would have been made if the system had not been in effect;

''(II) for fiscal year 2002, shall be equal to the amount determined under subclause (I), updated under subparagraph (B); and

''(III) for fiscal year 2003, shall be equal to the total amount that would have been made for fiscal year 2001 if the system had not been in effect but if the reduction in limits described in clause (ii) had been in effect, and updated under subparagraph (B) for fiscal years 2001 and 2002.

Each such amount shall be standardized in a manner that eliminates the effect of variations in relative case mix and wage levels among different home health agencies in a budget neutral manner consistent with the case mix and wage level adjustments provided under paragraph (4)(A). Under the system, the Secretary may recognize regional differences or differences based upon whether or not the services or agency are in an urbanized area.''.

SEC. 702. INCREASE IN PER VISIT LIMIT.

(a) INTERIM PAYMENT SYSTEM.—Section 1861(v)(1)(L)(i) (42 U.S.C. 1395x(v)(1)(L)(i)), as amended by section 701(b), is amended—

(1) in subclause (IV), by striking ''or'';

(2) in subclause (V)—

(A) by inserting ''and before October 1, 1999,'' after ''October 1, 1998,''; and

(B) by striking the period and inserting '', or''; and

(3) by adding at the end the following:

''(VI) October 1, 1999, 112 percent of such median.''.

(b) ENSURING THE INCREASE IN PER VISIT LIMIT HAS NO EFFECT ON THE PROSPECTIVE PAYMENT SYSTEM.—The second sentence of section 1895(b)(3)(A)(i) (42 U.S.C. 1395fff(b)(3)(A)(i)), as amended by section 5101(c)(1)(B) of the Tax and Trade Relief Extension Act of 1998 (contained in division J of Public Law 105–277) and section 701(b), is amended—

(1) in subclause (I), by inserting ''but if the reference in section 1861(v)(1)(L)(i)(VI) to 112 percent were a reference to 106 percent'' after ''if the system had not been in effect''; and

(2) in subclause (III), by inserting ''and if the reference in section 1861(v)(1)(L)(i)(VI) to 112 percent were a reference to 106 percent'' after ''clause (ii) had been in effect''.

SEC. 703. TREATMENT OF OUTLIERS.

(a) WAIVER OF PER BENEFICIARY LIMITS FOR OUTLIERS.—Section 1861(v)(1)(L) (42 U.S.C. 1395x(v)(1)(L)), as amended by section 5101 of the Tax and Trade Relief Extension Act of 1998 (contained in division J of Public Law 105–277), is amended—

(1) by redesignating clause (ix) as clause (x); and

(2) by inserting after clause (viii) the following:

''(ix)(I) Notwithstanding the applicable per beneficiary limit under clause (v), (vi), or (viii), but subject to the applicable per visit limit under clause (i), in the case of a provider that demonstrates to the Secretary that with respect to an individual to whom the provider furnished home health services appropriate to the individual's condition (as determined by the Secretary) at a reasonable cost (as determined by the Secretary), and that such reasonable cost significantly exceeded such applicable per beneficiary limit because of unusual variations in the type or amount of medically necessary care required to treat the individual, the Secretary, upon application by the provider, shall pay to such provider for such individual such reasonable cost.

''(II) The total amount of the additional payments made to home health agencies pursuant to subclause (I) in any fiscal year shall not exceed an amount equal to 2 percent of the amounts that would have been paid under this subparagraph in such year if this clause had not been enacted.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act, and shall apply to each application for payment of reasonable costs for outliers submitted by any home health agency for cost reporting periods ending on or after October 1, 1999.

SEC. 704. ELIMINATION OF 15-MINUTE BILLING REQUIREMENT.

(a) IN GENERAL.—Section 1895(c) (42 U.S.C. 1395fff(c)) is amended to read as follows:

''(c) REQUIREMENTS FOR PAYMENT INFORMATION.—With respect to home health services furnished on or after October 1, 1998, no claim for such a service may be paid under this title unless the claim has the unique identifier (provided under section 1842(r)) for the physician who prescribed the services or made the certification described in section 1814(a)(2) or 1835(a)(2)(A).''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to claims submitted on or after the date which is 60 days after the date of enactment of this section.

SEC. 705. RECOUPMENT OF OVERPAYMENTS.

(a) 36-MONTH REPAYMENT PERIOD.—In the case of an overpayment by the Secretary of Health and Human Services to a home health agency for home health services furnished during a cost reporting period beginning on or after October 1, 1997, as a result of payment limitations provided for under clause (v), (vi), or (viii) of section 1861(v)(1)(L) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)), the home health agency may elect to repay the amount of such overpayment ratably over a 36-month period beginning on the date of notification of such overpayment.

(b) NO INTEREST ON OVERPAYMENT AMOUNTS.—In the case of an agency that makes an election under subsection (a), no interest shall accrue on the outstanding balance of the amount of overpayment during such 36-month period.

(c) TERMINATION.—No election under subsection (a) may be made for cost reporting periods, or portions of cost reporting periods, beginning on or after the date of the implementation of the prospective payment system for home health services under section 1895 of the Social Security Act (42 U.S.C. 1395fff).

(d) EFFECTIVE DATE.—The provisions of subsection (a) shall apply to debts that are outstanding as of the date of enactment of this Act.

SEC. 706. REFINEMENT OF HOME HEALTH AGENCY CONSOLIDATED BILLING.

(a) IN GENERAL.—Section 1842(b)(6)(F) (42 U.S.C. 1395u(b)(6)(F)) is amended by inserting ''(including medical supplies described in section 1861(m)(5), but excluding durable medical equipment described in such section)'' after ''home health services''.

(b) CONFORMING AMENDMENT.—Section 1862(a)(21) (42 U.S.C. 1395y(a)(21)) is amended by inserting ''(including medical supplies described in section 1861(m)(5), but excluding durable medical equipment described in such section)'' after ''home health services''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 4603 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 467).

TITLE VIII—MEDICARE+CHOICE

SEC. 801. DELAY IN ACR DEADLINE UNDER THE MEDICARE+CHOICE PROGRAM.

(a) DELAY IN DEADLINE FOR SUBMISSION OF ADJUSTED COMMUNITY RATES AND RELATED INFORMATION.—Section 1854(a)(1) (42 U.S.C. 1395w–24(a)(1)) is amended by striking ''May 1'' and inserting ''July 1''.

(b) ADJUSTMENT IN INFORMATION DISCLOSURE PROVISIONS.—Section 1851(d)(2)(A)(ii) (42 U.S.C. 1395w–21(d)(2)(A)(ii)) is amended in the first sentence by inserting '', to the extent such information is available at the time of preparation of the material for mailing'' before the period.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 802. CHANGE IN TIME PERIOD FOR EXCLUSION OF MEDICARE+CHOICE ORGANIZATIONS THAT HAVE HAD A CONTRACT TERMINATED.

(a) IN GENERAL.—Section 1857(c)(4) (42 U.S.C. 1395w–27(c)(4)) is amended by striking ''5-year period'' and inserting ''3-year period''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contract years beginning on or after January 1, 1999.

SEC. 803. ENROLLMENT OF MEDICARE BENEFICIARIES IN ALTERNATIVE MEDICARE+CHOICE PLANS AND MEDIGAP COVERAGE IN CASE OF INVOLUNTARY TERMINATION OF MEDICARE+CHOICE ENROLLMENT.

(a) PERMITTING ENROLLMENT IN ALTERNATIVE PLANS UPON RECEIPT OF NOTICE OF MEDICARE+CHOICE PLAN TERMINATION.—

(1) MEDICARE+CHOICE PLANS.—Section 1851(e)(4) (42 U.S.C. 1395w–21(e)(4)) is amended by striking subparagraph (A) and inserting the following:

''(A)(i) the certification of the organization or plan under this part has been terminated, or the organization or plan has notified the individual of an impending termination of such certification; or

''(ii) the organization has terminated or otherwise discontinued providing the plan in the area in which the individual resides, or has notified the individual of an impending termination or discontinuation of such plan;''.

(2) MEDIGAP PLANS.—

(A) IN GENERAL.—Section 1882(s)(3)(A) (42 U.S.C. 1395ss(s)(3)(A)) is amended in the matter following clause (iii)—

(i) by inserting ''(92 days in the case of a termination or discontinuation of coverage under the types of circumstances described in section 1851(e)(4)(A))'' after ''63 days'';

(ii) by inserting ''(or, if elected by the individual, the date of notification of the individual by the plan or organization of the impending termination or discontinuance of the plan in the area in which the individual resides)'' after ''the date of the termination of enrollment described in such subparagraph''; and

(iii) by inserting ''(or date of such notification)'' after ''the date of termination or disenrollment''.

(B) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to notices of intended termination made by group health plans and Medicare+Choice organizations after the date of enactment of this Act.

(b) GUARANTEED ACCESS FOR CERTAIN MEDICARE BENEFICIARIES TO MEDIGAP POLICIES IN CASE OF INVOLUNTARY TERMINATION OF COVERAGE UNDER A MEDICARE+CHOICE PLAN.—

(1) IN GENERAL.—Section 1882(s)(3)(C)(iii) (42 U.S.C. 1395ss(s)(3)(C)(iii)) is amended by inserting ''or an individual described in clause (ii) or (iii) of subparagraph (B) in the case of circumstances described in section 1851(e)(4)(A)'' after ''subparagraph (B)(vi)''.

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendment made by paragraph (1) shall apply to terminations of coverage effected on or after the date of enactment of this Act.

(B) TRANSITIONAL MEDIGAP OPEN ENROLLMENT PERIOD FOR CERTAIN INDIVIDUALS AFFECTED BY PLAN WITHDRAWALS.—In the case of an individual described in clause (ii) or (iii) of subparagraph (B) of section 1882(s)(3) of the Social Security Act in the case of circumstances described in section 1851(e)(4)(A) of such Act (relating to discontinuation of a plan or organization entirely or in an area), if the termination or discontinuation of coverage occurred after December 31, 1998, and before the date of enactment of this Act, the provisions of subparagraph (A) of section 1882(s)(3) such Act (in the matter up to and including clause (iii) thereof) shall apply to such an individual who seeks enrollment under a medicare supplemental policy during the 92-day period beginning with the first month that begins more than 30 days after the date of enactment of this Act in the same manner as such provisions apply to an individual described in the matter following such clause (iii).

SEC. 804. APPLYING MEDIGAP AND MEDICARE+CHOICE PROTECTIONS TO DISABLED AND ESRD MEDICARE BENEFICIARIES.

(a) ASSURING AVAILABILITY OF MEDIGAP COVERAGE.—

(1) IN GENERAL.—Section 1882(s) (42 U.S.C. 1395ss(s)) is amended—

(A) in paragraph (2)(A), by striking ''is 65 years of age or older and is'' and inserting ''is first'';

(B) in paragraph (2)(D), by striking ''who is 65 years of age or older as of the date of issuance and''; and

(C) in paragraph (3)(B)(vi), by striking ''at age 65''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to terminations of coverage effected on or after the date of enactment of this Act, regardless of when the individuals become eligible for benefits under part A or B of title XVIII of the Social Security Act.

(b) PERMITTING ESRD BENEFICIARIES TO ELECT ANOTHER MEDICARE+CHOICE PLAN IN CASE OF PLAN DISCONTINUANCE.—

(1) IN GENERAL.—Section 1851(a)(3)(B) (42 U.S.C. 1395w–21(a)(3)(B)) is amended by striking ''except that'' and all that follows and inserting the following: ''except that—

''(i) an individual who develops end-stage renal disease while enrolled in a Medicare+Choice plan may continue to be enrolled in that plan; and

''(ii) in the case of such an individual who is enrolled in a Medicare+Choice plan under clause (i) (or subsequently under this clause), if the enrollment is discontinued under section 1851(e)(4)(A) the individual will be treated as a 'Medicare+Choice eligible individual' for purposes of electing to continue enrollment in another Medicare+Choice plan.''.

(2) EFFECTIVE DATE.—

(A) The amendment made by paragraph (1) shall apply to terminations and discontinuations occurring on or after the date of enactment of this Act.

(B) Clause (ii) of section 1851(a)(3)(B) of the Social Security Act (as inserted by such amendment) also shall apply to individuals whose enrollment in a Medicare+Choice plan was terminated or discontinued after December 31, 1998, and before the date of enactment of this Act. In applying this subparagraph, such an individual shall be treated, for purposes of part C of title XVIII of the Social Security Act, as having discontinued enrollment in such a plan as of the date of enactment of this Act.

SEC. 805. EXTENDED MEDICARE+CHOICE DISENROLLMENT WINDOW FOR CERTAIN INVOLUNTARILY TERMINATED ENROLLEES.

(a) PREVIOUS MEDIGAP ENROLLEES.—Section 1882(s)(3)(B)(v)(III) (42 U.S.C. 1395ss(s)(3)(B)(v)(III)) is amended—

(1) by inserting ''(aa)'' after ''(III)'';

(2) by striking the period and inserting '', or''; and

(3) by adding at the end the following:

''(bb) during the 12-month period described in item (aa), is disenrolled under the circumstances described in section 1851(e)(4)(A) from the organization described in subclause (II); enrolls, without an intervening enrollment, with another such organization; and subsequently disenrolls during such period (during which the enrollee is permitted to disenroll under section 1851(e)).''.

(b) INITIAL MEDIGAP ENROLLEES.—Section 1882(s)(3)(B)(vi) (42 U.S.C. 1395ss(s)(3)(B)(vi)), as amended by section 804(a)(1)(C), is amended—

(1) by striking ''benefits under part A, enrolls'' and inserting ''benefits under part A—

''(I) enrolls'';

(2) by striking the period and inserting '', or''; and

(3) by adding at the end the following:

''(II)(aa) enrolls in a Medicare+Choice plan under part C, which enrollment is terminated or discontinued under the circumstances described in section 1851(e)(4)(A), and

''(bb) subsequently enrolls, without an intervening enrollment, in another Medicare+Choice plan, and disenrolls from such plan by not later than 12 months after the effective date of the enrollment in the Medicare+Choice plan described in item (aa).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to terminations and discontinuations occurring on or after the date of enactment of this Act.

SEC. 806. NONPREEMPTION OF STATE PRESCRIPTION DRUG COVERAGE MANDATES IN CASE OF APPROVED STATE MEDIGAP WAIVERS.

(a) IN GENERAL.—Section 1856(b)(3) (42 U.S.C. 1395w–26(b)(3)) is amended—

(1) in subparagraph (A), by striking ''The standards'' and inserting ''Subject to subparagraph (C), the standards''; and

(2) by adding at the end the following:

''(C) CONTINUATION OF STATE PRESCRIPTION DRUG LAWS.—Subparagraph (A) shall not supersede any State law that requires the comprehensive coverage of prescription drugs or any regulation that carries out such a law, if—

''(i) the State has a waiver in effect under section 1882(p)(6)(A) with respect to requiring such coverage under medicare supplemental policies; or

''(ii) the Secretary provides for a waiver for the State to impose such a requirement under section 1882(p)(6)(B).''.

(b) MEDIGAP WAIVER.—Section 1882(p)(6) (42 U.S.C. 1395ss(p)(6)) is amended—

(1) by inserting ''(A)'' after ''(6)''; and

(2) by adding at the end the following:

''(B) The Secretary also may waive the application of the standards described in paragraph (1)(A)(i) so that a State may include comprehensive prescription drug coverage among the benefits required for all medicare supplemental policies.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 807. MODIFICATION OF PAYMENT RULES FOR CERTAIN FRAIL ELDERLY MEDICARE BENEFICIARIES.

(a) MODIFICATION OF PAYMENT RULES.—Section 1853 (42 U.S.C. 1395w–23) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by striking ''subsections (e) and (f)'' and inserting ''subsections (e) through (i)'';

(B) in paragraph (3)(D), by inserting ''and paragraph (4)'' after ''section 1859(e)(4)''; and

(C) by adding at the end the following:

''(4) EXEMPTION FROM RISK-ADJUSTMENT SYSTEM FOR FRAIL ELDERLY BENEFICIARIES ENROLLED IN SPECIALIZED PROGRAMS FOR THE FRAIL ELDERLY.—

''(A) IN GENERAL.—During the period described in subparagraph (B), the risk-adjustment described in paragraph (3) shall not apply to a frail elderly Medicare+Choice beneficiary (as defined in subsection (i)(3)) who is enrolled in a Medicare+Choice plan under a specialized program for the frail elderly (as defined in subsection (i)(2)).

''(B) PERIOD OF APPLICATION.—The period described in this subparagraph begins with January 2000, and ends with the first month for which the Secretary certifies to Congress that a comprehensive risk adjustment methodology under paragraph (3)(C) (that takes into account the types of factors described in subsection (i)(1)) is being fully implemented.''; and

(2) by adding at the end the following:

''(i) SPECIAL RULES FOR FRAIL ELDERLY ENROLLED IN SPECIALIZED PROGRAMS FOR THE FRAIL ELDERLY.—

''(1) DEVELOPMENT AND IMPLEMENTATION OF NEW PAYMENT SYSTEM.—The Secretary shall develop and implement (as soon as possible after the date of enactment of this subsection), during the period described in subsection (a)(4)(B), a payment methodology for frail elderly Medicare+Choice beneficiaries enrolled in a Medicare+Choice plan under a specialized program for the frail elderly (as defined in paragraph (2)(A)). Such methodology shall account for the prevalence, mix, and severity of chronic conditions among such beneficiaries and shall include medical diagnostic factors from all provider settings (including hospital and nursing facility settings). It shall include functional indicators of health status and such other factors as may be necessary to achieve appropriate payments for plans serving such beneficiaries.

''(2) SPECIALIZED PROGRAM FOR THE FRAIL ELDERLY DESCRIBED.—

''(A) IN GENERAL.—For purposes of this part, the term 'specialized program for the frail elderly' means a program which the Secretary determines—

''(i) is offered under this part as a distinct part of a Medicare+Choice plan;

''(ii) primarily enrolls frail elderly Medicare+Choice beneficiaries; and

''(iii) has a clinical delivery system that is specifically designed to serve the special needs of such beneficiaries and to coordinate short-term and long-term care for such beneficiaries through the use of a team described in subparagraph (B) and through the provision of primary care services to such beneficiaries by means of such a team at the nursing facility involved.

''(B) SPECIALIZED TEAM.—A team described in this subparagraph—

''(i) includes—

''(I) a physician; and

''(II) a nurse practitioner or geriatric care manager, or both; and

''(ii) has as members individuals who have special training and specialize in the care and management of the frail elderly beneficiaries.

''(3) FRAIL ELDERLY MEDICARE+CHOICE BENEFICIARY DESCRIBED.—For purposes of this part, the term 'frail elderly Medicare+Choice beneficiary' means a Medicare+Choice eligible individual who—

''(A) is residing in a skilled nursing facility or a nursing facility (as defined for purposes of title XIX) for an indefinite period and without any intention of residing outside the facility; and

''(B) has a severity of condition that makes the individual frail (as determined under guidelines approved by the Secretary).''.

(b) CONTINUOUS OPEN ENROLLMENT FOR CERTAIN FRAIL ELDERLY MEDICARE BENEFICIARIES.—

(1) IN GENERAL.—Section 1851(e) (42 U.S.C. 1395w–21(e)) is amended by adding at the end the following:

''(7) SPECIAL RULES FOR FRAIL ELDERLY MEDICARE+CHOICE BENEFICIARIES ENROLLING IN SPECIALIZED PROGRAMS FOR THE FRAIL ELDERLY.—There shall be a continuous open enrollment period for any frail elderly Medicare+Choice beneficiary (as defined in section 1853(i)(3)) who is seeking to enroll in a Medicare+Choice plan under a specialized program for the frail elderly (as defined in section 1853(i)(2)).''.

(2) CONFORMING AMENDMENTS.—

(A) OPEN ENROLLMENT PERIODS.—Section 1851(e)(6) (42 U.S.C. 1395w–21(e)(6)) is amended—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) by redesignating subparagraph (B) as subparagraph (C); and

(iii) by inserting after subparagraph (A) the following:

''(B) that is offering a specialized program for the frail elderly (as defined in section 1853(i)(2)), shall accept elections at any time for purposes of enrolling frail elderly Medicare+Choice beneficiaries (as defined in section 1853(i)(3)) in such program; and''.

(B) EFFECTIVENESS OF ELECTIONS.—Section 1851(f)(4) (42 U.S.C. 1395w–21(f)(4)) is amended by striking ''subsection (e)(4)'' and inserting ''paragraph (4) or (7) of subsection (e)''.

(c) DEVELOPMENT OF QUALITY MEASUREMENT PROGRAM FOR SPECIALIZED PROGRAMS FOR THE FRAIL ELDERLY.—Section 1852(e) (42 U.S.C. 1395w–22(e)) is amended by adding at the end the following:

''(5) QUALITY MEASUREMENT PROGRAM FOR SPECIALIZED PROGRAMS FOR THE FRAIL ELDERLY AS PART OF MEDICARE+CHOICE PLANS.—The Secretary shall develop and implement a program to measure the quality of care provided in specialized programs for the frail elderly (as defined in section 1853(i)(2)) in order to reflect the unique health aspects and needs of frail elderly Medicare+Choice beneficiaries (as defined in section 1853(i)(3)). Such quality measurements may include indicators of the prevalence of pressure sores, reduction of iatrogenic disease, use of urinary catheters, use of antianxiety medications, use of advance directives, incidence of pneumonia, and incidence of congestive heart failure.''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of enactment of this Act.

(2) DEVELOPMENT OF QUALITY MEASUREMENT PROGRAM FOR SPECIALIZED PROGRAMS FOR THE FRAIL ELDERLY.—The Secretary of Health and Human Services shall first provide for the implementation of the quality measurement program for specialized programs for the frail elderly under the amendment made by subsection (c) by not later than July 1, 2000.

SEC. 808. EXTENSION OF MEDICARE COMMUNITY NURSING ORGANIZATION DEMONSTRATION PROJECTS.

Notwithstanding any other provision of law and in addition to the extension provided under section 4019 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 347), demonstration projects conducted under section 4079 of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100–203; 101 Stat. 1330–121) shall be conducted for an additional period of 3 years, and the deadline for any report required relating to the results of such projects shall be not later than 6 months before the end of such additional period.

TITLE IX—CLINICS

SEC. 901. NEW PROSPECTIVE PAYMENT SYSTEM FOR FEDERALLY-QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS UNDER THE MEDICAID PROGRAM.

(a) IN GENERAL.—Section 1902(a)(13) (42 U.S.C. 1396a(a)(13)) is amended—

(1) in subparagraph (A), by adding ''and'' at the end;

(2) in subparagraph (B), by striking ''and'' at the end; and

(3) by striking subparagraph (C).

(b) NEW PROSPECTIVE PAYMENT SYSTEM.—Section 1902 (42 U.S.C. 1396a) is amended by adding at the end the following:

''(aa) PAYMENT FOR SERVICES PROVIDED BY FEDERALLY-QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.—

''(1) IN GENERAL.—Beginning with fiscal year 2000 and each succeeding fiscal year, the State plan shall provide for payment for services described in section 1905(a)(2)(C) furnished by a Federally-qualified health center and services described in section 1905(a)(2)(B) furnished by a rural health clinic in accordance with the provisions of this subsection.

''(2) FISCAL YEAR 2000.—For fiscal year 2000, the State plan shall provide for payment for such services in an amount (calculated on a per visit basis) that is equal to 100 percent of the costs of the center or clinic of furnishing such services during fiscal year 1999 which are reasonable and related to the cost of furnishing such services, or based on such other tests of reasonableness as the Secretary prescribes in regulations under section 1833(a)(3), or in the case of services to which such regulations do not apply, the same methodology used under section 1833(a)(3), adjusted to take into account any increase in the scope of such services furnished by the center or clinic during fiscal year 2000.

''(3) FISCAL YEAR 2001 AND SUCCEEDING YEARS.—For fiscal year 2001 and each succeeding fiscal year, the State plan shall provide for payment for such services in an amount (calculated on a per visit basis) that is equal to the amount calculated for such services under this subsection for the preceding fiscal year—

''(A) increased by the percentage increase in the MEI (medicare economic index) (as defined in section 1842(i)(3)) applicable to primary care services (as defined in section 1842(i)(4)) for that fiscal year; and

''(B) adjusted to take into account any increase in the scope of such services furnished by the center or clinic during that fiscal year.

''(4) ESTABLISHMENT OF INITIAL YEAR PAYMENT AMOUNT FOR NEW CENTERS OR CLINICS.—In any case in which an entity first qualifies as a Federally-qualified health center or rural health clinic after October 1, 2000, the State plan shall provide for payment for services described in section 1905(a)(2)(C) furnished by the center or services described in section 1905(a)(2)(B) furnished by the clinic in the first fiscal year in which the center or clinic qualifies in an amount (calculated on a per visit basis) that is equal to 100 percent of the costs of furnishing such services during such fiscal year in accordance with the regulations and methodology referred to in paragraph (2). For each fiscal year following the fiscal year in which the entity first qualifies as a Federally-qualified health center or rural health clinic, the State plan shall provide for the payment amount to be calculated in accordance with paragraph (3) of this subsection.

''(5) ADMINISTRATION IN THE CASE OF MANAGED CARE.—In the case of services furnished by a Federally-qualified health center or rural health clinic pursuant to a contract between the center or clinic and a managed care entity (as defined in section 1932(a)(1)(B)), the State plan shall provide for payment to the center or clinic (at least quarterly) by the State of a supplemental payment equal to the amount (if any) by which the amount determined under paragraphs (2), (3), and (4) of this subsection exceeds the amount of the payments provided under the contract.

''(6) ALTERNATIVE PAYMENT SYSTEM.—Notwithstanding any other provision of this section, the State plan may provide for payment in any fiscal year to a Federally-qualified health center for services described in section 1905(a)(2)(C) or to a rural health clinic for services described in section 1905(a)(2)(B) in an amount that is in excess of the amount otherwise required to be paid to the center or clinic under this subsection.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 4712 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 508) is amended by striking subsection (c).

(2) Section 1915(b) (42 U.S.C. 1396n(b)) is amended by striking ''1902(a)(13)(E)'' and inserting ''1902(aa)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

Mr. KENNEDY. Mr. President, we all want to express our appreciation to our leader, Senator DASCHLE, for the development of this proposal. As he has pointed out, we have worked closely with Senator MOYNIHAN and the members the Finance Committee. We hope this will be the basis of the coming together here in the Senate. This should not be a partisan issue. The kinds of problems Senator DASCHLE pointed out are problems not only in urban areas but in rural communities, too. The program he has advocated touches the health care needs of people all over this country. This particular issue cries for a response and action from this Congress in these final few days.

I join with him and others who say we should not leave, we cannot leave, we will not leave this session without addressing these problems. We have the time now to work this process through. I think the way this has been fashioned has demonstrated a sensitivity to the range of different emergencies that are out there across the landscape affecting real people.

So I join others on our side in commending him for the leadership he has provided on this issue as in so many other areas. Hopefully, he will be successful in reaching across the aisle so that we can all work on this issue together.

Mr. President, no senior citizen should be forced to enter a hospital or a nursing home because Medicare can't afford to pay for services to keep her in her own home and in her own community.

No person with a disability should be told that occupational therapy services are no longer available because legislation to balance the budget reduced the rehabilitation services they need.

No community should be told that their number one employer and provider of health care will be closing its doors or engaging in massive layoffs because Medicare can no longer pay its fair share of health costs.

No freestanding children's hospital should wonder whether it can continue to train providers to care for children because it receives no federal support for its teaching activities. Yet these scenes and many others are playing out in towns and cities across the country today, in large part due to the unexpectedly deep Medicare cuts in the Balanced Budget Act passed two years ago.

The 1997 Act was the final part of a process undertaken since 1993 to balance the federal budget and lay the groundwork for the current economic boom and the large budget surpluses we anticipate in the years ahead. However, our ability to balance the budget was primarily attributable to deep savings achieved by cuts in Medicare—by

slowing the rate of growth in provider payments and other policy reforms. These cuts were expected to total $116 billion over five years, and nearly $400 billion over ten years. Clearly, as experience now shows, these cuts are too deep for the Medicare program to sustain.

In fact, these cuts were more than double the amount ever enacted in any previous legislation. The Congressional Budget Office has now increased the estimate of the savings to total $200 billion over five years and more than $600 billion over ten years—far greater than Congress intended.

Not surprisingly, we are now hearing from large numbers of the nation's safety net providers—especially teaching hospitals, community hospitals, and community health centers. We are hearing from those who care for the elderly and disabled when they leave the hospital—nursing homes, home health agencies and rehabilitation specialists. We are hearing from virtually every group that cares for the 40 million senior citizens and disabled citizens on Medicare. They are saying—with great alarm and anxiety—that Congress went too far.

The Medicare Beneficiary Access to Quality Health Care Act that we are introducing today will alleviate much of this damage. It will provide $20 billion over the next ten years to reduce the pain created by the harshest cuts in the Balanced Budget Act. It will ensure that the nation's health care system is able to care responsibly for today's senior citizens, and is adequately prepared to take care of those who will be retiring in the future.

The current Balanced Budget Act is unfairly imposing a $1.7 billion cut over the next five years for Massachusetts hospitals alone. Our community hospitals are reeling. Many of our teaching hospitals have laid off staff, and are unable to continue to participate in Medicare HMO contracts. Some say that these cuts are needed to make Medicare more efficient. But Massachusetts teaching hospitals are already efficient. In the past six years, one out of five of our teaching hospitals and one out of four hospital beds have been closed. We cannot afford to compromise on patient care, doctor training, and the state-of-the-art medical research conducted at the nation's top hospitals.

In addition, children's hospitals deserve help as well. They currently receive almost no federal support for their important teaching and training activities. They train a majority of the nation's pediatricians and pediatric specialists. Yet current rules keep them from receiving the level of federal support available to other teaching hospitals. While this particular legislation does not address this problem, Senator Bob KERREY and I have proposed a separate bill with strong bipartisan support to correct this injustice and give children's hospitals the funding they deserve to train the pediatricians needed to care for the nation's children in the years ahead.

The home-bound elderly—our most vulnerable senior citizens—are also suffering. In Massachusetts alone, home health agencies are losing $160 million annually, and 20 agencies have closed their doors since the Balanced Budget Act went into effect. The ones that remain are seeing fewer patients, and seeing their current patients less often.

Massachusetts nursing homes are predicting losses of $500 million over the next five years. Eleven facilities have declared bankruptcy this year, and more are expected to follow.

With the impending retirement of the baby boom generation, the last thing we should do now is jeopardize the viability and commitment of the essential institutions that care for Medicare beneficiaries. Yet that is now happening in cities and towns across the nation. In the vast majority of cases, the providers who care for Medicare patients are the same ones who care for working families and everyone else in their community. When hospitals who serve Medicare beneficiaries are threatened, health care for the entire community is threatened.

Nearly one million elderly and disabled Massachusetts residents rely on Medicare for their health care. This legislation is a sensible, affordable step to ensure that our health care system will continue to be there for them when they need it. It deserves prompt consideration and passage. I commend Senator DASCHLE for his leadership on this vital issue, and I urge the Senate to approve this important measure.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I congratulate and thank my colleague from Massachusetts for his remarks and for his extraordinary commitment to this effort. He has been at every meeting. He has been engaged from the very beginning, and we are grateful, as on so many of the issues our caucus cares deeply about, for the leadership he has provided.

I am proud of the fact we have had the participation of well over 20 Members, and the senior Senator from Massachusetts has been the leader of the pack, as he is on so many other issues.

I also thank Senator ROCKEFELLER for the extraordinary effort he has put forth. As a member of the Finance Committee, no one has worked harder on many of these issues than has he. I am grateful for the participation and leadership he has provided to get us to this point.

Before I yield the floor, let me say how urgent this matter is. My colleagues yesterday discussed the urgency of this legislation again and again. I am disappointed and deeply concerned about the fact that, at least to date, there is no date yet set for consideration and markup of a bill to repair the damage done in the 1997 act. We have to address and consider and ultimately pass such a bill prior to the time we leave the Senate this year. We will do anything, and everything we know how, to ensure this becomes one of the highest legislative priorities left prior to the end of this session of Congress. It must be addressed. It must be passed. We must take this legislation up soon in order for us to accomplish what I know is a bipartisan recognition of the shortcomings and the miscalculations made in the 1997 act.

I will say again, the fact that we have over half of our caucus already, and will probably have two-thirds of our caucus as cosponsors in the not-too-distant future, is a clear recognition of the depth of feeling our Members have on this bill and the importance we place on getting something done this year. We must do it. We will do it, and we will work with our Republican colleagues to make that happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I strongly agree with the words our Democratic leader has offered, and I congratulate him for mobilizing this effort, but it is a mobilization not so much of Democrats as it is of Senators in general. Hospitals and patients and skilled nursing facilities and home health agencies are not Republican or Democrat. The shortages, the closings, the health care denied is not Republican or Democrat. It has to do with the people of our States and of our country.

This is a bipartisan matter. I know, without even having talked to but five or six of my colleagues on the other side of the aisle, when they went back to their homes during the August recess and when they have been back since, this has been the subject with which we have all been, in a sense, lobbied in the best sense; that is, lobbied by our own constituents, by our own voters, by people who are patients, by people who have had these problems.

It is right; we should be fixing this because Congress, in 1997, when we passed the Balanced Budget Act, made changes that were larger in Medicare than any in the history of the program, and we made mistakes. This is actually one of the reasons our colleagues on the other side of the aisle often criticize congressional action because we are trying to play doctor. We often try, but we often do not do it very well. In this case, we did not. We made mistakes.

When we make a mistake, we are causing skilled working facilities, home health agencies, and hospitals to close; we are putting in jeopardy margins of profit, which have gone into the red already, of other hospitals, particularly rural hospitals. We have to correct it.

There is nothing more self-evident to me than the need for this Congress to take up the BBA corrections and, in fact, do them on a bipartisan basis. We do not have very much time. There

seems to be quite a lot of anxiousness to get out of here. That is not shared by the junior Senator from West Virginia. In that case, it puts more pressure on us to do it. We need a date. We need to do this. This is not makeup stuff. These are real problems.

In my State of West Virginia, which is not large but our citizens are no less important than anybody else's, and to me they are more important, in the next 4 years our hospitals are going to face an almost $600 million cut in payment because of mistakes we made in the 1997 Budget Act. They did not make the mistakes. They have not been keeping their books incorrectly. They have not been trying to be inefficient. We made the mistakes. We made the mistakes in Congress, and it is up to us to correct them.

Many critical public health services will be cut back. That has happened already. It will continue to happen. Home care agencies in my State expect there will be almost 5,000 less Medicare patients being admitted for their services than before.

Eleven home health care providers in West Virginia have closed. That is not a lot, but that is a lot in West Virginia, and it is in a lot of places. We have 55 counties and 1.8 million people. Eleven home health agencies is a lot; 2,500 on a nationwide basis are closed. They are not thinking about closing but have closed because of mistakes we in Congress have made in making these enormous changes to Medicare. They have been forced to close down because the current payment system does not adequately reimburse them for what they have to do.

CBO originally estimated home health reimbursement reductions would be $16 billion. It turned out the reduction was $47 billion. That was not the hospitals' fault; That was not the home health agencies' fault; that was our fault. We made that mistake. We have to correct that mistake.

The $1,500 cap on therapy is having bad results on nursing home patients with Parkinson's disease, burns, and other things. We need to correct that because we made the mistakes.

I will end by saying, I agree on teaching hospitals. We have three teaching hospitals in West Virginia. Whatever happens in general happens in a much worse way in rural States. That is by definition, that is by nature, whether it is hospitals, nursing homes, or anything else. That has always been the case.

Rural hospitals have very little to fall back on because they do not have margins. They depend on Medicare more than those in larger and more urban States. These were unintended cuts we made, but we nevertheless made them. The mistake is ours. It is a bipartisan mistake. It came along with a very good bill, the Balanced Budget Act of 1997. Within it, there was some cancer, and the cancer was caused by us, and it is the mistakes we made which are causing havoc all over the health care world. We can change it easily and change it before we leave here, and surely we should. I yield the floor.

Ms. MIKULSKI. Mr. President, I rise today as a cosponsor of Senator DASCHLE's bill to address the draconian cuts to Medicare under the Balanced Budget Act of 1997 (BBA). I thank Senator DASCHLE for introducing this important piece of legislation.

I support this bill for two reasons. First, I believe the BBA went too far when it cut reimbursements to Medicare. Second, as we move towards the millennium and our senior population continues to grow, our seniors must be able to rely on a sound and secure Medicare Program. This bill will help them do just that.

When I travel throughout the State of Maryland, the issue my constituents want to talk about most is cuts in services for the elderly. I have worked long and hard to find solutions to these cuts. That is why I cosponsored an amendment to the recent tax bill which placed a priority on fixing Medicare before providing for a tax cut. That is why I am working on a new and improved Older Americans Act, and that is why I am cosponsoring Senator DASCHLE's legislation, which helps providers who are struggling under BBA cuts to Medicare.

The BBA is one of the reasons why we have a projected budget surplus. It put us on the right track of fiscal prudence, but it went too far in the case of Medicare by imposing deep cuts on providers: It cut reimbursements to home health agencies; it cut reimbursements to nursing homes; it cut reimbursements to Medicare HMOs. Our seniors and our providers are now feeling the effects of these cuts.

What exactly do these cuts mean? In my State of Maryland, this means that 34 Home Health Agencies have closed their doors and only two public Home Health Agencies remain. This is a particular problem in rural counties in Maryland. Agencies in these areas are committed to providing health care to those who cannot travel to hospitals or doctors offices. In fact, they are so committed to providing home-bound patients with care, I know some health care providers who have traveled to homes by a snowmobile in winter months just to get to a patient. But because of substantial cuts in reimbursements under BBA, these agencies are left with no choice but to close their doors; families lose these services, employees lose their jobs, and nobody wins.

Our Skilled Nursing Facilities (SNFs) also need the relief provided by this legislation. The BBA changed the way that payments are calculated so that facilities do not get paid more money when they provide expensive services such as chemotherapy or prosthetics. In some cases, the reimbursement is so low, that facilities cannot afford to take the patients who need a high level of care. I hear stories about patients who need chemotherapy treatment but cannot find a facility to provide it. Why? The answer is because Medicare doesn't pay enough to cover the cost of the chemotherapy treatment. Where does this patient go? They could go to a hospital, but frequently this is more expensive, or might not specialize in these services. Patients and their families do not want to hear complex stories about payment methodologies, or resource utilization groups. What these families want to hear is that their loved ones can get the care that they need.

My State of Maryland has also had a devastating problem with Medicare HMOs. Because of payment changes, reimbursements to many HMOs were cut. What are the effects of these cuts? One HMO in my state is projecting losses of over $5 million this year in the rural counties of Maryland alone. This HMO can no longer afford to cover Medicare patients so it is closing up shop. 14,000 senior citizens in Maryland will lose their Medicare HMO. Where do these seniors go? In the rural counties of Maryland, these seniors do not have any other Medicare HMO to choose. They all left—not because they weren't making a profit—these HMOs couldn't even break even. Rural counties throughout Maryland and the nation will have seniors with little or no access to the extra benefits many HMOs provide, including prescription drug coverage and preventive benefits such as dental, vision and hearing screenings.

Imagine if your 85-year-old grandmother, living on a fixed income, got a letter in the mail that says in 4 months she will no longer have a Medicare HMO. She might not understand what it means. Is she losing her health care coverage altogether? Is she losing her doctor? Is she losing her medicine coverage? In many cases, my constituents aren't wondering where they should go for a mammogram or prostate screening, but if they can even go at all because their HMO is leaving town.

Some will say these cuts aren't so bad—why can't you just buy a Medigap policy? For around $150 a month you could get some of the supplemental benefits that HMOs provide. But many of these senior citizens only have $11,000 or $12,000 a year in retirement income and many times their income is much less. These seniors cannot afford $150 a month for a Medigap policy, so many of them will be forced to make difficult choices between food, rent, health care and prescription medications. This legislation provides needed relief so that our seniors would not have to make these terrible decisions.

I also know that our non-profit health facilities are having a particularly rough time. These are providers such as Hebrew Home in Rockville, Maryland, or Mercy Hospital in Baltimore, who are struggling to provide care under current reimbursements. It is especially difficult for these providers because the care they provide is

frequently uncompensated. This is health care that they frequently do not get reimbursed for, also known as charity care. In many cases, they provide the health services to seniors who have no other place to go. If we do not take steps to fairly reimburse them, where will these seniors go to get the care they need?

One of my priorities as a United States Senator has always been to honor your mother and father. It is a good commandment and good public policy—in the federal law books and checkbooks. We must address these cuts in Medicare because our safety net for seniors is badly frayed, and senior citizens are being left stranded because many health care providers have no choice but to close their doors.

In 1965 when Medicare was created, the Federal Government promised that Americans who work hard all of their lives can count on Medicare when they retire. I believe that promises made should be promises kept. Senator DASCHLE's bill will help us keep the promise we have made to the Nation's senior citizens.

Mr. JOHNSON. Mr. President, I am pleased to cosponsor the Medicare Beneficiary Access to Quality Health Care Act introduced today that works to correct the inequities of Medicare reforms included in the Balanced Budget Act of 1997.

I commend Senator DASCHLE for his tremendous efforts on this issue and for his leadership with the introduction of this bill. As well, I congratulate a number of my other colleagues who have contributed immensely to the crafting of this critical piece of legislation, including Senators MOYNIHAN, KENNEDY, ROCKEFELLER, BAUCUS, CONRAD, and others.

As part of the effort to balance the Federal budget, the Balanced Budget Act of 1997 (BBA) provided for major reforms in the way Medicare pays for medical services. The Balanced Budget Act of 1997 (BBA) included numerous cuts in Medicare payments to health care providers. These changes were originally expected to cut Medicare spending by about $115 over five years, but recent CBO projections show spending falling nearly twice that much. In the face of these deep cuts, health care providers are struggling, and beneficiary access to care is threatened. The Medicare Beneficiary Access to Care Act is a targeted solution to certain specific problems that the Balanced Budget Act has created.

As implementation of these reforms proceeds, health care providers and patient advocacy groups have asserted that some of the reforms are having—or are likely to have—undesirable or unintended consequences. Areas in patient care such as rehabilitative therapy, skilled nursing facilities, home health services, and hospital outpatient services have already begun to feel the effects of the reforms set forth in 1997.

Not surprising, I have heard from many safety net providers in South Dakota about the devastating effects such reductions in reimbursements are having throughout the health care industry. Consumers are also feeling the pain, as many individuals are being turned away from hospitals and nursing homes who cannot afford to accept new patients because of the lower reimbursement rates included in the Balanced Budget Act. These cuts are devastating and feared to have severe implications on the quality and access of health care throughout our nation, including South Dakota, unless Congress acts immediately to correct these problems. In South Dakota, and other rural parts of the country, hospitals and other health care providers have an extremely high percentage of Medicare beneficiaries making these cuts in reimbursement even more devastating. If Congress does not act in a timely fashion many of these providers may be forced to close their doors.

I look forward to continue working with my colleagues on passage of the Medicare Beneficiary Access to Quality Health Care Act which develops creative, cost-effective approaches to address the unintended, long-term consequences of the BBA. The proposed budget surplus provides Congress the unique opportunity to address many of the deficiencies in our nation's health care system. We need to address the valid concerns of teaching hospitals, skilled nursing facilities, home health providers, rural and community hospitals, and other health care providers who require relief from the consequences of the BBA.

Mr. CLELAND. Mr. President, we are all hearing from our constituents about the hardships they have encountered from the unintended consequences of the Balanced Budget Act (BBA) of 1997. From rural hospitals to home health care agencies, cuts in Medicare reimbursement have forced these health care providers to absorb tremendous debt and have threatened patients' access to care. Senator DASCHLE has proposed over 30 items that will provide immediate relief across the health care continuum. Among these provisions, the bill would redirect BBA surplus monies to provide a cap on hospital outpatient Prospective Payment System (PPS) loss, a delay on the proposed 15 percent cut to home health care reimbursement, a fix for the graduate medical education resident cap and the indigent care problem, the repeal of nursing home therapy caps, a technical correction to limit oscillations to Medicare physician reimbursement, a delay of risk adjustment for frail elderly/Evercare. Senator DASCHLE is to be commended for developing this comprehensive BBA relief bill in an incredibly short period of time. My colleague has more than met the challenge of this urgent health care dilemma. I am proud to be an original cosponsor of this critical remedial legislation for a BBA fix. I will support Senator DASCHLE with all my resources to pass a BBA fix this session.

Mr. KERREY. Mr. President, I support the legislation offered earlier by the Senator from South Dakota, the Medicare Beneficiary Access to Care Act of 1999.

I supported strongly the balanced budget amendment of 1997, the deficit reduction acts of 1993 and 1990, and am proud of the supporting role I played over the last 7 or 8 years in taking the United States of America to the point where the Federal Government was borrowing hundreds of billions of dollars—$300 billion when I came in 1989—to a point where we now have a surplus. It is quite an exciting change in the dynamics of this country.

This morning's New York Times had a story by Louis Uchitelle about 1.1 million Americans having been lifted off the rolls of poverty as a consequence of demands of wages that occur because interest rates are low, corporate profits are good, and the American economy is as strong as it has been in my lifetime. It is quite impressive what a strong economy will do with low interest rates and what increased rates in productivity will do. The report also pointed out the significant problems we still have with income growth, especially with African Americans.

But I am proud of the role I played in eliminating the deficit and creating a surplus that has contributed enormously to the growth of the U.S. economy. Certainly lots of action in the private sector contributed to it, but Congress and those who were here—Republicans and Democrats—over the last 7 or 8 years who voted for these three pieces of legislation can take some pride in taking the United States not just into recovery economically, but I remember how frustrating the deficit was—politically frustrating—that caused Americans to lose confidence that Congress could get anything done. It seemed a relatively small ''bone'' in a great nation and I am glad we finally coughed it up. I don't want to backtrack on that.

That is why I am pleased Senator DASCHLE has indicated this bill has to be paid for. Not only do we have to be careful to not drain the Social Security trust fund, but we have to be careful we not do this in a fashion that takes America back to the bad old days of deficit financing. It is easy to do that.

The 1997 act had an impressive number of people in the Senate and the House voting for the legislation. The United States was to produce $100 million of savings in 10 years. It is now estimated it will produce $200 million in savings. I voted for $100 million. That is what I thought the legislation would produce. Not all of that $200 million estimate occurs as a consequence of the changes in reimbursement. Some has occurred as a result of the vigorous effort by Secretary Shalala and HCFA to reduce fraud and, as a consequence, save taxpayer money. They made billing changes that produced some savings. They are doing a better job of

managing the taxpayers' money. Some of the savings has occurred as a consequence.

There is no question there is a fraction of that excess $100 million that has come as a result of our making some changes to take more out of the providers than anyone anticipated. This legislation will put $23 billion back. I believe that is fair, reasonable, and defendable. I think it will have a tremendously positive impact on the ability of my State of Nebraska to get high-quality health care; that is what is at stake. What is at stake is not just the health of health care institutions but the health of the citizens of the country who depend upon those institutions.

I believe this piece of legislation is needed. It is needed in Nebraska and by citizens who depend upon their doctors, who depend upon their hospitals, who depend upon this thing we call the health care system in the United States of America. It is an issue of life and death for them. It is a very important issue. It is a very personal issue.

When we talk to somebody in a hospital, it is easy to acquire the right sense of urgency to overcome whatever ideological differences we might have. The people of Nebraska need this Congress to act. It is not just something that we are being asked to do; it is something that is necessary in order to improve the quality of life in our State.

I will go through some of the things this legislation does. For hospitals, the 1997 act cuts hospital payments in several ways: Lower inpatient payments; a new outpatient prospective payment system; a special payments cut for low-income patients: and cuts in graduate medical education.

This legislation does not restore all of those cuts. It creates a 3-year transition period to protect hospitals under this new outpatient system, and there is additional protection for rural and cancer hospitals. The bill also moderates the cut in DSH and GME payments, a central concern of teaching and academic centers. And it takes action for pediatric hospitals.

I urge colleagues who have not studied this to examine the very low reimbursements for graduate medical education for pediatric hospitals. There is a glaring difference and it will create tremendous problems as we try to train pediatricians—a very important profession in the health care industry.

There are a number of changes that increase the quality of care in Nebraska hospitals and increase the chances, especially in rural hospitals, that we will not see a continuation of what we had in 1998 when two rural hospitals closed. My hospital administrators tell me there may be more of the same unless we make some reasonable adjustments.

The Balanced Budget Act made some changes in skilled nursing facilities. We understand the need to balance the budget. This does not undo that. It is paid for. The Balanced Budget Act created a prospective payment system for skilled nursing facilities. This does not adequately account for the costs of very sick patients and rare high-cost services. This bill attempts to address both of these problems by increasing payments for groups of patients for whom payment is low and by paying separately for high-cost services, such as prosthetics, to ensure the nursing homes receive adequate payment.

We have heard about the impact of therapy caps. I hope in addition to putting some money back into the providers, we can take the advice of the Senator from Oklahoma and get some structural changes enacted in Medicare. One of the problems we have as a Congress trying to make changes in Medicare is we don't know the full impact of changes.

Senators BREAUX and THOMAS were proposing the creation of a new Senate-confirmed board that has authority over HCFA to make certain HCFA has the authority to offer fee-for-service plans on a competitive basis and make sure competitors have a level playing field to compete and offer their plans against the fee for service that HCFA has. I think it would be easier to solve the problem of dealing with waste, fraud, and abuse and make it more likely the consumers receive good information when they are trying to make decisions about what to buy. Consolidating Part A and Part B was also in the proposal of Senator BREAUX, and as a consequence of consolidating those two programs, it would make it much more likely when dealing with medical procedures, such as therapy, that we get it right.

What we did with the Balanced Budget Act is create a 1,500-per-annual-beneficiary cap, but these are arbitrary. They don't allow any flexibility based upon the need of the patient. What we have done with the legislation is repeal the caps until 2003 and require HCFA to implement a new system for therapy payments that is budget neutral to caps. It is designed to address the needs for varying amounts of therapy based upon a patient's condition. That is the point I was trying to make earlier, why we need structural changes, as well.

There are varying needs of the patient that are extremely difficult for HCFA to address. It is a central system. They have fiscal intermediaries in the country making payments. It is still a centrally controlled system and awfully difficult to get it right in Ohio, Nebraska, and Missouri simultaneously. They have to apply a system nationwide. It is better, in my judgment, if we have a board of directors, Senate-confirmed, to manage HCFA, moving in a direction where the private sector is able to compete for HCFA's fee for service simultaneously, with HCFA offering its fee-for-service plans.

It makes changes in home health. We created under the BBA an interim payment system for home health agencies which limits payments on both a per beneficiary as well as a per visit basis. The temporary system locked in very low rates. This affects rural areas more than urban areas. There are very low rates for areas that had traditionally low costs such as Nebraska. We have low costs.

The IPS locked in those very low costs in October 2000, and the IPS is scheduled to be replaced by a new PPS system for home health services. Those payments will be reduced in an arbitrary fashion by 15 percent. We make three changes in the legislation that are vital: First, we postpone this 15-percent cut for 2 years; second, we assist low-cost agencies that have been disadvantaged under the IPS by increasing the per visit limit; finally, the bill reduce administrative burdens placed upon the providers by eliminating interest on overpayments, eliminating a 15-minute reporting requirement, and eliminating a requirement for home health agencies to do the billing for durable medical equipment.

We make changes for physicians. The BBA created a new system for physician payments based on a target rate of growth. The system includes bonus payments and reductions intended to create incentives to meet the target rate of growth. However, what we have done will cause payments to fluctuate widely, creating tremendous uncertainty in the physician communities and causing physicians who are out there trying to manage a clinic or their business to say: We can't depend upon HCFA. We can't depend upon a revenue stream. There is too much uncertainty in the system. We may opt out as a consequence.

They are facing a very big challenge in dealing with HCFA's representation that there may be fraud when, in fact, all that has occurred is there are a number of additional changes that will be very constructive for physicians, for Medicare+Choice, for rural health clinics, federally qualified health centers, and for hospice care where we have not had any rebasing of payments since 1982. It is a $1 billion—an extremely important program.

Unfortunately, we do not pay a lot of attention to the problem we are facing when individuals know for certain they are dying. Hospice addresses that. This is an important change, in my view, and I urge colleagues on both sides of the aisle to say, whether it is with the Daschle bill, which I support, or a bill that comes out of the Finance Committee, which I am apt to support as well: This is one of the things we need to do. We need to get this done.

I hope we can at least get some minimal changes in Medicare as well, but we need to address this.

Mr. BINGAMAN. Mr. President, I rise today to join my colleagues in introducing the ''Medicare Beneficiary Access to Care Act of 1999.'' I want to commend the leadership in the development of this legislation and hope

that the Congress will act upon this now, before we adjourn.

The bill is designed to modify some of the many, unforseen consequences of the Balanced Budget Act of 1997. Daily I receive letters and calls citing the negative impact of the Balanced Budget Act on access to patient care and to the delivery of quality care in an ongoing and coordinated fashion. In my State of New Mexico, the health care delivery system has been particularly hard hit. Essentially, the system for delivery of health care that we have worked so hard to attain is being eroded and must be bolstered before patients face a crisis.

I represent a state where 21 out of 33 counties are designated as health professional shortage areas. I represent a state that has seen an exodus of physician specialists and rural doctors this past year. Over the last year, New Mexico had 70 home care agencies close despite yeoman's efforts to keep these agencies open and serving our citizens. This represents closure of over 40 percent of our home health care agencies. We currently have one county, Catron, that has no home care entity available for serving patients. Failure to deal with the additional 15-percent cut that is slated to go into effect in October of 2000 would be the end of numerous other home health agencies throughout my state. It would be inexcusable not to address this issue this session.

Additionally, the system is further under stress in the nursing home arena. We have seen one nationally based entity declare bankruptcy and face the demise of others. Long term care facilities must be reimbursed at a level that reflects the acuity of the residents for whom they care. Long term care is key not only for the residents but for their families near and far.

Mr. President, several of my colleagues have addressed the issue of GME and the plight of our teaching hospitals. Hospitals have a multitude of services that they provide and which we should bolster. I must note, for example, that in New Mexico, declining Medicare reimbursement is forcing the only acute care hospital in Dona Anna County to close a 15 bed skilled nursing unit because of mounting financial losses. Realities such as this must make us mindful of the far reaching and adverse effects the BBA of 1997 is now having on communities and their residents. We want to ensure that no other facilities face closure.

Finally, I must add that rural and frontier clinics are critical components to care for seniors and others in the community with limited resources and serve to allow for timely, geographic access where there otherwise would be no health care available. I am pleased that some redress of their needs is provided in this legislation.

Others have outlined the components of this legislation and I will not repeat the specifics. It is sufficient to say, that these changes are needed to avert a crisis in the health care delivery system of this country, to maintain access to quality care for our seniors and to rectify problems for the system that were created inadvertently. We must act now to provide for easy access to quality, continued health care for our citizens.

I look forward to working with all of my colleagues here in the Senate to see that this legislation is passed prior to adjournment.

Mr. MURRAY. Mr. President, I am pleased to join with my Democratic colleagues in introducing this important legislation. In the Balanced Budget Act of 1997, we reformed the Medicare program to extend its solvency. In the past year, we have seen the dramatic and negative impact of those reforms on patients and health care providers. The bill we are introducing today will fix those unintended consequences and will ensure that millions of seniors have access to high quality health care. I urge the Republican leadership to act on it before we adjourn for the year.

Two years ago, the Medicare Program was in serious trouble—facing bankruptcy within 5 years. We had to make substantial changes to the program to extend its solvency. It was a painful and difficult process, but we made changes intended to slow the growth of Medicare expenditures.

And overall, it worked. Medicare is still functioning and is on a more sound financial footing.

But the revisions we implemented went too far. Let me give you an example. Based on the estimates we had at the time, our changes were supposed to reduce the overall growth in Medicare expenditures by $100 billion over 10 years. In reality, the changes we enacted will result in more than $200 billion in lost Medicare revenue for health care providers over the same period. This was not the order of change I supported.

And today we see that those revisions are hurting our health care providers and making it more difficult for them to give patients the high quality care they need.

When I meet with health care providers in my state, this is their top concern. Each day we delay making these corrections, we make it harder for them to ensure that quality health care is available to millions of seniors.

I have heard from hundreds of hospital administrators, home health care workers, doctors, rehabilitation therapists, teaching hospitals, skilled nursing facilities, and hospice providers. For example, I've received letters from Providence General Medical Center in Everett, Washington, from hospital caregivers at Prosser Memorial Hospital, from the University of Washington's School of Medicine and from hundreds of others. They have shared with me the impact of the 1997 changes and what it means for patient care. I believe the situation is critical.

If we fail to correct this, we will see hospitals closing. We will see home health agencies turning away patients. We will see skilled nursing facilities unable to take complex patients. We will see a devastated rural health system. Our health care system is in jeopardy.

The bill we are introducing today will go a long way toward correcting some of the unintended consequences of the Balanced Budget Act of 1997. I worked with my Democratic colleagues in drafting what I believe is a reasonable bill that provides immediate relief to hospitals, home health care agencies, skilled nursing facilities and hospice care to ensure that seniors in this country have access to quality, affordable health care services. The bill we have put forth is modest. It is not a cure-all, but it addresses the most pressing challenges. This is not about repealing the fiscal discipline imposed in BBA97. This is about adjusting the changes we made to reflect the current estimates. Our bill fixes the problems and provides legislative remedies. It does not jeopardize the solvency of Medicare. We can and should make changes to improve access and ensure access without jeopardizing solvency.

There is still much we have to address from quality care to affordable health insurance to prescription drugs. However, if the hospitals close or seniors are denied quality care, the ability to pay is not an issue. The very foundation of our health care system is at stake. This legislation is long overdue. We need to pass it and make the Medicare Program function better today.

Mr President, at the same time, we cannot forget that the entire Medicare Program will run out of money in 2015. So, I want to remind my colleagues there is still much work to be done to ensure Medicare remains a stable program that our children will be able to count on for their health care.

Mr. President, from my point of view, this Congress has failed on too many vital issues this year. This Congress failed to pass a real Patients' Bill of Rights—that would put patients and doctors, not insurance companies, in charge of their medical decisions. Earlier this week, this Senate failed our children, by cutting our commitment to putting 100,000 teachers in the classroom to reduce the size of our overcrowded classrooms. This Congress failed to help our farmers, and all those facing too many challenges in rural America. Let me just say, that I am not giving up or letting up on any of those fights—because they are too important. And let's not forget that this Congress even failed to do one of its most basic work—passing our appropriations bill on time, with real numbers—not gimmicks.

Mr. President, it is high time we bring some good news back to our constituents. I want my hospitals and health care providers, as well as the senior citizens in Washington State, to know I have heard their concerns and I recognize the dangerous implications of BBA97 on health care. It is high time

we show them we see the problems facing Medicare, we understand them, and we are acting to fix them. It is high time we move on our priorities. This is one of them. I urge my colleagues to support this legislation.

Mrs. LINCOLN. Mr. President, today I rise to voice my support for a bill which addresses the unintended consequences of the Balanced Budget Act of 1997. I am pleased to join my Democratic colleagues as an original cosponsor of the Medicare Beneficiaries Access to Care Act.

Since I've been in the Senate, one of the greatest concerns of Arkansans is the lowered Medicare reimbursement rate for a variety of services that resulted from the Balanced Budget Act. Yes, we must continue to rid our Medicare system of waste, fraud and abuse. That is a high priority for our government and it should remain so. However, when Medicare changes were made as part of the Balanced Budget Act of 1997, Members of Congress did not intend to wreak havoc on the health care industry.

Enough time has elapsed to know the unintended consequences of the Balanced Budget Act. Hospitals have lost tremendous amounts of money due to changes in the outpatient prospective payment system. Many hospitals in my state are on the brink of closing due to the tremendous financial losses they have suffered. Nursing homes have not been reimbursed by Medicare at rates that cover the cost of patients with acute care needs. Payments for physical and rehabilitation therapy have been arbitrarily capped. Teaching hospitals have lost funding to support their training programs. Home health agencies have been forced to absorb huge losses and limit services to the elderly. Rural health clinics have been forced to cope with even more losses and operate on a shoestring budget.

Not only do these cuts and changes in Medicare reimbursement wreak havoc on the health care community and force them to absorb unfair financial losses, but Medicare beneficiaries, the very people that Medicare was set up to help, lose access to critical services. We cannot allow our parents and grandparents to be denied access to coverage or receive limited medicare care because we didn't take action to correct the devastating cuts of the Balanced Budget Act.

As a member of the Senate Rural Health Caucus and a member of the Senate Special Committee on Aging, I care deeply about the quality of health care and our citizens' access to health care. Over the past few months I have cosponsored various pieces of legislation which address all of the abovementioned issues and the need to restore Medicare cuts. However, this legislation is ''all encompassing'' and if passed, would ensure that hospitals, skilled nursing facilities, physical therapy clinics, home health agencies, rural health clinics, and hospice programs receive important financial relief.

Above all, this legislation is about priorities. Ensuring the health and well-being of our Nation's seniors and most vulnerable citizens should be our highest priority. I thank my colleagues for their hard work on this proposal and I look forward to the quick passage of this legislation so we can deliver relief to our health care communities and let them know how much we value their services.

Mr. KERRY. Mr. President, I am pleased to join with Senators DASCHLE, KENNEDY, ROCKEFELLER and others to introduce the Medicare Beneficiary Access to Care Act of 1999.

In July, during consideration of tax relief legislation, I offered an amendment on the floor of the Senate to carve out $20 billion from the tax bill and devote it towards relief for Medicare providers from the unintended consequences of the Balanced Budget Act. Although the amendment received the support of 50 Senators, including seven of my Republican colleagues, it did not gather the necessary three-fifths majority required for passage. Today's legislation, a $20 billion package of specific measures to address the shortcomings of the Balanced Budget Act, represents the embodiment of our continued commitment to ensure that this relief is enacted before the end of the congressional session.

Mr. President, I cannot fully express the urgency of this matter. Here in Washington, we often throw around numbers with little realization of the real impact on America's communities. In this instance, I assure you, the impact is real. Take the town of Quincy, Massachusetts, population 88,000, and the birthplace of former presidents John Adams and John Quincy Adams. As we introduce this bill, the community hospital in Quincy, Massachusetts stands at the edge of closure. Jeffrey Doran, the hospital's CEO, has been working overtime to ensure that if the hospital closes, patients will be safely transferred to health care providers outside the community. Over the past several weeks, I have been on the phone multiple times with our State leaders asking them to step in and provide the needed relief where the Federal Government has failed. Failed, Mr. President, because the Medicare cuts enacted in 1997 have gone above and beyond what we intended or desired. The budget savings have exceeded the levels we envisioned at the time of enactment.

Alternatively, Mr. President, let's take a look at the home health care industry. Home health care providers deliver rehabilitative services to Medicare beneficiaries in the safety and comfort of their home. In the State of Massachusetts, just since passage of the Balanced Budget Act, we have witnessed the closure of 20 home health care agencies who are no longer able to cover their costs as a result of cuts in Medicare payment reimbursements. The same is true with our nursing homes and extended care facilities.

And just to provide some perspective, the cost of the legislation we introduce today amounts to less than three percent of the cost of the tax bill President Clinton vetoed last month. The cost of the entire bill is less than one provision in the tax bill to subsidize the interest expenses of American multinational corporations operating overseas. In fact, we could have passed this bill, repealed the interest expense provision, and saved American taxpayers an additional $4 billion.

What a sad reflection on our state of affairs when the Senate would approve a tax provision to expand eligibility for Roth IRAs for people making over $100,000 a year, a provision that would cost over $6 billion, but has yet to address the dire needs of our teaching hospitals. A full legislative remedy for the Medicare payment problems facing teaching hospitals would cost $5.7 billion.

Mr. President, the time will come for this debate, and the time will come before we adjourn. The bipartisan support exists. Let's keep the doors of our teaching and community hospitals, nursing homes, home health care agencies, and rural clinics open. Let's accept responsibility for the unintended effects of our previous legislation. Let's not wait any longer.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—Continued

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, what is the pending business?

The PRESIDING OFFICER. S. 1650, the Labor-HHS appropriations bill.

AMENDMENT NO. 1851

(Purpose: To prevent the plundering of the Social Security Trust Fund)

Mr. NICKLES. Mr. President, I call up amendment No. 1851.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 1851.

Mr. NICKLES. 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 amendment is as follows:

At the appropriate place, insert the following:

SEC. . PROTECTING SOCIAL SECURITY SURPLUSES.

(a) FINDINGS.—Congress finds that—

(1) Congress and the President should balance the budget excluding the surpluses generated by the Social Security trust funds; and

(2) Social Security surpluses should only be used for Social Security reform or to reduce the debt held by the public and should not be spent on other programs.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that conferees on the fiscal

year 2000 appropriations measures should ensure that total discretionary spending does not result in an on-budget deficit (excluding the surpluses generated by the Social Security trust funds) by adopting an across-the-board reduction in all discretionary appropriations sufficient to eliminate such deficit.

AMENDMENT NO. 1889 TO AMENDMENT NO. 1851

(Purpose: To prevent the plundering of the Social Security Trust Fund)

Mr. NICKLES. Mr. President, I send a second-degree 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 Oklahoma [Mr. NICKLES] proposes an amendment numbered 1889 to amendment No. 1851.)

Mr. NICKLES. 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 amendment is as follows:

Strike all after the first word, and insert the following:

PROTECTING SOCIAL SECURITY SURPLUSES.

(a) FINDINGS.—Congress finds that—

(1) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds; and

(2) social security surpluses should only be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that Congress should ensure that the fiscal year 2000 appropriations measures do not result in an on-budget deficit (excluding the surpluses generated by the Social Security trust funds) by adopting an across-the-board reduction in all discretionary appropriations sufficient to eliminate such deficit if necessary.

Mr. NICKLES. Mr. President, the modification of the amendment is very minor and technical. I will tell you what it is:

It is the sense of the Senate that the Congress should ensure that the fiscal year 2000 appropriations measures do not result in an on-budget deficit (excluding the surpluses generated by Social Security trust funds) by adopting an across-the-board reduction in all discretionary appropriations sufficient to eliminate such deficit. . . .

The original amendment I filed said it is the sense of the Senate that conferees would make sure they did not dip into Social Security funds. Now I am saying the Congress should make sure we do not dip into the Social Security funds and, if necessary, that we have across-the-board reductions in spending to make sure we do not touch Social Security funds.

I have stated—and I think all of our colleagues on both sides of the aisle have done so as well—that we do not want to touch Social Security, we absolutely do not want to touch the Social Security trust funds.

We are going to have a surplus next year and it is in large part, if not totally, because of the Social Security surplus. Many have drawn the line and said: We are not going to touch that. Maybe because of emergencies we will spend the non-social security surplus. Those funds may well be spent—as a result of the hurricane, agricultural disasters, the events in Kosovo or East Timor, or whatever. There may be some emergencies that that $14 billion is going to be spent on, but absolutely not a dime more.

As we total all of these appropriations bills—the numbers are growing, or at least some people are trying to make them grow. I am saying that no matter what we do, at the end of this process, we will have across-the-board cuts if they are necessary. Hopefully, we won't have to. If we do our jobs, we will not need to have across-the-board cuts.

Senator STEVENS, the Appropriations chairman, said we are not going to need the cut because he is going to make sure we come in below the amounts necessary. He said that he will make sure outlays do not exceed the level that would intrude upon or have us spend Social Security trust funds. I respect that and I agree with it. But just in case I am saying—let's go on record; let's make sure that, if necessary we will have across-the-board cuts.

What are we talking about? I have added up all the bills. Just for the information of colleagues, I have added up all the bills including the Labor-HHS bill we have before us. If you add them all up, we are about $5 billion into the Social Security surplus right now. According to the calculations I am using, the same ones I believe CBO and OMB are using, we are about $5 billion over. That is about $5 billion out of $500 billion on discretionary spending. It equals about 1 percent.

I hope we can avoid an across-the-board cut. I do not think it is the best way to govern because we should be making reductions throughout the process. But, it may be necessary if we can not accomplish the FY 2000 appropriations without dipping into Social Security.

Incidentally, in the bill we have before us, I see we have about a $2 billion increase in NIH, about $1.7 billion more than the President's request; we have $2.3 billion more in education spending; we have $500 million in administrative expenses in the Department of Labor, and much, much more. There is a lot of squeezing we could do. Even if we went to the President's numbers on a few items, we could save $3.5 billion or $4 billion.

So I hope an across-the-board cut will not be necessary. But I think it is important we do whatever is necessary to make sure we do not raid the Social Security trust fund. A lot of us agree with that rhetorically, but we should make sure that each and every one of us mean it.

I have heard some of my colleagues saying: Well, we need to make some fixes in various areas such as Medicare, to correct some of the mistakes made in the Balanced Budget Act of 1997. I will just say that there are many on this side of the aisle who are willing to make some adjustments in Medicare. We understand that some of the assumptions and some of the guesstimates were inaccurate and fell disproportionately on some different areas. So we are willing to make some adjustments.

Medicare is an important issue and I am very disappointed that the administration would not work with and support the Bipartisan Commission on Medicare, to make significant, real reforms that would help save Medicare long term. The idea that the administration is going to save Medicare by putting an IOU into the Medicare fund, is baloney. It is false, it is misleading, it is deceptive, and it does not do anything to save Medicare.

My colleagues have just talked about introducing a proposal that will greatly increase Medicare spending. We are willing to make some adjustments. I do not use the word ''fix'' because you are not going to fix it with a few Band-Aids.

A lot of us are somewhat knowledgeable on the issue, and we are willing to take the bipartisan efforts of the Breaux Commission and put together some positive solutions to help save Medicare for several years. Maybe we can only do a Band-Aid this Congress.

Frankly, I think we could and should do more. Certainly this Senator, and others on this side of the aisle are willing to work toward that. It is the administration that has been unwilling to dedicate itself to saving Medicare and as a result they have withdrawn their support of the Medicare proposal that was chaired by Chairman BREAUX and Congressman THOMAS.

Regardless, I hope we can lay aside the partisan guns and ask ourselves what we need to do to fix the system? I know Senator KERREY of Nebraska worked on that commission and did some outstanding work. Frankly, I think there are many of us who want to help fix and save Social Security, not just apply a few Band-Aids to alleviate a few of the problems. We are willing to try to work to help fix the entire system.

In working on these various appropriations it has become apparent that there is no limit to the appetite of some members of this body to spend money. Democrats yesterday offered about $3 billion of additional spending on the Labor-HHS bill that is already growing by tremendous amounts. Chairman SPECTER has already come out with an amount that was $2.3 billion over last year. Obviously, no matter what is reported out of committee, it is not enough, so we have to have billions more.

I think the appropriations process is getting a little faulty when we start appropriating so many years in advance. I do not quite subscribe to some of the games that are being played. And how much money can we move forward? We are seeing this happen time and time again.

Incidentally, the administration's budget had $19 billion in forward funding. And now, evidently, the process will come out closer to $19 billion or $20 billion, but that is still not enough.

I know the Medicare fixes are going to cost money. My point is, I already said, before we have the add-ons, we are $5 billion into the Social Security trust funds. We are going to have to make those adjustments in the conferences in the next couple weeks. It is going to have to happen. It is going to have to happen by people working together. If, for some reason, these conferences come out and exceed the amount and raid Social Security, we should have across-the-board reductions to stop it, to make sure we do not raid Social Security.

Maybe with the momentum for popular programs and we can't say no—if we do not have the collective will to say we are going to vote down and vote no on some of these appropriations bills, then let's set up a mechanism to say the bottom line is, if these amounts are so large that they actually raid Social Security, we are going to have to say no by having across-the-board reductions.

I hope that is not necessary. I do not expect it to be necessary. I think when it is all said and done, and the budgeteers finally start scrubbing these numbers—the CBO and Budget Committee—Democrats as well as Republicans will say: Wait a minute, let's limit the appetite of growth in spending and make sure we do not raid Social Security. That is the purpose of this amendment. It is a sense of the Senate.

Frankly, I was considering budget language that would implement it. Senator STEVENS has pointed out he will make a budget point of order that it is legislation on appropriations. But at some point we are going to have to get serious and say we are not going to touch Social Security.

At this point, I offer this sense of the Senate. I hope 100 Members of the Senate will support it. I am hopeful we will not need it, but we will have it if necessary to make sure—absolutely sure—that we do not touch the Social Security trust funds in our spending programs. Let's make absolutely positive that does not happen for the fiscal years 2000 and 2001 or for the foreseeable future.

Mr. President, I thank my colleagues and yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I listened, with interest, to the comments made by my colleague from Oklahoma. I read his amendment. All I can say is I will use a term that is very popular out in the Midwest: It is like closing the barn door after you let the horse out.

I would have to ask my friend from Oklahoma—he's part of the Republican leadership—I wonder if he has talked to himself lately.

I wonder if he has talked to the other Republican leaders.

This is a great sense-of-the-Senate resolution, but the fact is, the Republican leadership has already dipped into Social Security. Don't take my word for it; take CBO's word for it. They have already dipped into it.

Mr. NICKLES. Will the Senator yield?

Mr. HARKIN. Let me finish a couple of things, and then I will. We will get into a dialogue on this.

Mr. NICKLES. I want the Senator to be factual.

Mr. HARKIN. ''GOP Spending Bills Tap Social Security Surplus, CBO Cites Planned Use of $18 Billion.'' This was in the paper yesterday:

> On the same day House Republicans launched a new attack charging Democrats with ''raiding'' Social Security to fund spending programs, congressional analysts revealed that the GOP's own spending plan for next year would siphon at least $18 billion of surplus funds generated by the retirement program.
>
> Yesterday's report by the nonpartisan Congressional Budget Office seemed to undermine a concerted GOP effort to blame President Clinton for excessive spending and gain the high ground in the high-stakes political battle over Social Security.

There it is. They already have dipped into Social Security. We have already used up the non-Social Security budget of $14 billion, according to CBO. Actually, it was by $19 billion, but that included about $5 billion that was in the tax scheme they came up with, which the President vetoed. So we get that back. We are about another $15 billion into Social Security already.

Again, this is a great sense-of-the-Senate resolution. The fact is, though, the President sent a budget this year that was balanced, that met all our needs. I might have wanted to add a few things here and jiggle a few things there, but there were some penalties on tobacco companies in that budget. But, no, the Republicans, they don't want to penalize the tobacco companies, oh, no. Hands off the tobacco companies. We can't penalize them. But what we can penalize are the elderly on Social Security. They can pad the budget on the Pentagon. They added more to the Pentagon budget than what the Department of Defense even asked for. We have been playing all these shell games all year, moving money around.

Well, we have a plan, and we have had a plan, to be able to balance the budget, fund these programs by not dipping into Social Security but by penalizing the tobacco companies that fail to reduce teen smoking.

It seems to me we could beef up our efforts to reduce Medicare waste and abuse. There is $13 billion right there, by the latest estimates. How about legislation that would save money by reducing student loan defaults and cutting excessive administration fees that we pay to banks for student loans? How about reducing some corporate welfare? How about closing some special interest tax loopholes?

No, no, the GOP, the Republicans don't want to do that. They want to cut education and health care. Oh, yes, and the earned income tax credit; that is their latest scheme. I see in the paper this morning that their frontrunner for the Presidency, Governor Bush of Texas, couldn't even swallow that one. He said: What are the House Republicans doing? He said: I am against balancing the budget on the backs of the poor. Obviously, House Republicans want to do that; evidently, a few Republicans over here, too, want to use the earned income tax credit to pay for their schemes and for the faulty budgeting they have done.

I say to my friend from Oklahoma, I may come up with a second degree. I guess he has already second degreed it. We can second degree it again. We will have a vote on that. I think we need a sense-of-the-Senate resolution that we send the Republican leadership back for remedial math so they can add things up a little bit better.

I yield to my friend from Oklahoma, having said that; I yield for a question anyway.

Mr. NICKLES. Let me make a couple of comments.

Mr. HARKIN. Does the Senator want me to finish and yield the floor?

Mr. NICKLES. If the Senator doesn't mind.

Mr. HARKIN. Mr. President, again, don't take my word for it. Read the CBO's letter, dated August 26, almost a month ago. Things haven't gotten any better. You can read it in the newspapers. You can add it all up for yourselves.

This is what they have done, all these schemes. Now they are going to designate the census as an emergency. Thomas Jefferson could have told you there was going to be a census in the year 2000, but they think it is an emergency.

I said they want to delay the tax cut for low-income Americans, the one program that helps get people from welfare into work, the earned income tax credit. They want to cut that down to pay for their schemes and their tax cuts for the wealthy. They are using two sets of books—CBO books, OMB books, one or the other, whichever make it look good on any one day or the other. They want to spread one year's funding over 3 fiscal years. They propose to defer approximately $3 billion in temporary assistance for needy families, TANF block grants, from fiscal year 2000 to 2001.

The schemes go on and on and on, all because, it seems to me, the Republicans looked at the Clinton budget that was sent down this year, which was balanced, which moved us ahead in the areas of education and health, which moved this country forward but had some penalties on tobacco companies and some offsets, as we call it around here, which means we pay for some of this by penalties on the tobacco companies. It is obvious to me the Republicans said, no, we can't touch the tobacco companies.

All year we have been having this jiggling going back and forth and back and forth about where they are going to come up with the money to fund the extra $4 billion that they put onto the Pentagon. Where are we going to come up with the extra money to pay for their tax breaks for the wealthy? So on and on, we get these schemes; they keep bouncing around.

Now we are told that defense, I guess, is going to be an emergency. That is the latest scheme. The defense bill is now going to be an emergency bill, but there is no emergency out there.

As I said, you can have a sense-of-the-Senate resolution which says we should adopt an across-the-board reduction if we don't have a balanced budget. But quite frankly, why don't we have some penalties on the tobacco companies? Rather than cutting health care for the elderly, rather than cutting education for our kids, which his sense of the Senate would do, why don't we have some penalties on the tobacco companies for their failure to reduce teen smoking? CBO told us that would raise, if I am not mistaken, about $6 billion. There is $6 billion we could get right there for teen smoking.

That is where we are. I find it odd, kind of amusing, kind of bemusing, I guess, that the Senator from Oklahoma, one of the leaders on the Republican side, would offer this sense-of-the-Senate resolution. As I said, they have already dipped into Social Security. Now he wants to close the barn door.

All I can say is, too little and too late. I think the Senator from Oklahoma needs to have some remedial math.

I ask unanimous consent to print in the RECORD the article from which I quoted.

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

[From the Washington Post, September 30, 1999]

GOP SPENDING BILLS TAP SOCIAL SECURITY SURPLUS—CBO CITES PLANNED USE OF $18 BILLION

(By Eric Pianin and Juliet Eilperin)

On the same day House Republicans launched a new attack charging Democrats with ''raiding'' Social Security to fund spending programs, congressional analysts revealed that the GOP's own spending plan for next year would siphon at least $18 billion of surplus funds generated by the retirement program.

Yesterday's report by the nonpartisan Congressional Budget Office seemed to undermine a concerted GOP effort to blame President Clinton for excessive spending and gain the high ground in the high-stakes political battle over Social Security. Indeed, only hours before the report was released, House GOP leaders unveiled a national advertising campaign vowing to ''draw a line in the sand'' in opposing Democratic spending initiatives that they said would eat into the Social Security surplus.

But in a new analysis, CBO Director Dan L. Crippen shows that lawmakers writing the spending bills that would fund government next year have already used up billions of dollars of funding beyond what they were supposed to spend under existing budget restrictions.

As a result, he shows, lawmakers will have to dip into the projected government surplus next year of $167 billion to fund programs at the level they are targeting. Because almost all of that surplus will be created by extra money rolling into the Social Security program, Crippen suggests that as much as $18 billion will have to be drawn from the retirement program.

This is up from an August CBO estimate that showed Congress on the way to spending $16 billion of the Social Security surplus, but it does not include the extra spending lawmakers are likely to approve for hurricane and earthquake relief, restoring cuts in Medicare and other needs that could drive the number even higher.

The country has more than enough surplus funds to accommodate the new spending plans under consideration on Capitol Hill, but the CBO numbers are likely to sharpen the intensifying political debate over Social Security. Although the government has routinely tapped Social Security to fund other agencies in years past, both parties have elevated protection of the retirement program to the highest priority this year.

''What the Republicans are protesting in their ad campaign they already are guilty of themselves, and have been for two months now,'' said Rep. John M. Spratt Jr. (S.C.), the Ranking House Budget Committee Democrat who requested the CBO study. ''They're . . . invading the Social Security surplus, and these are conservative numbers.''

But one GOP lawmaker said the CBO numbers are premature because Congress has yet to complete work on all the 13 spending bills, implying that the numbers could change. ''To somehow suggest that CBO says the funding level is going to be this or that for fiscal year 2000 is completely hypothetical,'' said Rep. John E. Sununu (R-N.H.), a member of the Budget Committee.

GOP lawmakers remained defiant yesterday. ''Under no circumstance will I vote to spend one penny of the Social Security surplus for anything but Social Security,'' House Majority Whip Tom DeLay (Tex.) said during a media event dubbed ''Stop the Raid.''

Although Clinton and congressional leaders have agreed to a three-week extension of Friday's budget deadline in an effort to iron out their differences over sensitive spending issues, the two sides still appear to be far apart on numerous issues. If anything, the GOP may be forced to accept even more spending—and to dip further into Social Security—to accommodate Clinton.

By far the biggest fight is likely to be over the huge labor, health and education spending bill, which trims or guts many of Clinton's education initiatives, including his call for the hiring of 100,000 new teachers. The Senate began debating its version of the bill yesterday and voted 54 to 44 to kill an effort by Sen. Patty Murray (D-Wash.) to restore funding for the hiring of more teachers. Instead, senators approved a plan providing $1.2 billion that states could use for hiring teachers or other education goals.

The House Appropriations Committee is scheduled to vote today on what the administration considers a far more draconian version of the bill, and there is certain to be a major dustup not only on funding levels but also on how Republicans intend to pay for the additional spending in the bill.

In an effort to keep from drawing on Social Security, House Speaker J. Dennis Hastert (R-Ill.) outlined a plan to delay the earned income tax credits to the working poor to save $8.7 billion from the bill next year.

Republicans defended the measure, saying that it would encourage better monthly planning by the beneficiaries. But critics said it would create undue hardship on people struggling to stay off welfare, and senators are balking at the idea.

Hastert has been under pressure from some of his House colleagues not to make significant concessions to the White House, but criticism seemed to recede after the speaker delivered an unequivocal declaration yesterday that Republicans would safeguard the Social Security surplus.

Meanwhile, White House Chief of Staff John D. Podesta, who addressed Democratic lawmakers yesterday morning, called the GOP's spending approach ''crazy'' and said ''the budget process is headed toward chaos.''

Overall, Congress made little progress in completing work on the overdue spending bills. Faced with opposition from both Democrats and antiabortion Republicans, House leaders were forced to postpone a vote yesterday on the foreign operations spending bill.

The agriculture budget bill was also held up, a GOP leaders scrambled to line up enough signatures to force it out of a contentious conference committee. Yesterday, Democrats as well as several Republicans accused the GOP leadership of shutting down the committee in order to kill a provision lifting trade sanctions on Cuba.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I tell my colleague from Illinois, I will be very brief, a couple comments.

I ask unanimous consent to add Senators GREGG and GRAMM as original sponsors of the amendment.

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

Mr. NICKLES. Very briefly, we don't have to debate all the budget assumptions.

My colleague pointed out a lot of things he has read in the paper that different people have tried. The earned income tax credit, frankly, needs to be reformed. About 24 percent of that program is waste and fraud. It needs to be reformed, but we are not going to do it. I am probably the biggest proponent of reforming the program, but I have already said it shouldn't be done in this bill and it will not be done in this bill. It is not in the Senate bill. You haven't seen it; you are not going to see it in the conference report. At least that is my intention.

The Senator mentioned a few other things. My point is, we don't have to play games. He mentioned tax cuts. We don't have a tax cut in this bill.

When it is all said and done, let's not raid Social Security. The Senator said we are going to have to cut education. We have more money in the bill that is pending than the President requested for education. Even if we had an across-the-board cut to make sure we didn't touch Social Security, we would still have more than the President requested. There is $500 million more than the President requested in this bill for education, and if we had an across-the-board cut, it still comes out. There would still be more money than the President requested, and almost $2 billion more than last year. My colleague said: Hey, the horse is out of the

barn. Well, it is not out of the barn. We have a lot of horses in the barn. Big horses are still there, such as the Defense bill, Labor-HHS. Those are two bills that are expensive. Most of the other bills are coming in at last year's level, maybe a little less. There are big increases in Labor-HHS and in the Department of Defense. Those are not out yet. Defense is close to being finished.

If Defense and Labor-HHS, Commerce-State-Justice, and HUD, come in too high—we do not know yet because they haven't been reported out, but if they raid Social Security, let's cut everything across the board. That is what this says. I hope they don't. I absolutely believe if I had my say-so, they would not. But I am just one person.

I think if the conferees show some restraint, and if we show some restraint on Labor-HHS, on the Department of Defense, and on the remaining bills, we don't have to touch Social Security, not one dime. But if, for some reason, we are not able do it, with the Agriculture bill for instance, the Agriculture bill emergency funding, as designated has blown from $6 billion to $8.7 billion; it grows by $1 billion every few days. I question that. I may vote against it. I think it has grown too much.

I have a lot of farmers in my State who are going to be quite upset when I vote against it, but I may well because I think it is getting ridiculous how much we are spending. Even if we do, that will be classified as an emergency; but I don't care if it is called emergency or regular outlays. If it starts dipping into Social Security, this resolution says let's cut all spending enough to make sure we don't. Are we going to draw the line and stop at a certain level or not?

Let me make one other comment because we have heard a lot of discussion on Medicare. President Clinton's budget proposal proposed to freeze hospital payments. How many of us have had hospitals coming up here and saying: You have cut too much? The President's proposal was to cut it more. Nobody has talked about that. My colleague says President Clinton's budget was balanced. It was not. The President's budget, according to CBO, still raids Social Security by $7 billion in 2000. I am saying, no, let's not let Congress do it, or the President; let's not do it. But if we have to, let's have an across-the-board cut and cut everybody a little bit.

Right now, the projections are that maybe it would take 1 percent if we don't show a little restraint. We can show a little restraint. We can save a measly $5 billion out of $500 billion of appropriations that have not been passed. We can do that, and we should. Absolutely. I am going to be disgusted if we don't do it. We used to have Gramm-Rudman-Hollings that provided for an automatic sequester if we didn't meet certain targets. I prefer that we not touch Social Security, but if we do, let's cut across the board so it is a small percentage.

I urge my colleagues to seriously consider that and, hopefully, pass this resolution when we vote next week.

I yield the floor.

Mr. HARKIN. Mr. President, I think the Senator and I do agree we should not raid Social Security. But I think it already has been under some of their proposals. That could be open for debate. The Senator says let's make an across-the-board cut if at the end have gone overboard. I made a list of some of the things we could cut, such as $13 billion in Medicare fraud and abuse; $6 billion in tobacco penalty; $2 billion in student loan guarantees, as fixes that we can make; $10 billion in corporate welfare; $4 billion cut in Defense to get just to the DOD request. That is about $35 billion. Why don't we take some of that money, if we have to, rather than cutting education and community health centers? That is what the Senator from Oklahoma would propose, if I am not mistaken.

Mr. NICKLES. Mr. President, my colleague has made several references about Republicans cutting education. I have called him on it in the past, and I am calling him on it again. The budget we have before us increases education by $2.3 billion. If you took what I said, cut 1 percent, that increases education from $35 billion to $37 billion. And that is a $2.3 billion increase. So I keep hearing him say Republicans are cutting education, and it has grown every single year.

I think he needs to stay with the facts. If you adopted this draconian proposal, you would reduce the growth of education from maybe $2.3 billion to $2 billion, which is still a big growth. So I want to make clear there is too much rhetoric that is too inaccurate which says Republicans are cutting education, when education is growing by over $2 billion in this bill.

Mr. HARKIN. If the Senator will yield, the last time I checked, the Republicans do run the House of Representatives. Their education budget is below that. Ours is up a little bit, but you know what happens when you go to conference. And who runs the conference? The Republicans. I am saying, we may be up in the Senate, but the Republicans run the House and they have cut it down below. That is my point.

The Senator said education was up. But under the Senator's scenario of an across-the-board cut, obviously, education would be cut, as would community health centers and Head Start, because it would be across the board. I am saying, if we want to have a balanced budget, which we do, where do we cut?

Why won't the Senator accept penalties on the tobacco companies? The CBO gave us scoring of $6 billion just from penalties on tobacco companies for not reducing teen smoking to the level they said they were going to do. That is $6 billion right there. Yet the Senator doesn't seem to be willing to even entertain that as a possible source of revenue. No, he wants to cut across the board.

So, again, this debate will continue, obviously, for the remainder of the fall as we get into the final crunch on our bills around here. But it seems to me that to have a sense-of-the-Senate resolution that we do an across-the-board cut, without looking at some other things—as I mentioned, there are $2 billion in student loan guarantee fixes we can make, and the tobacco penalty I talked about, or bringing Defense back down to the DOD request. There are a whole bunch of things we can look at that will still let us increase Head Start and education, community health centers, all the things that meet human needs and invest in the human resources of our country, rather than doing it as the Senator from Oklahoma has suggested.

I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I would like to change the mood a little bit and wish all of my colleagues a happy new year. Here we are on October 1, a new fiscal year. I wish to say it is a pleasure to be in the Senate debating the spending bills for our Nation, and it is a pleasure to have the resolution brought by my friend, the Senator from Oklahoma.

I have to agree with the Senator from Iowa; it is hard for some people to keep a straight face when the Congressional Budget Office reported just 2 days ago that the Republican leadership in the House and Senate is already $18 billion into the Social Security trust fund, and we are considering a sense-of-the-Senate resolution that says, by all means, we are never going to touch the Social Security trust fund. I don't think we can pull that off with a straight face. I think the American people are going to see through that. I think they understand what is happening. They understand we have not met our new year's deadline of October 1 and passed our spending bills.

But very few Congresses ever do, in all fairness. What is different about this Congress is, here we are on October 1 and we don't have a clue how to finish. We don't have a dialog between the President and Congress to try to bring us to a reasonable, bipartisan conclusion. Instead, as my old friend, Congressman DAVID OBEY of Wisconsin, used to say: ''Too many people are posing for holy pictures here.'' They want to be known as the person who ''saved'' this or that.

I think the American people expect candor and honesty from us. Candor and honesty would tell us several things. First, if we are so desperate now that we want to do across-the-board cuts in spending, why in the world were we ever discussing a $792 billion tax cut? That was the Republican mantra a few weeks ago. We have so much money, we can give away $792 billion. Well, the American people were

skeptical and folks on this side of the aisle were also skeptical, and they dropped the idea. But now they come back and say we are in such dire straits that we have to pass this sense-of-the-Senate resolution to discipline ourselves, keep our hands off Social Security.

Some of the schemes the Republican leaders are coming up with to try to end this budget debate are, frankly, not only greeted with skepticism by Democrats, but even by fellow Republicans. Gov. George W. Bush of Texas, yesterday, took a look at the House Republicans' proposal to end this budget impasse, and this is what he said:

> I don't think they [Congress] ought to balance their budget on the backs of the poor. I am concerned for someone who is moving from near poverty to middle class.

The nominal front runner for President of the Republican Party has tossed congressional Republicans overboard because of their extremism and their budget policy. What is it they want to do? They want to cut the earned-income tax credit—a credit that goes to 20 million low-income working Americans to help them get by. That is their idea. Some would argue that is painless. I don't think anyone among the 20 million families would. They understand that can hurt a family when they are trying to meet the basics.

The balanced budget amendment which is being debated on the floor—and the reason I came over—passed in 1997, established caps on spending and wanted to make some cuts in areas such as Medicare to save money to move forward a balanced budget. It was a sensible thing to do. I supported it. I did not believe that I was in any way voting for the Ten Commandments. I thought instead I was voting for a reasonable legislative attempt to bring this budget into balance.

But I will tell you that at this point in time I don't believe Senators on either side of the aisle can ignore what is happening across America when it comes to health care.

I support the legislation introduced by Senator DASCHLE this morning. I have my own bill, introduced a few days ago, which is very similar which tries to come to the rescue of many of these hospitals across America.

I am worried about the sense-of-the-Senate resolution that is pending now before the Senate because it suggests we can ignore problems such as this. And we certainly cannot.

As I travel across my State, I find hospitals are really in trouble, particularly teaching hospitals. In Illinois, we have about 66 teaching hospitals. These are hospitals where young men and women are learning to be the doctors of tomorrow. It is not the most cost-efficient thing to do at a teaching hospital. You have to take extra time to teach, and many insurance companies don't want to pay for that now that Medicare is not reimbursing adequately for it. Hospitals come to me—St. Francis Hospital in Peoria, St. Johns Hospital in Springfield, hospitals in Chicago, and all across the State—and say: If we are going to meet our teaching mission, we need help.

I think Senator DASCHLE is right. Before this Congress pats itself on the back and goes home, we need to address this very serious problem—this problem that could affect the quality of health care, the quality of future doctors, and not only teaching hospitals as educational institutions but also because they take on the toughest cases. These are the academic and research hospitals which try to institute new procedures to deal with disease and try to find ways to cure people in imaginative ways. We don't want to in any way quell their enthusiasm and idealism. Unfortunately, these Medicare cuts are going to do just that.

I might also add that these teaching hospitals in my State account for 59 percent of charity care. In other words, the poorest of the poor who have no health insurance, who are not covered by Medicaid, who may be working poor, for example, come into these hospitals. They are taken care of free of charge.

If the Senator from Oklahoma thinks we can just walk away from this, make a 1-percent cut and go home and accept that as the verdict of history, I think he is wrong. I think, frankly, whether you are in Texas, Oklahoma, Iowa, Nebraska, or Illinois, these hospitals are in trouble. Rural hospitals are in trouble, as well.

These hospitals have seen dramatic cutbacks in reimbursement. In my part of the world, these hospitals are a lifeline for farmers who are injured in their farming operations or in traffic accidents. These small hospitals keep people alive. If we turn our backs on them and say that because we are enmeshed in some theoretical budgetary debate we can ignore what is happening to these hospitals, we are making a serious mistake. Some of the hospitals may close, some will merge, some will be bought out, some may keep the sign on the door that you have seen for years, but what is going on inside the hospital is going to change. It is going to change for the worse instead of the better.

When we consider sense-of-the-Senate resolutions that try to strike some position of principle—and I respect the Senator from Oklahoma for his point of view—I say: Let's get down to the real world.

Let's be honest with the American people in the closing days of this budget debate. And I sincerely hope we are in the closing days of this debate. Let's tell them what is going on here.

We are no longer awash in red ink as we have been for 20 years. We are starting to move toward a surplus. The economy is strong. We feel good about that. We would borrow less from Social Security this year, if it is held to $5 billion, than probably any year in recent memory, and all of it will be paid back with the interest. We would use it to meet emergency needs of America—such as the farm crisis the Senators from Iowa and Nebraska have shown such leadership on—and we would be responsive to these crises at a time when what is at stake is, frankly, a major part of our economy and a major part of America.

Second, we would address the health care needs of this country. If we think we can go home and beat our chests about how pure we were in the budgetary process and don't lift a finger to help these hospitals that are struggling to survive, we will have made a very serious mistake.

I salute the Senator from Iowa and other colleagues, such as Senator BOXER of California and Senator MURRAY of Washington, who have tried to make sure this Labor-HHS bill does not lay off 29,000 teachers at the end of this school year. This bill would do it. The bill that some Republican Senators are so proud of would lay off 29,000 teachers across America because of cuts that are made in that bill and 1,200 teachers in my home State of Illinois.

Is that how we want to welcome the new century? Is that how we want to tell our kids we are going to greet a new generation, by laying off teachers and increasing class size? No.

There are important priorities for us to face. I sincerely hope before we get caught up in some theoretical debate, as Senator HARKIN has said, about whether the horse is out of the barn, that we talk about whether or not we are going to protect Americans in their homes and protect them in their communities.

I support Senator HARKIN's remarks. I support—maybe one of the few times—Gov. George W. Bush, who has reminded his congressional Republicans to keep their feet on the ground and to realize there are real people out there who, frankly, are going to be injured and damaged and their lives changed if congressional Republicans have their way in this budgetary process. Governor Bush is on the right track. We will stay tuned to see if he stays there.

I sincerely hope before we leave and before we think we have completed our responsibility that we will pass a budget we can explain to American families is in their best interests.

I yield the floor.

Mr. BYRD. Mr. President, yesterday afternoon I voted against Senator HUTCHINSON's amendment to transfer $25 million from the budget of the National Labor Relations Board (NLRB) to increase funding for community health centers. I am not opposed to expanding the services provided by community health centers—to the contrary, I believe they are an important element in health care delivery in West Virginia.

However, Mr. President, the National Labor Relations Board is also important to West Virginia. During the first half of this century, labor conditions in West Virginia coal mines, and the resulting growth in unions, led to a virtual state of war, in some instances.

Having an orderly process in place to resolve these kinds of issues, such as that managed by the NLRB, helps to keep management-labor-union relations on a civilized path.

The National Labor Relations Board is an independent agency created by Congress to administer the National Labor Relations Act, which is the primary law governing the relationship between unions and employers in the private sector. The NLRB has two principal functions: first, to determine, through secret ballot elections, if employees want to be represented by a union in dealing with their employers; and second, to prevent and remedy unfair labor practices by either employers or unions. The NLRB investigates violations of the National Labor Relations Act, seeks voluntary remedies to violations, and adjudicates those businesses that refuse to comply with the Act.

Opponents of the NLRB have been eager to eliminate it in recent years, but have not had much success in doing so on the merits. Instead, they have been attacking its financing. The NLRB's budget has not kept pace with inflation over the last six years, and, even though the case load has decreased since last year, overall, staffing levels have fallen at a greater rate. The NLRB had 6,198 unfair labor practice cases pending initial investigation at the end of Fiscal Year 1998. The Hutchinson amendment, according to the NLRB, would have caused them to process six thousand fewer cases, and cut all staff training and information technology activities in Fiscal Year 2000.

I support community health centers. They provide a vital service to low income persons who cannot afford health insurance. However, in my opinion, it is not practical to underfund one valuable program in order to fund another. Rather, I would prefer to see the funds come from other sources less disruptive to agencies as valuable to our nations' laborers as the NLRB.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Georgia.

MORNING BUSINESS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

FINALLY FIX SOCIAL SECURITY

Mr. KERREY. Mr. President, I heard an exchange earlier between the Senator from Iowa and the Senator from Oklahoma who talked about raiding the Social Security trust fund. We have not been raiding the Social Security trust fund for the last 16 years. What we have—since 1983—is a tax that generates revenue in excess of what we need. The law says we have to take that tax and purchase Treasury bonds. When the Treasury is purchasing Treasury bonds from itself, Treasury ends up with cash.

The question is—since 1983—what do we do with that cash? We have been using it to fund general government, and the impact of that since 1983 is that people who get paid by the hour are the ones who suffer. We make this appeal to people over the age of 65 for political reasons: Do not raid Social Security. But the people who suffer and have been paying the price since 1983 are the American taxpayers, people who get paid by the hour. For the median-income family earning $37,000 a year, they will pay $5,700 in payroll taxes and $1,300 or $1,400 in income taxes. Since 1983, they have shouldered a disproportionate share of deficit reduction. Now that the deficit is gone, guess what they get to do. They get to shoulder all the debt reduction. This does not save Social Security. What this does is save us from having to make a change. That puts a tremendous burden upon people who are paid by the hour.

What we ought to be doing is debating reducing that burden, not, in my judgment, making a play for people over the age of 65 and saying we have been raiding the trust. We have not. We have not been raiding the trust fund since 1983. The trust fund has been building up, and those Treasury bonds are valuable. They earn interest. In fact, there is $40 billion worth of interest added on to the Social Security trust this year as a result of paying for the interest on those bonds.

The people who suffer as a consequence of Congress' delay on fixing Social Security are 150 million Americans under the age of 45. If you are under the age 45 and you are watching Congress say, ''Let's fix Social Security'' and do nothing, what you ought to be saying is: Mr. Congressman, when are you going to fix it?

Why do we not fix it? You can see it. I was watching the news this morning. I saw Ken Apfel, the head of the Social Security Administration, in an interview with Katie Couric, proudly telling about a letter he is sending out to Social Security beneficiaries telling them what they are going to get when they retire. He left one thing out. If they are under 45 and they get a letter in the mail that says ''this is what your benefits are going to be,'' Mr. Apfel is not informing those beneficiaries that unless Congress increases taxes, there is going to be a 25- to 33-percent cut in benefits, according to the Social Security trustees. He is not informing them of that, and he is not informing them that Social Security, for that low- and moderate-wage individual, is not a very generous program. If you live very long after the age of 65, God help you if that is all you have.

Those of us who have been arguing we need to fix Social Security get a little irritated when we hear people say we have been raiding Social Security for the last 16 years and that the lockbox saves Social Security. It does not. What the lockbox does is say to people who are paid by the hour, the median family who has $5,700 in payroll taxes, after shouldering all the burden for deficit reduction from 1983 to 1999, it is now their responsibility to pay down the debt. On behalf of those people, to keep Social Security as an intergenerational program, I beg my colleagues to finally decide: What will you support?

I went to the University of Nebraska, graduated with a degree in pharmacy, and was trained in demolitions in the U.S. Navy. I do not consider myself to be an intellectual giant. I am neither a Rhodes scholar nor some sort of scholastic achiever. I do not consider myself to be intellectually superior to anybody in this place. An average staffer with an hour's worth of work can present to any Member of Congress the options that are available to us. This is not complicated. This is not youth violence. This is not the deterioration of the American family. This is not lots of issues that are complicated.

We have a liability that is too big, and for 150 million beneficiaries who are now charged with the responsibility of paying down all the debt with their payroll taxes, they face a 25- to 33-percent cut in their benefits. We are not keeping the promise to them, and we are making an appeal to people over the age of 65, saying: The lockbox saves you. Nonsense, it does not.

I know how difficult it is to finally say this is what I choose because you either have to increase taxes or you cut benefits. There are no other magical choices. There is not any other choice. You either cut the benefits in the future or you increase taxes. I wish there were some other choice, but there is not.

I hope Americans, as they hear this debate about raiding Social Security, will understand we are not, in my view, raiding Social Security. What we are saying is that we are going to postpone fixing Social Security because we are afraid of people over the age of 65. We are afraid they cannot stomach the truth. I believe that is wrong. They can stomach the truth. They want to know the truth. They want the facts. They are patriotic; they love their country; they love their kids and grandkids; and they want to make certain their future is secure and sound and that Social Security is going to be there for them when they become eligible.

I hope we are able to take action on the Balanced Budget Restoration Act that Senator DASCHLE has introduced. But I hope in this budget debate as well, we will finally recognize the sooner we fix Social Security, the smaller the changes will have to be. The people who are going to suffer the consequences today may not be us. We may be able to get by the next election by fooling people about what we are doing. But the people who are going to suffer are 150 million Americans under

the age of 45 who are not going to be happy when they wake up on Christmas morning and go down and check the sock and find out there is a third less in it than they were told, by the Social Security Administration, was going to be in it.

Mr. President, I appreciate your indulgence and I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, may I inquire as to the state of the proceedings?

The PRESIDING OFFICER. We are in morning business with each Senator having 10 minutes to speak.

PROTECTING SOCIAL SECURITY

Mr. ASHCROFT. Mr. President, I will try to say what I have to say in less than 10 minutes, especially because of my regard for my esteemed colleague from the State of Connecticut, who I see has entered the Chamber.

I appreciate the intensity and commitment of the Senator from Nebraska. He is correct; we do not have on the drawing board a long-term remediation for the long-term problems of Social Security. But if we just spend and spend and spend so we continue to elevate the debt of the United States rather than curtail the spending by not spending the Social Security surplus, we are going to make it more difficult, when the time comes, to pay for the Social Security benefits for which we are committed to pay.

So I think it is important not to spend Social Security surpluses to expand Government and to make Government more and more committed and deeper and deeper in debt. It is a major benefit to the future of this country if we decide to refrain from spending Social Security surpluses, which will allow us to protect the integrity, not only of Social Security, on a more persistent basis, but certainly to protect the integrity of the finances of this Government so when the time comes for us to make payments, we will have the fiscal integrity to do so.

I know we are in morning business, but particularly today I rise to comment on and to support the Nickles amendment to the Labor-HHS appropriations bill. I support the amendment because it puts the Senate on record demanding we protect the Social Security trust fund from being raided to pay for other Government spending. The less we go into debt for other Government spending, the more likely we are to be able to honor the claims of Social Security.

So the theft of Social Security funds this year must stop. We should stop spending as if Social Security were a funding resource for all kinds of other spending programs. I am concerned the Labor-HHS bill will result in the Senate's completion of all 13 appropriations bills and, as a result, perhaps take us into the Social Security trust fund.

Some estimates have been as high as $5 billion. I would work to delay the bill if I did not have assurances from the majority leader that the conference reports will not touch the Social Security surplus, even if Senate appropriations have, that the entirety of the package of bills we send to the President after negotiation with the House will not touch the Social Security trust fund.

The majority leader has worked tirelessly to protect the Social Security trust fund. I commend him for it, and I appreciate his ongoing effort.

Furthermore, the Congressional Budget Office has stated in a letter to Speaker HASTERT that the House plan to spend $592.1 billion will not touch the Social Security trust fund.

If we do dip into the Social Security trust fund this year, it would erase all the hard work we have undertaken to protect Social Security.

In January, President Clinton proposed bleeding $158 billion out of Social Security surpluses over the next 5 years. This Congress objected to President Clinton's proposal, and I am glad to say that the Congress got the President to change his mind and to take far less out of the Social Security surpluses over that 5-year period of time. I wish I could say that he had agreed to take none, and sometimes he represents it that way.

In the President's midsession review of the budget process, he said that Social Security surpluses should be spent for Social Security, period. That is right. That is the Social Security lockbox philosophy. Unfortunately, his new budget still took $30 billion out of Social Security over the next 10 years, but that is a lot better than $158 billion. I commend the President for moving so aggressively in the direction of the Congress.

Still the President's midsession review, while it is a vast improvement, and Congress has succeeded in moving him as far as he has moved, it is not far enough. We need to work throughout this year to demonstrate our commitment to protect every single penny of the Social Security trust fund.

In April, we passed a budget resolution that does not spend 1 dime or 1 cent of the Social Security trust fund surplus. In addition to protecting the Social Security surplus, the budget resolution sticks to the spending caps from the 1997 balanced budget agreement. It cuts taxes and increases spending on education and defense.

In addition to ordering our spending priorities correctly, the budget resolution contained a majority point of order preventing the use of Social Security surpluses for non-Social Security purposes. The Senate voted unanimously in favor of this point of order. I had the privilege of sponsoring this particular provision, and since that point, the Congress has continued along its responsible spending path and has also repeatedly demonstrated its commitment to the Social Security lockbox concept, which is to limit Government spending to the revenues designed for Government spending, and not to have general Government spending come out of the revenues designed to provide for the retirements of America's workers.

The House of Representatives passed the Herger bill which created a supermajority point of order of protecting Social Security.

These actions demonstrate a strong commitment and dedication to protecting every dollar of the projected Social Security surplus to shoring up Social Security, making sure we treat it with integrity.

In addition, a majority of Senators have repeatedly voted for the Abraham-Domenici-Ashcroft Social Security lockbox provision. Unfortunately, the lockbox, which was approved by the House, has been endorsed by the President, and a majority of the Senate has been held hostage in the Senate by those on the other side of the aisle.

Despite this setback, we have made great progress in protecting Social Security, the integrity of the fund, and limiting the kind of spending that would jeopardize our capacity to make good on our commitments at some date when Social Security needs to call upon us.

The most important thing we can do right now is demonstrate our commitment to protecting every cent of Social Security resources to make sure they are available for Social Security and to make sure they are not spent on the operations of Government generally. This is a plan that we have agreed to under the budget resolution. We promised the American people that Social Security surpluses will be reserved for Social Security, and now is the time when we are testing that resolve.

Last year, when faced with this test, Congress failed, agreeing to an omnibus appropriations bill that raided—and I think that is the right word—$21 billion from our retirement security fund. I voted against the bill but was unable to prevent the raid by doing so.

This year, we have all been committed to completing all our spending bills on time and avoiding the omnibus spending train wreck such as we saw in last year's $21 billion raid.

I approve of this plan, but a necessary element of the plan is that Congress not spend resources on operating Government that were destined to and designed to support the Social Security trust fund.

The Nickles amendment would put us on record stating we categorically oppose a raid on our retirement system and will support spending cuts to let us meet that goal. As I said, according to unofficial Budget Committee estimates, the Congress is now poised to spend as much as $5 billion out of the Social Security trust fund. If that is the case, I will vote against any plan that would do so. We must avoid filching resources from the Social Security trust fund to support the operations of Government.

This spending bill, the Labor-HHS fiscal year 2000 appropriations bill, is the last of the 13 appropriations bills to reach the floor. It is also the largest of the nondefense discretionary appropriations bills. If the estimates about this year's spending that I have referred to are correct, we are going to dip into Social Security, and this is the bill that will push us over the edge. For this reason, I commend Senator NICKLES for bringing up this amendment on this bill at this time.

Now is the time for us to stand up and say we will not support taking any money out of the Social Security trust fund to finance the operations of Government. Making sure that Social Security funds do not go for anything other than Social Security is essential to the protection of long-term Social Security integrity.

Social Security is expected to meet all of its obligations until the year 2034—until then. Starting in 2014, however, Social Security will begin spending more than it collects. It will begin spending the trust fund, the surpluses. By saving Social Security surpluses and using those surpluses to pay down the debt, Congress will ensure the Nation is on secure economic footing when Social Security surpluses diminish and then disappear. If we do not save Social Security now, it will make it that much harder for us to meet our own obligations later.

We need to protect Social Security now for the 1 million Missourians who receive Social Security, for their children, and their grandchildren. We need to protect Social Security now, and this bill fails to do that. It certainly threatens not to do it, and it is time for us to vote in favor of the Nickles amendment, and to vote against any plan that would invade the Social Security trust fund.

It is for this reason I urge my colleagues to support the Nickles amendment calling for the full protection of our Social Security resources.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

SPECIAL COMMITTEE ON CULTURAL MATTERS

Mr. LIEBERMAN. Mr. President, last evening after the final vote occurred, my friend and colleague from Kansas, Senator BROWNBACK, took the floor and offered an amendment which he then withdrew. I was not able, because of my personal schedule, to be here at that time. But as an original sponsor of the original legislation offered by Senator BROWNBACK, which would have created a special committee on cultural matters, I did want to simply say a few words about this.

I know this became controversial within the Senate, but I felt from the beginning that Senator BROWNBACK's intentions were not only worthy but they were relevant; that the cultural problems which the committee, or later the task force, would have addressed are real, as every family in America knows when their children turn on the television or go to a movie or listen to a CD or play a video game.

The problems are not only real, but they are actually relevant to so many of the matters we more formally discuss on the floor of the Senate—such as the solitary explosions, violent criminal behavior, problems such as teenage pregnancies, I think all of which are affected by the messages our culture gives our children and, indeed, adults about behavior. Of course, I am talking about the hypersexual content, hyperviolent content in too much of our culture.

In this case, this effort by Senator BROWNBACK, with the withdrawal of the amendment last night, was not to culminate successfully. But the battle will go on.

Clearly, the standing committees of the Senate will—I certainly hope they will; I am confident they will—continue to pursue cultural questions because they are so important, they are so central to the moral condition and future of our country. I look forward to working on those with Senator BROWNBACK and other colleagues as we go forward.

HONORING 20TH ANNIVERSARY OF THE ESPN NETWORK

Mr. LIEBERMAN. Mr. President, I note there is a rule in the Senate against using props. I, just for a moment, ask unanimous consent for a transitional prop, if I might briefly hold this up.

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

Mr. LIEBERMAN. I thank the Chair.

This is my favorite ESPN parka. It gives you an indication of about what I am going to speak. It is in some sense as cultural as the first part of my comments. It does involve the influence of television on the American culture. But today, in this part of it, the news is good and the occasion is one to celebrate, particularly for those who may find some meaning in words that might confuse visitors from another planet, such as ''en fuego'' or ''boo-yaah.'' Twenty years ago, a small cable television enterprise, tucked away in the woods of central Connecticut, introduced itself to America with these words:

> If you're a fan, what you'll see in the minutes, hours and days to follow may convince you that you've gone to sports heaven.

True to that prophecy, the past 20 years have marked our national elevation into another world of sublime sports saturation.

In recognition of its outstanding contribution in shaping the sports entertainment industry, I wish to speak today—and I believe I speak for all of my colleagues, at least a great majority—in offering our kudos to an American sports institution and the pride of Bristol, CT—the ESPN Network which turned 20 years old last month, on September 7. The folks at ESPN aired an anniversary special that night duly celebrating the network's unique constructive contribution to our culture, and yesterday there was a congressional reception in honor of that anniversary.

Those of us who attended not only had the chance to toast ESPN but to meet an extraordinary group of American heroes: boxing legend Muhammad Ali, football great Johnny Unitas, and Olympian Carl Lewis.

So I take the floor to pay tribute to one of my favorite corporate constituents, and I think one of America's favorite networks.

The story of how ESPN came to be is really an American rags to riches classic, and that network's unbreakable bond with the small Connecticut city of its founding is part of that story.

Bristol, CT, population 63,000, is a wonderful town, 20 minutes west of Hartford. Most famous previously for being the cradle of clockmaking during the industrial age, Bristol seemed an unlikely candidate to emerge as the cradle of electronics sports media, but it did. Believe it or not, ESPN probably would not exist today—certainly not in Bristol—if the old New England Whalers of the World Hockey Association had not had a disappointing season in 1978.

The Whalers' public relations director, a man named Bill Rasmussen, one of several employees to lose his job in a front-office shakeup at the end of that season, decided he had an idea he wanted to try. He was a Whalers man at heart, and he figured he could stay involved with his team by starting a new cable television channel that would broadcast Whalers games statewide. He even had a second-tier dream of someday possibly broadcasting University of Connecticut athletics statewide as well.

Rasmussen rented office space in Plainville, CT, near Bristol, and thought up the name Entertainment and Sports Programming Network, or ESPN. But before he had even unpacked in Plainville, he ran into his first problem—the town had an ordinance which prohibited satellite dishes. Undeterred, Rasmussen scrambled to nearby Bristol, found a parcel of land in an industrial park in the outskirts of the city, which he promptly bought, sight unseen, I gather, for $18,000. The rest, as they say, is history.

Today, ESPN, from this same location, generates $1.3 billion a year in revenues and is seen in more than 75 million American homes.

ESPN realized that second-tier dream that Rasmussen had. Earlier this year, his station provided exhaustive coverage of UConn athletics when the Huskies won the NCAA men's basketball championship—only the game was not broadcast statewide; it was broadcast worldwide.

Twenty years after its founding, ESPN commands an international audience that watches every sport—from baseball to badminton to Australian rules football. The network's flagship, SportsCenter, is currently the longest running program on cable television, with more than 21,000 episodes logged—truly, the Cal Ripken of network television.

In a measure of its enormous influence on our culture, the catch phrases coined by SportsCenter's quick-witted anchors routinely find their way into the American vocabulary, such as the aforementioned ''en fuego'' and ''booyaah.''

The program also has broadened sports appeal by peppering broadcasts with references to literature, history, and other high-minded fields not always connected with sporting events. The father of this breed of broadcasting, of course, is Chris Berman, probably my most famous constituent. He was hired from a Waterbury, CT, radio station at the age 24 to become one of ESPN's pioneering voices. What a great professional and source of great joy Chris Berman is.

A testament to his place among sportscasting greats can be heard across ballparks in America each time a home run ball is struck. If you listen closely, as the ball nears the fence, you may think that the ballfield is being overtaken by a herd of chickens clucking: ''Back, back''—I am restraining myself here on the floor, Mr. President, but you get the idea—''back, back, back, back, back,'' in homage to the Swami's classic call. Berman is also the father of the modern sports nickname, concocting such classics as: Burt ''Be Home'' Blyleven, John ''I Am Not A'' Kruk, and Roberto ''Remember The'' Alomar. There are certain individuals unnamed in the Democratic Cloakroom who have attempted to emulate this style of nicknaming for sports figures, and they are not doing badly. Oh, and lest we forget another household name, ESPN introduced us to the man who genuinely put the ''Madness'' into March Madness—the nattering nabob of Naismith, the great Dick Vitale.

So thanks to Chris Berman, to Dick Vitale, and to all the others who have made ESPN part of our lives.

ESPN is today to sports what Walter Cronkite once was to politics and public affairs—the authoritative voice fans turn to when a major story breaks. As political columnist George Will once wisely said: ''If someone surreptitiously took everything but ESPN from my cable television package, it might be months before I noticed.''

Mr. President, I ask unanimous consent for 3 more minutes.

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

Mr. LIEBERMAN. Despite ESPN's national prominence and its countless opportunities to relocate to a larger media market, the network has steadfastly stayed with bucolic Bristol, as it is endearingly referred to on the air. ESPN maintains its foothold in the same industrial park where it began 20 years ago, although the Bristol campus, as it is now called, spans today 43 acres and the network has 210 employees. We in Connecticut are very proud of this relationship and particularly of ESPN's leaders and broadcasters who have happily put down roots and raised their families in central Connecticut.

I think John Leone, former mayor of Bristol, now head of the Bristol Chamber of Commerce, may have summed up the relationship between the city and its network best when he said:

> In New York, ESPN would be just another network. Here in Bristol, ESPN is the king.

So to the king of Bristol—and their royalty of American sports television—I say happy 20th, ESPN, and many more.

Before I yield the floor, I want to give a special thank you to Eric Kleiman of my office staff who truly inspired this statement of gratitude and tribute to a great television network.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNBORN VICTIMS OF VIOLENCE ACT

Mr. DEWINE. Mr. President, yesterday my colleagues in the Senate, Senator HELMS, Senator ENZI, Senator VOINOVICH, Senator Tim HUTCHINSON, and Senator NICKLES, introduced a bill that would establish new criminal penalties for anyone injuring or harming a fetus while committing another Federal offense. By providing a Federal remedy, our bill, the bill we are calling the Unborn Victims of Violence Act, will help ensure that crimes against unborn victims are in fact punished. The House passed their version of this bill yesterday by a vote of 254 to 172.

Tragically, unborn babies, perhaps more than we realize, are the targets—sometimes intended, sometimes otherwise—of violent acts. That is why we need to pass this bill.

Let me give several very disturbing real-life examples.

In 1996, Airman Gregory Robbins and his family were stationed in my home State of Ohio at Wright-Patterson Air Force Base. At that time, Mrs. Robbins was more than 8 months pregnant with a daughter whom they would name Jasmine.

On September 12, 1996, in a fit of rage, Airman Robbins wrapped his fist in a T-shirt to reduce the chance he would inflict visible injuries and then savagely beat his wife by striking her repeatedly about the head and the stomach. Fortunately, Mrs. Robbins survived this violent assault, but, sadly and tragically, her uterus ruptured during the attack, expelling the baby into her abdominal cavity, causing this little child's death.

A prosecutor sought to prosecute the airman for the little girl's death, but neither the Uniform Code of Military Justice nor the Federal code makes criminal such an act, such an act which results in the death or injury of an unborn child. So they had to look outside the Federal code, outside that law. The only available Federal offense actually was for the assault on the mother. That, of course, is a Federal offense.

This was a case in which the only available Federal penalty obviously did not fit the crime. So prosecutors looked outside Federal law, used Ohio law, and then bootstrapped—if we can use the term—the Ohio fetal homicide law to convict Mr. Robbins of Jasmine's death. This case is currently pending appeal. We certainly hope justice is done. It is being appealed under the theory that if it was not in fact a Federal offense, you could not use the assimilation statute to bring this into the court using the Ohio law.

If it weren't for the Ohio law that is already in place and that the Presiding Officer of the Chamber was very instrumental in getting passed and signed into law, there would have been no opportunity to prosecute and punish Airman Robbins for the assault against baby Jasmine.

We need a Federal remedy to avoid having to bootstrap State laws and to provide recourse when a violent act occurs during the commission of a Federal crime, especially in cases when the State in which the crime occurs does not have a fetal protection law in place, because there are some States that simply do not.

There are other sickening examples of violence against innocent unborn children. An incident occurred in Arkansas just a few short weeks ago. Nearly 9 months pregnant, Shawana Pace of Little Rock was days away from giving birth to a child. She was thrilled about the pregnancy. Her boyfriend, Eric Bullock, did not share her joy and did not share her enthusiasm. In fact, Eric wanted the baby to die. So he hired three thugs to beat her, and to beat her so badly that she would lose this unborn child. During the vicious assault against mother and child, one of the hired hitmen allegedly said—and I quote—Your baby is going to die tonight.

Tragically, the baby did die that night. Shawana named the baby Heaven. We all should be saddened, we all should be sickened, by the sheer inhumanity and brutality of this act of violence.

Fortunately, the State of Arkansas, like Ohio, passed a fetal protection law which allows Arkansas prosecutors to charge defendants with murder for the death of a fetus. Under previous law,

such attackers could be charged only with crimes against the pregnant woman. That is under the old law, as in the case of Baby Jasmine's death in Ohio, but for the Arkansas State law, there would be no remedy—no punishment—for Baby Heaven's brutal murder. The only charge would be assault against the mother.

Another example: In the Oklahoma City World Trade Center bombings—here, too—Federal prosecutors were able to charge the defendants with the murders of, or injuries to, the mothers—but not to their unborn babies. Again, Federal law currently only provides penalties for crimes against born humans. There are no Federal provisions for the unborn, no matter what the circumstances, no matter how heinous the crime. This clearly is wrong.

Within the Senate, we have the power to do something about this, to rectify this wrong, to change the law. That is what our bill is intended to do.

It is wrong that our Federal Government does absolutely nothing to criminalize violent acts against unborn children. We must correct this loophole. I think most Americans would look at it that way and say that is a loophole that should not exist. Congress should change this. We must correct this loophole in our law, for it allows criminals to get away with violent acts—and sometimes even allows them to get away with murder.

We, as a civilized society, should not, with good conscience, stand for that. That is why our bill would hold criminals liable for conduct that harms or kills an unborn child. It would make it a separate crime under the Federal Code and the Uniform Code of Military Justice to kill or injure an unborn child during the commission of certain existing Federal crimes.

Our bill, the Unborn Victims of Violence Act, would create a separate offense for unborn children. It would acknowledge them as the victims they are. Our bill would no longer allow violent acts against unborn babies to be considered victimless crimes. At least 24 States already have criminalized harm to unborn victims, so this is not a new concept. Another seven States have criminalized the unlawful termination of a pregnancy.

In November of 1996, a baby, just 3 months from full term, was killed in Ohio as a result of road rage. An angry driver forced a pregnant mother's car to crash into a flatbed truck. Because the Ohio Revised Code imposes criminal liability for any violent conduct that terminates a pregnancy of a child in utero, the prosecutor successfully tried and convicted the driver for recklessly causing the baby's death. Our bill would make an act of violence such as this a Federal crime. It would make sure it was always covered. This is a very simple step, but one that will have a dramatic affect. It is, quite frankly, a question of justice.

Let me make it clear to my colleagues in the Senate that we purposely drafted this legislation very narrowly. For example, it would not permit the prosecution for any abortion to which a woman consented. It would not permit the prosecution of a woman for any action—legal or illegal—in regard to her unborn child. That is not what the intent of this legislation is all about. This legislation, further, would not permit the prosecution for harm caused to the mother or unborn child in the case of medical treatment. The bill would not allow for the imposition of the death penalty under this act.

It is time we wrap the arms of justice around unborn children and protect them against criminal assailants. Those who violently attack unborn babies are criminals. The Federal penalty should, in fact, fit the crime. I strongly urge my colleagues to support our legislation. We have an obligation to our unborn children. This bill will bring about justice. It is the right thing to do.

I thank the Chair and yield the floor.

Ms. LANDRIEU addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak for 15 minutes.

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

ADOPTING A CHILD

Ms. LANDRIEU. Mr. President, I rise this afternoon to speak on a subject that is very important to many Members of this body. In fact, Senator DEWINE from Ohio has been one of the leading advocates for adoption. Before he leaves the floor, I wanted to acknowledge that. He, along with many Members, including the occupant of the Chair, Senator VOINOVICH, have been very active in the promotion of laws and policies that would help us to reach our goal of finding a loving and nurturing home for every child in this world that needs one. Many of us believe that it is a fundamental right to grow up in a home with a family, as opposed to in a hospital, or some type of institution.

I rise to bring the body up to date on some of the things that we have accomplished and that we should be proud of, as well as some of the challenges that are still before us as a Congress. In the short time ahead, I am hopeful the appropriate committees will have hearings on relevant legislation in order to move the adoption debate along quickly. There are literally millions of children and families depending on us to act.

First, let me congratulate Senators CHAFEE and ROCKEFELLER for leading the successful effort last year to pass the Adoption and Safe Families Act. Last week, President Clinton and Mrs. Clinton hosted the first awards ceremony associated with the passage of that Act. The great news is that we have taken a mighty and important step forward because since the passage of the Act 36,000 American children have been placed in foster care while 15,000 foreign children have found permanent homes—all with wonderful families throughout America. Moreover, at least 35 States were acknowledged for their outstanding work in this area at the White House ceremony last week.

In some States, the increases have been 20 percent over last year's numbers, while others have seen 50- to 70-percent increases over the previous year. This has occurred because the law we passed gave the necessary tools to parents, social workers, community activists, and to local elected officials so that the dream of a family became a reality for these 36,000 children.

The problem is we still have over 500,000 children waiting for a family to call their own. Through this bill, many of the children in foster care, who range from all ages, races, medical conditions, and backgrounds, will be able to one day return to their biological families. However, despite our best efforts, unfortunate circumstances exist which prevent some of these children from returning home. Consequently these children must be moved to a permanent place. The Adoption and Safe Families Act will provide the tools for us to help these children in terms of guidelines and the necessary resources.

Again I want to thank all the members, particularly Senators ROCKEFELLER and CHAFEE, for their leadership in making this law possible. It is working and we just need to continue our efforts because many children are still waiting for a home to call their own.

That leads me to the next three points.

We have accomplished some wonderful things. But in this Congress during the next few weeks, some important tasks still remain to be finished. If we fail, there will be several million children left waiting.

Next week, under the leadership of the distinguished Senator from North Carolina, Senator HELMS, we will be having our first hearing on the Hague Treaty, the International Convention for Adoption. The purpose of the hearing will be to consider the Intercountry Adoption Act, legislation which seeks to implement the objectives of this Treaty. I am an original cosponsor of this measure, along with Senator HELMS, Chairman of the Senate Foreign Relations Committee, and the Ranking Member, Senator BIDEN from Delaware.

This Treaty is very important because, as we endeavor to ensure that every child in America who needs a home will have one, it is also important for us to realize that there are millions of children around the world—in South America, in Africa, in Latin America, in Eastern and Western Europe, and Asia—who are growing up in horrible conditions. Some of them are

in institutions with unspeakable conditions and there are others who are actually living in the streets.

With all of our global successes, it is appalling and unacceptable that these conditions exist anywhere in the world. We can do something about it.

Today, the Internet will allow us to do more than we ever dreamed possible—connecting families with children, allowing agencies to work more closely together, and, most importantly, allowing for improved communications between governments. The language barriers are coming down as technology opens up greater opportunities.

But none of this can work without a body of international law that gives us the rules and regulations for how this is going to take place. We must eliminate the corruption, the outrageous trafficking of children, and the extraordinary fees that are sometimes being paid illegally. So if we are to have protection for children, protection for families, and protection for the legal framework, this Treaty is absolutely essential.

I urge my colleagues to pay special attention next week during this hearing, and I urge them to learn more about this issue, because there is something we all can do; that is, to move this piece of legislation forward with the few minor differences that exist between both sides of the aisle, approve the treaty, and then implement it.

If my colleagues are like me—and I think many of them are—when we get a few minutes to watch television we can view programs such as Save the Children where there are thousands of children who are in need. I sit there and think about what I could do as one individual sponsoring one child. It does not seem to be enough. But in many instances reaching out to sponsor that one child is quite enough. Millions of Americans have the opportunity to do the same.

I am looking forward to the Senate Foreign Service Committee's hearing on adoption next week. I am confident that we can solve the differences that may exist among the interested parties who are working to move this important legislation forward.

In addition to the implementation of this international Treaty, we are faced here in the United States with some additional challenges in our adoption laws. One of the things we failed to accomplish, which perhaps may have been an oversight when we passed the Family and Medical Leave Act, was a requirement that employers offer adoptive families the same benefits as birth families.

I believe the Family and Medical Leave Act made progress toward equal treatment for adoptive families, but discrepancies remain for adoptive families who seek the same employee benefits as birth families. This law enables both adoptive and birth families to take up to twelve weeks of unpaid, job protected leave. Some employers, however, permit employees to use sick leave or provide paid leave for birth parents, but do not provide these same benefits for adoptive families.

As an adoptive parent, I can certainly attest to the fact that whether the child is biological or comes as a gift through adoption, the stress on the families are very much the same. This is why the expansion of the Family and Medical Leave Act is so important. It must include the thousands of families in our country who adopt either domestically or internationally every year. This inclusion will allow Congress to say that building a family through adoption is a blessing for children and parents. This is one important goal I hope we can achieve this Congress.

In addition, I hope we can extend the adoption tax credit we passed several years ago, which is now $5,000 based on actual expenses, and double it, making it $10,000. This will make it real and workable, especially for those families who adopt special needs children.

Currently, this tax credit is working but it can be improved for those parents who adopt special needs children—older children, handicapped children, children with special emotional challenges, sibling groups, or international adoption. Unless you can demonstrate all expenses in connection with the adoption you are unable to avail yourself of the tax credit.

In many ways, when you take a special needs child, there are no expenses associated with the adoption itself because the agencies of course want to place these children. I believe it would be in the best money this Congress could spend to provide tax credits, tax credits to families who adopt hard-to-place children and sibling groups, and others with difficulties.

The Government should state that if you will take a child into your home and call it your own, we will give you a $10,000 tax credit. A family who would adopt two children would get a $20,000 Federal tax credit. It is my hope that they would not have to pay Federal taxes for many years because these families are doing something great for their community and country.

Mr. President, in closing, let me show you a picture of a beautiful little girl as an example of what I have been talking about. This child is coming from China. Her mother, Cheryl Varnado, wrote me a letter about little Anna Grace Cai Yong Lin.

Her letter reads: Senator, would you fly an American flag over the Capitol today so that I can give it to our little girl in remembrance of her first day in the United States?

I commend the Government of China for the wonderful work they are doing to provide homes for millions of Chinese children. Today they are doing a much better job in this area. The challenges faced by this country are great. There are over one million children without families who will grow up in institutional care unless someone brings them into their home and provides them with the love of a family.

We are happy for Anna and her new family. The flag flying over the Capitol today will remind us of her arrival to the United States and the thousands of other children that have come from all over the world to find homes in America.

In conclusion, a wonderful couple that won an award was honored on the front steps of the Capitol earlier today for adopting not one, not two, but 30 children of all ages, races, physical handicaps, and challenges. They received the Norman Vincent Peale Award for outstanding service to our country. I commend Penny and Chuck Hauer.

Mr. President, I ask unanimous consent to have an article printed in the RECORD about this couple.

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

Some things are in short supply around Penny and Chuck Hauer's house: Toilet paper. Money. Bathroom space.

But not love.

It radiates in the heart-melting smiles of Carissa, brain-damaged as an infant, who is 17 and occupies a wheel-chair.

It's reflected in the sparkling eyes of Calli, who is 11 and has Down Syndrome and a huge crush on skater Scott Hamilton.

It zaps you like electricity in the gnarled handshake of Clifton, who is 21 and has cerebral palsy and a fondness for country music.

In all, over 20-some years, the Hauers have adopted 35 physically and/or mentally disabled children of all races—black, white, Korean, Hispanic. Nine have died. Others have grown up and moved out on their own.

All were among those hardest to find homes for, the ones nobody else wanted.

''The world says these kids should be in a group home, or in a hospital or an institution,'' says Penny Hauer. ''That's not our philosophy.''

Sharing an eight-bedroom, three-bath home are 21 adopted siblings, ages 8 to 32, plus two of the Hauers' five offspring and a 7-year-old grandson.

''It was a four-bedroom house but we've made some revisions,'' Penny Hauer says. ''The living room is a bedroom. The dining room is a bedroom.

''Bath time can be a problem. If you want a bath every night, fine—get in line.''

In a family tradition, the children all have names with C—Catey, Cotey, Courtney, Curtis, Colin . . . and on it goes.

Much has changed in the year since a newspaper story introduced readers to this remarkable family and their battle with the Social Security system.

They've been on national TV. They've gotten back in touch with a lost son. They've made lots of new friends.

And they have resolved the bureaucrats' mess that threatened the $7,000 monthly Supplemental Security Income funding the family depends upon.

The Hauers moved here from Montana in July 1997 because the kids were being ridiculed and mistreated in the school system there, the parents said. The sale of their Montana home fell through, leaving them stretched beyond thin, paying two mortgages.

In August 1997, filing routine renewal forms at San Diego's Social Security office, the couple dutifully reported their deeds on two homes. They were notified three months

later that their assets exceeded government allowances for Supplemental Security Income.

With help from an attorney and Rep. Duncan Hunter, R–E1 Cajon, the Hauers kept the checks coming while they appealed. Finally, in April, they solved the problem by selling the $600,000 Montana home to a Vista couple for $225,000.

Still, making ends meet is a struggle. The payment on the East County home is $3,000 a month, groceries $2,000. The family goes through three loaves of bread a day, two gallons of milk and two boxes of cereal.

Other changes have occurred. The Hauers have re-established contact with an adult son who was living on the streets in San Diego a year ago. They say he's in an apartment now, doing fine.

Chuck Hauer, 61, quit his part-time job because of high blood pressure. He gets a small pension from General Tire and Rubber in Akron, Ohio, where he worked until 1982 as a quality-control inspector.

Penny, who discloses her age to no one, has resumed volunteer work she gave up nine years ago when the family moved from Ohio to Montana. From her bedroom, she makes calls for a Toledo agency, Adopt America Network, trying to match disabled children with families who will take them.

In three-ring binders, she has thumbnail descriptions of hundreds of kids and potential adoptive families in the agency's nationwide system. She gets new ones in every Monday's mail—two to five families, 10 to 20 children.

''In Los Angeles County (alone), each caseworker has 100 kids. They don't have time to make the matches,'' she said. ''Somebody's got to do it.''

Although there are never enough families, Penny Hauer is determined to make a difference. She tells excitedly of hooking up an Ohio couple just last week with three siblings, ages 2 to 4, in Escondido.

''I'm always looking,'' she said. ''I want these kids to have a home.''

The Hauers' own story dates to the mid-'70s, when they took in Charity April, a tot with cerebral palsy. The couple, then with four biological kids of their own, fell in love with the foster child and realized there were many more like her in need.

''We just decided to start adopting—not to adopt 35, but that's just what's transpired over the years,'' Penny Hauer said. ''One takes all your undivided attention. When you have a group of children, they interact with each other.

Everyone has chores: Charity, 24, changes diapers for seven incontinent siblings. Cristy, 21, helps cook. Chet, 18, takes out the trash.

And the family may be growing. The Hauers have applied to adopt four more disabled orphans.

''I think when they carry me out of the house and I'm gone and dead, there's going to be somebody wrapped in my arms, because that's just the way I am,'' Penny Hauer said.

Today, the Hauers will squeeze some extra seats up to their 30-foot table—actually four oak tables stuck end to end.

After offering to provide Thanksgiving dinner to any armed forces member with no place to go, they learned Tuesday that they'll be joined by a mother and three young children whose Navy husband and father is away.

''It's all about sharing,'' said Penny Hauer. ''I hope they like my cooking.''

Foothills Republican Women's Club President Dawn Sebaugh, whose group adopted the Hauers last Christmas, has become a year-round helper and friend.

''It's just amazing,'' she said. ''You wonder how someone could take care of, love and treat these children so well.''

Sebaugh said her group will be helping the family over the holidays again this year.

''We will make sure Santa's there for Christmas,'' she said. ''I know they could use a couple of extra bedrooms. I don't know if we can do anything (about that), but we're going to try.''

Someone else who has fallen for the Hauers is Robert Stein of New York. An HBO producer of in-house promotional videos, he saw Penny Hauer's brief appearance on the ''Rosie O'Donnell'' show in February and was deeply moved.

Since then, Stein has spent several days with the family over repeated visits, filming a documentary at his own expense that he intends to pitch to his cable network.

''I was truly impressed witnessing these kids. They really do have a strong sense of love for each other,'' he said.

Stein said the Hauers' story could open more eyes and hearts to the disabled.

''People see disabled or handicapped kids or adults in the street, and a lot of times people look down . . . or write them off as people they can't connect with,'' he said. ''These people have been very selfless as far as welcoming kids who may not have had a family life.

''They've really nurtured kids who may have been forgotten in the system, and they've really blossomed.''

Ms. LANDRIEU. Obviously, there are many great things we can do in this Congress to promote adoption. Many of them have already been accomplished. However, there is much more that should be done, beginning with acknowledging the great work of everyone who has worked on this issue in America and around the world. Finally, I am delighted that we are taking the necessary time today to bring this important issue to the attention of all of our colleagues.

I yield back the remainder of our time and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. GRAHAM. 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. GRAHAM. Mr. President, I understand we are in morning business with a 10-minute restriction on length of comments.

The PRESIDING OFFICER. The Senator is correct.

Mr. GRAHAM. I ask unanimous consent to be able to speak for 20 minutes.

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

THREE BRANCHES OF GOVERNMENT

Mr. GRAHAM. Mr. President, I wish to speak on an issue which has already been addressed by several of our colleagues earlier in the week. Initially, I was reluctant to discuss this matter for fear of contributing to a charge of politicization of an issue which, in my judgment, should not be thought of as political but, rather, one to be judged and decided in the finest traditions of our Nation, the relationship of each of the branches of Government carrying out their appropriate responsibilities.

The reticence I had to discuss this issue was overcome when I heard some of the comments made about our Justice Department and about our Attorney General relative to the decision made to file civil claims on behalf of the Federal Government and the citizens of the United States against the tobacco industry.

The purpose of my remarks this afternoon is not to rebut comments made elsewhere; rather, it is my purpose to remind our colleagues of the bedrock principles upon which this body, upon which our Federal Government operates, the rule of law and the separation of powers.

The level of rhetoric on the question of whether the Federal Government should have initiated civil litigation against the tobacco industry has been very high. The level of analysis, unfortunately, in my opinion, has been quite shallow. In their haste to spring to the tobacco industry's defense and to, once again, heap partisan abuse upon the Attorney General and the Justice Department, some Members of Congress have disregarded the very nature of our system of government.

I have heard it said the Justice Department suit violates both separation of powers and the rule of law. In my opinion, these accusations turn the structure of our Government completely on its head. Nearly 200 years ago, Chief Justice John Marshall explained the powers of our coordinate branches of Government. In Marbury v. Madison, the seminal decision which established the concept of judicial review, the Chief Justice wrote: The powers of the legislature are defined and limited and that those limits not be mistaken or forgotten, the Constitution is written.

The Chief Justice went on to say it is emphatically the province and duty of the judicial department to say what the law is.

For the last 200 years, the American people have understood the respective roles of the three branches of Government. As the national legislature, our duty as Congress is to find and limit it to the role of making law. It is the executive branch's role, in part through the Justice Department, to enforce that law. It is the Judiciary's role to interpret the law. Each branch of Government must be left to do its work without interference from the other branches.

We in Congress have already done our job. We have made the laws which the Justice Department now seeks to enforce. Whether the Justice Department ultimately prevails is left to a third branch of Government, the judiciary. The only threat to the rule of law in filing this litigation on behalf of the American people against the tobacco industry is posed by those who seek to step beyond their proper relationship and usurp the power granted by the

Constitution to other branches of Government. It is neither wise nor right for members in the legislature to attempt to tell the executive how to enforce the laws or to tell the courts how to interpret the laws. If we practice jurisprudence by press release, we become lawmakers, law enforcers, law judges. If we have learned anything at the end of this millennium, it is that such an aggregation of power is the antithesis of the rule of law and is, instead, the imposition of tyranny.

Throughout the world—from East Timor to Kosovo to Cuba—we encourage other countries to follow the rule of law. We must do no less here. We have the greatest judicial system in the world. It resolves disputes based on evidence not rhetoric. Let us allow our court system to adjudicate this dispute without congressional interference.

Undoubtedly there have been instances when individual Members, if not a majority of the Senate, have questioned the wisdom of lawsuits brought by the Justice Department.

When powerful industries violate federal law, it is not uncommon for them to seek congressional interference. When individuals or groups have used their power and privilege to dominate others, and that power was challenged by the law, they have shrilled—''foul.''

Many disagreed when President Theodore Roosevelt's Justice Department sued to break up Standard Oil. Similar complaints were heard when President Reagan's Justice Department sued AT&T.

And we can all remember the outcry in some quarters in the 1950's and 1960's when the Justice Department sought to enforce civil rights guarantees.

While some influential members might have advocated congressional intervention, in none of those cases did the Congress step in to attempt to tell the Justice Department whom it can or cannot sue. We must not do that now.

Some have asked why Congress was not consulted prior to this suit being filed. The questioners appear to have forgotten much of what has happened in the last year.

Setting aside the fact that the Justice Department has no obligation to ask Congress for permission to enforce the law, Congress was well aware this litigation was under consideration.

In his State of the Union address, the President discussed the possibility of this tobacco suit, by announcing that he had asked the Justice Department to prepare a litigation plan against the tobacco industry. Specifically, the President said:

> So tonight I announce that the Justice Department is preparing a litigation plan to take the tobacco companies to court—and with the funds we recover, to strengthen Medicare.

It would have been hard to be clearer.

Congress also considered the potential for a federal tobacco suit when it protected the states' tobacco settlements from federal incursion. In the budget resolution, passed on March 25, 1999, I offered a sense-of-the-Senate amendment which stated that the proceeds of a successful federal lawsuit should be used to shore up the Medicare Trust Fund and help to establish a prescription drug benefit. That amendment passed without dissent.

In March of this year, during debate of the budget resolution, the Senate defeated an amendment offered by Senators SPECTER and HARKIN to place strings on the states' tobacco settlements. Several Members of this body, including myself, stated that if the federal government believed it had claims against the tobacco industry, the Justice Department was free to bring those claims but that the Federal Government should not attempt to recoup State settlement proceeds. The matter was discussed yet again when the Commerce, Justice, and State Appropriations Subcommittee attempted to impede the Justice Department's ability to pursue litigation against the tobacco industry. Not only was the offensive report language effectively removed through a colloquy, the chairman of the subcommittee expressly acknowledged that:

> Nothing in the bill or the report language prohibits the Department from using generally appropriated funds, including funds from the Fees and Expenses of Witnesses Account, to pursue this litigation if the Department concludes such litigation has merit under existing law.

Quite obviously, the Justice Department has reached the very conclusion discussed on the floor of the Senate just a few months ago.

Surely it is absurd to suggest that the Justice Department somehow blind-sided Congress with the announcement of this lawsuit. But again, these facts beg the question. The Justice Department does not need my permission or your permission, or the permission of anyone else in this body to do its job, which is to enforce the law. Conversely, if we attempt to prevent the Justice Department from doing its job, we are engaging in obstruction of justice. Others have questioned the motivation for bringing this suit. I believe the motivation for the Attorney General's decision is similar to that of the attorneys general in many of our states: to enforce the law—and by doing so—protect the American people and particularly the children of America.

The suit seeks to end the cycle of addiction to nicotine, an addiction created in part by false advertising and advertising targeting the youth of our country. It also seeks to recompense taxpayers for the billions of dollars this addiction has cost them—the taxpayers of America. These are motivations which should be celebrated, not ridiculed.

The merits of this case rightfully will be determined in a court of law—not in this body, not in the Congress. But since some of my colleagues have seen fit to put on their own imaginary black robes and pretend to judge this case, I would like to offer a few observations of my own.

It has been argued that the civil RICO statute does not apply in this case because tobacco is a legal product. But this argument ignores the claims made by the Justice Department.

The Justice Department does not allege that tobacco itself is illegal. Nor does it suggest that the tobacco industry broke the law by selling or marketing tobacco products to adults.

Instead, the Justice Department argues that tobacco companies violated the civil RICO statute—a Federal law, of course, enacted by Congress—by conspiring to illegally market their cigarettes to children and by wilfully withholding critical information from the public and the Government.

The tobacco companies have known for years what we are just beginning to learn. If they don't hook you early, they'll never hook you. And if they never hook you, their business dies. It's as simple as that. Tobacco relies by necessity on addicting our children.

According to the Centers for Disease Control, 89 percent of all smokers begin smoking before age 18. So, Mr. President, does it surprise us that the tobacco industry has spent millions of dollars each year to addict our children? It certainly should not.

But whether it surprises us or not, we have an obligation to do something about it. In this case, we should simply let the Justice Department enforce the laws that we have passed.

As documents introduced in state court actions have demonstrated, some of the marketing efforts of these companies have been directed at children as young as 10 years old.

The fact that tobacco is legal for adults does not give these companies the right to market their products illegally to children or to misrepresent or conceal information. These allegations, if proven, will constitute a violation of the RICO statute.

I am even more disturbed by another argument made by the pro-tobacco forces. They argue that even if the Justice Department can prove the tobacco companies lied and illegally marketed their products, the Federal Government has suffered no damages because tobacco use imposes no net cost to the taxpayer.

Let me restate that: the Federal Government has suffered no damages because tobacco use imposes no net cost to the taxpayer.

Let us be clear on what is being argued here. Big Tobacco says that the taxpayers incur no increased costs because tobacco kills people prematurely. Therefore, the industry argues that the taxpayers save money by not having to pay out Social Security or Medicare funds to Americans whose lives are cut short by tobacco before they reach 65.

I imagine there might be some who would congratulate the tobacco industry for saving us all this money by killing our fellow American citizens before

they become a burden. I, for one, and I am confident the vast majority of Americans, would much rather spend money on Social Security and Medicare than have millions of our fellow citizens die a slow, a painful, and a premature death.

Along with being a ghoulish and despicable argument, the industry's twisted logic that it has imposed no net cost on the American taxpayer has also been properly rejected on public policy grounds.

In January of 1998, the trial court in the Minnesota State suit against the tobacco industry upheld the motion of the State of Minnesota for summary judgment, effectively stating that the State of Minnesota had established its case with no further evidence required.

In granting this motion, Judge Fitzpatrick ruled the tobacco industry defendants could not use the fact that they killed people prematurely to their advantage in defending against the suit.

Predictably, the friends of tobacco also make another slippery slope argument. If the Justice Department can sue tobacco companies, they say, what other industries will not be safe? Will fast food or beef or dairy industries be the next in line?

This argument is truly offensive. It is an affront to me personally and should be an affront to all legitimate owners of businesses, large and small, who contribute to this Nation, instead of destroying its health. My family happens to have been in the dairy business for almost 70 years. I take great offense at the comparison between the tobacco industry and the dairy industry. Neither the dairy industry, the beef industry, fast food industry, nor any other is comparable to tobacco. The tobacco industry is unique. Only the tobacco industry has stonewalled and lied to the American public and the American Government for half a century about the known addictive nature of its products. If anyone in this body wants to argue that the dairy or beef industries are analogous to big tobacco, then I invite them to come down to the Senate floor and let's have that debate. Better yet, go to Florida or Wisconsin and tell cattle and dairy farmers they should be treated like big tobacco, an industry which depends on destroying the health of our children in order to succeed.

Let's spend a moment talking about those children. When all the legal arguments and all the political rhetoric fall away, our children remain. They, not lawsuits, not politicians, are our most important concern. It is our children who have been the targets of a predatory effort by the tobacco industry to entice them into an addiction which will eventually kill them.

We also know that early cigarette habits are directly related to other drug use. A 1994 Surgeon General report showed that cigarettes are a gateway drug, a significant risk factor to increased incidents of alcohol and illicit drug use.

This report highlighted the relationship of teenage smoking as a precursor to the use of alcohol and drugs, including recent data from the National Institute on Drug and Alcohol Abuse's ''Monitoring the Future'' project which showed that 33 percent of those surveyed admitted to starting drinking at the same time they started the use of tobacco. This same survey also indicated that 23 percent of the respondents began using both cigarettes and marijuana in the same year.

Importantly, 65 percent of the respondents smoked cigarettes before they used marijuana. This relationship was more pronounced for cocaine: 98 percent of individuals who used cocaine first smoked cigarettes. Putting an end to the tobacco company's illegal marketing efforts toward our Nation's youth will reduce children's smoking. This, in turn, will go a long way to helping combat the use of other illegal drugs.

I know the Justice Department's suit is not a panacea. It will take a combination of litigation and legislation to solve this problem.

A court, for instance, cannot grant enhanced Food and Drug Administration authority to classify nicotine as a drug and cigarettes as a drug-delivery device, a powerful tool to prevent the tobacco industry from manipulating the product to addict even more people. Only Congress can give the Food and Drug Administration that authority.

Should Congress find the tobacco industry responsible for the high rate of youth smoking, Congress may have to impose penalties on big tobacco based on the industry's failure to meet statutorily defined youth smoking reduction targets. A court cannot bind future entrants into the tobacco market to marketing and advertising restrictions which were entered into by the previous participants in the tobacco industry through a consent decree. That may also require congressional involvement.

I stand ready to work with my colleagues on all of these and other necessary legislative issues, but this suit is, however, an important, a useful step in enforcing the rule of law. It is important in protecting our children and our grandchildren.

I am proud to call Janet Reno a friend. As an American, I applaud her for her hard work, for her tenacity, and courage in the face of fierce partisan opposition. I say thank you, Madam Attorney General, on behalf of all of America's citizens.

I thank the Chair. I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I believe the combined leadership has come to the floor and we should give them our undivided attention at this time because I am sure they have something very important to advise the Senate. I will refrain from recognition and defer to my senior colleagues.

The PRESIDING OFFICER. The Senate majority leader.

Mr. LOTT. Mr. President, I thank the distinguished Senator from Alaska for allowing us to enter into some unanimous consent agreements and some colloquy that we have been working on for quite some time. I understand the Senator from Alaska may want to continue after we complete this.

Mr. MURKOWSKI. I thank the majority leader, but I understand Senator AKAKA has been waiting longer than I, so I will defer to Senator AKAKA following the leadership pronouncements.

UNANIMOUS CONSENT AGREEMENTS—EXECUTIVE CALENDAR

Mr. LOTT. As in executive session, I ask unanimous consent that on Monday, October 4, at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to executive session to consider the following nomination, and it be considered under the following limitations: Executive Calendar No. 172, Ronnie White to be District Judge for the Eastern District of Missouri, under a 1-hour time limitation divided as follows: 45 minutes equally divided between the chairman and ranking member; 15 minutes under the control of Senator ASHCROFT.

I further ask consent that following that debate, the Senate then begin debate en bloc on the nominations of Calendar No. 215, Ted Stewart, and Calendar No. 209, Raymond Fisher.

I further ask consent that following the granting of this consent, the nominations of Calendar Nos. 213 and 214 be immediately confirmed, the motion to reconsider be laid upon the table, the President be immediately notified, and the Senate resume legislative session.

I further ask consent that following the debate on Monday on the three nominations, the Senate resume legislative session.

I finally ask consent that at 2:15 p.m. on Tuesday, October 5, the Senate resume executive session and proceed to consecutive votes, first on the nomination of Ronnie White, to be followed by a vote on the nomination of Ted Stewart, to be followed by a vote on the nomination of Raymond Fisher. I also ask consent that following the votes, again the President be notified of the Senate's action and the Senate then resume legislative session.

Before the Chair rules, I yield to the Democratic leader for his comments and an appropriate response from me.

The PRESIDING OFFICER. The Senate minority leader.

Mr. DASCHLE. I appreciate the majority leader's effort to try to move these nominations along. Before I make some comment, let me ask the majority leader what his intentions are with regard to Marsha Berzon, the nominee to be the United States Circuit Judge for the Ninth Circuit, as

well as Richard Paez, a similar nominee for the Ninth Circuit. Can the majority leader give me his current intentions with regard to those two nominations?

Mr. LOTT. Mr. President, if the Senator would yield under his reservation to respond, let me say again, I appreciate the cooperation of Senators on both sides of the aisle, from the Judiciary Committee, and other Senators who have interest in these nominations. It has been a very delicate balance to work through a process where we could get these nominations confirmed.

The nominations of Mr. Marrero from, I believe, New York, and Mr. Lorenz from California have not been controversial. They have been cleared for quite some time. We had the unfortunate situation with regard to the nomination of Ted Stewart where we had a cloture vote, which I think both sides would prefer not to have happened. There are reasons for it. But I think it is important we not start down that trail. Both sides have indicated we do not want to start having cloture votes to determine the confirmation of judges. Then also there is the nomination of Mr. Fisher for the Ninth Circuit.

So we have here a process where we can have a voice vote on two of them and some debate and votes on the other three: White, Stewart, and Fisher. That is a significant undertaking. That will get us into the process where judges—certainly judges who are not controversial—will not be held up because of controversial judges in other areas. So I just wanted to kind of go through that whole process.

With regard to the other two nominations Senator DASCHLE asks about, I will continue to work with the Democratic leader as well as other Members on his side of the aisle and on my side of the aisle in scheduling executive nominations. I have to go through a process where I have to notify Members that a judicial nomination may be called up and see if there are problems with it, see if that can be worked out, see if we are going to need an extended period of time of debate, see if there is a threatened filibuster.

So I will work, as I have in the past, to see if we can get these nominations cleared so we can move forward. I will continue to do that. I will do that on specifically the two that have been mentioned. I will try to find a way to have them considered. I cannot confirm at this point when or how that will be done, but I will continue to work on it.

That is one of the reasons that moving these other judges is important. Because it takes time to get the nominations cleared. When you have five that you are close to getting cleared, once you get those out of the way, then you can focus your attention on the remaining judges on the calendar.

By the way, I understand there are other basically noncontroversial judges on whom the Judiciary Committee will be meeting, maybe in the next week or two, and there will be more judges on the calendar. So we want to keep moving the ones that can be cleared because there are districts and circuits around the country that do need these judges to be confirmed. I think we can get this request agreed to. It will be positive, and we will be able to continue to work together.

I hope that is helpful in responding to Senator DASCHLE's question.

Mr. DASCHLE. That is helpful. With that assurance, I will certainly not object to the request propounded by the majority leader. He has made it to me privately. It is my hope we will continue to work. These are important matters. As the majority leader has heard me say, and others say, now for some time, in some cases they have been pending not for months but for years. For anyone to be held that long is just an extraordinary unfairness, not only to the nominees but to the system itself.

The majority leader has also noted that a cloture vote is an unfortunate matter. Actually, a cloture vote is a recognition of the difficulty to move judges. A cloture vote is probably no more unfortunate than a hold. We have people who are maintaining holds on judges, which is also very unfortunate. A hold is nothing more than an intent to filibuster.

So I hope our colleagues will drop their holds and will recognize that taking hostages in this form is not the right way to proceed and does not live up to the traditions of the Senate when it comes to the expeditious consideration of individuals who want to serve in public life.

The majority leader also mentioned—I will mention this just briefly because it is another important factor in our decision to want to cooperate with the majority—the decision and the commitment made by the chairman of the Judiciary Committee that he will hold hearings and he will move other nominees forward. It is important that all of the nominees who are pending before the Judiciary Committee be considered. He has indicated he will do his best to ensure they are considered.

Our ranking member, the Senator from Vermont, has been extremely persistent and dedicated to that effort. I appreciate his contributions as well.

So, Mr. President, I will not object.

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

EXECUTIVE CALENDAR

NOMINATIONS OF M. JAMES LORENZ AND VICTOR MARRERO

Under the previous order, the nominations were considered and confirmed, as follows:

THE JUDICIARY

M. James Lorenz, of California, to be United States District Judge for the Southern District of California.

Victor Marrero, of New York, to be United States District Judge for the Southern District of New York.

Mr. SCHUMER. Mr. President, I rise in strong support of the nomination of Victor Marrero to serve as a judge on the United States District Court for the Southern District of New York.

I express my appreciation to Chairman HATCH for moving this nomination expeditiously to the floor.

This is one of those moments where you cannot help but feel proud about this country and about how the American Dream is not a myth but a reality.

Where else in the world could a young child, with no knowledge of the native language, go to school, learn English, become valedictorian of his high school, and embark upon a distinguished and towering career in public service?

Only in America.

That is the abridged story of Victor Marrero. He came to this country with practically nothing. He studied and learned in school. He was inspired to public service by President John F. Kennedy.

And from that day on, he has never strayed from helping people, teaching them, from trying to make the world a better and more just place.

President Clinton nominated Ambassador Marrero to this judgeship upon my recommendation and on the basis of the Ambassador's extensive experiences and accomplishments as both a practitioner of law and a public servant.

Ambassador Marrero's legal career is extensive and distinguished. Between his two stints in public service, he spent twelve years as a partner at two prominent New York City law firms.

Ambassador Marrero's public service career is almost without equal in its breadth and degree of achievement. He has served as Executive Director of New York City's Department of City Planning, Chairman of the city's Planning Commission, Commissioner of New York State's Division of Housing and Community Renewal, and Under Secretary at the U.S. Department of Housing and Urban Development.

In 1993, President Clinton appointed him United States Ambassador to the Economic and Social Council of the United Nations. In 1998, be became United States Ambassador to the Organization of American States.

Ambasssador Marrero, through charitable work, has helped to enhance New York City's public schools, libraries, museums and parks, and to help bring opportunity to other Puerto Ricans and Hispanics.

Perhaps the most telling testament to the esteem in which Ambassador Marrero is held is the fact that he has been confirmed by the United States Senate on three separate occasions over the past twenty years.

I am pleased today that Ambassador Marrero will be adding a fourth Senate confirmation to an already impressive resume.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I say, with both the leaders on the floor, this is a matter that has had some discussion. I appreciate the discussions I have had with both my leader, the distinguished Democratic leader, and the majority leader of the Senate, the distinguished Senator from Mississippi. The distinguished senior Senator from Utah, Mr. HATCH, and I have also had lengthy discussions about this.

As I have stated before—I will not hold the floor here now because I know others are waiting to speak; I will speak on this later this afternoon—I do have a concern about the slow pace of nominations being confirmed, especially with those such as the Paez and Berzon nominations that have waiting years, not just weeks and months. We should be moving forward on those nominations, as well.

I have also received the assurance of the distinguished chairman of the Senate Judiciary Committee that we will expedite, as much as possible, the hearing schedule and the executive session schedule of the Committee and that we will get more nominations promptly to the Executive Calendar.

One thing I have learned after 25 years here is that in the last few days of any session we suddenly find a lot can be done—provided items are available on the calendar. While it is a time, I am sure, to which the two leaders look forward with great anticipation—and they have a chance to earn a higher place in Heaven because their patience will be strained but they will not allow the strain to break them—I hope we will have a number of judges who might then be available to start the December, if not the January, sessions of their courts.

I know that Bruce Cohen, counsel on the Democratic side, and Manus Cooney, Senator HATCH's chief counsel on the Republican side, have been working hard to make progress on these matters.

I think this is a good step forward. I think it is a positive thing. But I hope the leader will be able to use his persuasion on the Republican side for Berzon and Paez. I know there are those who will not vote for them, but allow them to have an up-or-down vote.

I can assure the Democrat leader and I can assure the majority leader that I have canvassed this side of the aisle and there is no objection on the Democratic side—none whatsoever—to going forward with Berzon and Paez.

I know some Senators have told me on the other side they will vote against them. I have a number of Senators on the other side who say they will vote for them. We ought to give them the courtesy of the vote.

I know that requires scheduling and work, but I urge that upon the leadership. I want the leaders to know there is no objection on this side.

Mr. LOTT. Mr. President, I would like the RECORD to reflect that Senator HATCH is in agreement with this request. He has worked on it very diligently; also, that he has made a commitment to have hearings and votes on additional nominees in the near future. I do not recall him specifying a day. I think you have some tentative date you have worked on.

Mr. LEAHY. We do.

Mr. LOTT. One other request. I ask unanimous consent that at 5:30 on Monday the Senate proceed—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. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 2084

Mr. LOTT. Mr. President, I ask unanimous consent that at 5:30 p.m. on Monday, the Senate proceed to the Transportation appropriations conference report, the conference report be deemed to have been read, and statements by Senators SHELBY and LAUTENBERG be placed in the RECORD and a vote occur immediately on adoption of the conference report at 5:30 p.m. on Monday.

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

Mr. LOTT. I ask unanimous consent that after Senators AKAKA and MURKOWSKI speak—Senator AKAKA is going to speak next and then Senator MURKOWSKI—Senator LEAHY be recognized to speak as in morning business.

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

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

U.S. POLICY TOWARDS NORTH KOREA

Mr. AKAKA. Mr. President, I thank the majority leader for the time and also my chairman from Alaska, Senator MURKOWSKI, for permitting me to speak during this time.

I rise to address an issue of critical importance to our national security: containing the proliferation of weapons of mass destruction by North Korea. As ranking member of the Subcommittee on International Security, Proliferation, and Federal Services, I see this as one of the most pressing security issues facing America. The Clinton administration has been working hard at containing and countering this threat, holding important discussions with the North Koreans, most recently in Berlin. Last Friday, a North Korean spokesman stated that North Korea would ''not launch a missile while the talks are underway with a view to creating an atmosphere more favorable for the talks'' with the United States.

This, I believe, is a very positive step. North Korea's development and August 1998 testing of a long-range missile drew America's attention to this emerging threat to our national security. Even more directly, it raised concerns about Hawaii's security. Following this test, the North Koreans began preparing to launch a second missile, which our intelligence analysts believe could deliver a several-hundred kilogram payload to Hawaii and to Alaska. North Korean preparations to test launch a much larger missile prompted the administration to take multilateral efforts to persuade the North Koreans not to launch and to restrict their missile development.

Following negotiations in Berlin between the United States and the North Koreans last week, the President announced his decision to ease some sanctions against North Korea administered under the Trading with the Enemy Act, the Defense Production Act, and the Department of Commerce's Export Administration regulations. So far these efforts have been partially successful, and the North Koreans have agreed to a moratorium on missile launches during this series of talks with the United States. The administration is to be congratulated for the intensity with which it has pursued a solution to this dangerous problem.

There has been some criticism of the administration's approach, with a few critics arguing that the administration is rewarding bad behavior or giving in to extortion demands. I do not believe this is the case. The formal announcement by the North Korean Government stating there would be no missile tests while talks are underway with the United States is a clear indication that North Koreans have accepted the new approach in relations outlined by Secretary Perry. There is no doubt that the North Koreans have an active missile export program which is dependent upon imports of foreign technology and exports of cruise missiles.

Therefore, it is in our national security interest to limit North Korean missile development and especially North Korean missile exports toward which the Berlin agreement takes a firm step. By lifting some economic sanctions, holding out the possibility of lifting additional sanctions, and suggesting to the North Koreans that the United States is willing to normalize relations with North Korea, the North Koreans have been given a powerful incentive towards agreeing to a permanent moratorium on missile development. Reimposing sanctions would send such a strong signal of distrust with North Korean actions that it could well set back North Korean efforts to achieve international respectability to lower levels than those today.

This is not a sanctions relief for moratorium deal. It leads, instead, to a

normalization of relations for a reduction in threat. Normalization is predicated upon North Korean willingness to change their behavior in terms of terrorism, drug dealing, and proliferation, including a verifiable end to their nuclear warhead and missile programs. We are not looking at an immediate end to the hostile atmosphere that has worsened tensions on the Korean peninsula. We must determine what our long-term objectives are on the Korean peninsula. If our ultimate goal is the peaceful unification of the Koreas as one democratic state, we need to assess more effectively how our current strategy will lead us in that direction.

I look forward to the administration's elaborating its next steps towards North Korea. So far, the administration has worked hard and well at containing tensions on the peninsula. It is not a success which must come easily, given the difficulty of dealing with the North Koreans. More hard work and the support of Congress will be needed to make a lasting peace possible.

I yield the floor and thank the Senator from Alaska for granting me this time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank the Chair, and I thank my good friend and colleague from Hawaii with whom I have a great rapport. I very much appreciate his statement and the meaningful application of both Hawaii and my State of Alaska, as we look at the potential threat from some of the rogue nations of the world.

IN MEMORIAM—MARY MIKAMI ROUSE

Mr. MURKOWSKI. Mr. President, my purpose in coming to the floor today is to tell you about an extraordinary Alaskan family. And to pay tribute to a mother who took from her immigrant heritage and from her adopted Alaskan home, the courage and tenacity to excel at a time when successful women were not the norm and too often uncelebrated. Her name is Mary Mikami Rouse. She died August 7th at the age of 87.

Her story begins in Japan with the arrival of a fifth son in the Mikami family in 1864. Shortly after the birth of Mary's father, Goro Mikami, Japan began a period of social and political revolution and tempestuous change. The Shogunate lost power and Japan's imperial house was restored to a position of prestige and authority. The feudal system was eroding and there was a remarkable degree of westernization in all areas of Japanese life.

Goro Mikami's father was a vassal of the Shogun, an admiral who was ultimately responsible for a navy failure that contributed to the subsequent loss of power by the Shogun. His sense of honor demanded he commit seppuku, or suicide for that loss. Fortuitously, the emperor stopped him from that action, pardoned him and made him the head of the country's new naval academy. In that position he got to know a number of American naval officers.

As the fifth son to a family that was Samurai, or part of the aristocracy, Goro Mikami made a decision that reflected the changing times in which he found himself. He rebelled against an arranged marriage that was in the offing and he and a friend, who were studying in Tokyo around 1885, decided to head for the American West. Plans went awry and the friend stayed behind, but Mikami took the ship to a new life. He settled in San Francisco where at some point he attended the University of California at Berkeley to learn English. Two of his brothers went on to serve in Japan's diplomatic corps. The family name was Kondo, Goro was given the last name of Mikami in order to rescue a branch of the family that was dying out—not unusual in Japanese culture.

Rumor says Mikami was drawn to the goldfields in Alaska, and there is some evidence he may have worked as a civilian aboard a U.S. Coast Guard Cutter. By this time, he had Americanized his name from Goro to George. But whatever his adventures, Mikami made a monumental decision in 1910, to take a trip back to Japan. His school friend had become a famous lawyer in the intervening years, and put together a huge homecoming for Mikami. At the homecoming events he met Miné Morioka, who had served as a nurse in the Russian Japanese War. They married and returned to the States in 1911, this time to Seattle. In 1912, Mary Mikami was born.

About 1915, the family, including Mary's younger sister Alice, moved to Seward, Alaska. It appears George found work on the Alaskan railroad then being constructed between Seward and Anchorage. That same year, Mary's brother Harry was born. By 1918, the family had moved on to Anchorage where they opened George's Tailor Shop on Fourth avenue between ''B'' and ''C'' Streets. Flora was born in 1919, and the family was complete. The Mikamis were either the first or one of the first Japanese families to settle in Anchorage.

Prior to the 1940s, Anchorage's population never moved above 2,000. Alaska was still a territory and not a stopping ground for the faint of heart. It was peopled with pioneers and adventurers seeking wealth, anonymity or a new way of life. The Mikami family persevered and prospered in this still rough and tumble atmosphere. They met the challenges of a new business, a young family, assimilating into a different culture and mastering a new language.

The second daughter Alice Mikami Snodgrass, who still lives in Palmer, Alaska, remembers her mother as a strict disciplinarian. She recalls the lure of swing-sets and seesaws and clamoring friends, while her mother kept the Mikami kids inside until they finished their schoolwork. Even in summer, there were sums to do and chores before play.

In Japanese tradition, children were kept at home until they were five and then sent to school. Up to that point, the Mikami children spoke Japanese. Mary's relatives explain that she was highly traumatized when she entered school and realized she had to learn English.

But Mary's mother's dedication to her children's scholarship resulted in all four children being named valedictorian of their respective graduating classes in Anchorage's public high school. Mary Mikami took the honors first and subsequently attended the Alaska Agricultural College and School of Mines in Fairbanks. She graduated with highest honors in 1934. The next year the College was renamed the University of Alaska at Fairbanks. Her sister Alice recalls that Doctor Charles E. Bunnell, the first President of the University, at the time literally came to the towns, visited with the families, and recruited students by bringing along a University basketball team to play the local high school and community teams.

After graduating, Mary joined an anthropological expedition jointly sponsored by the college and the Department of the Interior to St. Lawrence Island, located in the windswept Bering Sea between Alaska and Siberia. The expedition studied Alaskan prehistory. She was the only woman on the team; another team member, Roland Snodgrass, was to become her brother-in-law.

After the expedition, she went to work for the University of Alaska Museum and was considering graduate school, perhaps at Columbia University. Instead, she met Froelich G. Rainey, a Yale graduate who became the head of the Museum. He influenced her to go to Yale instead and helped her make connections there. The intrepid Mary left Alaska for the first time in her young life and took the steamer to Seattle and then the train across country to a different challenge—a new world. Like her mother and father before her, she entered a new life with few connections to the past, and no one to greet her and ease the transition.

She adapted and continued her success. She met and married fellow graduate student Irving Rouse. Both received Ph.D's and remained at Yale for lifelong careers of learning and teaching. Mary Mikami Rouse was a visiting lecturer, an editor of translations, instruction assistant at the Institute of Oriental Languages and a research assistant. She also served as an editorial assistant for American Antiquity, Journal of the Society for American Archaeology. Her husband, now retired, was the editor of that journal and is a well known anthropologist specializing in the Caribbean.

Back in Alaska, her brother and sisters followed her to the University of

Alaska and brother Harry also received a Ph.D from Yale. Sister Alice married Roland Snodgrass who later served as Director of the Division of Agriculture in Gov. Walter Hickel's first administration. Their son Jack is an attorney in Palmer. Mary's youngest sister, Flora Mikami Newcomb lives in Vancouver, B.C. Her brother, Harry, is deceased.

The elder Mikamis sold the tailor shop and retired to Los Angeles just before World War II. Instead of the surcease they sought in retirement, they were moved to a Japanese internment camp in Arizona—a fate the four children escaped. In honor of their parents, the four Mikami children established the Mikami Scholarship at the University of Alaska Fairbanks, and it is available today to any sophomore or junior student.

Mary and Irving Rouse were the parents of two boys, Peter M. Rouse of Washington, D.C. and David C. Rouse of Philadelphia. David is a landscape architect and urban designer. In this body, we are most familiar with Pete Rouse, who many of you will recognize as the Chief of Staff to our esteemed Minority Leader TOM DASCHLE. Mary may have been as stern about studies as was her mother because Pete has a B. A. from Colby College, an M.A. from the London School of Economics and an M. A. from Harvard University. In the mid-1970s, Pete and TOM DASCHLE were both legislative assistants to Sen. James Abourezk, D-S.D. While at the Kennedy School at Harvard, Pete became friends with an Alaskan named Terry Miller, who was to become an Alaskan Lt. Governor. In 1979, Miller asked Pete to come to Alaska and work for him in the State House, reestablishing Pete's family ties with the state.

The winds of political fortune soon brought him back to Capitol Hill and Chief-of-Staff positions with Representative RICHARD DURBIN, Representative THOMAS DASCHLE and then Senator DASCHLE. But Pete never forgot Alaska and his many friends there. His continuing efforts and interest in our State are greatly appreciated.

Mary Mikami's life was an American success story. Hers was an example of achievement against great odds. She honored both of her cultures and her family. She was a combination of Samurai pride, Alaskan fortitude and New England grit. Mary was her own woman before anyone had heard the term ''women's liberation''. She was also a lifelong Democrat, and I'm sure was always very proud of the path her son has followed. Today, I join my colleagues in expressing condolences to the family and friends of Mary Mikami Rouse. Alaska is proud to claim her as one of its pioneers.

Mr. DASCHLE. Mr. President, I join the Senator from Alaska in remembering Mary Mikami Rouse. Mary Rouse recently passed away, at the age of 87, leaving behind an accomplished family and a legacy of academic achievement.

She was born in the United States in 1912, the daughter of Japanese immigrants who had come to the United States to seek their fortune. Growing up in Alaska, Mary Mikami excelled academically and graduated with the highest honors from Alaska Agricultural College and the School of Mines, which later became the University of Alaska.

After completing her college work in Alaska, she traveled to New Haven, CT, where she attended Yale University, where she met and married Irving Rouse and earned her Ph.D. Throughout her life she continued living in New Haven, working as lecturer, translator, and instructor at Yale's Institute for Oriental Languages.

With her husband Irving, Mary had two sons, David Rouse, an urban landscape architect in Philadelphia, and Peter Rouse, my chief of staff and a man who has been my friend and closest adviser for now more than 15 years.

All of us who know and work with Pete are aware of the enormous influence his mother Mary had on him. His success in life stems from the legacy of his mother—a keen intelligence, unparalleled integrity and judgment, and basic human kindness.

The values he brings to this institution each day are, no doubt, the product of his upbringing and his mother's influence. In fact, it is her character we have the privilege of seeing reflected in her son each and every day.

For those of us who have the good fortune to work with Pete Rouse, there is no way we can thank his mother Mary for all that she has done to influence his life, for all that she did to ensure we have the good fortune to call Pete Rouse our friend, to call him, now, our coworker, and for me to rely upon him each and every moment of every day to the extent that I do.

I, and all who know Pete, share his loss now. We are grateful that she has had the good life, the successful life, the extraordinary life that she has had, and we all wish Pete and his family well under these circumstances.

IT CAME FROM SEATTLE: TRUE HORROR STORIES OF THE EPA

Mr. MURKOWSKI. Mr. President, there is a letter in your mailbox from the Internal Revenue Service. Your pulse quickens. Beads of perspiration break out on your brow as you tear open the envelope to see what the most feared agency in Washington has in store for you.

At least that's how it used to be. Now the Environmental Protection Agency appears determined to replace the IRS as the government agency you really don't want to hear from. Consider the following true stories from my office case files:

A small land owner in Ketchikan recently opened a letter from the EPA to learn that he had been assessed a $40,000 fine for a wetlands violation. He knew he had problems with the EPA, but he had been meeting with EPA officials and had been encouraged that an acceptable mitigation plan might be negotiated. The $40,000 fine hit him like a bolt of lightning our of a clear blue sky.

Meanwhile, in Anchorage the commanding general of the United States Army in Alaska received a letter from the EPA. The General knew he had a problem with the powerplant at Fort Wainwright that was not in full compliance with the Clear Air Act, but he and his staff had been working diligently to bring the plant into compliance. With the help of the Alaska Congressional Delegation, he had received a $15.9 million appropriation for new pollution control measures. He had budgeted another $22 million for additional upgrades next year. The Army had, of course, informed EPA of these efforts to bring the plant into compliance, and the EPA seemed satisfied. But the letter the General now held in his hand said that EPA was assessing the U.S. Army with a $16 million fine—a fine greater than the combined value of all EPA fines ever assessed against the U.S. Army nationwide. Another bolt of lightning out of a clear blue sky.

These stories suggest that the EPA hasn't learned a fundamental lesson understood by every decent cop—good law enforcement requires discretion. When you're pulled over by a trooper for going a few miles per hour over the speed limit and are calmly discussing the matter with the officer, you have every right to expect that you will not be beaten senseless with a nightstick. And when a small businessman, residential landowner, or U.S. Army general finds himself engaged with the EPA over an alleged violation and is making an effort to find a resolution, he should not be slammed with unprecedented, punitive fines.

We need laws to protect the environment, but the interpretation and enforcement of law must be blended with common sense and judgment. Take wetlands protection, for instance. Some wetlands perform critical roles in protecting water supplies and providing important wildlife habitat. Other wetlands are lower value muskeg. The letter of the law may not make the distinction, but human beings with the responsibility of enforcing the law should understand the difference.

These ''bolt from the blue'' letters that Alaskans are getting in their mailbox are postmarked Seattle. The EPA regional office ''in charge'' of Alaska is in Seattle. What the EPA folks in Seattle know of Alaska they get from their brief visits, or from their small staff in Anchorage. They aren't our neighbors. They aren't Alaskans. I want to change that.

At the risk of enticing the mad dog from an adjacent neighborhood to our own backyard, I am renewing my efforts to force EPA to create a separate region for Alaska. That way, the EPA

officials writing these letters will at least have a chance to better understand the environment in which we live. They would live in our neighborhoods, and send their kids to school with ours. If you're going to get fined, they'll have to look us in the eye. There would be no more scary certified letters from distant bureaucrats in Seattle.

In the meantime, I'm inviting the Regional Administrator of the EPA to come and stand with me on Gravina Island, across from Ketchikan, where 13 feet of rain falls each year. As the rain from a driving rainstorm fills his wingtips and rivulets of water cascade down the hill into the Tongass Narrows, I'll ask him to point out where the wetlands end and the uplands begin. I'll also ask him to describe the irreplaceable environmental value of the muskeg that the EPA wants us to keep undisturbed. If I'm not satisfied with his answers I'll advise him to start looking at real estate in Alaska, and suggest he hold a garage sale in preparation for a move out of Seattle. Meanwhile, be afraid. Be very afraid.

NUCLEAR TROJAN HORSE

Mr. MURKOWSKI. Mr. President, physicians use a specially engineered radioactive molecule as sort of a nuclear Trojan horse in the battle against pancreatic cancer. The molecule is absorbed by the cancer cells and only by the cancer cells. Once inside, the radiation breaks up the DNA and kills the tumor cell—another amazing tool in the war on cancer.

The physicians, technicians and even clean-up crews must carefully dispose of the medium that stored the radioactive molecule and other items that may have come in contact with the radioactive materials. There are strict procedures for disposing of such wastes by hospitals, universities, power plants and research facilities.

But, in a way, that waste itself is a Trojan horse, sitting innocently in garages or closets in sites all over the country, waiting to be opened up and released on the public by an act of terrorism or of nature like the recent floods the East sustained, or the earthquakes and wildfires more common to the West coast. Most dangerous would be fire which would put the radioactive materials into smoke that could be breathed by anyone near the fire.

Why is this a problem? Because there are only three facilities in the entire country that safely can accept such low-level radioactive waste, LLRW: that is material contaminated as a result of medical and scientific research, nuclear power production, biotechnology and other industrial processes. In 1996, about 7,000 cubic meters of LLRW was produced in the nation.

A study released by the General Accounting Office at the end of September 1999, holds out little hope for the construction of any new low-level radioactive waste disposal sites as envisioned under the Low-Level Radioactive Waste Policy Act, signed by President Jimmy Carter in 1980. That legislation resulted from states lobbying through the National Governors' Association (NGA) to control and regulate LLRW disposal. An NGA task force, that included Governor Bill Clinton of Arkansas and was chaired by Governor Bruce Babbitt of Arizona, recommended the states form special compacts to develop shared disposal facilities.

The GAO study, which I requested, states, ''By the end of 1998, states, acting alone or in compacts, had collectively spent almost $600 million attempting to develop new disposal facilities. However, none of these efforts have been successful. Only California successfully licensed a facility, but the federal government did not transfer to the state federal land on which the proposed site is located.''

Secretary of the Interior Bruce Babbitt stopped the California facility at Ward Valley from ever becoming reality. National environmental groups and Hollywood activists made Ward Valley a rallying cry, claiming waste would seep through the desert to the water table and into the Colorado River. They claimed to believe this despite two complete environmental impact statements that found no significant environmental impacts associated with a disposal facility at Ward Valley in the Mojave Desert. Secretary Babbitt asked the National Academy of Science to convene an expert panel to determine whether the Colorado River was threatened, and said he would abide by their conclusions. In May 1995, the Academy scientists concluded that the Colorado River was not at risk. Yet, the property was never transferred.

But the importance of this issue extends well beyond the borders of the State of California or the borders of its fellow compact members, Arizona, and North and South Dakota, which thought they had a deal with the federal government. The losers are all Americans who believe the President and the executive branch should uphold federal law, not ignore it and obstruct it for the sake of campaign contributions.

The GAO states that several reasons are behind the rest of the states giving up on siting new waste disposal facilities. Public and political opposition is cited as the strongest prohibiting factor. Another reason is that, for the time being, states have access to a disposal facility at Barnwell in South Carolina, Richland in Washington State and Envirocare in Utah. A very positive reason cited is the reduction in the volume of low-level waste that is being generated, with waste management and treatment practices including compaction and incineration.

However, the report cautions, ''Within 10 years, waste generators in the 41 states that do not have access to the Richland disposal facility may once again be without access to disposal capacity for much of their low-level radioactive wastes.'' Barnwell could decide to close or curtail access as early as 2000, and, at best, will only be open until 2010. The Utah facility disposes of wastes that are only slightly contaminated with radioactivity and thus is not available for all storage.

In ten years states will be searching for storage as well as disposal. That storage will be near every university, pharmaceutical company, hospital, research facility or nuclear power plant. It may be down the street from you or within your city limits. And we have the Clinton administration to thank for bringing the materials into our communities like a quiet Trojan horse instead of working with states to establish a secure waste facility. Let's hope nothing ever opens the belly of the beast accidentally.

TAKEOVER OF THE FISHERIES IN ALASKA

Mr. MURKOWSKI. Mr. President, the Secretary of the Interior today, under the authority of current law, has taken over the management of fisheries in my State of Alaska. Our State legislature has been trying to resolve this problem, along with the Governor and our delegation, for some time. Unfortunately, we were unable to resolve it within the timeframe, so the Feds have officially taken over beginning today.

I have directed a letter to the Secretary of Interior putting him on notice that, as chairman of the committee of oversight, chairman of the Energy Committee, I will be conducting a series of oversight hearings on the implementation of his regulations to ensure there is a cooperative effort and involvement of a public process with the State of Alaska, Department of Fish and Game, and the people of Alaska, as he promulgates his regulations, to ensure we are not taken advantage of by an overzealous effort by the Department of Interior to mandate procedures only in the State of Alaska.

We are the only State in the Union where the Federal Government has taken over the management of fish and game. Many Alaskans are wondering just what statehood is all about if, indeed, we are not given the authority to manage our fish and game.

I will save that for another day. I yield the floor.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I said Tuesday of last week that the series of votes the Senate took that day, in which we were unable to consider and vote on the nominations of Judge Richard Paez and Marsha Berzon, was unprecedented. I expressed my concern that the Senate not go so far off the tracks of our precedents that we end up creating a problem, not just for this administration, but for any future administration.

Today, we at least break out of the impasse of last week, and move forward toward voting on all the judicial nominations before the Senate. Just so we understand where we are, I said last week that Democrats were prepared to vote on all of the judicial nominations pending on the Senate Executive Calendar. Today we provided additional evidence of our resolve to do so. We did that by agreeing to a debate and a confirmation vote on the nomination of Brian Theadore Stewart to the United States District Court for the District of Utah, as well as other nominees pending before the Senate.

Of course, the Senate has confirmed Victor Marrero and James Lorenz. I congratulate, incidentally, Senator SCHUMER and Senator FEINSTEIN and Senator BOXER, for the efforts they have made on behalf of those nominees.

I thank the Democratic leader for all his efforts in resolving this impasse, in securing a vote on the nomination of Ray Fisher, and, in particular, a vote on the nomination of Justice Ronnie White. Justice Ronnie White is eventually, finally—I emphasize finally—going to get an up-or-down vote next Tuesday. Also, Ray Fisher and Mr. Stewart will be voted on next Tuesday.

But our work is not complete. I look forward to working with the majority leader to fulfill the Senate's duty to vote on the nominations of Judge Richard Paez and of Marsha Berzon. These are nominations that have been pending for a very long time.

This debate is about fairness and the issue that remains is the issue of fairness. For too long, nominees—judicial nominees such as Judge Paez, Ms. Berzon and Justice Ronnie White of Missouri, and executive branch nominees like Bill Lann Lee, have been opposed in anonymity, through secret holds and delaying tactics—not by straight up-or-down votes where Senators can vote for them or vote against them.

They have been forced to run some kind of strange in-the-dark gauntlet of Senate confirmations. Those strong enough to work through that secret gauntlet and get reported to the floor are then being dealt the final death blow through a refusal of the Republican leadership to call them up for a vote. They should be called up for a fair vote. They may be defeated—the Republicans are in the majority; there are 55 Republican Senators; they could vote them down. But let them have a fair vote, up or down. Let all Senators have to stand up and vote aye or nay, and be responsible to their constituency to explain why they voted that way. Unfortunately, nominations are being killed through neglect and silence, not defeated by a majority vote.

So I ask, again, for the Senate to fulfill its responsibility to vote on all the judicial nominations on the calendar; vote for them or vote against them. We can vote them up or we can vote them down, but after 44 months or 27 months or 20 months, let us vote.

Judge Richard Paez has an extraordinary record. He was praised by Republicans and Democrats before our committee. He was nominated January 25—not January 25 of this year, 1999; not January 25 of 1998; not January 25 of 1997; but January 25 of 1996. He has been pending 44 months. Vote for him or vote against him, but do not put him in this kind of nomination limbo, which becomes a nomination hell.

Justice Ronnie White, an extraordinary jurist from Missouri, an outstanding African American jurist, he was nominated on June 26—not June 26 of 1999, not June 26 of 1998, but June 26 of 1997. After more than two years, this nomination remains pending. Vote up, vote down, but do not take such an insulting and arrogant and demeaning attitude on behalf of the Senate of not allowing this good jurist to come to a vote.

Marsha Berzon, again, nominated January 27, but not of this year, of last year. Her nomination has been pending for almost two years. Allow her to come to a vote.

I contrast this, even though we have a Democratic President and nominations are usually the prerogative of whoever the President is, of that party, with a nomination made on behalf of a Republican Senator who happens to be a dear friend of mine. That man was nominated on July 27 this year, barely two months ago. That nomination, the nomination of Brian Theadore Stewart, will be voted on next week. Good for him, I say.

He has been considered promptly and will be brought up for an up or down vote. There are some on this side of the aisle who oppose him and will vote against him. But every single Democrat, whether they are going to vote against him or for him, should allow him to be voted on and they will. That nomination has been pending 2 months.

Let us have the same fairness on the other side of the aisle for Marsha Berzon, after 20 months, Justice Ronnie White after 27 months, and Judge Richard Paez after 44 months, especially—and some people may wish I would not say this on the floor, but especially after the nonpartisan report which came out last week that confirmed what I have said on this floor many a time—especially for nominees who are women and minorities. I have observed before that if you are a minority or if you are a woman, this Senate, as presently constituted, will take far, far longer to vote on your confirmation than if you are a white male. That is a fact. That is fact, something that started becoming evident a few years ago and has now been confirmed in a nonpartisan report.

Let me repeat that. If you are a minority, if you are a woman, you will take longer to be confirmed than if you are a white male, by this Senate as presently constituted. And that is wrong. I advise Senators, I have checked on Judge Richard Paez, Justice Ronnie White, and Ms. Marsha Berzon, and nobody objects on the Democratic side of the aisle to them coming to a vote. We are prepared to vote at any time, any moment, any day. There are no holds on this side of the aisle.

I said last week I do not begrudge Ted Stewart a Senate vote. I do not. He is entitled to a vote. He went through the confirmation process. The Senate Judiciary Committee voted him out. It was not a unanimous vote, but he was voted out of the committee, and he is entitled to a vote. If Senators do not want to vote for him, vote against him. If Senators want to vote for him, vote for him. I intend to vote for him. I intend to give the benefit of the doubt both to the President and to the chairman of the Senate Judiciary Committee who recommended him.

But I also ask the same sense of fairness be shown to everybody else on the calendar. The Senate was able to consider and vote on the nomination of Robert Bork to the U.S. Supreme Court, as controversial as that was, in 12 weeks. The Senate was able to consider and vote on the nomination of Justice Clarence Thomas in 14 weeks. We ought to be voting on the nomination of Judge Richard Paez, which has been pending almost 4 years, and that of Marsha Berzon, which has been pending almost 2 years. Let us have a sense of fairness. Let us bring them up and let us remove this notoriety the Senate has received, the notoriety established and emphatically proven, that if you are a woman or a minority, you take longer to get confirmed, if you ever get confirmed at all. That is wrong. We should be colorblind; we should be gender blind. Most importantly, we should be fair.

I should note, in fairness to the distinguished chairman of the Judiciary Committee, in committee he did vote for Judge Paez, Justice White, and Ms. Berzon and, of course, Ted Stewart, as did I. Now I work with both he and the majority leader to bring them to a final vote by the Senate.

I also want to work with those Senators who are opposed to bringing Judge Paez or Marsha Berzon to a vote. I read in the papers where we have done away with secret holds in the Senate, but apparently not for everybody. Apparently, there are still secret holds.

In February, the majority leader and Democratic leader sent a letter to all Senators talking about secret holds. They said then: ''members wishing to place a hold on any . . . executive calendar business shall notify the committee of jurisdiction of their concerns.'' I serve as the ranking member on the committee of jurisdiction for these nominations. I have not been told the name of any Senator at all who is holding them up. Yet they do not go forward.

The letter from the two leaders goes on to state: ''Further, written notification should be provided to the respective Leader stating their intention regarding the * * * nomination.'' Senator

DASCHLE has received no such notification. In spite of what was supposed to be a Senate policy to do away with anonymous holds, we remain in the situation where I do not even know who is objecting to proceeding to a vote on the Paez and Berzon nominations, let alone why they are objecting. I have no ability to reason with them or address whatever their concerns are because I do not know their concerns. It is wrong and unfair to the nominees.

I do not deny each Senator his or her prerogative as a Member of this Senate. After 25 years here, I think I have demonstrated—and I certainly know in my heart—I have great respect for this institution and for its traditions, for all the men and women with whom I have served, the hundreds of men and women with whom I have served over the years in both parties. But this use of secret holds for extended periods to doom a nomination from ever being considered by the Senate is wrong, unfair, and beneath us.

Who is it who is afraid to vote on these nominations? Who is it who is hiding their opposition and obstructing these nominees? Can it be they are such a minority, they know that if it comes to a fair vote, these good men and women will be confirmed?

So rather than to allow a fair vote, they will keep it from coming to a vote. I would bet you that the same people who are holding these nominations back from a vote will go home on the Fourth of July and other holidays and give great speeches about the democracy of this country and how important democracy is and why we have to allow people to vote and express the will of the people—except in the Senate and, apparently, except if you are a minority or a woman.

If we can vote on the Stewart nomination within 4 weeks in session, we can vote on the Paez nomination within 4 years and the Berzon nomination within 2 years. Let us vote up or down.

Once more I say, look where we are: There is Stewart, pending 2 months; Marsha Berzon, pending 20 months; Justice Ronnie White of Missouri, pending 27 months; Judge Richard Paez, pending 44 months. I look at those green lines of this chart showing the time that each of these nominations has been pending and I wish they could each be the short sliver that represents the Stewart nomination. With a name like PATRICK LEAHY, I want to see green on St. Patrick's Day; I do not want to see the long green lines on this chart that represent delay and obstruction of votes on women and minority nominees.

Judge Richard Paez is an outstanding jurist, a source of great pride and inspiration to Hispanics in California and around the country. He served as a local judge before being confirmed to the Federal bench several years ago. He is currently a federal district court judge. He has twice been reported to the Senate by the Judiciary Committee, twice reported out for confirmation. He spent a total of 9 months over the last 2 years on the Senate Executive Calendar awaiting the opportunity for a final confirmation vote to the court of appeals. His nomination was first received 44 months ago, in January of 1996.

Justice Ronnie White, an outstanding member of the Missouri Supreme Court, has extensive experience in law and government. In fact, he is the first African American to serve on the Missouri Supreme Court. He has been twice reported favorably to the Senate by the Judiciary Committee. He spent a total of 7 months on the floor calendar waiting the opportunity for a final confirmation vote. His nomination was first received by the Senate in June 1997—27 months ago. I am glad that finally, after all this time, the Democratic leader was able to announce a date for a vote on this longstanding nomination of this outstanding jurist.

As the St. Louis Post-Dispatch noted in an editorial last week:

> Seven of the 10 judicial nominees who have been waiting the longest for confirmation are minorities or women. This is hardly a shock to those of us who have watched [Justice] White, an African-American, be ushered to the back of the bus.

The words of the St. Louis Post-Dispatch.

Marsha Berzon has been one of the most qualified nominees I have seen in my 25 years. Her legal skills are outstanding. Her practice and productivity have been extraordinary. Lawyers against whom she has litigated regard her as highly qualified for the bench. Her opponents in litigation are praising her and asking for her to be confirmed.

She was long ago nominated for a judgeship within a circuit that saw this Senate hold up the nominations of other qualified women for months and years—people like Margaret Morrow, who was held up for so long; Ann Aiken, who was held up for so long; Margaret McKeown, who was held up for so long; Susan Oki Mollway, who was held up for so long. Marsha Berzon, too, has now been held up for 20 months.

The Atlanta Constitution, from Atlanta, GA, noted last Thursday:

> Two U.S. appellate court nominees, Richard Paez and Marsha Berzon, both of California, have been on hold for four years and 20 months respectively. When Democrats tried Tuesday to get their colleagues to vote on the pair at long last, the Republicans scuttled the maneuver. The Paez case seems especially egregious. . . . This partisan stalling, this refusal to vote up or down on nominees, is unconscionable. It is not fair. It is not right. It is no way to run the federal judiciary. Chief Justice William Rehnquist is hardly a fan of [President] Clinton. Yet even he has been moved to decry Senate delaying tactics and the burdens that unfilled vacancies impose on the federal courts. Tuesday's deadlock bodes ill for judicial confirmations through the rest of [President] Clinton's term. This ideological obstructionism is so fierce that it strains our justice system and sets a terrible partisan example for years to come.

That is from the Atlanta Constitution. I share that concern. I have been on the floor of this Senate when we have had Republican Presidents with Republican nominations, saying that they deserve to be brought forward for a vote one way or the other, including a couple instances of nominees I intended to vote against. I still said they deserved a vote. And they got their vote.

In fact, I probably voted for 98 to 99 percent of President Ford's, President Reagan's, and President Bush's nominees—three Presidents with whom I have served.

What we are currently experiencing is unconscionable and unprecedented, these kinds of delays. I think we hurt the Senate when we do this. We will have Republican Presidents; we will have Democratic Presidents. We will have Republican-controlled Senates; and we will have Democratic-controlled Senates. I have served here twice with the Democrats in control; twice with the Republicans in control. The precedents we establish are important if we are to go into the next century as the kind of body the Senate should be.

We should be the conscience of the Nation. On some occasions we have been. But we tarnish the conscience of this great Nation if we establish the precedence of partisanship and rancor that go against all precedents and set the Senate on a course of meanness and smallness. That is what we are doing with these nominations. We should establish, for future Senates, that we are above this kind of partisanship.

Nobody in this body owns a seat in the Senate. Every single person serving today will be gone someday. Every one of them will be replaced by others. As I said, in the relatively short time I have been here, hundreds of Senators have gone through this body. But every one of us are guided by what previous Senates have done.

Do not let us end this century and this millennium leaving, as guidance for the next century and the next millennium and the next Senate, partisanship that tears at the very fabric, not only of the Senate but of the independence of the Federal judiciary itself. So many judges, judges who are considered conservative, judges who are considered liberal, judges who have had a Republican background or a Democratic background, judges who have been appointed by Republican Presidents, judges who have been appointed by Democratic Presidents, have been united in saying: Stop this. Do not go on with this. Because you are tearing at the very core of our independent judiciary, the most independent judiciary on Earth, a judiciary whose very independence allows us to maintain a balanced country, a country that is the most powerful on Earth, but a country that is also the most free and the most respected democracy. And a main factor guaranteeing that freedom and that democracy is our independent judiciary.

So, against this backdrop, I, again, ask the Senate to be fair to these judicial nominees and all nominees. For the last few years the Senate has allowed one or two or three secret holds to stop judicial nominations, and that is not fair.

Let me tell you what the Chief Justice of the U.S. Supreme Court wrote, a man who is widely considered a conservative Republican, also a man who, as we saw when he presided over the Senate earlier this year, is a man of fairness, of integrity and of great learning. He wrote in January of last year:

> Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. . . . The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down.

I could not agree more with Chief Justice Rehnquist. We should follow his advice. Let the Republican leadership schedule up-or-down votes on the nominations of Judge Paez and Marsha Berzon so that the Senate can finally act on them. Let us be fair to all.

The response to the Senate action last week was condemnation of the Republican leadership's refusal to proceed to vote on the nominations of Judge Paez, Justice White, and Ms. Berzon. A Washington Post editorial characterized the conduct of the Republican majority as ''simply baffling'' and noted:

> [T]he Constitution does not make the Senate's role in the confirmation process optional, and the Senate ends up abdicating responsibility when the majority leader denies nominees a timely vote. All the nominees awaiting floor votes, Mr. Stewart included, should receive them immediately.

The editorial speaks to the responsibility of the Senate, and it is right. On our side of the aisle, we have lived up to the responsibility. Again, I tell all Senators, no matter how an individual Democratic Senator may vote on any one of the pending nominees, no Democratic Senator has a hold on any judicial nominee. We are all prepared to vote.

It is October 1, and the Senate has acted on only 19 of the 68 judicial nominations the President has sent us this year. We have only 4 weeks in which the Senate is scheduled to be in session for the rest of the year. By this time last year, the committee had held 10 confirmation hearings for judicial nominees and 43 judges had been confirmed. By comparison, this year there have been only 4 hearings and only 19 judges have been confirmed. We are at less than half the productivity of last year and miles behind the pace of 1994, when by this time we had held 21 hearings and the Senate had confirmed 73 judges.

The Florida Sun-Sentinel said last Monday:

> The ''Big Stall'' in the U.S. Senate continues, as Senators work slower and slower each year in confirming badly needed federal judges. . . . This worsening process is inexcusable, bordering on malfeasance in office, especially given the urgent need to fill vacancies in a badly undermanned federal bench. . . . The stalling, in many cases, is nothing more than a partisan political dirty trick.

For the last several years, I have been urging the Judiciary Committee and the Senate to proceed to consider and confirm judicial nominees more promptly, without the months of delay that now accompany so many nominations. Moreover, in the last couple weeks, as I said earlier, independent studies have verified the basis for many of my concerns.

According to the report recently released by the Task Force on Judicial Selection of Citizens for Independent Courts, the time it has taken for the Senate to consider nominees has grown significantly, from an average of 83 days in 1993 and 1994 during the 103rd Congress, to over 200 days for the years 1997 and 1998 during the last Congress, the 105th. In fact, if we look at the average number of days from confirmation to nomination on an annual basis, we would see that the Senate has broken records for delay in each of the last 3 succeeding years, 1996, 1997, and 1998. In fact, in 1998, the average time for confirmation was over 230 days.

That independent report also verifies that the time to confirm women as nominees is now significantly longer than to confirm men as nominees. That is a difference that defies any logical explanation except one, and that one explanation does not shed credit on this great institution. They recommend that ''the responsible officials address this matter to assure that candidates for judgeships are not treated differently based on their gender''—because they know that today they are.

I recall too well the obstacle course that such outstanding women nominees as Margaret Morrow, Ann Aiken, Margaret McKeown, and Susan Oki Mollway were forced to run. Now it is Marsha Berzon who is being delayed and obstructed, another outstanding woman judicial nominee held up, and held up anonymously because everybody knows that if she had a fair up-or-down vote, she would be confirmed.

I am angered by this, quite frankly, Mr. President. I think how I would react if this was my daughter being held up like this, or the daughter of someone I knew.

The report of Citizens for Independent Courts recommends the Senate should eliminate the practice of allowing individual Members to place holds on a nominee. We ought to consider that.

This summer, Prof. Sheldon Goldman and Elliot Slotnick published their most recent analysis of the confirmation process in President Clinton's second term in Judicature magazine. They note the ''unprecedented delay at both the committee and floor stages of Senate consideration of Clinton judicial nominees'' and conclude:

> It is impossible to escape the conclusion that the Republican leadership in the Senate is engaged in a protracted effort to delay decisionmaking on judicial appointments whether or not the appointee was, ultimately, confirmable.

In fact, I can think of a number of these people, having been held up month after month after month, who finally got a vote and ended up being confirmed overwhelmingly. Margaret Morrow is an example of that. She was held up for so long that it became a national disgrace that a woman so qualified, backed by both Republicans and Democrats in California, was held up apparently because she was a woman. And when finally the shame of it would not allow her to be held up any longer, she came to a vote on the floor and was confirmed overwhelmingly.

In spite of efforts last year in the aftermath of strong criticism from the Chief Justice of the United States, the vacancies facing the Federal judiciary remain at 63, with 17 on the horizon. The vacancies gap is not being closed. We have more Federal judicial vacancies extend longer and affecting more people. There will be more in the coming months. Judicial vacancies now stand at approximately 8 percent of the Federal judiciary. If you went to the number of judges recommended by the judicial conference, the vacancy rate would be over 15 percent and total over 135.

Nominees deserve to be treated with dignity and dispatch, not delayed for 2 and 3 years. We are talking about people going to the Federal judiciary, a third independent branch of Government. They are entitled to dignity and respect. They are not entitled automatically for us to vote aye, but they are entitled to a vote, aye or nay.

How do we go to other countries and say: You need an independent judiciary; you have to have a judiciary that people can trust; you have to treat it with respect; when we are not doing that in the Senate?

They deserve at least that. No nominee gets an automatic ''aye'' vote, but every nominee ought to be heard and at least voted on one way or the other.

One of our greatest protections as Americans is an independent judiciary, one the American people can respect and whose decisions they can respect. We have built in all kinds of counterweights: the district court, the courts of appeal, the Supreme Court. We have this to make sure that there is this independence and balance. Yet we seem to be putting a break on it. The Senate's actions undermine our independent judiciary by the way we mistreat judicial nominations and perpetuate unnecessary vacancies.

We are seeing outstanding nominees nitpicked and delayed to the point that good men and women are being deterred from seeking to serve as Federal judges. Some excellent lawyers are being asked to serve as Federal judges and they say: No, I do not want to go through that. Why should I?

In private practice, it is announced they are going to be nominated to be a

Federal judge. All their partners will come in and say: This is wonderful, congratulations. We are going to have a great party for you Friday. And when are you going to move out of that corner office, because we want to move in? We realize you cannot take on any new clients. We would be a little bit better off if you were out of the office now so that we do not have any conflicts of interest.

Then, for 2 or 3 years, they sit there, no income, no practice, neither fish nor foul. In a Senate that is constantly voting to say we are in favor of family values—as though anybody is against them—maybe we ought to also consider the families of nominees, who might want to plan, and who need to know where that nomination is headed without unnecessary delay.

I have been here with five Presidents—I respected and know them all—President Ford, President Reagan, President Carter, President Bush, and President Clinton. I have been on the Judiciary Committee during that time. I know for a fact that no President, Republican or Democrat, has ever consulted more closely with Senators of the party opposite from his on judicial nominees. No other President has consulted as much with members of the other party as President Clinton has, and that has greatly expanded the time it takes to make these nominations. But he has done that.

Having done that, the Senate at least should go about the business of voting on confirmation for the scores of judicial nominations that have been delayed for too long without justification.

This summer, in his remarks to the American Bar Association, the President again urged us to action. He said:

> We simply cannot afford to allow political considerations to keep our courts vacant and to keep justice waiting.

We must redouble our efforts to work with the President to end the longstanding vacancies that plague the Federal courts and disadvantage all Americans. That is our constitutional responsibility.

I continue to urge the Republican leadership to attend to these nominations without obstruction and proceed to vote on them with dispatch. I urge that they schedule a vote on Judge Paez and Marsha Berzon without further delay. Again, I note for the record that no Democratic Senator objects to them going forward for a vote—none. We are prepared to go forward with a vote on the shortest of notice at any time. So the continuing delays on both Judge Paez and Marsha Berzon, are on the Republican side.

I do appreciate what the distinguished Republican leader and the distinguished Democratic leader worked out today. And I appreciate the efforts of the distinguished senior Senator from Utah. It is my hope that the example the four of us have set today will move the Senate into a new productive chapter of our efforts to consider judicial nominations.

We took the action of initiating the calling up of a judicial nominee last week to demonstrate where we were. We have urged the taking up of a judicial nominee today whom some Democratic Senators oppose in order to demonstrate our commitment to fairness for all.

There is never a justification to deny any of these judicial nominees a fair up-or-down vote. There is no excuse for the failure to have a vote on Judge Paez and Marsha Berzon.

I ask unanimous consent that copies of the recent editorials from the Florida Sun-Sentinel, the Atlanta Constitution, the St. Louis Post-Dispatch, the Denver Post, and the Washington Post be printed in the RECORD.

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

[From the Sun-Sentinel, South Florida, Sept. 20, 1999]

PACE OF JUDICIAL CONFIRMATIONS LAGS

The ''Big Stall'' in the U.S. Senate continues, as senators work slower and slower each year in confirming badly needed federal judges.

More than eight months into 1999, the Senate has only confirmed 14 of President Clinton's judicial nominees. By this time in 1998, 39 judges had been confirmed. In 1997, it was 58 judges.

This worsening process is inexcusable, bordering on malfeasance in office, especially given the urgent need to fill vacancies on a badly undermanned federal bench. Even after three new judges were confirmed Sept. 8, 11 nominations are still pending before the Judiciary Committee and 35 before the full Senate. The president has not yet nominated candidates to fill 24 other vacancies.

The vacant seats, 70 of 846, represent 8.3 percent of all federal judges.

The stalling, in many cases, is nothing more than a partisan political dirty trick. Judiciary Committee Chairman Orrin Hatch, R–Utah, has inexcusably delayed several confirmation hearings and refused to hold others. Conservatives like Hatch hate the idea of Clinton continuing to put his stamp on the federal judiciary with more lifetime appointments.

One of the newest people winning confirmation is Adalberto Jose Jordan of Miami, who will join the bench on the U.S. District Court for the Southern District of Florida.

This is the first time in many years that the court will be operating at full strength. At one time, it had four empty spots, with some vacancies going unfilled four years.

Jordan's nomination process moved much faster than most. The Senate got his nomination on March 15, held a confirmation hearing July 13 and confirmed him Sept. 8. That's still on the slow side; three months should be more than enough. Miami Judge Stanley Marcus won confirmation to the 11th U.S. Circuit Court of Appeals in only 33 days.

Senate stalling on confirmations came under deserved attack from Sen. Patrick Leahy of Vermont, the senior Democrat on the Judiciary Committee.

''Nominees deserve to be treated with dignity and dispatch, not delayed for two or three years,'' Leahy said. ''We are seeing outstanding nominees nitpicked and delayed to the point that good women and men are being deterred from seeking to serve as federal judges.''

Leahy called it a scandal and a shame that one nomination has been stalled 3 years and 8 months, despite two Judiciary votes to confirm. Many vacancies have been unfilled 18 months or more.

Senators should heed the request of U.S. Supreme Court Justice William Rehnquist, who urged them to expedite confirmation hearings and votes. A good bill by Florida Sens. Bob Graham and Connie Mack requires a Judiciary Committee vote within three months, then allows any senator to bring the matter to the Senate floor. The full Senate would have to vote one month after Judiciary action.

''We are not doing our job,'' Leahy told his colleagues. ''We are not being responsible. We are really being dishonest and condescending and arrogant toward the judiciary. It deserves better and the American people deserve better.''

Empty judicial benches and the Senate's Big Stall cause severe problems.

They worsen an already high judicial caseload, burning out overworked current judges.

They put off many civil lawsuits for years, delaying and thus denying justice to litigants.

They force a hurry-up in criminal cases that can lead to reversible error on appeal.

They force some talented nominees to drop out, or not even apply.

They cripple urgent efforts to get tough on crime.

And they weaken an important branch of government.

[From the Atlanta Constitution, Sept. 23, 1999]

GOP WON'T WARM JURISTS' BENCHES

President Clinton struck a bad bargain two months ago. He caved in to an insistent Sen. Orrin Hatch (R-Utah) and nominated a Hatch buddy with no judicial experience to be a U.S. judge in Salt Lake City.

Clearly, Clinton hoped Hatch, chair of the Senate Judiciary Committee, and other Republicans would appreciate the gesture and reciprocate in kind—let's say, by finally freeing some of the multitude of Clinton judicial nominees stranded in the upper chamber.

Surprise, surprise. Clinton's peace offering has sparked no such magnanimity. His partisan foes want to have their cake and eat the president's lunch, too.

The issue came to a head Tuesday when Republicans attempted to confirm Hatch's chum and right-wing soulmate, Ted Stewart. Democrats blocked the procedure, contending justifiably that Stewart had been pushed to the front of the line for Senate consideration when other Clinton appointees have waited in vain for a confirmation vote—some for years.

That's right, years. Two U.S. appellate court nominees, Richard Paez and Marsha Berzon, both of California, have been on hold for four years and 20 months respectively. When Democrats tried Tuesday to get their colleagues to vote on the pair at long last, the Republicans scuttled the maneuver.

The Paez case seems especially egregious. He has been kept in limbo this long, Democrats contend, because his GOP foes would rather not cast a recorded vote against a Hispanic jurist.

This partisan stalling, this refusal to vote up or down on nominees, is unconscionable. It is not fair. It is not right. It is no way to run the federal judiciary.

Chief Justice William Rehnquist is hardly a fan of Clinton. Yet even he has been moved to decry Senate delaying tactics and the burdens that unfilled vacancies impose on the federal courts.

Tuesday's deadlock bodes ill for judicial confirmations through the rest of Clinton's term. This ideological obstructionism is so

fierce that it strains our justice system and sets a terrible partisan example for years to come.

[From the St. Louis Post-Dispatch, Inc., Sept. 24, 1999]

CONFIRM RONNIE WHITE

Missouri Supreme Court Judge Ronnie White, in limbo more than 800 days awaiting his confirmation hearing, saw his long road to the federal bench take its most bizarre turn yet this week. Senate Republicans resorted to a highly unusual cloture vote to try to force Democrats to vote on the nomination of Ted Stewart, a friend of Republican Sen. Orrin Hatch who was nominated, at Mr. Hatch's personal request, just two months ago. The motion failed by five votes.

The irony of Democrats stalling their President's nominee was plain, as they have been pleading for years for votes on candidates. In a political deal gone wrong, President Bill Clinton nominated Mr. Stewart—an environmentalist's nightmare—in the apparent belief this would jump-start the long-stalled confirmation process. The world record holder in this wait-a-thon is Richard A. Paez (more than four years), followed by Marsha L. Berzon (three years) and Mr. White (more than two years). Instead of bringing these nominations to the floor, the maneuver resulted in Mr. Stewart being moved to the head of the line. Democrats refused to consider him, and are digging in their heels until they are assured their top three limbo inmates will be freed.

Cloture is a dramatic, desperate maneuver that has been used only a handful of times. Even the hotly contested nominations of Robert H. Bork and Clarence Thomas did not require such hostile arm-twisting. It is unthinkable that Republicans would resort to this over people like Mr. Paez.

But Democrats now fear Republicans would stall the process until after the 2000 elections rather than vote on Mr. Paez. Democrats say Republicans don't like Mr. Paez, but don't want to be cast as voting against a Hispanic. Gosh, who would ever get that impression? Seven of the 10 judicial nominees who have been waiting the longest for confirmation are minorities or women. This is hardly a shock to those of us who have watched Mr. White, an African-American, be ushered to the back of the bus.

The Limbo Three are political prisoners. They are unquestionably qualified. If anything, Mr. Stewart—chief of staff to Utah Gov. Mike Leavitt—is the one who looks thin on courtroom credentials. Even if it delays the process further, Democrats should not give in to this ridiculous double-dealing and wave Mr. Stewart through until they are assured Republicans will allow the process to go forward.

Believe it or not, we're getting tired of saying this: Confirm Ronnie White.

[From the Denver Post Corp., September 26, 1999]

ERASE JUDICIAL BACKLOG

Confirmation of federal judges has become slower than molasses and more contentious than a thicket of barbed wire, turning judicial nominees into pawns in a political process that has become a national disgrace.

Colorado's vacancy of U.S. District Court is frozen since President Clinton named Patricia Coan at the recommendation of Rep. Diana DeGette and other state Democrats, but Sen. Wayne Allard of Colorado refused to back Coan and sent Clinton a list of his five nominees instead.

Even uglier was last week's battle in the Senate Judiciary Committee, where Chairman Orrin Hatch, R-Utah, tried to push his nominee, Ted Stewart, through a Senate vote after leaving Democrats' nominees twisting in the wind for years.

Would-be California appeals judges Richard Paez and Marsha Berzon have waited four and nearly two years, respectively, for a Senate vote. Ronnie White, the first African-American state Supreme Court Justice in Missouri, has been on hold for more than a year.

But Hatch, who won Clinton's appointment of Stewart by freezing action on the others, then tried to slip his man through without a vote on those who have waited so long. Democrats retaliated by filibustering Stewart's nomination, and all progress had come to a complete halt as of this writing.

While Hatch's conduct was unconscionable, there is plenty of blame to go around here. Clinton has taken an average of 315 days—the most of any president ever—to choose nominees to fill judgeships. By comparison, President Carter averaged 240 days.

The Senate also is taking far longer than ever, from 38 days, in 19777–78 to 201 in 1997–98.

Ideally, senators name a candidate, whom the president can accept or reject. If accepted, the nominee's name goes to the Senate Judiciary Committee and, if approved, then to the full Senate. The Senate should be able to vote within two months after the president's nomination. These days, it takes years.

Even U.S. Supreme Court Chief Justice William Rehnquist has criticized the Senate for moving too slowly.

Almost one in 10 positions weren't filled at the end of 1997. Today, 63 of the 843 federal judgeships are open—23 in appellate courts, 38 in district courts and one in international trade courts.

'Vacancies cannot remain at such high levels of indefinitely without eroding the quality of justice that traditionally has been associated with the federal judiciary,' Rehnquist said. 'Fortunately for the judiciary, a dependable corps of senior judges has contributed significantly to easing the impact of unfilled judgeships.'

That isn't fair to overworked senior judges or to those whose cases gather dust on backlogs. Both are common in Colorado. And it is an injustice to the nominees whose careers are frozen as they await appointment or rejection. The president and senators should make the selection of judges a high priority and stop staging delays as strategic moves. The federal judiciary is at stake.

[From the Washington Post, Thurs., September 23, 1999]

A VOTE FOR ALL THE JUDGES

The nomination of Ted Stewart to a federal district judgeship in Utah has been a strange affair from the beginning. Tuesday it turned into a circus.

Mr. Stewart, a favorite of Judiciary Committee Chairman Orrin Hatch, was nominated by President Clinton after Sen. Hatch essentially froze consideration of the nominees to force his appointment. When the White House finally gave in, hoping to free some long-waiting appeals court judges, Mr. Hatch moved Mr. Stewart through committee within days—even though other nominees have waited years to get confirmed.

Now Mr. Stewart is awaiting a floor vote, as are several nominees who should have had one long ago. Yet on the Senate floor last week, Majority Leader Trent Lott announced that he planned to move Mr. Stewart to a vote without also holding votes for Richard Paez or Marshal Berzon, two of the most abused administration nominees. Mr. Stewart, if Mr. Lott had his way, would be confirmed a few weeks after his nomination, while nominees who have waited around endlessly will continue to wait.

Democrats understandably balked at this, so on Tuesday they took the extraordinary step of filibustering a judicial nomination from the Clinton White House—not in order to prevent his confirmation but rather to ensure that other nominees get votes. Afterward, Democrats sought to force consideration of Judge Paez and Ms. Berzon, but Republicans stopped this in two more party-line votes. The result is that nobody is getting considered, though all of the nominees on the floor likely have the votes for confirmation.

The filibuster of a judicial nomination is a very bad precedent, one we suspect Democrats will come to regret, but it's hard to see what choice they had. The conduct of the Republican majority here is simply baffling—and the rhetoric equally so. Mr. Hatch pleaded with the Senate Tuesday evening to ''stop playing politics with this nomination and allow a vote expeditiously''—as though he had not himself played games to get Mr. Stewart nominated in the first place. Trent Lott last week expressed dismay that a minority of only 41 senators would be able to block a nomination. But as Sen. Patrick Leahy pointed out in response, there is a deep irony in fretting about the ability of a minority of 41 senators to stop a nomination when Judge Paez has been held up for more than three years by a tiny group of senators who do not even have to give their names to keep his nomination from coming to a vote.

Mr. Lott's other comments were worse still. He made it clear that confirming judges is something he would rather not do at all. ''There are not a lot of people saying: Give us more federal judges,'' the majority leader said on the floor last week. ''I am trying to help move this thing along, but getting more federal judges is not what I came here to do.'' The honesty of this comment, at least, is refreshing. But the Constitution does not make the Senate's role in the confirmation process optional, and the Senate ends up abdicating responsibility when the majority leader denies nominees a timely vote. All the nominees awaiting floor votes, Mr. Stewart included, should receive them immediately.

Mr. LEAHY. Mr. President, again, I make this heartfelt plea. I have made the same plea in private to the Republican leader, the Democratic leader, and others. I love the Senate for what it can and should do. I know that, like everybody else my time here is only as long as the voters and my health allow. I also know that someday I will be gone and somebody else from Vermont will fill this seat.

I look at the Senate as the conscience of this great Nation. It is a body moving by precedence, moving sometimes by what some would say is an overformalized ritual, but moving in a way that the country can respect and in which the best of the country can be reflected, a body that is built on precedence.

A famous Thomas Jefferson story spoke of the Senate as the saucer that allows cooling of passions, the Senate also allows us to step above partisan politics because of our 6-year terms. We have not done that with the judiciary. We have a duty to protect the Senate, but also, because of our unique role in the confirmation process, we have a duty to protect the integrity and independence of the Federal judiciary. We are failing both in our duties

as Senators and we are failing in our duty to the Federal court.

Let us all take a deep breath and think about that and go back to doing what we should—not for this President or any past incident, but for all Presidents, present and future, and for all Senates, present and future, and for the American people, and for the greatest Nation on Earth, present and future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

FIFTIETH ANNIVERSARY OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. HUTCHINSON. Mr. President, the Communist party is celebrating the fiftieth anniversary of the People's Republic of China on October 1. Unfortunately, many Chinese people have little reason to celebrate. Indeed, this is not a celebration of the Chinese people but an orchestrated celebration of the Communist party—a party of purges.

From the formative decade at Yenan, where the party was headquartered, and Mao Tse-tung soundly crushed challenges to his power; to the killing of hundreds of landlords in the 1950s; to the anti-rightist purging of half a million people following the Hundred Flowers period and during the Great Leap Forward; to the Cultural Revolution, during which millions were murdered or died in confinement, to the massacre at Tiananmen Square just ten years ago—the Communist party has sustained its existence not by the consent of the people, but through the violent elimination of dissent.

Even today, we see the party of purges in action on a daily basis. The Communist party is deeply engaged in a piercing campaign to silence the voices of faith and freedom—to purge from society, anyone they see as a threat to their power. The Chinese government continues to imprison members of the Chinese Democracy Party. In August, the government sentenced Liu Xianbin to thirteen years in prison on charges of subversion. His real crime was his desire for democracy. Another Democracy Party member, Mao Qingxiang, was formally arrested in September after being held in detention since June. He will likely languish in prison for ten years because of his desire to be free. I could go on, but some human rights groups estimate that there could be as many as 10,000 political prisoners suffering in Chinese prisons. The party is determined to purge from society, those people it finds unsavory.

And the Chinese government will not tolerate people worshiping outside its official churches. So when it began cracking down on the Falun Gong meditation group, which it considers a cult, the government used this inexcusable action to perpetrate another—an intensified assault on Christians. In August, the government arrested thirty-one Christian house church members in Henan province. Henan province must be a wellspring of faith because over 230 Christians have been arrested there since October. Now I am concerned that eight of these House church leaders may face execution if they are labeled and treated as leaders of a cult. Let me say clearly and unequivocally that the eyes of the international community are watching. I hope that these peaceful people will be released.

In the months leading up to this fiftieth anniversary celebration, everything and everyone has been swept aside to cast a glamorous light on the Communist party. But the reality is quite ugly. Hundreds of street children, homeless, and mentally and physically disabled people have been rounded up and forced into Custody and Repatriation centers across the country. They are beaten, they are given poor food in unsanitary conditions, and they must pay rent.

In fact, only 500,000 people will be allowed to participate in the celebration in Beijing. Non-Beijing residents cannot enter the city and migrant workers have been sent home. They will not be able to see the Communist Party in all its glory, as it displays the DF–31 intercontinental ballistic missile and other arms, nor will they see the tanks rolling past Tiananmen Square. And Tibetans in Lhasa, who certainly do not want to celebrate, are being forced to participate under threat of losing their pay or their pensions.

This gilded celebration will not obscure the corrosion beneath. We must recognize the nature of this regime. We must never turn a blind eye or a deaf ear to cries of those suffering in China. We must be realistic when we deal with the Chinese government.

So when Time Warner chairman Gerald Levin courts President Jiang Zemin even when Time Magazine's China issue is banned, when our top executives are silent on human rights, when we put profit over principle, we are shielding our eyes from the stark reality of persecution in China. As Ronald Reagan said, ''. . . we demean the valor of every person who struggles for human dignity and freedom. And we also demean all those who have given that last full measure of devotion.''

Mr. President, it is my sincere hope and desire that in the next fifty years, the Chinese people will truly have something to celebrate. I hope that they will no longer be suppressed by a regime that extracts dissent like weeds from a garden, but that they will be able to enjoy the fruits of democracy.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, September 30, 1999, the federal debt stood at $5,656,270,901,615.43 (Five trillion, six hundred fifty-six billion, two hundred seventy million, nine hundred one thousand, six hundred fifteen dollars and forty-three cents).

Five years ago, September 30, 1994, the federal debt stood at $4,692,750,000,000 (Four trillion, six hundred ninety-two billion, seven hundred fifty million).

Twenty-five years ago, September 30, 1974, the federal debt stood at $481,743,000,000 (Four hundred eighty-one billion, seven hundred forty-three million) which reflects a debt increase of more than $5 trillion—$5,174,527,901,615.43 (Five trillion, one hundred seventy-four billion, five hundred twenty-seven million, nine hundred one thousand, six hundred fifteen dollars and forty-three cents) during the past 25 years.

REAUTHORIZING THE NATIONAL FISH AND WILDLIFE FOUNDATION

Ms. COLLINS. Mr. President, I rise today in strong support of S. 1653, which would reauthorize the National Fish and Wildlife Foundation. As an original cosponsor of this important legislation, I would like to applaud the excellent work of Senator CHAFEE and the Foundation to conserve the fish, wildlife, and plant resources of the United States.

The Foundation was created by Congress in 1984 to promote improved conservation and sustainable use of our country's natural resources. Since then, it has awarded over 2,400 grants, using $101 million in federal funds, which it matched with $189 million in nonfederal funds, putting a total of over $290 million on the ground to promote environmental education, protect habitats, prevent species from becoming endangered, restore wetlands, improve riparian areas, and conserve native plants. The hallmark of this outstanding organization is forgoing partnerships between the public and private sectors—involving the government, private citizens, and corporations—to address the root causes of environmental problems. This reauthorization will allow the Foundation to continue its valuable work throughout the country.

Besides being an important link between groups with differing interests in natural resources, the Foundation is an extremely effective tool for stretching scarce federal dollars. The Foundation was created by the National Fish and Wildlife Foundation Establishment Act, which stipulates that the Foundation must match any federal money appropriated to it on a one-to-one basis. The Foundation does the Act one better. It has an internal policy of matching federal funds at least two-to-one with money from individuals, corporations, state and local governments,

foundations, and nongovernmental organizations. Furthermore, all of the federal money appropriated to the Foundation supports on-the-ground conservation—its operating funds come strictly from private donations. The Foundation does not use federal funds for lobbying; nor does it support projects that entail political advocacy or litigation.

In my home state of Maine, the Foundation has invested over $3.4 million in federal funds in 109 projects, generating an additional $6.9 million in matching funds from private, corporate, and other state sources. Most notably, the Foundation has funded projects in Maine to help fishermen cope with the collapse of traditional groundfish fisheries, build a program to preserve Maine's native Atlantic salmon, and protect habitat for breeding Neotropical migratory birds.

Mr. President, I strongly support this bill to reauthorize the National Fish and Wildlife Foundation. Year after year, the Foundation consistently performs valuable conservation work, not only in my state, but throughout the country. Its ability to triple the power of federal funding for conservation is unique, making it one of the most effective means we have for preserving our natural resources. I urge my colleagues to join me in supporting expeditious passage of this important measure.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:39 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 2084, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

ENROLLED BILL SIGNED

At 11:40 a.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 bill:

H.R. 2981. An act to extend energy conservation programs under the Energy Policy and Conservation Act through March 31, 2000.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

At 1:57 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 1906, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes.

The messages also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2910. An act to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and for other purposes.

H.R. 2436. An act 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.

MEASURES REFERRED

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

H.R. 2910. An act 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; to the Committee on Commerce, Science, and Transportation.

H.R. 2436. An act 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; 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–5469. A communication from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a draft of proposed legislation relative to new feasibility investigations for three water resource development projects within the Pacific Northwest; to the Committee on Energy and Natural Resources.

EC–5470. A communication from the Principal Deputy Assistant Secretary for Congressional Affairs, Department of Veterans Affairs, transmitting a draft of proposed legislation relative to major facility projects and major facility lease programs for fiscal year 2000; to the Committee on Veteran's Affairs.

EC–5471. A communication from the Senior Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the annual report on activities under the Denton Program for the period July 1, 1998 to June 30, 1999; to the Committee on Foreign Relations.

EC–5472. A communication from the Chief, Regulations Branch, Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Flights To and From Cuba" (RIN1515–AC51), received September 30, 1999; to the Committee on Finance.

EC–5473. A communication from the Chairman, U.S. International Trade Commission, transmitting, pursuant to law, the annual report on the Caribbean Basin Economic Recovery Act (CBERA)—Impact on the United States, and the Andean Trade Preference Act (ATPA)—Impact on the United States; to the Committee on Finance.

EC–5474. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Mutual Assurance, Inc. v. Commissioner", received September 7, 1999; to the Committee on Finance.

EC–5475. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the allotment of emergency funds to the State of North Carolina; to the Committee on Health, Education, Labor, and Pensions.

EC–5476. A communication from the Legislative and Regulatory Activities Division, Administrator of National Banks, Comptroller of the Currency, transmitting, pursuant to law, the report of a rule entitled "Interim Rule Titled: Guidelines Establishing Year 2000 Standards for Safety and Soundness for National Bank Transfer Agents and Broker-Dealers" (RIN1557–AB73), received September 29, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5477. A communication from the Deputy Secretary, Division of Corporate Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "International Disclosure Standards" (RIN3235-AH62), received September 29, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5478. 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 "Imazapic-Ammonium; Pesticide Tolerances for Emergency Exemptions" (FRL #6382-3), received September 30, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5479. A communication from the Acting Assistant Secretary, Land and Minerals, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Application Procedures" (RIN1004-AC83), received September 29, 1999; to the Committee on Energy and Natural Resources.

EC–5480. 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 Implementation Plan: Alaska" (FRL #6450-8), received September 29, 1999; to the Committee on Environment and Public Works.

EC–5481. A communication from the Director, Office of Regulatory Management and

Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, El Dorado County Air Pollution Control District'' (FRL #6446-2), received September 29, 1999; to the Committee on Environment and Public Works.

EC–5482. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants; National Emission Standards for Radon Emissions from Phosphogypsum Stacks'' (FRL #6443-7), received September 28, 1999; to the Committee on Environment and Public Works.

EC–5483. 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 ''Washington: Final Authorization for State Hazardous Waste Management Program Revision'' (FRL #6449-8), received September 28, 1999; to the Committee on Environment and Public Works.

EC–5484. 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 ''Water Quality Standards; Establishment of Numeric Criteria foe Priority Toxic Pollutants; States' Compliance-Revision of Polychlorinated Biphenyls (PCBs) (FRL #6450–5), received September 28, 1999; to the Committee on Environment and Public Works.

EC–5485. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of the Amateur Service Rules to Provide for Greater Use of Spread Spectrum Technologies, Report and Order'' (FCC 99–234; WT Docket No. 97–12), received September 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5486. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Mile 94.0 to Mile 96.0, Lower Mississippi River, Above Head of Passes (COTP New Orleans, LA 99–022)'' (RIN2115–AA97) (1999–0064), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5487. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Wedding on the Lady Windridge Fireworks, New York Harbor, Upper Bay (CGD 01–99–163)'' (RIN2115–AA97) (1999–0063), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5488. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations: SLR: Winston Offshore Cup, San Juan, PR (CGD 07–99–056)'' (RIN2115–AE46) (1999–0039), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5489. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations: SLR: Tall Stacks 1999 Ohio River Mile 467.8–475.0, Cincinnati, OH (CGD 08–99–052)'' (RIN2115–AE46) (1999–0038), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5490. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendments; Organizational Changes; Miscellaneous Editorial Changes and Conforming Amendments (USCG 1999–6216)'' (RIN2115–ZZ02) (1999–0002), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5491. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''High Density Airports; Allocation of Slots'' (RIN2120–AG50), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5492. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Noise Transition Regulations; Approach of Final Compliance Date'' (RIN2120–ZZ20), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5493. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Center, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–14 (9–23/9–30)'' (RIN2120–AA66) (1999–0318), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5494. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Pikeville, NY; Docket No. 99–ASO–13 (8–24/9–30)'' (RIN2120–AA66) (1999–0316), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5495. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Procedures; Miscellaneous Amendments (12), Amdt. No. 1950 (9–23/9–30)'' (RIN2120–AA65) (1999–0046), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5496. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Procedures; Miscellaneous Amendments (72), Amdt. No. 1951 (9–23/9–30)'' (RIN2120–AA65) (1999–0047), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

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

POM–357. A joint resolution adopted by the Legislature of the State of California relative to Filipino veterans; to the Committee on Veterans' Affairs.

ASSEMBLY JOINT RESOLUTION NO. 15

Whereas, the Philippine Islands, as a result of the Spanish-American War, were a possession of the United States between 1898 and 1946; and

Whereas, in 1934, the Philippine Independence Act (P.L. 73–127) set a 10-year timetable for the eventual independence of the Philippines and in the interim established a government of the Commonwealth of the Philippines with certain powers over its own internal affairs; and

Whereas, the granting of full independence ultimately was delayed for two years until 1946 because of the Japanese occupation of the islands from 1942 to 1945; and

Whereas, between 1934 and the final independence of the Philippine Islands in 1946, the United States retained certain sovereign powers over the Philippines, including the right, upon order of the President of the United States, to call into the service of the United States Armed Forces all military forces organized by the Commonwealth government; and

Whereas, President Franklin D. Roosevelt, by Executive order of July 26, 1941, brought the Philippine Commonwealth Army into the service of the United States Armed Forces of the Far East under the command of Lieutenant General Douglas MacArthur; and

Whereas, under the Executive Order of July 26, 1941, Filipinos were entitled to full veterans benefits; and

Whereas, approximately 200,000 Filipino soldiers, driven by a sense of honor and dignity, battled under the United States Command after 1941 to preserve our liberty; and

Whereas, there are four groups of Filipino nationals who are entitled to all or some of the benefits to which United States veterans are entitled. These are:

(1) Filipinos who served in the regular components of the United States Armed Forces.

(2) Regular Philippine Scouts, called ''Old Scouts,'' who enlisted in Filipino-manned units of the United States Army prior to October 6, 1945. Prior to World War II, these troops assisted in the maintenance of domestic order in the Philippines and served as a combat-ready force to defend the islands against foreign invasion, and during the war, they participated in the defense and retaking of the islands from Japanese occupation.

(3) Special Philippine Scouts, called ''New Scouts,'' who enlisted in the United States Armed Forces between October 6, 1945, and June 30, 1947, primarily to perform occupation duty in the Pacific following World War II.

(4) Members of the Philippine Commonwealth Army who on July 26, 1941, were called into the service of the United States Armed Forces. This group includes organized guerrilla resistance units that were recognized by the United States Army; and

Whereas, The first two groups, Filipinos who served in the regular components of the United States Armed Forces and Old Scouts, are considered United States veterans and are generally entitled to the full range of United States veterans benefits; and

Whereas, The other two groups, New Scouts and members of the Philippine Commonwealth Army, are eligible for certain veterans benefits, some of which are lower than full veterans benefits; and

Whereas, United States veterans medical benefits for the four groups of Filipino veterans vary depending upon whether the person resides in the United States or the Philippines; and

Whereas, The eligibility of Old Scouts for benefits based on military service in the

United States Armed Forces has long been established; and

Whereas, the federal Department of Veterans Affairs operates a comprehensive program of veterans benefits in the present government of the Republic of the Philippines, including the operation of a federal Department of Veterans Affairs office in Manila; and

Whereas, The federal Department of Veterans Affairs does not operate a program of this type in any other country; and

Whereas, The program in the Philippines evolved because the Philippine Islands were a United States possession during the period 1898–1946, and many Filipinos have served in the United States Armed Forces, and because the preindependence Philippine Commonwealth Army was called into the service of the United States Armed Forces during World War II (1941–1945); and

Whereas, Our nation has failed to meet the promises made to those Filipino soldiers who fought as American soldiers during World War II; and

Whereas, The Congress passed legislation in 1946 limiting and precluding Filipino veterans that fought in the service of the United States during World War II from receiving most veterans benefits that were available to them before 1946; and

Whereas, Many Filipino veterans have been unfairly treated by the classification of their service as not being service rendered in the United States Armed Forces for purposes of benefits from the federal Department of Veterans Affairs; and

Whereas, All other nationals who served in the United States Armed Forces have been recognized and granted full rights and benefits, but the Filipinos, as American nationals at the time of service, were and still are denied recognition and singled out for exclusion, and this treatment is unfair and discriminatory; and

Whereas, On October 20, 1996, President Clinton issued a proclamation honoring the nearly 100,000 Filipino veterans of World War II, soldiers of the Philippine Commonwealth Army, who fought as a component of the United States Armed Forces alongside allied forces for four long years to defend and reclaim the Philippine Islands, and thousands more who joined the United States Armed Forces after the war; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States during the First Session of the 106th Congress to take action necessary to honor our country's moral obligation to provide these 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; and be it further

Resolved, That the Clerk of the Assembly transmit a copy of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–358. A joint resolution adopted by the Legislature of the State of California relative to child sexual abuse; to the Committee on Health, Education, Labor, and Pensions.

ASSEMBLY JOINT RESOLUTION NO. 21

Whereas, Children are a precious gift and responsibility; and

Whereas, The spiritual, physical, and mental well-being of children is our sacred duty; and

Whereas, No segment of our society is more critical to the future of human survival and society than our children; and

Whereas, Children who have been sexually abused often experience health problems, eating disorders, learning difficulties, behavioral problems, fearfulness, social withdrawal, anxiety, depression, and suicidal thoughts; and

Whereas, Psychologists, as researchers, educators, service providers, and policy advocates, have played important roles in advancing knowledge regarding the consequences, effective treatment, and prevention of child sexual abuse; and

Whereas, It is the obligation of all public policymakers not only to support but also to defend the health and rights of parents, families, and children; and

Whereas, Information endangering to children is being made public and, in some instances, may be given unwarranted or unintended credibility through release under professional titles or through professional organizations; and

Whereas, Elected officials have a duty to inform and counter actions they consider damaging to children, parents, families, and society; and

Whereas, California has made sexual molestation of a child a felony and has declared parents who sexually molest their children to be unfit; and

Whereas, Virtually all studies in this area, including those published by the American Psychological Association, condemn child sexual abuse as criminal and harmful to children; and

Whereas, The American Psychological Association repudiates and disassociates itself from any organization or publication that advocates sexual interaction between children and adults; and

Whereas, The American Psychological Association in July 1998, published a review of 59 studies of college aged students that indicates that some sexual relationships between adults and children may be less harmful than believed, and that some of the college students viewed their experience as positive at the time they occurred or positive when reflecting back on them; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature respectfully urges the President and Congress to reject and condemn, in the strongest honorable written and vocal terms possible, any suggestions that sexual relations between children and adults, except for those that may be legal in the various states under statutes pertaining to marriage, are anything but abusive, destructive, exploitive, reprehensible, and punishable by law; and be it further

Resolved, That the Legislature condemns and denounces all suggestions in the recently published study by the American Psychological Association that indicates sexual relationships between adults and ''willing'' children are less harmful than believed and might even be positive; and be it further

Resolved, That the Legislature encourages competent investigations to continue to research the effects of child sexual abuse using the best methodology so that the public and public policymakers may act upon accurate information; and be if further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the majority leader of the Senate, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–359. A joint resolution adopted by the Legislature of the State of California relative to Medicare; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 18

Whereas, Prescription drugs are an important component of modern medical treatment; and

Whereas, Many elderly patients cannot afford necessary prescription drugs because of their limited and fixed incomes; and

Whereas, The Medicare program, provided for pursuant to Title XVIII of the federal Social Security Act (42 U.S.C. Sec. 1395 et seq.), generally does not provide coverage for the cost of prescription drugs; and

Whereas, Many medical insurance plans, including senior health maintenance organization plans, medical insurance plans for public and private employees, and medicaid, provide coverage for the cost of prescription drugs; now, therefore be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to enact legislation expanding Medicare benefits to include the cost of prescription drugs; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative in the California delegation in the Congress of the United States.

POM–360. A joint resolution adopted by the Legislature of the State of California relative to the alternative minimum tax; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 7

Whereas, The federal Alternative Minimum Tax (AMT) is intended to assure that wealthy income taxpayers do not avoid taxation by using various credits, deductions, and other tax preferences; and

Whereas, The AMT requires an increasing number of taxpayers to calculate their taxes twice, under two different sets of rules, and pay whichever tax is higher; and

Whereas, The AMT affected 134,000 taxpayers in 1988, it now affects nearly one million and will affect five million by 2006; and

Whereas, More than 20 percent of those now paying AMT have adjusted gross incomes of less than one hundred thousand dollars ($100,000), and nearly 2 percent have adjusted gross incomes of between thirty thousand dollars ($30,000) and forty thousand dollars ($40,000); and

Whereas, Families in the lowest income tax bracket of 15 percent who cut their tax bills by taking advantage of the new tuition and child credits could be forced to pay some taxes at the higher AMT minimum rate of 26 percent; and

Whereas, The sharp increase in the number of moderate income earners affected by the AMT is attributable to inflation indexing of personal exemptions, the standard deduction and tax-bracket break points, while AMT exemption amounts and tax brackets are not so indexed; and

Whereas, The AMT's inclusion of lower and lower-adjusted gross incomes is exacerbated by a strong economy; and

Whereas, The AMT disallows many deductions, credits, and other tax preferences that taxpayers could otherwise use, such as state and local taxes; and

Whereas, The AMT distorts economic decisions, especially in relation to capital formation, by raising marginal tax rates; and

Whereas, Compliance costs related to the AMT amount to at least 30 percent of its current revenue; and

Whereas, The inconsistent tax results between regular income tax and the AMT create hidden, onerous tax choices, produce conflicting goals for tax and financial planning,

and vastly increase the complexity of compliance with the income tax law; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That California respectfully urges the Congress of the United States to index the AMT exemption and tax brackets for inflation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, the Speaker of the House of Representatives, the Senate Majority Leader, the Senate Minority Leader, the House Majority Leader, the House Minority Leader, the Chair and ranking minority member of the Senate Finance Committee, the Chair and ranking minority member of the House Committee on Ways and Means, and each Senator and Representative from California in the Congress of the United States.

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. DASCHLE (for himself, Mr. MOYNIHAN, Mr. ROCKEFELLER, Mr. KENNEDY, Mr. KERRY, Mr. BAUCUS, Mr. BINGAMAN, Ms. MIKULSKI, Mr. DURBIN, Mr. REID, Mr. KERREY, Mr. TORRICELLI, Mr. CLELAND, Mrs. BOXER, Mr. JOHNSON, Mr. REED, Mrs. MURRAY, Mr. SCHUMER, Mr. BREAUX, Mr. DODD, Mr. LEVIN, Mr. SARBANES, Mr. LEAHY, Mr. WELLSTONE, Mr. BRYAN, Mr. DORGAN, Mr. LAUTENBERG, Mr. BYRD, Mr. HARKIN, Mrs. FEINSTEIN, Mrs. LINCOLN, Mr. ROBB, and Mr. INOUYE):

S. 1678. A bill to amend title XVIII of the Social Security Act to modify the provisions of the Balanced Budget Act of 1997; to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. KERRY, and Ms. MIKULSKI):

S. 1679. A bill to amend the Internal Revenue Code of 1986 to implement enforcement of the Women's Health and Cancer Rights Act of 1998; to the Committee on Finance.

By Mr. ASHCROFT (for himself and Mr. FEINGOLD):

S. 1680. A bill to provide for the improvement of the processing of claims for veterans compensation and pensions, and for other purposes; to the Committee on Veterans Affairs.

By Mr. CRAIG:

S. 1681. A bill to extend the authority of the Thomas Paine National Historical Association to establish a memorial to Thomas Paine in the District of Columbia; to the Committee on Rules and Administration.

By Mr. ROCKEFELLER (for himself and Mr. GORTON):

S. 1682. A bill to amend title 49, United States Code, to authorize management reforms of the Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT:

S. Res. 194. A resolution expressing sympathy for the victims of the devastating earthquake that struck Taiwan on September 21, 1999; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. BIDEN (for himself and Mr. KERRY):

S. 1679. A bill to amend the Internal Revenue Code of 1986 to implement enforcement of the Women's Health and Cancer Rights Act of 1988; to the Committee on Finance.

BREAST RECONSTRUCTION IMPLEMENTATION ACT OF 1999

• Mr. BIDEN. Mr. President, I am pleased to introduce the Breast Reconstruction Implementation Act of 1999. This bill amends the Internal Revenue Code to require that all health plans provide coverage for breast reconstruction surgery after a woman has had a mastectomy for breast cancer.

Breast cancer is a frightening disease for women. It is common: a very high percentage of women who live long enough will eventually develop the disease. It is insidious: it can remain asymptomatic for many years before it is discovered. It is stealthy: it can recur many years after it has been thought to be cured. It is devastating: surgical treatment can be not only physically mutilating but psychologically devastating to a woman's sense of femininity and self-esteem. And it is everywhere: there is hardly anyone in this country who does not have a close friend or loved one who has been through an experience with breast cancer.

Fortunately, there has been tremendous progress in the treatment of breast cancer, and many women can now be cured. However, as these breast cancer survivors attempt to resume their normal lives after their treatment, they can still be impacted by the physical damage that follows mastectomy. Breast reconstruction surgery after mastectomy is thus a key part of restoring the breast cancer patient back to a satisfying and fulfilling life; it is not simply a cosmetic procedure to satisfy one's vanity.

In recognition of the importance of breast reconstruction after mastectomy, last year the Senate passed the Women's Health and Cancer Rights Act as part of the Omnibus Appropriations Bill. This legislation, which was signed into law by the President, amended the Public Health Service Act and the Employee Retirement Income Security Act to require that health plans provide coverage for breast reconstruction after mastectomy. This coverage also includes surgery on the unoperated breast, if necessary, as well as the cost of breast prostheses and repair to physical complications following mastectomy (e.g. lymphedema or arm swelling).

However, if we don't pass further legislation, the enforcement mechanisms available to the Department of Labor to ensure that health plans comply with the breast reconstruction requirement are generally limited to requesting a court to issue an injunction. The Breast Reconstruction Implementation Act will incorporate the breast reconstruction requirement into the Internal Revenue Code in order to enable civil monetary penalties to be imposed on violators of the law. Passage of this bill would continue the precedent established by all previous mandates on health plans (those in the Health Insurance Portability and Accountability Act, the Newborns' and Mothers' Health Protection Act, and the Mental Health Parity Act), which were incorporated into all three statutes: Public Health Service Act, Employee Retirement Income Security Act, and the Internal Revenue Code.

Mr. President, I encourage my colleagues to finish the work that we began last year to ensure that women can be fully restored to health after fighting breast cancer, and I urge them to support the Breast Reconstruction Implementation Act of 1999 that I am introducing today.•

By Mr. ASHCROFT (for himself and Mr. FEINGOLD):

S. 1680. A bill to provide for the improvement of the processing of claims for veterans compensation and pensions, and for other purposes; to the Committee on Veterans Affairs.

VETERANS BENEFITS ADMINISTRATION IMPROVEMENT ACT OF 1999

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1680

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans Benefits Administration Improvement Act of 1999''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Veterans Benefits Administration of the Department of Veterans Affairs is responsible for the timely and accurate processing of claims for veterans compensation and pension.

(2) The accuracy of claims processing within the Veterans Benefits Administration has been a subject of concern to Congress and the Department of Veterans Affairs.

(3) While the Veterans Benefits Administration has reported in the past a 95 percent accuracy rate in processing claims, a new accuracy measurement system known as the Systematic Technical Accuracy Review found that, in 1998, initial review of veterans claims was accurate only 64 percent of the time.

(4) The Veterans Benefits Administration could lose up to 30 percent of its workforce to retirement by 2003, making adequate training for claims adjudicators even more necessary to ensure veterans claims are processed efficiently.

(5) The Veterans Benefits Administration needs to take more aggressive steps to ensure that veterans claims are processed in an accurate and timely fashion to avoid unnecessary delays in providing veterans with compensation and pension benefits.

SEC. 3. IMPROVEMENT OF PROCESSING OF VETERANS BENEFITS CLAIMS.

(a) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act,

the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives, the Majority Leader of the Senate, and the Speaker of the House of Representatives a comprehensive plan for the improvement of the processing of claims for veterans compensation and pension.

(b) ELEMENTS.—The plan under subsection (a) shall include the following:

(1) Mechanisms for the improvement of training of claims adjudicators and for the enhancement of employee accountability standards in order to ensure that initial reviews of claims are accurate and that unnecessary appeals of benefit decisions and delays in benefit payments are avoided.

(2) Mechanisms for strengthening the ability of the Veterans Benefits Administration of the Department of Veterans Affairs to identify recurring errors in claims adjudications by improving data collection and management relating to—

(A) the human body and the impairments common in disability and pension claims; and

(B) recurring deficiencies in medical evidence and examinations.

(3) Mechanisms for implementing a system for reviewing claims-processing accuracy that meets the Government's internal control standard on separation of duties and the program performance audit standard on organizational independence.

(4) Quantifiable goals for each of the mechanisms developed under paragraphs (1) through (3).

(c) CONSULTATION.—In developing the plan under subsection (a), the Secretary shall consult with and obtain the views of veterans organizations and other interested parties.

(d) IMPLEMENTATION.—The Secretary shall implement the plan under subsection (a) commencing 60 days after the date of the submittal of the plan under that subsection.

(e) MODIFICATION.—(1) The Secretary may modify the plan submitted under subsection (a).

(2) Any modification under paragraph (1) shall not take effect until 30 days after the date on which the Secretary submits to the Committees on Veterans' Affairs of the Senate and the House of Representatives, the Majority Leader of the Senate, and the Speaker of the House of Representatives a notice regarding such modification.

(f) REPORTS.—Not later than January 1, 2000, and every 6 months thereafter, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives, the Majority Leader of the Senate, and the Speaker of the House of Representatives a report assessing implementation of the plan under subsection (a) during the preceding 6 months, including an assessment of whether the goals set forth under subsection (b)(4) are being achieved.

By Mr. ROCKEFELLER (for himself and Mr. GORTON):

S. 1682. A bill to amend title 49, United States Code, to authorize management reforms of the Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AIR TRAFFIC MANAGEMENT IMPROVEMENT ACT OF 1999

Mr. ROCKEFELLER. Mr. President, 2 weeks ago I came to the Senate floor to talk with my colleagues in the Congress about the troubled state of our nation's air traffic control system. After a long summer of dramatically increased congestion in the skies and delays on the ground, I implored my colleagues to join me in putting a new and renewed emphasis on aviation, and to commit ourselves to modernizing, reforming, and, if need be, restructuring our air traffic system in order to meet surging travel demands in the new millennium.

Today I am pleased to join with Senator GORTON in offering my colleagues a first step in that process by introducing the Air Traffic Management Improvement Act of 1999—a modest but meaningful bill that would improve current management and operation of the system, without prejudging the ongoing and important debate about whether and how to more fundamentally restructure the air traffic over the long term.

The Air Traffic Management Improvement Act of 1999 is focused in two key areas—the first being internal FAA management reforms and the second being modernizing of the nuts and bolts of the system itself.

With respect to management reforms, this bill would create a new air traffic control oversight committee, as a subcommittee of the FAA's Management Advisory Committee, and a new Chief Operating Officer (COO) position, with central responsibility for running and modernizing air traffic control services, developing and implementing strategic and operational plans, and putting together a budget for air traffic services. For both the COO and the FAA Administrator, the bill would authorize performance bonuses in order to allow us to attract and retain the highest caliber leadership possible for running this essential national system.

The bill also makes clear that the Administrator should use her full authority to make organizational changes to improve the efficiency of the system, without compromising the FAA's primary safety mission, and asks the Administrator to report on and provide milestones for the agency's new cost allocation system.

With respect to air traffic modernization, the bill calls for a comprehensive review and redesign of our airspace nationwide, based on input from the aviation community, and provides the resources necessary to get the job done in a timely fashion. The bill also includes an emergency authorization of up to $100 million to speed up the purchase and fielding of modernization equipment and technologies that could have made a difference in the gridlock of this past summer but have been held up by inadequate funding.

Finally, the bill would set up an innovative pilot program to facilitate public-private joint ventures for the purchase of air traffic control equipment. It would create a not-for-profit Air Traffic Modernization Association with a three-member executive panel representing the FAA, commercial air carriers, and primary airports. Ten projects for modernization equipment would be selected from among applications made by airlines and airports, or a consortium of interested parties, who are willing to share financial responsibility for FAA-approved modernization equipment—and who can't and don't want to wait for the congressional budget process to catch up with air traffic demands. In effect, the Association would leverage a relatively small amount of FAA seed money to more quickly procure and field ATC modernization equipment through leasing and bond arrangements. The pilot program allows for up to $50 million in FAA funding per project, with a total cap of $500 million. It also allows a sponsoring airport to use a portion of a passenger facility charge to meet their commitment and provides incentives for airport participation.

In closing, I want to say how thankful I am for the good and sound leadership of my friend and colleague Senator GORTON and of FAA Administrator Garvey and the outstanding FAA employees who work with her and whose expertise, ideas, and technical assistance are reflected in this bill. To my mind the problems of the current system are shared problems—we all bear some responsibility for them and we all need to step up to the plate to do something to fix them. The FAA does a very commendable job with an incomprehensibly difficult task—and they have a terrific safety record to show for it. But the current system isn't working as well as it could or should, and we can't wait to do something about it.

My goal in the Air Traffic Management Improvement Act of 1999 is to give the FAA additional tools to get the job done in today's more challenging aviation environment—and to give the Congress and the country some time to consider in a very deliberate and careful way some of the proposals for more far-reaching change.

It is our intention to offer this bill as an amendment to the FAA and AIP reauthorization bill, S. 82, when it comes to the Floor in the near future. I look forward to talking more about the details and great potential of these modest reforms at that time. I hope my colleagues will join me in working to improve our air traffic system for the benefit of the traveling public and of the national economy.

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

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

S. 1682

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Air Traffic Management Improvement Act of 1999''.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. DEFINITIONS

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Department of Transportation.

SEC. 4. FINDINGS.

The Congress makes the following findings:

(1) The nation's air transportation system is projected to grow by 3.4 percent per year over the next 12 years.

(2) Passenger enplanements are expected to rise to more than 1 billion by 2009, from the current level of 660 million.

(3) The aviation industry is one of our Nation's critical industries, providing a means of travel to people throughout the world, and a means of moving cargo around the globe.

(4) The ability of all sectors of American society, urban and rural, to access, and to compete effectively in the new and dynamic global economy requires the ability of the aviation industry to serve all the Nation's communities effectively and efficiently.

(5) The Federal government's role is to promote a safe and efficient national air transportation system through the management of the air traffic control system and through effective and sufficient investment in aviation infrastructure, including the Nation's airports.

(6) Numerous studies and reports, including the National Civil Aviation Review Commission, have concluded that the projected expansion of air service may be constrained by gridlock in our Nation's airways, unless substantial management reforms are initiated for the Federal Aviation Administration.

(7) The Federal Aviation Administration is responsible for safely and efficiently managing the National Airspace System 365 days a year, 24 hours a day.

(8) The Federal Aviation Administration's ability to efficiently manage the air traffic system in the United States is restricted by antiquated air traffic control equipment.

(9) The Congress has previously recognized that the Administrator needs relief from the Federal government's cumbersome personnel and procurement laws and regulations to take advantage of emerging technologies and to hire and retain effective managers.

(10) The ability of the Administrator to achieve greater efficiencies in the management of the air traffic control system requires additional management reforms, such as the ability to offer incentive pay for excellence in the employee workforce.

(11) The ability of the Administrator to effectively manage finances is dependent in part on the Federal Aviation Administration's ability to enter into long-term debt and lease financing of facilities and equipment, which in turn are dependent on sustained sound audits and implementation of a cost management program.

(12) The Administrator should use the full authority of the Federal Aviation Administration to make organizational changes to improve the efficiency of the air traffic control system, without compromising the Federal Aviation Administration's primary mission of protecting the safety of the travelling public.

SEC. 5. AIR TRAFFIC CONTROL SYSTEM DEFINED.

Section 40102(a) is amended—

(1) by redesignating paragraphs (5) through (41) as paragraphs (6) through (42), respectively; and

(2) by inserting after paragraph (4) the following:

''(5) 'air traffic control system' means the combination of elements used to safely and efficiently monitor, direct, control, and guide aircraft in the United States and United States-assigned airspace, including—

''(A) allocated electromagnetic spectrum and physical, real, personal, and intellectual property assets making up facilities, equipment, and systems employed to detect, track, and guide aircraft movement;

''(B) laws, regulations, orders, directives, agreements, and licenses;

''(C) published procedures that explain required actions, activities, and techniques used to ensure adequate aircraft separation; and

''(D) trained personnel with specific technical capabilities to satisfy the operational, engineering, management, and planning requirements for air traffic control.''.

SEC. 6. CHIEF OPERATING OFFICER FOR AIR TRAFFIC SERVICES.

(a) Section 106 is amended by adding at the end the following:

''(r) CHIEF OPERATING OFFICER.—

''(1) IN GENERAL.—

''(A) APPOINTMENT.—There shall be a Chief Operating Officer for the air traffic control system to be appointed by the Administrator, after consultation with the Management Advisory Council. The Chief Operating Officer shall report directly to the Administrator and shall be subject to the authority of the Administrator.

''(B) QUALIFICATIONS.—The Chief Operating Officer shall have a demonstrated ability in management and knowledge of or experience in aviation.

''(C) TERM.—The Chief Operating Officer shall be appointed for a term of 5 years.

''(D) REMOVAL.—The Chief Operating Officer shall serve at the pleasure of the Administrator, except that the Administrator shall make every effort to ensure stability and continuity in the leadership of the air traffic control system.

''(E) COMPENSATION.—

''(i) The Chief Operating Officer shall be paid at an annual rate of basic pay not to exceed that of the Administrator, including any applicable locality-based payment. This basic rate of pay shall subject the chief operating officer to the post-employment provisions of section 207 of title 18 as if this position were described in section 207(c)(2)(A)(i) of that title.

''(ii) In addition to the annual rate of basic pay authorized by paragraph (1) of this subsection, the Chief Operating Officer may receive a bonus not to exceed 50 percent of the annual rate of basic pay, based upon the Administrator's evaluation of the Chief Operating Officer's performance in relation to the performance goals set forth in the performance agreement described in subsection (b) of this section. A bonus may not cause the chief Operating Officer's total aggregate compensation in a calendar year to equal or exceed the amount of the President's salary under section 102 of title 3, United States Code.

''(2) ANNUAL PERFORMANCE AGREEMENT.—The Administrator and the Chief Operating Officer shall enter into an annual performance agreement that sets forth measurable organization and individual goals for the Chief Operating Officer in key operational areas. The agreement shall be subject to review and renegotiation on an annual basis.

''(3) ANNUAL PERFORMANCE REPORT.—The Chief Operating Officer shall prepare and submit to the Secretary of Transportation and Congress an annual management report containing such information as may be prescribed by the Secretary.''.

''(4) RESPONSIBILITIES.—The Administrator may delegate to the Chief Operating Officer, or any other authority within the Federal Aviation Administration responsibilities, including, but not limited to the following:

''(A) STRATEGIC PLANS.—To develop a strategic plan of the Federal Aviation Administration for the air traffic control system, including the establishment of—

''(i) a mission and objectives;

''(ii) standards of performance relative to such mission and objectives, including safety, efficiency, and productivity; and

''(iii) annual and long-range strategic plans.

''(iv) methods of the Federal Aviation Administration to accelerate air traffic control modernization and improvements in aviation safety related to air traffic control.

''(B) OPERATIONS.—To review the operational functions of the Federal Aviation Administration, including—

''(i) modernization of the air traffic control system;

''(ii) increasing productivity or implementing cost-saving measures; and

''(iii) training and education.

''(C) BUDGET.—To—

''(i) develop a budget request of the Federal Aviation Administration related to the air traffic control system prepared by the Administration;

''(ii) submit such budget request to the Administrator and the Secretary of Transportation; and

''(iii) ensure that the budget request supports the annual and long-range strategic plans developed under paragraph (4)(A) of this subsection.

''(5) BUDGET SUBMISSION.—The Secretary shall submit the budget request prepared under paragraph (4)(D) of this subsection for any fiscal year to the President who shall submit such request, without revision, to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, together with the President's annual budget request for the Federal Aviation Administration for such fiscal year.''.

SEC. 7. FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL.

''(a) MEMBERSHIP.—Section 106(p)(2)(C) is amended to read as follows:

''(C) 13 members representing aviation interests, appointed by—

''(i) in the case of initial appointments to the Council, the President by and with the advice and consent of the Senate; and

''(ii) in the case of subsequent appointments to the Council, the Secretary of Transportation.''.

''(b) TERMS OF MEMBERS.—Section 106(p)(6)(A)(i) is amended by striking ''by the President''.

''(c) AIR TRAFFIC SERVICES SUBCOMMITTEE.—Section 106(p)(6) is amended by adding at the end thereof the following:

''(E) AIR TRAFFIC SERVICES SUBCOMMITTEE.—The Chairman of the Management Advisory Council shall constitute an Air Traffic Services Subcommittee to provide comments, recommend modifications, and provide dissenting views to the Administrator on the performance of air traffic services, including—

''(i) the performance of the Chief Operating Officer and other senior managers within the air traffic organization of the Federal Aviation Administration;

''(ii) long-range and strategic plans for air traffic services;

''(iii) review the Administrator's selection, evaluation, and compensation of senior executives of the Federal Aviation Administration who have program management responsibility over significant functions of the air traffic control system;

''(iv) review and make recommendations to the Administrator's plans for any major reorganization of the Federal Aviation Administration that would effect the management of the air traffic control system;

''(v) review, and make recommendations the Administrator's cost allocation system and financial management structure and technologies to help ensure efficient and cost-effective air traffic control operation.

''(vi) review the performance and cooperation of managers responsible for major acquisition projects, including the ability of the managers to meet schedule and budget targets; and

''(vii) other significant actions that the Subcommittee considers appropriate and that are consistent with the implementation of this Act.''.

SEC. 8. COMPENSATION OF THE ADMINISTRATOR.

Section 106(b) is amended—

(1) by inserting ''(1)'' before ''The''; and

(2) by adding at the end the following:

''(2) In addition to the annual rate of pay authorized for the Administrator, the Administrator may receive a bonus not to exceed 50 percent of the annual rate of basic pay, based upon the Secretary's evaluation of the Administrator's performance in relation to the performance goals set forth in a performance agreement. A bonus may not cause the Administrator's total aggregate compensation in a calendar year to equal or exceed the amount of the President's salary under section 102 of title 3, United States Code.''.

SEC. 9. NATIONAL AIRSPACE REDESIGN.

(a) FINDINGS RELATING TO THE NATIONAL AIRSPACE.—The Congress makes the following additional findings:

(1) The National airspace, comprising more than 29 million square miles, handles more than 55,000 flights per day.

(2) Almost 2,000,000 passengers per day traverse the United States through 20 major en route centers including more than 700 different sectors.

(3) Redesign and review of the National airspace may produce benefits for the travelling public by increasing the efficiency and capacity of the air traffic control system and reducing delays.

(4) Redesign of the National airspace should be a high priority for the Federal Aviation Administration and the air transportation industry.

(b) REDESIGN REPORT.—The Administrator, with advice from the aviation industry and other interested parties, shall conduct a comprehensive redesign of the national airspace system and shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House on the Administrator's comprehensive national airspace redesign. The report shall include projected milestones for completion of the redesign and shall also include a date for completion. The report must be submitted to the Congress no later than December 31, 2000. There are authorized to be appropriated to the Administrator to carry out this section $12,000,000 for fiscal years 2000, 2001, and 2002.

SEC. 10. FAA COSTS AND ALLOCATIONS SYSTEM MANAGEMENT.

(a) REPORT ON THE COST ALLOCATION SYSTEM.—No later than July 9, 2000, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House on the cost allocation system currently under development by the Federal Aviation Administration. The report shall include a specific date for completion and implementation of the cost allocation system throughout the agency and shall also include the timetable and plan for the implementation of a cost management system.

(b) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct the assessments described in this subsection. To conduct the assessments, the Inspector General may use the staff and resources of the Inspector General or contract with one or more independent entities.

(2) ASSESSMENT OF ADEQUACY AND ACCURACY OF FEDERAL AVIATION ADMINISTRATION COST DATA AND ATTRIBUTIONS.—

(A) IN GENERAL.—The Inspector General shall conduct an assessment to ensure that the method for calculating the overall costs of the Federal Aviation Administration and attributing such costs to specific users is appropriate, reasonable, and understandable to the users.

(B) COMPONENTS.—In conducting the assessment under this paragraph, the Inspector General shall assess the Federal Aviation Administration's definition of the services to which the Federal Aviation Administration ultimately attributes its costs.

(3) COST EFFECTIVENESS.—

(A) IN GENERAL.—The Inspector General shall assess the progress of the Federal Aviation Administration in cost and performance management, including use of internal and external benchmarking in improving the performance and productivity of the Federal Aviation Administration.

(B) ANNUAL REPORTS.—Not later than December 31, 2000, the Inspector General shall transmit to Congress an updated report containing the results of the assessment conducted under this paragraph.

(C) INFORMATION TO BE INCLUDED IN FEDERAL AVIATION ADMINISTRATION FINANCIAL REPORT.—The Administrator shall include in the annual financial report of the Federal Aviation Administration information on the performance of the Administration sufficient to permit users and others to make an informed evaluation of the progress of the Administration in increasing productivity.

SEC. 11. AIR TRAFFIC MODERNIZATION PILOT PROGRAM

(a) IN GENERAL.—Chapter 445 is amended by adding at the end thereof the following:

''§ 44516. Air traffic modernization joint venture pilot program

''(a) PURPOSE.—It is the purpose of this section to improve aviation safety and enhance mobility of the nation's air transportation system by facilitating the use of joint ventures and innovative financing, on a pilot program basis, between the Federal Aviation Administration and industry, to accelerate investment in critical air traffic control facilities and equipment.

''(B) DEFINITIONS.—As used in this section:

''(1) ASSOCIATION.—The term 'Association' means the Air Traffic Modernization Association established by this section.

''(2) PANEL.—The term 'panel' means the executive panel of the Air Traffic Modernization Association.

''(3) OBLIGOR.—The term 'obligor' means a public airport, an air carrier or foreign air carrier, or a consortium consisting of 2 or more of such entities.

''(4) ELIGIBLE PROJECT.—The term 'eligible project' means a project relating to the nation's air traffic control system that promotes safety, efficiency or mobility, and is included in the Airway Capital Investment Plan required by section 44502, including—

''(A) airport-specific air traffic facilities and equipment, including local area augmentation systems, instrument landings systems, weather and wind shear detection equipment, lighting improvements and control towers;

''(B) automation tools to effect improvements in airport capacity, including passive final approach spacing tools and traffic management advisory equipment; and

''(C) facilities and equipment that enhance airspace control procedures, including consolidation of terminal radar control facilities and equipment, or assist in en route surveillance, including oceanic and off-shore flight tracking.

''(5) SUBTANTIAL COMPLETION.—The term 'substantial completion' means the date upon which a project becomes available for service.

''(c) AIR TRAFFIC MODERNIZATION ASSOCIATION.—

''(1) IN GENERAL.—There may be established in the District of Columbia a private, not for profit corporation, which shall be know as the Air Traffic Modernization Association, for the purpose of providing assistance to obligors through arranging lease and debt financing of eligible projects.

''(2) NON-FEDERAL ENTITY.—The Association shall not be an agency, instrumentality or establishment of the United States Government and shall not be a 'wholly-owned Government controlled corporation' as defined in section 9101 of title 31, United States Code. No action under section 1491 of title 28, United States Code, shall be allowable against the United States based on the actions of the Association.

''(3) EXECUTIVE PANEL.—

''(A) The Association shall be under the direction of an executive panel made up of 3 members, as follows:

''(i) 1 member shall be an employee of the Federal Aviation Administration to be appointed by the Administrator;

''(ii) 1 member shall be a representative of commercial air carriers, to be appointed by the Management Advisory Council; and

''(iii) 1 member shall be a representative of operators of primary airports, to be appointed by the Management Advisory Council

''(B) The panel shall elect from among its members a chairman who shall serve for a term of 1 year and shall adopt such bylaws, policies, and administrative provisions as are necessary to the functioning of the Association.

''(4) POWERS, DUTIES AND LIMITATIONS—Consistent with sound business techniques and provisions of this chapter, the Association is authorized—

''(A) to borrow funds and enter into lease arrangements as lessee with other parties relating to the financing of eligible projects, provided that any public debt issuance shall be rated investment grade by a nationally recognized statistical rating organization;

''(B) to lend funds and enter into lease arrangements as lessor with obligors, but—

''(i) the term of financing offered by the Association shall not exceed the useful life of the eligible project being financed, as estimated by the Administrator; and

''(ii) the aggregate amount of combined debt and lease financing provided under this subsection for air traffic control facilities and equipment—

''(I) may not exceed $500,000,000 per fiscal year for fiscal years 2000, 2001, and 2002;

''(II) shall be used for not more than 10 projects; and

''(III) may not providing funding in excess of $50,000,000 for any single project; and

''(C) to exercise all other powers that are necessary and proper to carry out the purposes of this section.

''(5) PROJECT SELECTION CRITERIA.—In selecting eligible projects from applicants to be funded under this section, the Association shall consider the following criteria:

''(A) The eligible project's contribution to the national air transportation system, as outlined in the Federal Aviation Administration's modernization plan for alleviating congestion, enhancing mobility, and improving safety.

''(B) The credit-worthiness of the revenue stream pledged by the obligor.

''(C) The extent to which assistance by the Association will enable the obligor to accelerate the date of substantial completion of the project.

''(D) The extent of economic benefit to be derived within the aviation industry, including both public and private sectors.

''(d) AUTHORITY TO ENTER INTO JOINT VENTURE.—

''(1) IN GENERAL.—Subject to the conditions set forth in this section, the Administrator of the Federal Aviation Administration is authorized to enter into a joint venture, on a pilot program basis, with Federal and non-Federal entities to establish the Air Traffic Modernization Association described in subsection (c) for the purpose of acquiring, procuring or utilizing of air traffic facilities and equipment in accordance with the Airway Capital Investment Plan.

''(2) COST SHARING.—The Administrator is authorized to make payments to the Association from amounts available under section 4801(a) of this title, provided that the agency's share of an annual payment for a lease or other financing agreement does not exceed the direct or imputed interest portion of each annual payment for an eligible project. The share of the annual payment to be made by an obligor to the lease or other financing agreement shall be in sufficient amount to amortize the asset cost. If the obligor is an airport sponsor, the sponsor may use revenue from a passenger facility fee, provided that such revenue does not exceed 25 cents per enplaned passenger per year.

''(3) PROJECT SPECIFICATIONS.—The Administrator shall have the sole authority to approve the specifications, staffing requirements, and operating and maintenance plan for each eligible project, taking into consideration the recommendations of the Air Traffic Services Subcommittee of the Management Advisory Council.

''(e) INCENTIVES FOR PARTICIPATION.—An airport sponsor that enters into a lease or financial arrangement financed by the Air Traffic Modernization Association may use its share of the annual payment as a credit toward the non-Federal matching share requirement for any funds made available to the sponsor for airport development projects under chapter 471 of this title.

''(f) UNITED STATES NOT OBLIGATED.—The contribution of Federal funds to the Association pursuant to subsection (d) of this section shall not be construed as a commitment, guarantee, or obligation on the part of the United States to any third party, nor shall any third party have any right against the United States by virtue of the contribution. The obligations of the Association do not constitute any commitment, guarantee or obligation of the United States.

''(g) REPORT TO CONGRESS.—Not later than 3 years after establishment of the Association, the Administrator shall provide a comprehensive and detailed report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on the Association's activities including—

''(1) an assessment of the Association's effectiveness in accelerating the modernization of the air traffic control system;

''(2) a full description of the projects financed by the Association and an evaluation of the benefits to the aviation community and general public of such investment; and

''(3) recommendations as to whether this pilot program should be expanded or other strategies should be pursued to improve the safety and efficiency of the nation's air transportation system.

''(h) AUTHORIZATION.—Not more than the following amounts may be appropriated to the Administrator from amounts made available under section 4801(a) of this title for the agency's share of the organizational and administrative costs for the Air Traffic Modernization Association:

''(1) $500,000 for fiscal year 2000;

''(2) $500,000 for fiscal year 2001; and

''(3) 500,000 for fiscal year 2002.

''(i) RELATIONSHIP TO OTHER AUTHORITIES.—Nothing in this section is intended to limit or diminish existing authorities of the Administrator to acquire, establish, improve, operate, and maintain air navigation facilities and equipment.''.

''(b) CONFORMING AMENDMENT.—

''(1) Section 40117(b)(1) is amended by striking ''controls.'' and inserting ''controls, or to finance an eligible project through the Air Traffic Modernization Association in accordance with section 44516 of this title.''.

''(2) The analysis for chapter 445 is amended by adding at the end the following:

''44516. Air traffic modernization pilot program.''.

SEC. 12. EMERGENCY AUTHORIZATION FOR AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) is amended—

''(1) by striking ''a total of the following amounts'' and inserting $100,000,000 for fiscal year 2000 to fund critically needed, and already developed, air traffic control equipment that can be efficiently installed into the National airspace to more safely and efficiently move traffic''; and

''(2) striking ''title:'' and all that follows and inserting ''title.''.

ADDITIONAL COSPONSORS

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 510

At the request of Mr. CAMPBELL, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 510, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

S. 631

At the request of Mr. DEWINE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 631, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements.

S. 740

At the request of Mr. CRAIG, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 740, a bill to amend the Federal Power Act to improve the hydroelectric licensing process by granting the Federal Energy Regulatory Commission statutory authority to better coordinate participation by other agencies and entities, and for other purposes.

S. 980

At the request of Mr. BAUCUS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 980, a bill to promote access to health care services in rural areas.

S. 1133

At the request of Mrs. MURRAY, her name was added as a cosponsor 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. 1144

At the request of Mr. VOINOVICH, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1144, a bill to provide increased flexibility in use of highway funding, and for other purposes.

S. 1187

At the request of Mr. DORGAN, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors 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. 1242

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1242, a bill to amend the Immigration and Nationality Act to make permanent the visa waiver program for certain visitors to the United States.

S. 1448

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1448, a bill to amend the Food Security Act of 1985 to authorize the annual enrollment of land in the wetlands reserve program, to extend the program through 2005, and for other purposes.

S. 1454

At the request of Mr. ROBB, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1454, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools and to provide tax incentives for corporations to participate in cooperative agreements with public schools in distressed areas.

S. 1473

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1473, a bill to amend section 2007 of the Social Security Act to provide grant funding for additional Empowerment Zones, Enterprise Communities, and Strategic Planning Communities, and for other purposes.

S. 1500

At the request of Mr. HATCH, the names of the Senator from Alabama

(Mr. SHELBY), the Senator from New York (Mr. SCHUMER), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1500, a bill to amend title XVIII of the Social Security Act to provide for an additional payment for services provided to certain high-cost individuals under the prospective payment system for skilled nursing facility services, and for other purposes.

S. 1547

At the request of Mr. BURNS, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1547, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes.

S. 1574

At the request of Mr. CONRAD, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1574, a bill to amend title XVIII of the Social Security Act to improve the interim payment system for home health services, and for other purposes.

S. 1609

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1609, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 1617

At the request of Mr. DEWINE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1617, a bill to promote preservation and public awareness of the history of the Underground Railroad by providing financial assistance, to the Freedom Center in Cincinnati, Ohio.

S. 1642

At the request of Mr. COCHRAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1642, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 1652

At the request of Mr. CHAFEE, the name of the Senator from Texas (Mrs. HUTCHISON) 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.

S. 1673

At the request of Mr. DEWINE, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1673, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

SENATE RESOLUTION 179

At the request of Mr. BIDEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of Senate Resolution 179, a resolution designating October 15, 1999, as ''National Mammography Day.''

SENATE RESOLUTION 188

At the request of Mr. EDWARDS, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of Senate Resolution 188, a resolution expressing the sense of the Senate that additional assistance should be provided to the victims of Hurricane Floyd.

AMENDMENT NO. 1824

At the request of Ms. COLLINS, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from Ohio (Mr. DEWINE), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of amendment No. 1824 proposed to S. 1650, an original bill 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.

SENATE RESOLUTION 194—EXPRESSING SYMPATHY FOR THE VICTIMS OF THE DEVASTATING EARTHQUAKE THAT STRUCK TAIWAN ON SEPTEMBER 21, 1999

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 194

Whereas on the morning of September 21, 1999, a devastating and deadly earthquake shook the counties of Nantou and Taichung, Taiwan, killing more than 2,000 people, injuring more than 7,800, and leaving more than 100,000 homeless;

Whereas the earthquake of September 21, 1999, has left thousands of buildings in ruin, caused widespread fires, and destroyed highways and other infrastructure;

Whereas the strength, courage, and determination of the people of Taiwan has been displayed since the earthquake;

Whereas the people of the United States and Taiwan share strong friendship and mutual interests and respect;

Whereas the United States has offered whatever technical assistance might be needed and has dispatched the Urban Search and Rescue Team of Fairfax County, Virginia, the Fire Rescue Team of Miami-Dade, Florida, and others; and

Whereas offers of assistance have come from the Governments of Japan, Singapore, Turkey, and others: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its deepest sympathies to the people of Nantou and Taichung and all of Taiwan for the tragic losses suffered as a result of the earthquake of September 21, 1999;

(2) expresses its support for the people of Taiwan as they continue their efforts to rebuild their cities and their lives;

(3) expresses support for disaster assistance being provided by the United States Agency for International Development and other relief agencies; and

(4) recognizes and encourages the important assistance that also could be provided by foreign countries to alleviate the suffering of the people of Taiwan.

AMENDMENTS SUBMITTED

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

NICKLES (AND OTHERS) AMENDMENT NO. 1889

Mr. NICKLES (for himself, Mr. GREGG, Mr. GRAMM, and Mr. ASHCROFT) proposed an amendment 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:

Strike all after the first word, and insert the following:

PROTECTING SOCIAL SECURITY SURPLUSES.

(a) FINDINGS.—Congress finds that—

(1) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds; and

(2) social security surpluses should only be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that Congress should ensure that the fiscal year 2000 appropriations measures do not result in an on-budget deficit (excluding the surpluses generated by the Social Security trust funds) by adopting an across-the-board reduction in all discretionary appropriations sufficient to eliminate such deficit if necessary.

RESOLUTION REGARDING ASSISTANCE FOR VICTIMS OF HURRICANE FLOYD

EDWARDS (AND HELMS) AMENDMENT NO. 1890

Mr. LOTT (for Mr. EDWARDS (for himself and Mr. HELMS)) proposed an amendment to the resolution (S. Res. 188) expressing the sense of the Senate that additional assistance should be provided to the victims of Hurricane Floyd; as follows:

On page 4, line 14, after ''Maryland,'' insert ''Delaware,''.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Thursday, October 14, 1999 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 610, a bill to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big

Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes; S. 1218, a bill to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots, and for other purposes; S. 1331, a bill to give Lincoln County, Nevada, the right to purchase at fair market value certain public land in the county; S. 408, a bill to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the City of Carson City, Nevada, for use as a senior center; S. 1629, a bill to provide for the exchange of certain land in the State of Oregon; S. 1599, a bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with Black Hills National Forest.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mike Menge at (202) 224–6170.

ADDITIONAL STATEMENTS

POLISH AMERICAN HERITAGE MONTH

• Mr. REED. Mr. President, I rise today to recognize the city of Pawtucket, Rhode Island's celebration of October as Polish American Heritage Month.

Famous leaders, musicians and scientists of Polish descent have made numerous contributions to society. Pope John II, of Wadowice, Poland was the first non-Italian Pope chosen by the Roman Catholic Church in more than 400 years. Fryderyk Chopin of Zelazowa Wola, Poland is remembered for his unique approach to the piano and is considered one of the greatest composers of all time. Marie Curie, of Warsaw, Poland was awarded a Nobel Prize for physics in 1903 and in 1911, a second Nobel Prize for chemistry. Madame Curie is still the only woman in history to be awarded two Nobel Prizes.

The Polish heritage is so alive today because Polish Americans play an active role in their cities, towns and communities. Millions of Polish immigrants have settled in cities like Pawtucket all across America. The Polish people brought their traditions, faith and pride to communities across the country and established schools, churches and organizations to help celebrate their heritage in America. With over 47,000 people of Polish descent in Rhode Island alone, one cannot talk about the history of Rhode Island or the history of America without recognizing the contributions of people of Polish descent.

Therefore, I urge my colleagues to join with the Polish community of Pawtucket in celebrating the city's Polish American Heritage Month.•

HONORING THE 75TH BIRTHDAY OF PRESIDENT CARTER

• Mr. LIEBERMAN. Mr. President, I rise to recognize a milestone in the extraordinary life of one of America's most distinguished statesmen, former President Jimmy Carter, who celebrates his 75th birthday today.

Twenty-three years ago, in the turbulent aftermath of Watergate, Americans yearned for a leader of honesty and integrity who would steward the country into an uncertain future. We found that man in James Earl Carter, Jr., a submariner and farmer-turned-Georgia-Governor who we elected our 39th President.

President Carter served very honorably and ably during his term in office, earning distinction for diplomatic successes such as overseeing in the signing of the Panama Canal Treaty and the Camp David Accords. And in his 19 years since leaving office, President Carter has demonstrated himself to be one of the world's great humanitarians.

In 1982, he founded the Carter Center—a nonprofit, nonpartisan center dedicated to promoting democracy, human rights, and conflict-resolution throughout the world. The center's work has been remarkable. In the past two decades—whether fighting to eradicate Guinea worm disease, thwarting conflict in Haiti, or helping to free political prisoners across the globe—President Carter has carved out a deserved reputation as one of the most active, humane, and accomplished ex-Presidents in American history.

President Carter talked candidly about his Presidential legacy and his gratifying years after office in a profile recently written by White House correspondent Trude B. Feldman to commemorate his 75th birthday. To pay tribute to one of America's eminent leaders, I ask that Ms. Feldman's article be printed in the RECORD.

The article follows:

[From Los Angeles Times Syndicate International]

PRESIDENT CARTER AT 75

(By Trude B. Feldman)

ATLANTA, GA.—Former U.S. President Jimmy Carter turns 75 on October 1st and says he is in good shape and determined not to let aging get the better of him.

In an interview to mark the milestone, he adds: "My health is fine. I've had a full and gratifying life, but now is the best time of all."

Does the energetic Carter feel 75 years of age?

"Not really," he tells me. "I feel young. I'm still doing the same things I did twenty years age. I haven't given up active sports, although I cut back on some. I run fewer miles a day and play less tennis. In softball, my pitch is as accurate as ever, but I have little power in my drives, and base running is slower. Still, I don't feel tired and worn out. I continue to explore new opportunities, so I don' feel I'm growing old. But I do know what the calendar says."

Twenty years ago when Carter turned 55, October 1st, by striking coincidence, fell on Yom Kippur, the holiest day in Judaism. Reflecting on that unusual concurrence in 1979, then President Carter told me: "Reassessment of the past and plans for the future are important on one's birthday. So all the more important when a birthday falls on the same day as Yom Kippur—a supreme moral and spiritual moment, a time to take stock of one's personal life as well as to evaluate one's role in society . . . We all need a new spirit, a new heart . . . and we can do better by reviewing our past . . . to discover where we went wrong."

America's 39th president, Jimmy Carter lost his re-election bid in 1980 to Ronald Reagan, and was "devastated, disappointed and frustrated" at not being able to complete his goals.

Two years later, with his disappointment diverted by the writing of his memoir, Carter reverted to his passion for the power of positive thinking, and established, with his wife Rosalynn, The Carter Center, within which he could pursue some of the programs and interests that "were interrupted when I was forced into involuntary retirement."

The Carter Center, located on 30 acres of a now landscaped hill in Atlanta, from which General William Tecumseh Sherman watched the fledgling city burn in 1864, consists of The Carter Presidential Library and Museum and The Carter Center in four linked circular pods. It is governed by an independent Board of Trustees and yet is a part of Emory University. It brings people and resources together to resolve conflict, promote peace, democracy, and human rights, as well as to fight disease, hunger, poverty, and oppression worldwide.

It was at The Carter Center that President William J. Clinton last month presented, separately to Rosalynn and Jimmy Carter, the Presidential Medal of Freedom, America's highest civilian honor. "They have done more good things for more people in more places than any other couple," Clinton stated. "The work they do through this extraordinary Center to improve our world is unparalleled in our Nation's history . . . Their journey is one of love and faith, and this Center has been their ministry."

Clinton also remarked that to call Jimmy Carter the greatest former president in history, as many have, doesn't do justice either to him or his work. "For, in a real sense, this Carter Center . . . is a continuation of the Carter presidency," he said. "The work he did in his four years (1977–81) in the White House not only broke important new ground, it is still playing a large role in shaping today's world."

In accepting the Medal, Carter told the assembled guests—family and friends—that President Clinton's words made him "almost speechless with emotion," and he described the event as "one of the most beautiful of my life."

Carter went on to say that he and Rosalynn find much satisfaction in The Carter Center, and that it has given them, in effect, a new life, a life of pleasure, challenge, adventure, and unpredictability. "We have formed close relationships with people in small villages in Africa, and those hungry for freedom and democracy in Indonesia, Haiti, Paraguay, and other countries," he stated. "We try to bring them the blessings of America in an unofficial, but personal way."

He added that he and Rosalynn visited some 115 foreign countries and learned about the people—their despair, hopelessness and lack of self respect. "We also learned that

close relations are necessary between governments throughout the world and civilian organizations—non-governmental ones like The Carter Center.''

During his birthday interview, I asked Carter if his 75 years were his to live over (again), what would he have done differently?

''As for my life in the White House, the one thing I would have handled differently is the hostage crisis,'' he says. ''From a human aspect, it was the most infuriating experience of my presidency. And had I been successful in rescuing the 52 American hostages in Iran, I believe I would have been re-elected president.

''I don't feel grieved that I lost the second term, but what I would have done differently during that ordeal is to send one more helicopter to the desert, one which would have likely resulted in a successful rescue operation.''

In Nov. 1979, after the Islamic Revolution in Iran, and one year before Carter's defeat for re-election, radical students seized the U.S. embassy in Tehran and took some 66 Americans as hostages. Although some were subsequently released, 52 were held captive for 444 days—till the end of Carter's presidency.

On April 24, 1980, he ordered a covert snatch operation to pluck them out of the embassy. During the operation, two aircraft collided in a desert staging area, killing eight servicemen. In Nov. 1980, the militants relinquished the hostages to the Iranian government. With Algeria acting as an intermediary, a deal was finally struck as Carter's presidency was ending. The hostages were released at noon—U.S. time—on Jan. 20, 1981, just as Carter turned over the U.S. government to its 40th president, Ronald Reagan.

When the freed hostages arrived in Wiesbaden, Germany, Carter was there to greet them; and today, he still remembers each of their names, knows their whereabouts and remains in touch with most of them. And they still show their appreciation to him, emotionally, for the political toll that his ''wisdom and patience'' meant for their ultimate safe release.

''I often think about that ordeal,'' Carter says. ''From the outset I felt responsible for their well being. And I remain convinced that the wisest course for a strong nation, when confronted with a similar challenge, should be one of caution and restraint.''

As to what he would have done differently in his personal life, Carter says his marriage to Rosalynn has been the best thing that happened to him. ''So, even though she didn't accept my first proposal, I would not have married any differently,'' he adds. ''Rosalynn is the only woman I ever loved. We married 53 years ago and are still bound together with increasing bonds as we grow older and need each other more. When we're apart for even a day, I have the same hollow feeling of loneliness as when I was at sea (in the Navy) early in our marriage. Now, in our golden years, our primary purpose is not just to stay alive, but to savor each opportunity for fulfillment.''

Carter admits that, yes, they still argue, but are mature enough not to dwell on disputes, and after a cooling off period, they either ignore their differences or reason with each other.

They are close to their three sons, Jack, 52; James Earl 3d (Chip), 49; and Jeffrey, 47; and daughter, Amy. Their ten grandchildren are ''an indescribable blessing . . .''—the most recent one born July 29 to Amy and her husband.

Carter muses: ''You remember Amy. She was like a separate family for us because she was born when our youngest son was 15 years old. I think that made her special in the minds of people around the world who knew her as a nine year old child in the White House. Now they see her as a 31 year old mother and realize they, too, are now 22 years older. So Amy is a kind of measuring stick for about how much we all have aged.''

Also remembered for having brought a child's book to read at a State Dinner, Amy Carter told me that celebrating her dad's 75th birthday means a lot to her because she looks up to him as ''very special'' and one who has always been there for her.

''Dad has always made me feel like I was his priority,'' she says. ''When we lived in the White House, there wasn't a door I couldn't open or a meeting I couldn't interrupt, if it was important that I talk with him.

''He is also wonderful at telling people that he cares about them. That trait is what I hope I have inherited from him.''

She adds: ''I'm also grateful that when I was young, he shared with me his love of books because reading has been such a pleasure, and I intend to pass that on to my son. I have fond memories of sitting on my dad's lap while he would help me sound out words in the newspapers.

''There are other nice memories, but one of the least well-known things about my dad is one of the greatest—he has a hilarious and unflinchingly sarcastic sense of humor . . . often directed at himself. Days later, I will suddenly remember something he said, and I laugh out loud. He is still a lot of fun.''

Amy's grandmother, Allie Smith, who will celebrate her 94th birthday on Christmas, has known Jimmy Carter since he was born. (The Carters lived next door to the Smiths until the Carters moved to a farm when Rosalynn Smith was one year old.) ''I've watched Jimmy as a boy and as a man, and especially when he began courting Rosalynn,'' Mrs. Smith told me. ''He was a handsome midshipman, and I was pleased when they married.

''At first, he was pretty dominant, but over the years, he and Rosalynn developed into equal partners. Now they share almost everything. Watching them grow older together has been a blessing to me. Jimmy is a fine son in law, just like one of my own sons. He has always worked hard and has been a success in whatever he did.''

What is it that drives Jimmy Carter to care about other human beings to the extent that he now does?

''What I do now is what I've done most of my life—to take my talents, abilities, and opportunities and make the most of them,'' he responds. ''It is exciting, challenging, and adventurous. I try new things, go to different countries, make new friends and take on various projects for The Carter Center. I don't consider my activities a sacrifice because they are all personally satisfying.''

Asked if the satisfactions are that good, he says, ''Yes, they really are. I am not exaggerating. And what also drives me to stay busy is that I know the time will come—because of health reasons or because of deterioration, physically and mentally—when I will have to somewhat back off. For now, I'm still as aggressive, active, and innovative as I was years ago, and this is the kind of life I enjoy.''

Rosalynn Carter, who joins her husband in most of his activities and travels, and shares his work at The Carter Center, says that several things drive him. ''As a boy, Jimmy worked on the family farm with his father, who was a taskmaster,'' she recalls. ''Later, in the Navy, he worked for Admiral (Hyman) Rickover, who had a major influence on him. The Admiral was a driving force, demanded long hours and perfection, and wouldn't waste a moment.

''With that background and the Navy discipline, Jimmy always tried to make his life count for something. He has been given extraordinary opportunities, and he wants to use them . . . As a governor and president, he saw the enormity of the world's problems, and has been driven by his faith and his belief that he needs to help less fortunate people.''

Terrence B. Adamson, Senior Vice President for Law, Business & Governmental Affairs of the National Geographic Society, met Carter in 1968 when Terry was a high school senior and Carter was a State Senator in the Georgia General Assembly.

Now a close confidant, Adamson says that Carter's love of humanity and of God is what drives him. ''His basic Judaic Christian underpinning is at his core,'' he adds. ''Awards and accolades and wealth aren't important to him. He has grown comfortable with The Carter Center as his legacy—as a viable ongoing institution pursuing advances in health and democracy.''

Asked what has motivated Carter in his post presidency, Adamson's response is that Carter is no different now in his core beliefs and values from when he was president. ''Of course, he has matured and grown wiser,'' he says. ''But in 1976, he was a sudden entrant on the national scene, not well-known. Over the past 18 years, he has validated, by his conduct, the values he espoused during his presidency. At the time, they were too frequently seen by a cynical public soured by the Watergate scandals as just the mouthings of another politician.''

Perhaps Jimmy Carter, an idealist and a realist, was President of the United States before his time. In his final Oval Office interview in Jan. 1981, President Carter told me that he agreed with President Kennedy that no matter what you expect before you become president, there is nothing that prepares you for the difficulties, complexities, or satisfactions of the job.

''Sitting and working in this office is awesome, but I never felt overcome by it,'' he then said. ''I tried to minimize the trappings so that people would be comfortable and not intimidated. I always wanted frank assessments of what was going on around me so I would be aware of the attitude people had towards me and my administration. I liked this job of being President. I didn't find it toilsome. I discovered that when problems were the most severe, that is when my advisers were most often split 50–50 with their advice. And the solution was left to me, as President.''

Regarding the qualities a president should have, Carter says: ''A willingness to work hard, a sense of the importance of the office historically and a sense of the common good and general welfare, above and beyond specific interests and pressures.''

He adds that a president's responsibilities are constant because something is always happening in some part of the world with which he must concern himself. ''In an emotional, intellectual, and, in some ways, a physical sense, the job is very taxing,'' he relates. ''But so are other important, worthwhile positions which involve much pressure, effort, and conscientiousness.''

What specifically had Carter learned from his presidency?

''One thing I learned is that an incumbent president discovers that there are no answers which make everyone happy,'' he replies. ''And sometimes there are no answers that make anyone happy.''

Carter went on to say that, had he merely wanted to get rich, he would have remained in the peanut warehouse business or pursued other business opportunities.

''But I've never cared about financial gain. I've always cared about the people in our

country and the world,'' he says. ''I wanted to make a difference in people's lives and wanted to change—for the better—the world situation.''

When asked how he wants history to regard his presidency, Carter puts it this way: ''As one who did my best to act in the long-term interest of America, and one who did so with an understanding of—but without too great a consideration of—whatever adverse political consequences might flow from it . . .

''You know, the presidency has enriched my life in that I am a better man for having served. And in all humility, I hope that America will consider itself a better place because of my service as president.''

In Carter's view, what were the misconceptions of him?

''First, when I was a presidential candidate, I think many people underestimated my tenacity and determination,'' he reflects. ''There were some formidable candidates, including (former Senators) Hubert Humphrey, Henry Jackson, Mo (Morris K.) Udall, Edmund Muskie, Frank Church, and Birch Bayh. They too, underestimated how hard I would work and my desire to win. That was one misassessment of me.

''As President, some people got the impression that I was weak because I didn't send armed forces into battle and didn't bomb or fire missiles at anyone. When there was a serious problem, I tried to work it out through negotiation and mediation, and peaceful, patient policies. I spent much time working on the Panama Canal Treaties, the Mid East Peace process, normalizing relations with China, and helping Rhodesia become an independent nation in southern Africa.

''So, because I was working for peace, emphasizing human rights and not launching missile attacks, the perception was promoted by some that I was weak and not a strong, macho president.''

However, former President Gerald R. Ford, who in 1976 lost the Presidency to Jimmy Carter, told me that President Carter had earned high marks in foreign diplomacy in his White House years. ''Today, he should be highly complimented for his continuing leadership in foreign policy under the auspices of The Carter Center,'' Mr. Ford adds. ''America has had an excellent diplomat in Jimmy Carter on a global basis.''

And President Clinton recently stated that Carter's noteworthy foreign policy accomplishments include the Panama Canal treaties, the Camp David Accords, the Treaty of Peace between Egypt and Israel, the Salt II treaty with the Soviet Union, and the establishment of U.S. diplomatic relations with the People's Republic of China.

''. . . And I was proud to have Carter's support when we worked together to bring democracy back to Haiti and to preserve stability on the Korean Peninsula,'' Clinton observed. ''I'm grateful for the detailed incisive reports he sent me from his trips to troubled nations all across the globe, always urging understanding of their problems and their points of view, always outlining practical steps to progress.''

Further citing Carter's influence, Clinton said, ''Any elected leader in Latin America today will tell you that the stand Jimmy Carter took for democracy and human rights in Latin America put America on the right side of history in our hemisphere. He was the first president to put America's commitment to human rights squarely at the heart of our foreign policy. Today, more than half of the world's people live in freedom, not least because he had the faith to lend American support to brave dissidents like Andrei Sakharov, Vaclav Havel, and Nelson Mandela. And there were thousands of less well known political prisoners languishing in jails in the 1970's who were sustained by a smuggled news clipping of Carter championing their cause.''

Rosalynn Carter concurs with her husband about the misconceptions of him, namely that working for peace and human rights gave the impression of weakness. ''War is popular,'' she notes, ''but peace takes time, often with an appearance of inaction.''

Another misconception, she adds, is that he was not an affective president, ''But I think so much attention was paid to problems that were not of his making, that people were unaware of how much was accomplished,'' she says citing, for instance, the oil crisis that caused the inflation that he inherited and that only began to improve as he left the presidency.

''Yet,'' Mrs. Carter concludes, ''despite the misconceptions, history will treat him well . . . as one of America's best presidents.''

Jimmy Carter's clout continues to span some of today's headlines. In the controversy surrounding President Clinton's conditional commutation of the sentence of the Puerto Rican activists, White House aides defend his decision by singling out Carter's support of the President's clemency.

Carter considers the pardon a correct decision, but is surprised at the attention focused on his support. He says that he did not personally contact President Clinton on the matter, but that 2 years ago he wrote letters about it to Attorney General Janet Reno.

He points out that some of the interest in Clinton's pardon of the Puerto Ricans has been heightened by the fact that his pardon power ''has rarely been exercised'' during his Presidency.

For some 6 years, Carter has pursued—directly with President Clinton—a presidential pardon for Patty Hearst, the newspaper heiress. As President, Carter commuted her sentence for bank robbery to the approximately 2 years she had served. But he has long believed that Hearst, who was kidnapped and brutalized by radicals in 1974 as a college student, should receive a presidential pardon because of the ''model'' life she has led for the 20 years since her prison release.

Of special concern to Carter today is the chaos and violence in East Timor. He had traveled to Indonesia twice this year, as recently as in July, to lead an international delegation to observe the national election after 38 years of military dictatorship in the world's most populous country—striving to be the third most populous democracy.

He says that The Carter Center was also involved, at Indonesia president B.J. Habibi's invitation, in monitoring the August election on independence in East Timor. And his recent personal involvement has contributed to the United Nations peacekeeping mission to East Timor.

Even while a resident in the White House, Carter was not impressed with the trappings of pomp and circumstance that surrounded the presidency. He brought informality to the Executive Mansion. He would often carry his own luggage to and from helicopters. Also, when he saw how members of the media were ''contained'' behind ropes while covering his events, he would often walk over and remove the iron chain or untie the ropes.

Yet, Carter's National Security Adviser, Dr. Zbigniew Brzezinski, now Counselor at The Center for Strategic & International Studies (CSIS), says that the mass media were extremely unfair regarding President Carter's tenure . . . his performance as former President should generate a reassessment of his presidency.''

Thomas P. (''Tip'') O'Neill, former Speaker of the House of Representatives, once said that when it comes to understanding the issues of the day, Jimmy Carter is the ''smartest pubic official I knew—the range and extent of his knowledge are astounding. He can speak with authority on almost any topic.''

Carter, who has been knighted in Mali and made an honorary tribal chief in Nigeria and Ghana, singles out international human rights as his greatest foreign policy achievement.

''Before I was president, the only president who had emphasized human rights to any degree was Harry Truman,'' Carter notes. ''Now, much attention is paid to global human rights . . . so I hope my legacy as President will include protection of human rights.''

Secretary of State Madelein Albright, who worked in the Carter White House as a staff member of the National Security Council, told me that President Carter created an outstanding foreign policy record. ''He put human rights at center state, and the principle has stood the test of time,'' she says. ''Those who worked for him reflect those achievements with great pride. And not only does he have the respect of Americans, but of citizens throughout the world.''

Today, Jimmy Carter says he is convinced that he made a difference—in the U.S. and abroad—a difference that is reflected in the work of The Carter Center, now in 35 different nations and Africa. ''In most of the 35 countries, the people see America as a country that may well be on a different planet—a rich, strong, arrogant, and self-satisfying country,'' he says. ''I represent The Carter Center at villages in backward nations in Africa and let the people know that the U.S. really cares about them; that they don't need to suffer from a particular disease, or that they can increase their production of coal, rice and wheat, or that they can find peace . . . for the first time.''

What difference has Carter made in Latin America, where his popularity is among the highest in the world?

''The primary difference is the result of my commitment to human rights,'' he responds. ''If you note the history of most of the Latin American countries, including Guatemala, El Salvador, Nicaraqua, Panama, Columbia, Ecuador, Argentina, Chile, Brazil, and Paraquay, each had military dictatorships. When I became President, we impressed on the political leaders and private citizens the significance of basic human rights, democracy and freedom. Now, almost everyone of these countries is a democracy. America's commitments, public and private, are to promote human rights and demand them—not only for Americans but also for others.''

Argentina's Ambassador to the U.S. Diego Ramiro Dueler, has often publicly credited Carter for having saved his life, as well as the lives of many current leaders of Argentina.

''During my presidency, thousands of people in Argentina were imprisoned, disappeared while in jail, or were executed,'' Carter says, ''and no one yet knows what happened to them.''

He adds that his administration put pressure on the military dictators in Argentina, Chile, and others in Latin America that ultimately forced them to honor human rights and led to the development of democracy in the Americas.

''Frequently,'' Carter humbly notes, ''someone, now in business or government in Latin America, will approach me to say that he owes his life to my emphasis on human rights—and that's quite moving and gratifying.''

Robert M. Gates, former Director of the CIA under President George Bush, points out in his book, ''From the Shadows'' (Simon & Schuster, 1996) that Jimmy Carter's contribution to the collapse of the Soviet Union

and the end of the Cold War had been under appreciated. ''Carter was the first President during the Cold War to challenge publicly and consistently the legitimacy of Soviet rule at home,'' Gates writes. ''His (Carter's) human rights policy, building on the important and then largely unrecognized role of the Helsinki Final Act, by the testimony of countless Soviet and East European dissidents and future democratic leaders, challenged the moral authority of the Soviet government and gave American sanction and support of those resisting that government. . .''

Five years ago at The Carter Center, Richard H. Solomon, President of the U.S. Institute of Peace, presented Jimmy Carter its first Spark M. Matsunaga Medal of Peace.

The Institute recognized his ''efforts to advance the cause of human rights by making it a cornerstone of U.S. foreign policy'' and his ''leadership, determination, and personal diplomatic skills in concluding the Camp David Accords.''

On a par with his human rights accomplishments, Carter believes that another of his achievements was initiated at Camp David, the presidential retreat in Maryland's Catoctin Mountains, which he made a household name.

There, for 13 days and nights in Sept. 1978, Carter provided the mechanism by which Israel's Prime Minister Menachem Begin and Egypt's President Anwar Sadat came together . . . ''to realize their own commitments and hopes.''

The intense summit—originally suggested by Rosalynn Carter—resulted in two agreements: establishing a framework for peace in the Mideast; and a framework for the conclusion of a peace treaty between Egypt and Israel. Premier Begin and President Sadat were subsequently awarded the Nobel Peace Prize for their joint achievement.

Harold Saunders, then Assistant Secretary of State for Near Eastern and South Asian Affairs, says that the agreement at Camp David and the Peace Treaty ''could not have been achieved without President Carter's tenacity, his personal command of the issues and the relationships he developed with the two leaders and key members of their teams.''

On the second anniversary (1980) of the Camp David Accords, Carter told me that when the history books are written, one thing he hopes to see is that he, an American President—representing the United States—''contributed successfully to the security of Israel on a permanent basis and to the peace in the Mideast between Israel and all her neighbors.''

Now, as Jimmy Carter reaches his 75th, birthday, I asked him about his vision for the next century.

''My vision for America is that, as the only unchallenged superpower in the world, it will become a true champion of the moral values that have made ours a great nation—involving peace, freedom, democracy, human rights, environmental quality, and the alleviation of human suffering,'' he tells me. ''We should be known by everyone as dedicated to the peaceful resolution of disputes, both involving ourselves and others. If two antagonists are willing, especially among the poorer and more ignored nations, we should be ready and eager to provide assistance, in mediation or negotiation, and our government should reach out to non-governmental organizations to help.''

Carter notes, for instance, what the Norwegian government did with an academic group of social scientists to achieve the Oslo peace agreement between the Israelis and Palestinians.

''America should be just as eager to promote freedom and democracy among people now afflicted with totalitarian and abusive regimes,'' he adds. ''This issue should be on the table when our leaders have discussions with others.''

He adds that as a non-governmental organization, and with no authority at all, The Carter Center has many such requests each year, and is able to respond only to a few of the most compelling.

Carter went on to say that the U.S. should always ''raise high the banner of human rights,'' and be as consistent as possible in the application of this policy.

''No other nation can take an effective lead in carrying out commitments made at the international environmental meeting (held in Rio de Janeiro) in eradicating land mines, in eliminating nuclear arsenals, in protecting the rights of children, or in establishing an effective international Criminal Court.''

He concludes: ''The most important single issue to be addressed in the next century is the widening gap between rich people and poor people, both within nations and between the richest and poorest countries. Few Americans know that all other industrialized nations are more generous than we in giving development assistance to the most needy people in the world. In fact, whenever a Norwegian gives a dollar, one of our citizens gives a nickel. To be generous to others would not be a financial sacrifice for us, but a great investment that would pay rich dividends.''

Born James Earl Carter, Jr. of English heritage on October 1st, 1924 in Wise Hospital, in Plains, Ga., Jimmy Carter was the first president to be born in a hospital.

There was no running water or electricity in his home during his early childhood. At age 5, he was selling boiled peanuts to neighbors and friends.

His father, a stern disciplinarian, often spanked him for wrong doings, like taking a penny from his church's collection plate, and for shooting his sister with a BB gun.

Nicknamed ''Hot Shot,'' and then ''Hot,'' Jimmy Carter's behavior in elementary school was excellent. He was eager to learn almost anything, but his interests then were history and literature.

At age 12, when a teacher told him about a book named WAR AND PEACE, he thought it was about cowboys and Indians. With his mother's urging, he became a book enthusiast, and has long been a speed reader.

While in the Navy in 1951, Carter began to work for Hyman G. Rickover, who was leading America's nuclear submarine fleet. Carter had responsibility for building the nuclear power plant that would go into the second atomic submarine, the U.S.S. Sea Wolf. ''Admiral Rickover had a tremendous effect on my life,'' Carter says. ''He led the program that developed the world's first use of atomic power for peaceful uses, the production of electricity, and the propulsion of ships.''

When Rickover was past 80 and still in charge of the Navy's nuclear power program, President Carter awarded him the Presidential Medal of Freedom. And recently the Navy recognized Carter, a graduate of the Naval Academy, by naming a Seawolf-class submarine for him.

Jimmy Carter cites three turning points in his long, dynamic and fruitful life: (1) In 1953, when he resigned from the Navy because of his father's death and returned home to run the family peanut warehouse business. (2) In 1962, when he first ran for public office—the State Senate in Georgia. And (3), in 1981, when he left the White House after one term as President of the United States.

Looking back, does he still have regrets about losing his re-election bid?

''Well, yes, I do,'' he tells me. ''Anyone who is once elected President of the U.S. certainly prefers to have a second term. At first, there is the disappointment about the unfinished promise of your goals. When my four years ended, I was disheartened. I had not expected to be defeated and I had no plans, at a relatively young age, of how to utilize my time and be productive.''

Rosalynn Carter describes his defeat as a startling regret, adding: ''Although I now know that Jimmy is pleased that he had the opportunity to establish The Carter Center—because through it, much has been accomplished—he also believes that if he had been re-elected president, the Center, which has exceeded all of our expectations, probably never would have come into being.''

Reflecting on the changes—over the years—in his philosophy, Carter says, ''I think I've become more tolerant of opposing views, and I have learned to accommodate the opinions of people who disagree with me. One reason is that I'm not now in a competitive world. I can live side by side with those who think and act differently from me. I'm not competing with anyone for money, political office, or publicity.''

Carter, a lay preacher, adds: ''I'm also more broadminded about things not so narrowly defined in my religious philosophy. As you know, my basic religious faith has never changed. It has been fairly constant. As a Christian, I remain devout, and I read and teach the Bible. I feel an inner peace, an inner sense of commitment and calm that comes from my religious beliefs.''

In 1976, then Chicago's Mayor Richard Daley remarked: ''Jimmy Carter talks about true values. He also has a religious tone in what he says . . . and maybe we should have a little more religion in our communities. . . .''

The Rev. Billy Graham—who remembers that Jimmy Carter predicted that he would be President before he even became a candidate—describes Carter as ''a man of faith and sterling integrity . . . who was one of our most diligent presidents—persistent and painstaking in his attention to his responsibilities.''

In his book, JUST AS I AM (Harper Collins, 1997), Rev. Graham also writes that he respects Jimmy Carter's intelligence and his genuine and unashamed Christian commitment. ''After the disillusionment of Watergate, Americans were attracted by Carter's summons to a moral revival,'' Rev. Graham states . . . ''And other political leaders would do well to learn from his moral and spiritual ideals.''

Rosalynn Carter says that her husband has mellowed and is now more relaxed than she has ever seen him. ''Yet,'' she adds, ''I notice that he has become more concerned about the various problems in the world—more so than even before he was elected governor of Georgia (1970).''

One issue that Carter continues to be genuinely concerned about is the moral and spiritual crisis that has gripped America since before he was in the White House.

''In today's world, the main difference is that what was then referred to as 'political malaise' is much worse,'' he says. ''As I stated twenty years ago in a speech on the crisis of confidence, that is even more relevant and pertinent today. Together, we need to commit ourselves to a rebirth of the American spirit. There is still a crisis of confidence, a crisis that strikes at the heart and soul and spirit of our national will. We see this crisis in the growing doubt about the meaning of our lives and in the loss of unity of purpose for our nation. The erosion of our confidence in the future is threatening to destroy the social and political fabric of America.''

How has the presidency evolved since Carter left the White House?

''There are major changes,'' he emphasizes. ''The presidency was once respected as a

place of honor. I think our political community has deteriorated tremendously since Gerald Ford and I served as presidents, and we often talk about our concerns and those changes. Rather than politics as usual, strong leadership and honest answers are needed.''

He says that, for instance, as President, he had gotten along with the Republicans in the House and Senate; that he had often gotten the support of many Republicans on major legislation, sometimes even better than with the Democrats. ''Now, the two parties are bitterly divided, with little cooperation between them,'' he adds. ''Also, nowadays, the success of many political campaigns is predicated on how well you can damage the reputation of your opponent. That turns off the average citizen, and leads to a partisan and personally destructive situation.

He also points out that Congress continues to be pulled in all directions by well financed and powerful special interests. ''But we cannot change the course until we face the truth,'' he says. ''Restoring faith and confidence to America is now still our most important task . . . and now it is a solid, significant challenge.''

In recent years, Carter has given a lot of thought to the virtues of aging, especially as it relates to Social Security. He notes that in 1935, when Social Security legislation was passed, its purpose was to give older people a subsistence income.

''Today,'' he says, ''because of improvements in health and health care, many senior citizens are still in a position to contribute to society. We elderly should be allowed to work as long as we wish—or are able to.''

However, Carter voices concerns about the future of Social Security. ''The oldest baby boomer will start to receive Social Security in the year 2010,'' he notes. ''By the time my newest grandson, now two months old, is a middle aged wage earner, one in four Americans will be over 65.''

Emphasizing that our Social Security system is in trouble and that something will have to change, he recalls that when Social Security was established there were about 40 wage earners supporting each retiree with tax contributions. ''By 2010, only two persons will be paying for the retirement and medical expenses of one senior citizen,'' he says.

''We should be more vigilant and forceful in protecting those who are in need of financial assistance. Today, there are numerous senior citizens who cannot afford health care and many older citizens with little money, or whose savings are expended before their lives end.''

Carter says he tries to practice what he preaches. In his book, ''The Virtues of Aging'' (Times Books, 1998), he notes that the virtues of aging include the blessings that come as one grows older and what we have to offer that might be beneficial to others.

''Each of us is old when we think we are,'' he writes. ''When we accept an attitude of dormancy, dependence on others, a substantial limitation on our physical and mental activity, and restrictions on the number of people with whom we interact. . . . As I know from experience, this is not tied closely to how many years we live.''

He cites, as one example, his mother—a compassionate woman who always tried to help others. She joined the Peace Corps at age 68 in 1996 and served for two years in the village of Vikhroli, near Bombay, India. In Feb. 1977, Lillian Carter as First Mother revisited that village when she represented the U.S. at the funeral of India's President Ali Ahmed Fakhruddin. And during hundreds of speeches about her experiences in the Peace Corps, she encouraged others not to allow old age to put a limit on their lives.

''You know,'' Carter says, ''There is a huge difference between getting older and growing old.'' When my father died, my mother was 55 years old, past retirement age for most registered nurses. Yet she continued to age for 30 more years, but she never grew old. Until she died of cancer at age 85, she was full of life and determined to make each day a new adventure.

''Mother had the most influence over me, and was an inspiration for me. Except for Rosalynn, she affected my life more than any other person.''

If there is any secret to Carter's looking and feeling younger than his years, he reveals that perhaps it is because Rosalynn is a stickler for nutrition and an expert on ''exactly what we should or should not eat . . . and how much and when. . . .

''Then, I'm always exercising,'' he adds, ''and luck could also be a factor.''

For exercise and recreation, Carter keeps fit and trim by hiking, bicycling, cross-country skiing and bowling. He also jogs, fly fishes, does woodworking, cabinet making and plays tennis. Behind his home he built—by himself—a tennis court. (It was the topic of conversation with network commentators when he attended the recent Women's Finals of tennis' U.S. Open in New York).

He also says that, so far, he and Rosalynn have been blessed with good health—''perhaps because of our various activities—living a diverse life, with different elements to it—that kind of life is less likely to be afflicted with illness.''

He adds: ''Today, we combine taking care of our farm with other activities. One nice aspect about having been president is that we have an unlimited menu because different people invite us to join in their projects, and now we are free to do what gives us pleasure.

''We have climbed mountains in Nepal, to the tops of Kilimajaro and Mt. Fuji. We visited game preserves in Tanzania and have become bird watchers.''

And as a hunter, Carter says he still tries to harvest two wild turkeys each year for his family's thanksgiving and Christmas meals.

Jimmy Carter, the most visible member of Habitat for Humanity, also says that every year he goes to a different site to help build at least one house for a poor family. For one week, he works with the family and other volunteers. They start with a concrete slab and by week's end, they complete the job as a finished landscaped house. ''Habitat and I get a lot of publicity for each other even though I only work one week a year,'' he explains. ''But the satisfaction is great.''

Last year, he chose the Philippines, where he and two former and a current president of the Philippines joined together to build one house for a large family. In the same week, 293 other houses were built in the Philippines by some 10,000 volunteers.

Asked if he considers himself a role model for other senior citizens, Carter says he believes that we all can learn from one another. ''With few exceptions,'' he says, ''anyone can find an exciting and fulfilling life after reaching retirement age. I think senior citizens who have setbacks or a surprising retirement—as I had—ought to analyze what they have and decide how to live a meaningful life. Sometimes, an unanticipated life, one you thought would be a disappointment, can turn out to be even better than the one you wanted to cling to.

Carter sums up: ''As we get older, senior citizens need to avoid mental dormancy and keep our minds occupied. Mental and physical activities strengthen us and give us a foundation for successful aging. Even though my health is now good and I'm still active in sports, I am often reminded that I face inevitable changes in health as I grow older.''

All in all, does aging bother Jimmy Carter?

''Aging doesn't bother me—yet,'' he replies with a wry smile, ''but I'm already preparing for a reduced capacity. I expect to cut the time I devote to overseas work—from peace negotiations; to monitoring elections; to eradicating disease, to eliminating suffering . . . and then I can spend more time at home in Georgia.

''There is a leadership succession plan for The Carter Center, but any transition is a high priority of mine.''

For some 17 years, Carter has been a ''distinguished professor'' at Emory University, where he spends one week each month during the academic year. He lectures on numerous topics, including theology, medicine, journalism, creative writing, business, political science, history, and anthropology.

He also meets with undergraduate and graduate students, adding a different kind of rigor to doctoral examinations. At times, he deals with current history—history that he himself helped to make.●

REINSDORF STEPS UP TO THE PLATE FOR EDUCATION

● Mr. DURBIN. Mr. President, I rise today to call the attention of my colleagues to a column by Raymond Coffey which appeared in the Chicago Sun-Times on September 30, 1999. Mr. Coffey describes the efforts undertaken by Chicago White Sox owner Jerry Reinsdorf to improve literacy among children in Chicago's public schools.

Mr. Reinsdorf is assisting Chicago School Board President Gery Chico and Chicago Public Schools CEO Paul Vallas in the implementation and financing of Direct Instruction, a program that uses phonics to teach reading in the schools. This summer, Mr. Reinsdorf also designated White Sox manager Jerry Manuel and rookie sensation Chris Singleton to sign autographs for all fans donating books to Target Literacy, a joint initiative by Target stores and Sox Training Centers that is seeking to donate a million children's books to needy kids. Mr. Reinsdorf has also worked with Mr. Vallas to provide free tickets to public school students who have distinguished themselves through their academic achievements.

Mr. President, it is important to recognize individuals in our community who go beyond the call of duty to improve the lives of people who are less fortunate than them. Chicago can be proud of the winning efforts undertaken by Mr. Reinsdorf throughout the city. I ask that my colleagues join me in honoring Mr. Reinsdorf's charitable efforts by having Ray Coffey's column from the Chicago Sun-Times printed in the CONGRESSIONAL RECORD.

The article follows:

[From the Chicago Sun-Times, Sept. 30, 1999]

OUT TO PROVE KIDS CAN LEARN

(By Raymond Coffey)

As his ''The Kids Can Play'' White Sox close out the baseball season this weekend, Jerry Reinsdorf himself gets my vote as one of the most valuable players Chicago kids have going for them.

Though they played before mostly empty seats at Comiskey Park and drew little serious attention or respect, the rebuilding Sox did win more games than the hapless last-

place Cubs who, thanks to the Sammy Sosa phenomenon, set an all-time attendance record.

More significant than won-lost and tickets-sold records in my score book is what Reinsdorf, who never toots his own horn, is doing for kids.

Perhaps most valuable is the working relationship he has established with Chicago School Board President Gery Chico and CEO Paul Vallas in supporting and helping finance literacy programs in the schools. Reinsdorf has, as Sox director of community relations Christine Makowski put it, ''a genuine heartfelt belief'' that literacy is a survival skill without which inner-city kids cannot succeed in making their future.

He has worked with Vallas on pushing a program called Direct Instruction—basically a way to teach reading in the schools via phonics. He volunteered to serve as Principal for a Day at Doolittle Middle School near Comiskey Park and regularly has dispatched Sox players to the school to talk with students about the value of education.

When Vallas wants to recognize and reward students for scholastic achievement, Reinsdorf regularly arranges free tickets for him to bring sizable groups of kids of a ballgame.

Chico and Vallas are in ''constant communication'' with Reinsdorf, Makowski says. ''They can call him anytime'' and get help on the schools.

This summer Reinsdorf assigned Sox manager Jerry Manuel and rookie star Chris Singleton to sign autographs for all fans donating books to Target Literacy, a joint initiative by the Target stores and the Sox Training Centers for youngsters to donate a million children's books to needy kids.

Reinsdorf takes a lot of media heat for the way he operates the Sox and his Chicago Bulls. And there is, obviously, some self-interest in what he does for kids in connection with his sports franchises and through the separate Sox and Bulls Charities.

This season, the Sox gave away 35,000 free tickets, worth about $600,000, to such inner-city social welfare organizations as Boys and Girls Clubs, Mercy Home for Wayward Kids, Hull House and Maryville Academy. The tickets weren't selling anyway, but they went to kids unlikely to be able to buy them and also otherwise unlikely to get to see a big league game.

Reinsdorf also has donated 3,000 autographed Sox items to charity raffles and auctions. Members of the current ''Kids'' roster have made 60 appearances before community groups.

Through White Sox Charities, Reinsdorf also has distributed more than $3 million to nonprofit organizations, including $1 million to the Chicago Park District to refurbish and maintain 800 baseball diamonds. White Sox Charities also funds the Inner City Little League baseball season. And it has raised hundreds of thousands of dollars for cancer research and treatment at Children's Memorial and Northwestern Memorial hospitals.

Some 3,000 kids were offered baseball instruction this summer at 160 weeklong camps in the Chicago area and neighboring states. At Comiskey Park itself, before the Sox take the field, kids can get free coaching in batting and pitching cages inside Gate 3.

As Makowski acknowledges, Reinsdorf and the Sox franchise hope the focus on kids will generate a new generation of baseball fans. ''We'd like to give them their first major league experience,'' she said. ''We want them to have fun.'' If they go home ''a Sox fan, so much the better.''

Even better, they might sometime soon see that indeed ''The Kids Can Play.''●

REVISED REPORT OF EXPENDITURES OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1, TO JUNE 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph Biden:									
United States	Dollar				2,742.53				2,742,53
Senator Sam Brownback:									
Kenya	Dollar		1,470.00						1,470.00
United States	Dollar				6,961.15				6,961.15
Senator Christopher Dodd:									
Belgium	Dollar		100.00						100.00
United States	Dollar				5,975.97				5,975.97
United States	Dollar				3,029.00				3,029.00
Senator Chuck Hagel:									
United States	Dollar				4,971.37				4,971.37
Senator John Kerry:									
Thailand	Dollar		240.00						240.00
Cambodia	Dollar		121.00						121.00
Vietnam	Dollar		556.00						556.00
United Kingdom	Dollar		280.00						280.00
United States	Dollar				11,006.92				11,006.92
Frank Jannuzi:									
Taiwan	Dollar		955.50						955.50
United States	Dollar				3,277.55				3,277.55
Michael Miller:									
South Africa	Dollar		1,003.10						1,003.10
United States	Dollar				5,600.99				5,600.99
Janice O'Connell:									
Belgium	Dollar		150.00						150.00
France	Dollar		332.00						332.00
United States	Dollar				5,397.79				5,397.79
Nancy Stetson:									
Thailand	Dollar		240.00						240.00
Cambodia	Dollar		130.00						130.00
Vietnam	Dollar		393.00						393.00
United Kingdom	Dollar		281.00						281.00
United States	Dollar				6,959.40				6,959.40
Michael Westphal:									
South Africa	Dollar		914.78						914.78
United States	Dollar				5,600.99				5,600.99
Total			7,166.38		61,523.66				68,690.04

JESSE HELMS,
Chairman, Committee on Foreign Relations, July 27, 1999.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 1999

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Fred Thompson:									
United States	Dollar				7,310.13				7,310.13
Italy	Lira		646.00						646.00
Germany	Deutschmark		420.00						420.00
Curtis Silvers:									
United States	Dollar				5,402.13				5,402.13
Italy	Lira		544.00						544.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 1999—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Germany	Deutschmark		420.00						420.00
Christopher Ford:									
United States	Dollar				5,402.13				5,402.13
Italy	Lira		544.00						544.00
Germany	Deutschmark		420.00						420.00
Senator Susan Collins:									
United States	Dollar				812.81				812.81
Northern Ireland	Pound	50.62	81.00						81.00
Ireland	Pound	172.17	229.00						229.00
England	Pound	171.31	273.00						273.00
Senator Thad Cochran:									
Scotland	Pound		273.00						273.00
Belgium	Franc		269.00						269.00
Dennis Ward:									
Scotland	Pound		362.00						362.00
Belgium	Franc		269.00						269.00
Dennis McDowell:									
Scotland	Pound		362.00						362.00
Belgium	Franc		269.00						269.00
Michael Loesch:									
Scotland	Pound		362.00						362.00
Belgium	Franc		269.00						269.00
Mitchel Kugler:									
United States	Dollar				4,882.76				4,882.76
United Kingdom	Pound		2,540.00		197.00				2,737.00
Total			8,552.00		24,006.96				32,558.96

FRED THOMPSON,
Chairman, Committee on Governmental Affairs, June 30, 1999.

NATIONAL STAMP COLLECTING MONTH

Mr. LOTT. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 182, and that the Senate then proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 182) designating October 1999 as ''National Stamp Collecting Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 182) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 182

Whereas over 150 years ago, United States commemorative stamps began honoring the people, places, and events that have shaped our Nation's history;

Whereas in 1999, more than 22,000,000 Americans, including children, collect and learn about our Nation through stamps, making stamp collecting one of the most popular hobbies in our Nation and the world;

Whereas as we stand on the threshold of the 21st century, it is important that we pause to reflect on our Nation's history;

Whereas stamps honor statesmen and soldiers who fought for freedom and democracy, recognize our Nation's scientific and technological achievements, pay tribute to our Nation's artistic legacy, and celebrate the strength of our Nation's diversity;

Whereas starting October 1, 1999, ''National Stamp Collecting Month'' will transform more than 100,000 schools, libraries, and post offices into learning centers where our Nation's young people can honor the past and celebrate the future through stamps;

Whereas the founders and participants of ''National Stamp Collecting Month'' include millions of adult and youth collectors, thousands of teachers and schools, the American Philatelic Society, and the United States Postal Service;

Whereas the people, places, and events shaping America today will be United States commemorative stamps tomorrow;

Whereas ''National Stamp Collecting Month'' will help empower our Nation's children and future generations to study and learn from our Nation's history; and

Whereas as our Nation's children learn the lessons of the past, the children will be better prepared to guide our Nation in the future: Now, therefore, be it

Resolved, That the Senate designates October 1999 as ''National Stamp Collecting Month''.

BLACK CANYON OF THE GUNNISON NATIONAL PARK AND GUNNISON GORGE NATIONAL CONSERVATION AREA ACT OF 1999

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 323) to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 323) entitled ''An Act to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Black Canyon of the Gunnison National Monument was established for the preservation of its spectacular gorges and additional features of scenic, scientific, and educational interest;

(2) the Black Canyon of the Gunnison and adjacent upland include a variety of unique ecological, geological, scenic, historical, and wildlife components enhanced by the serenity and rural western setting of the area;

(3) the Black Canyon of the Gunnison and adjacent land provide extensive opportunities for educational and recreational activities, and are publicly used for hiking, camping, and fishing, and for wilderness value, including solitude;

(4) adjacent public land downstream of the Black Canyon of the Gunnison National Monument has wilderness value and offers unique geological, paleontological, scientific, educational, and recreational resources;

(5) public land adjacent to the Black Canyon of the Gunnison National Monument contributes to the protection of the wildlife, viewshed, and scenic qualities of the Black Canyon;

(6) some private land adjacent to the Black Canyon of the Gunnison National Monument has exceptional natural and scenic value that would be threatened by future development pressures;

(7) the benefits of designating public and private land surrounding the national monument as a national park include greater long-term protection of the resources and expanded visitor use opportunities; and

(8) land in and adjacent to the Black Canyon of the Gunnison Gorge is—

(A) recognized for offering exceptional multiple use opportunities;

(B) recognized for offering natural, cultural, scenic, wilderness, and recreational resources; and

(C) worthy of additional protection as a national conservation area, and with respect to the Gunnison Gorge itself, as a component of the national wilderness system.

SEC. 3. DEFINITIONS.

In this Act:

(1) CONSERVATION AREA.—The term ''Conservation Area'' means the Gunnison Gorge National Conservation Area, consisting of approximately 57,725 acres surrounding the Gunnison Gorge as depicted on the Map.

(2) MAP.—The term ''Map'' means the map entitled ''Black Canyon of the Gunnison National Park and Gunnison Gorge NCA—1/22/99''. The map shall be on file and available for public inspection in the offices of the Department of the Interior.

(3) PARK.—The term ''Park'' means the Black Canyon of the Gunnison National Park established under section 4 and depicted on the Map.

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

SEC. 4. ESTABLISHMENT OF BLACK CANYON OF THE GUNNISON NATIONAL PARK.

(a) ESTABLISHMENT.—There is hereby established the Black Canyon of the Gunnison National Park in the State of Colorado as generally depicted on the map identified in section 3. The Black Canyon of the Gunnison National Monument is hereby abolished as such, the lands and interests therein are incorporated within and made part of the new Black Canyon of the Gunnison National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

(b) ADMINISTRATION.—Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management which are identified on the map for inclusion in the park to the administrative jurisdiction of the National Park Service. The Secretary shall administer the park in accordance with this Act and laws generally applicable to units of the National Park System, including the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1, 2–4), and the Act entitled ''An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes, approved August 21, 1935 (16 U.S.C. 461 et seq.).

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file maps and a legal description of the park with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. Such maps and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legals description and maps. The maps and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) WITHDRAWAL.—Subject to valid existing rights, all Federal lands within the park are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

(e) GRAZING.—(1)(A) Consistent with the requirements of this subsection, including the limitation in paragraph (3), the Secretary shall allow the grazing of livestock within the park to continue where authorized under permits or leases in existence as of the date of the enactment of this Act. Grazing shall be at no more than the current level, and subject to applicable laws and National Park Service regulations.

(B) Nothing in this subsection shall be construed as extending grazing privileges for any party or their assignee in any area of the park where, prior to the date of the enactment of this Act, such use was scheduled to expire according to the terms of a settlement by the U.S. Claims Court affecting property incorporated into the boundary of the Black Canyon of the Gunnison National Monument.

(C) Nothing in this subsection shall prohibit the Secretary from accepting the voluntary termination of leases or permits for grazing within the park.

(2) Within areas of the park designated as wilderness, the grazing of livestock, where authorized under permits in existence as of the date of the enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, consistent with this Act, the Wilderness Act, and other applicable laws and National Park Service regulations.

(3) With respect to the grazing permits and leases referenced in this subsection, the Secretary shall allow grazing to continue, subject to periodic renewal—

(A) with respect to a permit or lease issued to an individual, for the lifetime of the individual who was the holder of the permit or lease on the date of the enactment of this Act; and

(B) with respect to a permit or lease issued to a partnership, corporation, or other legal entity, for a period which shall terminate on the same date that the last permit or lease held under subparagraph (A) terminates, unless the partnership, corporation, or legal entity dissolves or terminates before such time, in which case the permit or lease shall terminate with the partnership, corporation, or legal entity.

SEC. 5. ACQUISITION OF PROPERTY AND MINOR BOUNDARY ADJUSTMENTS.

(a) ADDITIONAL ACQUISITIONS.—

(1) IN GENERAL.—The Secretary may acquire land or interests in land depicted on the Map as proposed additions.

(2) METHOD OF ACQUISITION.—

(A) IN GENERAL.—Land or interests in land may be acquired by—

(i) donation;

(ii) transfer;

(iii) purchase with donated or appropriated funds; or

(iv) exchange.

(B) CONSENT.—No land or interest in land may be acquired without the consent of the owner of the land.

(b) BOUNDARY REVISION.—After acquiring land for the Park, the Secretary shall—

(1) revise the boundary of the Park to include newly-acquired land within the boundary; and

(2) administer newly-acquired land subject to applicable laws (including regulations).

(c) BOUNDARY SURVEY.—As soon as practicable and subject to the availability of funds the Secretary shall complete an official boundary survey of the Park.

(d) HUNTING ON PRIVATELY OWNED LANDS.—

(1) IN GENERAL.—The Secretary may permit hunting on privately owned land added to the Park under this Act, subject to limitations, conditions, or regulations that may be prescribed by the Secretary.

(2) TERMINATION OF AUTHORITY.—On the date that the Secretary acquires fee ownership of any privately owned land added to the Park under this Act, the authority under paragraph (1) shall terminate with respect to the privately owned land acquired.

SEC. 6. EXPANSION OF THE BLACK CANYON OF THE GUNNISON WILDERNESS.

(a) EXPANSION OF BLACK CANYON OF THE GUNNISON WILDERNESS.—The Black Canyon of the Gunnison Wilderness, as established by subsection (b) of the first section of Public Law 94–567 (90 Stat. 2692), is expanded to include the parcel of land depicted on the Map as ''Tract A'' and consisting of approximately 4,419 acres.

(b) ADMINISTRATION.—The Black Canyon of the Gunnison Wilderness shall be administered as a component of the Park.

SEC. 7. ESTABLISHMENT OF THE GUNNISON GORGE NATIONAL CONSERVATION AREA.

(a) IN GENERAL.—There is established the Gunnison Gorge National Conservation Area, consisting of approximately 57,725 acres as generally depicted on the Map.

(b) MANAGEMENT OF CONSERVATION AREA.—The Secretary, acting through the Director of the Bureau of Land Management, shall manage the Conservation Area to protect the resources of the Conservation Area in accordance with—

(1) this Act;

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(3) other applicable provisions of law.

(c) WITHDRAWAL.—Subject to valid existing rights, all Federal lands within the Conservation Area are hereby withdrawn from all forms of entry, appropriation or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

(d) HUNTING, TRAPPING AND FISHING.—

(1) IN GENERAL.—The Secretary shall permit hunting, trapping, and fishing within the Conservation Area in accordance with applicable laws (including regulations) of the United States and the State of Colorado.

(2) EXCEPTION.—The Secretary, after consultation with the Colorado Division of Wildlife, may issue regulations designating zones where and establishing periods when no hunting or trapping shall be permitted for reasons concerning—

(A) public safety;

(B) administration; or

(C) public use and enjoyment.

(e) USE OF MOTORIZED VEHICLES.—In addition to the use of motorized vehicles on established roadways, the use of motorized vehicles in the Conservation Area shall be allowed to the extent the use is compatible with off-highway vehicle designations as described in the management plan in effect on the date of the enactment of this Act.

(f) CONSERVATION AREA MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 4 years after the date of the enactment of this Act, the Secretary shall—

(A) develop a comprehensive plan for the long-range protection and management of the Conservation Area; and

(B) transmit the plan to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Resources of the House of Representatives.

(2) CONTENTS OF PLAN.—The plan—

(A) shall describe the appropriate uses and management of the Conservation Area in accordance with this Act;

(B) may incorporate appropriate decisions contained in any management or activity plan for the area completed prior to the date of the enactment of this Act;

(C) may incorporate appropriate wildlife habitat management plans or other plans prepared for the land within or adjacent to the Conservation Area prior to the date of the enactment of this Act;

(D) shall be prepared in close consultation with appropriate Federal, State, county, and local agencies; and

(E) may use information developed prior to the date of the enactment of this Act in studies of the land within or adjacent to the Conservation Area.

(g) BOUNDARY REVISIONS.—The Secretary may make revisions to the boundary of the Conservation Area following acquisition of land necessary to accomplish the purposes for which the Conservation Area was designated.

SEC. 8. DESIGNATION OF WILDERNESS WITHIN THE CONSERVATION AREA.

(a) GUNNISON GORGE WILDERNESS.—

(1) IN GENERAL.—Within the Conservation Area, there is designated as wilderness, and as a component of the National Wilderness Preservation System, the Gunnison Gorge Wilderness, consisting of approximately 17,700 acres, as generally depicted on the Map.

(2) ADMINISTRATION.—

(A) WILDERNESS STUDY AREA EXEMPTION.—The approximately 300-acre portion of the wilderness study area depicted on the Map for release from section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) shall not be subject to section 603(c) of that Act.

(B) INCORPORATION INTO NATIONAL CONSERVATION AREA.—The portion of the wilderness study area described in subparagraph (A) shall be incorporated into the Conservation Area.

(b) ADMINISTRATION.—Subject to valid rights in existence on the date of the enactment of this Act, the wilderness areas designated under this Act shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(c) STATE RESPONSIBILITY.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act or in the Wilderness Act shall affect the jurisdiction or responsibilities of the State of Colorado with respect to wildlife and fish on the public land located in that State.

(d) MAPS AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of the enactment of this section, the Secretary of the Interior shall file a map and a legal description of the Gunnison Gorge Wilderness with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. This map and description shall have the same force and effect as if included in this Act. The Secretary of the Interior may correct clerical and typographical errors in the map and legal description. The map and legal description shall be on file and available in the office of the Director of the BLM.

SEC. 9. WITHDRAWAL.

Subject to valid existing rights, the Federal lands identified on the Map as ''BLM Withdrawal (Tract B)'' (comprising approximately 1,154 acres) are hereby withdrawn from all forms of entry, appropriation or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

SEC. 10. WATER RIGHTS.

(a) EFFECT ON WATER RIGHTS.—Nothing in this Act shall—

(1) constitute an express or implied reservation of water for any purpose; or

(2) affect any water rights in existence prior to the date of the enactment of this Act, including any water rights held by the United States.

(b) ADDITIONAL WATER RIGHTS.—Any new water right that the Secretary determines is necessary for the purposes of this Act shall be established in accordance with the procedural and substantive requirements of the laws of the State of Colorado.

SEC. 11. STUDY OF LANDS WITHIN AND ADJACENT TO CURECANTI NATIONAL RECREATION AREA.

(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Secretary, acting through the Director of the National Park Service, shall conduct a study concerning land protection and open space within and adjacent to the area administered as the Curecanti National Recreation Area.

(b) PURPOSE OF STUDY.—The study required to be completed under subsection (a) shall—

(1) assess the natural, cultural, recreational and scenic resource value and character of the land within and surrounding the Curecanti National Recreation Area (including open vistas, wildlife habitat, and other public benefits);

(2) identify practicable alternatives that protect the resource value and character of the land within and surrounding the Curecanti National Recreation Area;

(3) recommend a variety of economically feasible and viable tools to achieve the purposes described in paragraphs (1) and (2); and

(4) estimate the costs of implementing the approaches recommended by the study.

(c) SUBMISSION OF REPORT.—Not later than 3 years from the date of the enactment of this Act, the Secretary shall submit a report to Congress that—

(1) contains the findings of the study required by subsection (a);

(2) makes recommendations to Congress with respect to the findings of the study required by subsection (a); and

(3) makes recommendations to Congress regarding action that may be taken with respect to the land described in the report.

(d) ACQUISITION OF ADDITIONAL LAND AND INTERESTS IN LAND.—

(1) IN GENERAL.—Prior to the completion of the study required by subsection (a), the Secretary may acquire certain private land or interests in land as depicted on the Map entitled ''Proposed Additions to the Curecanti National Recreation Area,'' dated 01/25/99, totaling approximately 1,065 acres and entitled ''Hall and Fitti properties''.

(2) METHOD OF ACQUISITION.—

(A) IN GENERAL.—Land or an interest in land under paragraph (1) may be acquired by—

(i) donation;

(ii) purchase with donated or appropriated funds; or

(iii) exchange.

(B) CONSENT.—No land or interest in land may be acquired without the consent of the owner of the land.

(C) BOUNDARY REVISIONS FOLLOWING ACQUISITION.—Following the acquisition of land under paragraph (1), the Secretary shall—

(i) revise the boundary of the Curecanti National Recreation Area to include newly-acquired land; and

(ii) administer newly-acquired land according to applicable laws (including regulations).

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

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

SYMPATHY FOR VICTIMS OF EARTHQUAKE THAT STRUCK TAIWAN

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 194 submitted earlier by Senator LOTT.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 194) expressing sympathy for the victims of the devastating earthquake that struck Taiwan on September 21, 1999.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I am pleased to rise today to offer this Senate resolution, expressing sympathy by the Congress for the victims of the devastating earthquake in Taiwan on September 21. A similar resolution was introduced in the House and passed yesterday as House Resolution 297.

I personally want to express my sadness and deepest sympathy for the many victims of the devastating earthquake that struck Taiwan so unexpectedly last week, causing much destruction and many deaths. I ask that the Senate convey to the people of Taiwan our most sincere sympathies about the tragic losses that they have suffered, in both lives and property. With this resolution we call upon the Clinton administration and other members of the international community to do everything possible to assist Taiwan in its time of need so that it may recover rapidly from its terrible losses due to this act of nature.

Accordingly, Mr. President, I urge all of my colleagues in the Senate to join with me in expressing our sympathy and support to the people of Taiwan during this tragic and devastating time.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 194) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 194

Whereas on the morning of September 21, 1999, a devastating and deadly earthquake shook the counties of Nantou and Taichung, Taiwan, killing more than 2,000 people, injuring more than 7,800, and leaving more than 100,000 homeless;

Whereas the earthquake of September 21, 1999, has left thousands of buildings in ruin, caused widespread fires, and destroyed highways and other infrastructure;

Whereas the strength, courage, and determination of the people of Taiwan has been displayed since the earthquake;

Whereas the people of the United States and Taiwan share strong friendship and mutual interests and respect;

Whereas the United States has offered whatever technical assistance might be needed and has dispatched the Urban Search and Rescue Team of Fairfax County, Virginia, the Fire Rescue Team of Miami-Dade, Florida, and others; and

Whereas offers of assistance have come from the Governments of Japan, Singapore, Turkey, and others: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its deepest sympathies to the people of Nantou and Taichung and all of Taiwan for the tragic losses suffered as a result of the earth-quake of September 21, 1999;

(2) expresses its support for the people of Taiwan as they continue their efforts to rebuild their cities and their lives;

(3) expresses support for disaster assistance being provided by the United States Agency for International Development and other relief agencies; and

(4) recognizes and encourages the important assistance that also could be provided by foreign countries to alleviate the suffering of the people of Taiwan.

ASSISTANCE TO VICTIMS OF HURRICANE FLOYD

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of

S. Res. 188, and that the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 188) expressing the sense of the Senate that additional assistance should be provided to the victims of Hurricane Floyd.

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 1890

Mr. LOTT. Mr. President, Senator EDWARDS and Senator HELMS have an amendment at the desk to the resolution.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. EDWARDS, and Mr. HELMS, proposes an amendment numbered 1890.

On page 4, line 14, after ''Maryland,'' insert ''Delaware,''.

Mr. LOTT. Mr. President, let me say that I live in an area of Mississippi that has also had to deal with hurricanes. Three of them have hit my hometown over the last 15 years. We have had to deal with droughts, ice storms, floods, and everything but the plague and locusts. I know how difficult it is for people who are faced with disasters such as the one with which North Carolina is now dealing. I know how tough it is for the people who are trying to dig out from under mud, with dead carcasses, and all that goes with disasters.

All of us extend our sympathy to the people of North Carolina and want to reassure them that the Federal Government will do its part, as we always do when people are hit by natural disaster.

Mr. President, I ask unanimous consent that the amendment be agreed to, and the motion to reconsider be laid upon the table. I further ask unanimous consent that the resolution, as amended, and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The amendment (No. 1890) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 188), as amended, was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 188

Whereas from September 14 through 16, 1999, Hurricane Floyd menaced most of the southeastern seaboard of the United States, provoking the largest peacetime evacuation of eastern Florida, the Georgia coast, the South Carolina coast, and the North Carolina coast;

Whereas the evacuation caused severe disruptions to the businesses and lives of the people of Florida, Georgia, South Carolina, and North Carolina;

Whereas in the early morning hours of September 16, 1999, Hurricane Floyd made landfall at Cape Fear, North Carolina, dumping up to 18 inches of rain on sections of North Carolina only days after the heavy rainfall from Hurricane Dennis and producing the worst recorded flooding in North Carolina history;

Whereas after making landfall, Hurricane Floyd continued to move up the eastern seaboard causing flooding, tornadoes, and massive damage in Delaware, Virginia, Maryland, Pennsylvania, New Jersey, North Carolina, New York, and Connecticut;

Whereas portions of Delaware, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and Virginia have been declared to be Federal disaster areas under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

Whereas Hurricane Floyd is responsible for the known deaths of 65 people;

Whereas 45 people are confirmed dead in North Carolina, with many people still missing;

Whereas 4 people were killed in New Jersey, 2 people in New York, 6 people in Pennsylvania, 4 people in Virginia, 2 people in Delaware, 1 person in Connecticut, and 1 person in Vermont;

Whereas as the flood waters recede, the death toll is expected to increase;

Whereas the rainfall resulting from Hurricane Floyd has caused widespread flooding in North Carolina along the Tar River, the Neuse River, and the Cape Fear River, among other rivers, in Connecticut along the Still River, and in Virginia along the Nottoway River and the Blackwater River;

Whereas some of the rivers are expected to remain at flood stage for more than a week;

Whereas the floods are the worst seen in North Carolina in 80 years;

Whereas the flood level on the Tar River exceeds all previous records by 9 feet;

Whereas flood waters engulfed cities such as Tarboro, North Carolina, Franklin, Virginia, Bound Brook, New Jersey, and Danbury, Connecticut;

Whereas tens of thousands of people have fled to shelters scattered throughout North Carolina, South Carolina, New York, New Jersey, and Virginia;

Whereas thousands of people remain isolated, surrounded by water, in their homes in North Carolina and Virginia;

Whereas approximately 50,000 homes have been affected by the hurricane, and many of those homes will ultimately be condemned as uninhabitable;

Whereas water supplies in New Jersey, New York, North Carolina, South Carolina, and Virginia have been severely disrupted, and, in many cases, wells and private water systems have been irreparably contaminated;

Whereas hundreds of thousands of homes and businesses have lost electric power, telephone, and gas service as a result of Hurricane Floyd;

Whereas there have been road washouts in virtually every State struck by Hurricane Floyd, including 900 road washouts in North Carolina alone;

Whereas many farmers have suffered almost total crop losses; and

Whereas small and large businesses throughout the region have been gravely affected: Now, therefore, be it

Resolved,

SECTION 1. NEED FOR ASSISTANCE FOR VICTIMS OF HURRICANE FLOYD.

It is the sense of the Senate that—

(1) the victims of Hurricane Floyd deserve the sympathies of the people of the United States;

(2) the President, the Director of the Federal Emergency Management Agency, the Secretary of Agriculture, the Secretary of Transportation, the Secretary of Commerce, and the Director of the Small Business Administration are to be commended on their efforts to assist the victims of Hurricane Floyd;

(3) the Governors of Connecticut, Florida, Georgia, Maryland, Delaware, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and Virginia are to be commended for their leadership and coordination of relief efforts in their States;

(4) the National Guard, the Army, the Marine Corps, the Navy, and the Coast Guard have provided heroic assistance to the people of the afflicted areas and are to be commended for their bravery;

(5) the Red Cross, the Salvation Army, and other private relief organizations have provided shelter, food, and comfort to the victims of Hurricane Floyd and are to be commended for their generosity and invaluable aid; and

(6) additional assistance needs to be provided to the victims of Hurricane Floyd.

SEC. 2. FORMS OF ASSISTANCE FOR HURRICANE FLOYD VICTIMS.

To alleviate the conditions faced by the victims of Hurricane Floyd, it is the sense of the Senate that the President should—

(1) work with Congress to provide necessary funds for—

(A) disaster relief administered by the Federal Emergency Management Agency;

(B) disaster relief administered by the Department of Agriculture;

(C) disaster relief administered by the Department of Commerce;

(D) disaster relief administered by the Department of Transportation;

(E) disaster relief administered by the Small Business Administration; and

(F) any other disaster relief needed to help rebuild damaged homes, provide for clean water, renourish damaged beaches and protective dunes, and restore electric power; and

(2) prepare and submit to Congress a report that analyzes the feasibility and cost of implementing a program to provide disaster assistance to the victims of Hurricane Floyd, including assistance in the form of—

(A) direct economic assistance to agricultural producers, small businesses, and displaced persons;

(B) an expanded loan and debt restructuring program;

(C) cleanup of environmental damage;

(D) small business assistance;

(E) repair or reconstruction of private homes;

(F) repair or reconstruction of highways, roads, and trails;

(G) provision of safe and adequate water supplies; and

(H) restoration of essential utility services such as electric power, telephone, and gas service.

EXECUTIVE CALENDAR

EXECUTIVE SESSION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Calendar Nos. 235, 247, 248, 249, 258 through 266, and all nominations on the Secretary's desk in the Coast Guard and the National Oceanic and Atmospheric Administration.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, that any statements relating to the nominations be printed in the

RECORD, that 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:

NATIONAL CONSUMER COOPERATIVE BANK

Harry J. Bowie, of Mississippi, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Paul L. Hill, Jr., of West Virginia, to be Chairperson of the Chemical Safety and Hazard Investigation Board for a term of five years.

Paul L. Hill, Jr., of West Virginia, to be Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

NUCLEAR REGULATORY COMMISSION

Richard A. Meserve, of Virginia, to be a Member of the Nuclear Regulatory Commission for a term of five years expiring June 30, 2004.

COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral

Rear Adm. (lh) David S. Belz, 0000
Rear Adm. (lh) James S. Carmichael, 0000
Rear Adm. (lh) Roy J. Casto, 0000
Rear Adm. (lh) James A. Kinghorn, Jr., 0000
Rear Adm. (lh) Erroll M. Brown, 0000

The following named officer for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Ralph D. Utley, 0000

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under Title 10, United States Code, section 12203:

To be rear admiral

Rear Adm. (lh) Carlton D. Moore, 0000

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Mary P. O'Donnell, 0000

The following named officer of the United States Coast Guard to be a member of the Permanent Commissioned Teaching Staff of the Coast Guard Academy in the grade indicated under title 14, U.S.C., section 188:

To be lieutenant commander

Kurt A. Sebastian, 0000

The following named officer for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Vivien S. Crea, 0000

The following named officer for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Kenneth T. Venuto, 0000

The following named officer for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. James W. Underwood, 0000

The following named officer for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. James C. Olson, 0000

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE COAST GUARD, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Coast Guard nominations beginning Ernest J. Fink, and ending William J. Wagner, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

National Oceanic and Atmospheric Administration nominations beginning Donald A. Dreves, and ending Kevin V. Werner, which nominations were received by the Senate and appeared in the Congressional Record of September 9, 1999.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

COMPREHENSIVE TEST BAN TREATY

Mr. LOTT. Mr. President, I want the Senate to know we are still working to get an agreement to take up consideration of the Comprehensive Test Ban Treaty. We originally wanted to bring it up next week on October 6. That was objected to by the Democratic leadership. They indicated they thought more time was needed and they needed more time designated for debate. We have now offered to begin on October 8, next Friday, with debate. The debate would go up to 14 hours. We will conclude action on that treaty no later than the close of business on Tuesday, October 12.

We are willing to agree to more time on behalf of the leader's amendments if that is necessary. I believe the Democratic leader has indicated his willingness to go to the treaty debate on the 8th and be on it the 12th and conclude it by the 12th, but we are still working on details.

There were statements made by the President of the United States in 1998, I believe in his State of the Union Address, and again in 1999, that he wanted the Senate to take up the treaty. I have statements from a number of Democratic Members of the Congress calling for this to be done.

We have said to our colleagues on the other side of the aisle we don't think this is a good treaty; we think it puts safety in jeopardy; we think it puts us in a weakened condition internationally; and we think it is dangerous. However, since there have been calls and demands for a vote, we have offered to vote, and we have offered two different dates. We have offered time and more time.

I am a little bit puzzled why the Democrats now are saying: We don't want to vote. I presume they are saying it because it may fail. The Senate will have a debate, and the Senate will vote. If there is not a two-thirds vote, it is over; it is defeated.

It is hard for me to understand. Do they want it or not? Do they want to debate or not? Do they want to vote or not? I think it shows a little bit about what has been going on all along.

I want to assure the Senate, there will be some hearings in the Armed Services Committee with experts in this field. There will be plenty of information on the record. If they want a vote, let's vote; if they don't, let's move on. I don't want to hear more about it for a while.

Having said that, I yield the floor and 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. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

COMMENDATIONS TO THE PRESIDING OFFICER

Mr. LOTT. Mr. President, I commend the Presiding Officer on what an outstanding job he is doing. We appreciate the fact that on this beautiful Friday afternoon, approaching 3 o'clock, the distinguished Senator from Kentucky is here, on duty, and enjoying every moment of it.

Now, may I proceed to the closing?

Thank you for not responding, Mr. President, to my comments.

ORDERS FOR MONDAY, OCTOBER 4, 1999

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon on Monday, October 4. I further ask consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 12:30 p.m. with Senators speaking for up to 10 minutes each, and the time equally divided between the two leaders, or their designees.

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

PROGRAM

Mr. LOTT. I remind Senators that on Monday, at 5:30 p.m., the Senate will proceed to the Transportation appropriations conference report, and a vote will occur immediately on adoption of that conference report, so there will be at least one recorded vote at 5:30 on Monday, and it is on the Transportation appropriations conference report. I think a lot of credit, once again,

goes to our Transportation appropriations subcommittee members. Senator SHELBY of Alabama has done a great job with a very important bill.

There may be other votes. There could be a vote on or in relation to relevant amendments on the FAA reauthorization bill, since that bill will be debated early in the day Monday. It could be that an amendment or amendments will be available for consideration at that time. But I wanted Senators to be on notice we do have the one vote for sure.

Also, all Senators should be aware we will convene at 12 noon and we will have a period for morning business until 12:30. We will take up the FAA reform bill the remainder of that day, then, on Monday, until 4:30, when we will go to, I believe it is, the judicial nominations discussion. We will very likely have recorded votes on Tuesday morning, and then we do have an agreement, I believe, to have recorded votes stacked on three nominations at 2:15 on Tuesday.

For the remainder of the week, the Senate will continue debate on the FAA reform bill and complete its action on Tuesday. Then we will return to the Labor-HHS appropriations bill and consider nominations and conference reports that are available. I understand that the Agriculture appropriations conference report will be available on Monday. We could have that vote Monday or Tuesday, if a recorded vote is necessary. We are hoping the Interior appropriations bill will be on the heels of that one, and I believe we are still waiting for the foreign operations conference report. We will interrupt or take as quick action as possible on the conference reports once they are received and we get notification that we intend to have a vote.

I do have one further unanimous consent request. I wanted the distinguished Senator from South Dakota to be here. We have continued to work to see if we can get an agreement to vote on the test ban treaty.

UNANIMOUS CONSENT AGREEMENT—COMPREHENSIVE TEST BAN TREATY

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that at 9:30 a.m. on Wednesday, October 6, the Foreign Relations Committee be discharged from further consideration of Treaty Document 105–28 and the document be placed on the Executive Calendar, if not previously reported by the committee.

I should note, that is something that was requested by the Democratic leadership, and we think it is a reasonable request.

I further ask consent that at 9:30 a.m. on Friday, October 8, the Senate begin consideration of Treaty Document 105–28 and the treaty be advanced through the various parliamentary stages, up to and including the presentation of the resolution of ratification, and there be one relevant amendment in order to the resolution of ratification to be offered by each leader.

There was a request for additional time for that debate. Therefore, I ask consent that there be a total of 14 hours of debate on the treaty itself, to be equally divided in the usual form, and no other amendments, reservations, conditions, declarations, statements, understandings, or motions be in order, and that amendments be filed at the desk 24 hours before they are called up.

I think it is fair. If we are going to have an amendment on our side and the other side, we need some notification of its content.

There was a thought we might need additional time for discussion on those amendments. Therefore, I ask there be a time limitation of 4 hours equally divided on each amendment, in addition to the 14 hours, for a total of 18 hours over a 2-day period, but spread over a period of time that I believe will run about 6 days.

I further ask consent that following the use or yielding back of time and disposition of the amendments, the Senate proceed to vote on the adoption of the resolution of ratification, as amended, if amended, all without any intervening action or date.

The PRESIDING OFFICER. Is there objection?

The minority leader.

Mr. DASCHLE. Reserving the right to object, and I will not object, I think this unanimous consent request represents progress from the first request made by the majority leader. But I still believe this procedure is unfair, and I would even say dangerous.

This is the most significant treaty with which we will deal on nuclear proliferation maybe in the time that the majority leader and I will be leaders. We are going to be taking this up on the Senate floor without one hearing in the Foreign Relations Committee. We have looked back. We do not know when that has ever happened before, when the Foreign Relations Committee has not acted upon a treaty, even though it has been pending for 2 years.

We are hoping that the Committee on Armed Services will take up the treaty next week, but I believe that alone is irresponsible. But we believe we have no choice. Our choice is to send the message as an institution that this treaty is not important, it does not even deserve a hearing, or to send the message, God forbid, that the Senate would reject this treaty and say it was not the U.S. intention to send the message around the world that we will ban nuclear weapons testing. Those are the options on the negative side.

On the positive side, the option might be between now and October 12, we can convince the necessary two-thirds of the Senate to support this treaty. We still hope, we believe, that might be within our reach. But I know what some of the debate will be, and the Presiding Officer or the majority leader will mark my words. We will hear somebody say this treaty is not verifiable, in spite of the fact that expert after expert has noted that it is verifiable, but there will have been no hearings to verify the fact that, indeed, this treaty is subject to all the verification elements required of a treaty of this kind.

We are going to hear all kinds of complaints and all kinds of allegations and rumors about what this treaty does or does not do, and when you do not have hearings, that is what is going to happen.

So we are extremely disappointed with the way this has been handled. As I said, I believe it is irresponsible and dangerous. But we also note this may be the best we can get, and if it is the best we can get, as troubled as we are, we will take it. We will have our day in court. We will make our best arguments. We will let the judgment of this Senate prevail.

I am very hopeful the administration will be engaged. I am very hopeful those who care as deeply as we care about this issue will join us in making the arguments and in dealing with the issue. I also say it is my intention, as Democratic leader, to conduct hearings of my own as part of the Democratic Policy Committee to ensure that we do have experts in Washington to express themselves. We will do that at the appropriate moment.

I do not object, but I must express very grave reservations.

Mr. LOTT. Has the Chair ruled?

The PRESIDING OFFICER (Mr. ROBERTS). Is there objection to the leader's request?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I appreciate the Democratic leader has agreed to this request. We have worked back and forth now over 2 or 3 days. This is a fair approach, especially with the two leaders' amendments, if they are needed, and a guarantee we will file them in time to take a look at them.

It is serious. I take it very seriously. I do want to make the Senator aware that at least one chairman has notified me he intends to have three hearings before the final vote—Senator WARNER of the Armed Services Committee, which certainly has an interest in this because of what it does involve, weapons.

I believe—I cannot confirm the exactness of these dates or that they will be able to do them all—he is thinking in terms of hearings on the 6th, 9th, and 12th, and that is a committee which has a great deal of jurisdiction. I do not know yet if Senator HELMS plans additional hearings before the 12th, although certainly that is a possibility now that we have a time agreed to.

In addition, I understand there have been discussions with regard to this treaty in the Foreign Relations Committee on February 10, 1998; May 13, 1998; June 3, 1998; June 18, 1998; July 13, 1998; February 24, 1999; and March 23,

1999. Perhaps it was not a full-blown hearing just on that subject; I cannot say, but I refer to these dates that were included in the RECORD just yesterday by Senator HELMS.

There will be at least a couple, if not more, hearings in the appropriate committee or committees prior to the final vote.

I see Senator WARNER is here. He might want to comment on his thinking as to the witnesses and how he plans to proceed.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, with my distinguished leader and Senator HELMS, we met today for the better part of an hour—and through Senator LEVIN. As my colleague knows, he is absent for reasons of a personal need today. We have carefully laid the foundation for a very thorough hearing by the Armed Services Committee. Our committee has supervision over the stockpile, and really the stockpile is a central body of fact which I urge each Senator to study very carefully.

What we have proposed to do on Tuesday of next week is to have the experts from the Central Intelligence Agency, from the various laboratories, in closed hearing to lay out the facts with regard to this stockpile. The following Wednesday, we are going to invite the Secretary of Defense, the Chairman of the Joint Chiefs, and former Secretaries of Defense and former Chairmen of the Joint Chiefs, and Senator LEVIN, of course, will have his selection of witnesses.

The following day, on Thursday, we again, with the directors of the laboratories and others, will cover more details about the stockpile issue and the efforts by this country to put in place testing to be a substitute—that is, computer analysis, and so forth, as a substitute for actual testing.

Our committee will have a very thorough set of hearings. We will distill the facts, provide them for the record, and bring them to the respective leaders, and hopefully perhaps the Senate, as a whole, can consider parts or all of this important testimony.

Mr. LOTT. I thank Senator WARNER for that information and for his plan and for his working and discussing this with Senator HELMS. I believe it will add a great deal of vital and interesting information for the Senate, and I am sure he will have testimony based on what he just said on both sides of the issue. That will be helpful.

I have no further business at this time.

Mr. President, does Senator DASCHLE have anything further at this time?

Mr. DASCHLE. Mr. President, I do not. I appreciate the majority leader yielding.

The majority leader made reference to meetings where the CTBT has been discussed. Certainly we were not in any way acknowledging that this issue has never come up. But I think it is important for the record, once again, to say that in the time that this treaty has been before the Senate, not one hearing has been held.

I am grateful for the chair of the Armed Services Committee at least taking this initiative, as late as the date may be. It sounds to be a very comprehensive set of hearings. That will be helpful.

But I must say, it is equally irresponsible for us to be here at this moment without 1 day where the committee of jurisdiction has held hearings on an issue of this import and then ask our colleagues—the Senate—to pass judgment.

The majority leader knows we have attempted to bring the Senate to this point now for some time. We are pleased that we have made this progress. But, frankly, this isn't the way to do it. We should have had hearings in the committee. We are glad we are having hearings in the Armed Services Committee. But to rush to judgment on an issue of this importance is not the way to do business.

I yield the floor.

Mr. WARNER. Mr. President, I say most respectfully to my good friend, the minority leader, each year the Armed Services Committee reviews the stockpile issues. Each year we go through our normal oversight hearings. A part of it relates to the very issues that we will again bring to the Senate by virtue of the hearings in our committee and the record that we will put together.

So I must say, most respectfully, our committee annually looks at these issues. So for members of our committee, and to the extent others have been interested, in fact, the record is there.

Mr. DASCHLE. Mr. President, let me just respond quickly.

I acknowledge that. But I believe there is a huge difference between looking at the issue of stockpile and looking at the importance of the treaty per se, at the language of the treaty, and whether or not we ought to ratify a treaty, whether or not we ought to send the message to the rest of the world that we want them to ratify the treaty, whether the treaty is in our long-term interests, and what the ramifications of the treaty are. That is what I am suggesting ought to be the subject of these hearings.

We ought to be looking at stockpiles, and we ought to be looking at the ramifications of our current nuclear weaponry. And certainly the chairman has done an admirable job of that, as has the committee as a whole, but we have not held hearings until now. I think they are long overdue. I think we as a Senate have made a very big mistake in calling this treaty to the floor prior to the time we have had that kind of consideration in the Foreign Relations Committee or, for that matter, in the Armed Services Committee.

Mr. LOTT. Mr. President, if I could respond on that.

I do think that a critical part of our decision involves the armed services aspect of it. The review of nuclear weapons—what their condition is, what it will be, what it means for the future—that is at the heart of the concerns that a lot of Senators have, including this Senator. I have enough background, having been on the Armed Services Committee in the House and the Senate, to be able to assess, as most Senators, after reading the documentation, the ramifications around the world.

But if we cannot be assured of the safety and the reliability of these weapons, then that goes right to the heart of the whole issue. Before you get to discussion about what it means to Pakistan or India or North Korea, you need to know what is going to happen over a period of time in terms of safety, the risk to people in the areas, or the surety that we will have these weapons if, in fact, we do need them.

I say to Senator WARNER, you and I have discussed this already. I know that is the crux of what you are saying.

Mr. WARNER. Mr. President, my concern, as you have said, is a decade hence. Will there be some leader in the world or, indeed, some rogue or some other individual who wants to challenge our country who will have any basis to believe we have less than 100-percent reliability in that arsenal of weapons we will have in a decade or 15 years out? That is the critical period of time.

I say to my good friend, Senator DASCHLE, everyone knows my very strong opposition to this treaty. Frequently, colleagues on both sides of the aisle engage me in informal debate of what it is about the treaty, what it is about the facts that lead me to this conclusion.

So, yes, perhaps we could have been more formalized at some point in time. But I think it is important that we focus on it at this critical time, and that we are going to have very thorough hearings in our committee. I have looked over the hearings of the Foreign Relations Committee over the year and they, indeed, covered many of the subjects relating to this treaty in that period of time.

ADJOURNMENT UNTIL MONDAY, OCTOBER 4, 1999

Mr. LOTT. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:09 p.m., adjourned until Monday, October 4, 1999, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate October 1, 1999:

UNITED STATES POSTAL SERVICE

ALAN CRAIG KESSLER, OF PENNSYLVANIA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2008, VICE J. SAM WINTERS.

LAGREE SYLVIA DANIELS, OF PENNSYLVANIA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2007. (REAPPOINTMENT)

SOCIAL SECURITY ADMINISTRATION

WILLIAM A. HALTER, OF ARKANSAS, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2001. (NEW POSITION)

INTERNATIONAL ATOMIC ENERGY AGENCY

GRETA JOY DICUS, OF ARKANSAS, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTY-THIRD SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

NORMAN A. WULF, OF VIRGINIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTY-THIRD SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

DEPARTMENT OF STATE

J. STAPLETON ROY, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE WITH THE PERSONAL RANK OF CAREER AMBASSADOR, TO BE AN ASSISTANT SECRETARY OF STATE (INTELLIGENCE AND RESEARCH), VICE PHYLLIS E. OAKLEY.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

JOSEPH R. CRAPA, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE JILL B. BUCKLEY.

DEPARTMENT OF STATE

AVIS THAYER BOHLEN, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (ARMS CONTROL). (NEW POSITION)

CONFIRMATIONS

Executive nominations confirmed by the Senate October 1, 1999:

NATIONAL CONSUMER COOPERATIVE BANK

HARRY J. BOWIE, OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF THREE YEARS.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

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 MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS. (REAPPOINTMENT)

NUCLEAR REGULATORY COMMISSION

RICHARD A. MESERVE, OF VIRGINIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR A TERM OF FIVE YEARS EXPIRING JUNE 30, 2004.

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.

THE JUDICIARY

M. JAMES LORENZ, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

VICTOR MARRERO, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) DAVID S. BELZ, 0000.
REAR ADM. (LH) JAMES S. CARMICHAEL, 0000.
REAR ADM. (LH) ROY J. CASTO, 0000.
REAR ADM. (LH) JAMES A. KINGHORN, JR., 0000.
REAR ADM. (LH) ERROLL M. BROWN, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. RALPH D. UTLEY, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be rear admiral

REAR ADM. (LH) CARLTON D. MOORE, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. MARY P. O'DONNELL, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. VIVIEN S. CREA, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. KENNETH T. VENUTO, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. JAMES W. UNDERWOOD, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. JAMES C. OLSON, 0000.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER OF THE UNITED STATES COAST GUARD TO BE A MEMBER OF THE PERMANENT COMMISSIONED TEACHING STAFF OF THE COAST GUARD ACADEMY IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 188:

To be lieutenant commander

KURT A. SEBASTIAN, 0000.

COAST GUARD NOMINATIONS BEGINNING ERNEST J. FINK, AND ENDING WILLIAM J. WAGNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING DONALD A. DREVES, AND ENDING KEVIN V. WERNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 9, 1999.

EXTENSIONS OF REMARKS

HEALTH RESEARCH AND QUALITY ACT OF 1999

SPEECH OF

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 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. SANDERS. Mr. Chairman, I want to thank the gentleman from Massachusetts, Mr. TIERNEY, for offering this amendment today to focus on the need for universal health care in the United States. Our amendment clarifies that the Agency for Health Research and Quality should allow for studies that would compare the effect of a single-payer plan on national health expenditures with the health expenditures under the current system.

Our Nation spends more per capita on health care than any other Western nation. And yet, we have 43 million Americans with no health coverage. This is absurd.

We know that a universal, single-payer system will save the United States billions of dollars a year. Now let's prove it.

Earlier this year, a study commissioned by the Massachusetts Medical Society reported that in Massachusetts alone, a single-payer system could save over a billion dollars and eliminate more than 80 percent of patients' out-of-pocket costs. Not to mention covering hundreds of thousands of uninsured residents of that state. Imagine what the savings could be on a national basis.

Specifically, cutting the bureaucratic overhead by creating a single-payer system would have saved about $3.6 billion in Massachusetts. The added cost savings under this model would add up to a $5 billion reduction in the $36 billion the state spends on health care each year. The report further states that it would then only cost $4 billion of the $5 billion in savings to cover all of the uninsured in the state and expand health benefits to those who have insurance. While this is the high-end estimate, the low-end estimate still finds the state saving $170 million while increasing coverage for its residents.

The group that commissioned Massachusetts study, its state Medical Society, has traditionally not been a supporter of a single-payer system. And yet they had the insight to at least study how much their state could save under the program. That is what we are asking under the Tierney amendment today.

Should we live in a society in which all people, because they are human beings, have access to the best quality health care that the society can offer, or do we live in a society where health care is a commodity offered to people on ability to pay—with the wealthy in this country getting, probably, the best health care in the world—while middle class, working class and poor people receive a lower quality of health care or none at all?

At a time when our health care costs continue to skyrocket while the availability of care declines, single-payer is becoming an even more attractive option and the best, most cost-effective solution to insuring all Americans.

I hope that my colleagues will support this amendment.

RECOGNIZING THE OUTSTANDING DEDICATION OF THE CITIZENS OF INDIANAPOLIS TO CURING BREAST CANCER

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Ms. CARSON. Mr. Speaker, I rise today to applaud the commitment the citizens of Indianapolis have shown toward reaching a cure for breast cancer.

Breast cancer is more than just a women's issue, it is a family issue. Too many families have lost mothers and daughters, aunts and sisters to this hideous disease. In the 1990's it is estimated that 2,000,000 women will be diagnosed with breast cancer resulting in nearly 500,000 deaths. In 1999 alone, an estimated 175,000 women will be diagnosed with breast cancer with 43,300 estimated deaths.

Excluding skin cancers, breast cancer is the most common form of cancer among women, and the leading cause of cancer death among women between the ages of 40–55. When breast cancer strikes, it strikes at families, hopes, and dreams.

Thanks to the monumental effort of Hoosiers and Americans across the country, we are beginning to strike back against breast cancer. The cornerstone of this effort is the emphasis of early detection. Mammograms can reveal the presence of cancers up to 2 years or more before a regular clinical examination or breast self examination, reducing mortality by more than 30 percent.

Education on the benefits of early detection are critical to reducing the breast cancer mortality rate. The Cancer Institute recommends routine mammography for women in their 40's and older. Early detection increases treatment options and survival rates. This message is particularly important for African-American women because they have the highest mortality rate for breast cancer and for Hispanic women because breast cancer incidence rates are increasing faster among Hispanics than other women.

On Saturday, October 16, 1999, 4,500 Hoosiers will participate in a 5K walk sponsored by the American Cancer Society to celebrate Breast Cancer Awareness Month. In honor of these heroes, I proclaim and declare the 16th day of October, 1999, to be ''Making Strides Against Breast Cancer Day'' in Indiana's 10th Congressional District.

RECOGNITION OF LOCUST GROVE MAYOR JERRY MICHAEL ELKINS

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. COLLINS. Mr. Speaker, I rise to pay tribute to Jerry Michael Elkins for the contributions he has made to the small town of Locust Grove, Georgia, in Henry County. A lifelong resident of Locust Grove, he has served the city in an elected capacity since 1976, first elected to the city council in that year. He served in that position for seven years before he was elected mayor in 1983, he accepted a position as city manager in 1995 and served as both city manager and mayor up until this year. His performance led the town of Helen, from the northern part of the state, to offer him a job as their city manager. Mayor Elkins resigned as Locust Grove's city manager in August, and will step down as mayor on December 31, 1999, when his term expires.

When he leaves for Helen, he leaves behind strong friendship, and many achievements. He served in the Georgia Army National Guard for five years, was a member of the board of directors for the Atlanta Regional Commission. He was past president of the Henry County Municipal Association, a member and president of the Locust Grove Lions club, and a master mason. He was a member of the board of directors for the United Way in Henry County, and a past chief of the Henry County Fire Department Station No. 2. In short, he was an extremely active member of the Locust Grove community.

His leadership has won him awards, both from Locust Grove, and from the Georgia Municipal Association. One of the greatest honors was bestowed upon him in 1996, when Locust Grove's city council named the city pavilion in his honor.

Too often our news dwells on trouble and troublemakers but not on positive people. Mayor Elkins' hard work on behalf of his fellow citizens in Locust Grove provides an example of true participatory democracy. Let us highlight those who contribute to our lives—people like Mayor Jerry Elkins.

RECOGNIZING THOMAS HARTMAN

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. TALENT. Mr. Speaker, I rise today to recognize Thomas Hartman of Chestefield, who has been chosen to participate in the 1999–2000 Congress-Bundestag Youth Exchange (CBYX) program.

CBYX program was inaugurated in 1983 to commemorate the Tricentennial year of German settlement in the United States. Since then, more than 11,000 American and German

students have spent a year studying in their host country. CBYX is designed to strengthen ties between the young generation of both countries and to create a better understanding among American and German youth of the importance of the partnership between the United States and the Federal Republic of Germany.

Prior to departure, Mr. Hartman completed a two-month orientation in Washington, DC. While in Germany, he will learn the German language, study in German schools, and work as a trainee in a German business. At the conclusion of his academic year, Mr. Hartman, will participate in a Bundestag sponsored program whereby participants spend a full day in panel discussions on current events and German-American relations.

Mr. Speaker, I hope you will join me in commending Mr. Hartman for his interest in the United States and her foreign affairs, as well as congratulations for his acceptance to this important international youth program.

DOD AUTHORIZATION CONFERENCE REPORT

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. SANDLIN. Mr. Speaker, I rise today in strong support for S. 1059, the Department of Defense Authorization Conference Report. I believe this bill is a step in the right direction—a step towards a strong military, heightened readiness, and a bolstered national security.

Among the bill's many critical provisions is a well-deserved and long-overdue pay raise for our military men and women in recognition of their hard work and dedication to their country. This bill provides for a 4.8 percent pay raise, .4 percent above the Administration's request. this critical pay raise provision will help ensure that increases are tied more to performance and promotion than years of service and will reduce the pay gap between military and civilian pay. Moreover, this salary increase is a step towards preventing the loss of the best and brightest men and women who find it increasingly difficult to manage on a military salary.

This legislation would also reform the military retirement system and provide service members an opportunity to choose which system better suits their individual needs. It would also extend pay and bonus authority, expand recruiting and retention, and add additional funds for military housing. In addition, this bill addresses our nation's veterans and recognizes their contribution to this country by guaranteeing their burial benefits, providing retirement flags for reservists and all the uniformed services, and restoring equity to widows' entitlement.

This conference report also adds $2.7 billion to the procurement account for weaponry modernization, a crucial increase for improving military readiness. It adds $2.8 billion in operations and maintenance and repair facilities and builds upon the President's proposal to increase defense spending by $112 billion over the next 6 years. It also restores procurement funding for the essential F–22 fighter jet, a critical part of ensuring our military forces maintain their air superiority.

The Defense Authorization Conference Report significantly increases funding for the procurement of weapons, ammunition, and equipment, and for military construction and will enable the armed forces to modernize while maintaining a high level of readiness and training.

AGRICULTURAL RISK PROTECTION ACT OF 1999

SPEECH OF

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wedmesday, September 29, 1999

The House in Committee of the Whole House on the State of the Union 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 improve protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes;

Mr. BEREUTER. Mr. Chairman, this Member rises in strong support of H.R. 2559, the Agricultural Risk Protection Act, which provides for the reform of our Federal crop insurance program, and urges his colleagues to vote for it.

This Member would like to begin by expressing appreciation to the distinguished gentleman from Texas (Mr. COMBEST), the Chairman of the Agriculture Committee, and the distinguished gentleman from Texas (Mr. STENHOLM), the Ranking Member of the Committee, for their assistance in expediting this legislation. This Member would also like to express his sincere appreciation to the distinguished gentleman from Illinois (Mr. EWING), the Chairman of the Risk Management Subcommittee, and the distinguished gentleman from California (Mr. CONDIT) the Ranking Member of the Subcommittee, for their assistance with this legislation.

As an original cosponsor of H.R. 2559, this Member is pleased that this important legislation is being considered today. Agricultural producers throughout the country continue to suffer from disastrously low commodity prices and in some regions from adverse weather conditions. Clearly, an emergency agriculture relief package is needed immediately. Producers are in desperate need of a quick infusion of cash to help them deal with low prices and increasing costs. However, as important as that relief is, it is only a temporary fix. A long-term approach is needed.

This Member believes that H.R. 2559 is an important component of that long-term approach. It is certainly not the only solution to current problems, but it does provide a more adequate safety net to farmers who are too often confronted with natural disasters and low prices.

The Agricultural Risk Protection Act will make crop insurance coverage more affordable at every level. It will offer producers significant incentives to purchase higher levels of protection and provide farmers with the flexibility to purchase the coverage that best meets their needs.

It is important to note that this crop insurance reform bill also improves the current risk management structure by providing better coverage for both production and revenue. It does so by making possible more affordable policies to protect farmers against price and income loss. The legislation also initiates a livestock pilot program to test the effectiveness of risk management tools to protect livestock producers.

This Member's constituents have made it clear that crop insurance is a necessary risk management tool. Unfortunately, it is often too expensive or offers too little protection to be of real value. This legislation takes these concerns into account and offers agricultural producers what they need—meaningful and more affordable crop insurance.

This Member urges his colleagues to vote for H.R. 2559.

IN HONOR OF DR. WOJCIECH ROSTAFINSKI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. KUCINICH. Mr. Speaker, I rise today in tribute to Dr. Wojciech Rostafinski as he is being honored for promoting his Polish Heritage through his outstanding accomplishments by the Polonia foundation.

In 1961 Dr. Wojciech Rostafinski began working for the National Aeronautics and Space Administration's Lewis Center. While working as a scientist for NASA, his work on the motion of waves in nonlinear conduits was published in the Journal of the Acoustical Society of America. In a series of five papers, Dr. Wojciech Rostafinski solved one of the fundamental problems of acoustics. Following this achievement he went on to make more scientific discoveries. In addition to his work with NASA, he has published several new developments in applied mathematics, including a new indefinite integral that is now incorporated in all U.S. mathematical tables. While Dr. Rostafinski worked with NASA he received five NASA awards and certificates of recognition.

For his contribution to the Polish culture, Dr. Rostafinski was decorated in 1992 at the Polish Embassy in Washington, with Commander Cross of the Order of Polonia Institute. Recently he was awarded the Commander Cross of the Order of Merit of the Republic of Poland.

My fellow colleagues, please join me in honoring Dr. Wojciech Rostafinski for his scientific achievements.

TRIBUTE TO BLANCHE MOYSE ON HER 90TH BIRTHDAY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. SANDERS. Mr. Speaker, I would like to congratulate Blanche Moyse, from Brattleboro, Vermont, on the celebration of her 90th birthday. Thirty years ago, Blanche founded the New England Bach Festival and has served as conductor since that founding. Ms. Moyse has made it possible for people from all over

the world to come to Vermont year after year, and under the spectacular canopy of autumn, be enriched by both her art and her person.

If Blanche, or ''the Blanche'' as some affectionately call her, had done nothing but be ousted at 16 from Conservatory violin competitions to give others a chance; survive WWII in mid France; move a household to South America one year to North America the next in search of work and peace; change artistic direction at 40 because of an increasingly uncooperative bow arm, and awaken a sleepy New England hamlet to the joys of music, she would be a remarkable person. But in fact, Blanche has done much more: She has managed, throughout a life of tempest and tumult, to remain an eternal optimist, and to remain both inspired and inspiring! Thus, year after year musicians from near and far—old and new friends alike—say ''Yes'' to repeat requests for work and play. Year after year, the Blanche Moyse Chorale sings like a lark.

Congratulations and thank you Blanche Moyse for your vision, for your tenacity, for your love of music and for your years of sharing. Happy Birthday.

IN SPECIAL RECOGNITION OF ARDETH CHUPP IN CELEBRATION OF HER RETIREMENT AS HURON COUNTY TREASURER

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. GILLMOR. Mr. Speaker, I rise today to pay a very special tribute to one of the truly outstanding individuals from Ohio's Fifth Congressional District, Ms. Ardeth Chupp. On Thursday, September 30, 1999, Ardeth Chupp will retire after twenty years of service as Treasurer of Huron County.

Over the last two decades, Ardeth Chupp has certainly been a valuable asset to Huron County. Since becoming the first woman to hold the office of Huron County Treasurer twenty years ago, Ardeth Chupp has worked diligently to serve Huron County and each of its residents in every manner possible. Her generosity has been unparalleled and her assistance to all in the community unwavering. Without question, Ardeth Chupp has given unselfishly of her time to help make Huron County a great place to live.

Ardeth Chupp embodies the very spirit of American workmanship through her kindness and conscientious attention to detail. She has upheld the high standards of the Office of Treasurer and maintained the integrity expected from our public officials. Through her job as Treasurer, Ardeth Chupp has epitomized the word that describes her best—service. Although she is stepping down after twenty years, her hard work, commitment, and dedication to the citizens of Huron County will continue long into the future.

Mr. Speaker, it has often been said that America succeeds due to the remarkable accomplishments and contributions of her citizens. It is evident that Ardeth Chupp has given freely of her time and energy to assist in the preservation of American ideals. For that, we owe her a debt of gratitude that mere words cannot sufficiently express.

Mr. Speaker, at this time, I would ask my colleagues of the 106th Congress to stand and join me in paying special tribute to Ardeth Chupp. On the occasion of her retirement as Huron County Treasurer, we thank her for her dedicated service and we wish her all the best in the future.

TRIBUTE TO SENIOR NETWORK SERVICES

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. FARR of California. Mr. Speaker, I rise today to commemorate the 25th anniversary of Senior Network Services. A private nonprofit agency, Senior Network Services has facilitated the delivery of services to seniors in Santa Cruz County since 1974.

Senior Network Services is a community resource that links senior citizens with support services essential to their physical and mental well-being. The focus of this establishment is to help elderly individuals continue to lead independent, fulfilling lives at home by giving them access to necessary information and resources.

Over the years, Senior Network Services has grown to house several programs in addition to their core information and assistance services. These programs aid senior citizens with numerous facets of everyday life including Medicare, health insurance, housing options, home care and maintenance, fiduciary matters as well as advocacy on behalf of older adults. Furthermore, Senior Network Services was recently selected to provide Linkages, a new state-funded case management program that will ensure that senior citizens and functionally impaired adults will have access to resources and receive assistance coordinating services to maintain independent living.

It is with great pleasure that I commend Senior Network Services on its 25th anniversary. For its exemplary record of service to senior citizens and their families, I would like to extend best wishes for success in the future as this establishment continues to make invaluable contributions to our community.

''GREAT KIDS MAKE GREAT COMMUNITIES'' CAMPAIGN

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. SOUDER. Mr. Speaker, I rise today on the occasion of the Tenth Annual Conference on Youth to applaud the city of Fort Wayne, Indiana for its efforts to reduce juvenile delinquency and improve the lives of children through its ''Great Kids Make Great Communities'' campaign, which has greatly benefitted from the efforts of Judge Charles F. Pratt of the Allen County Superior Court.

The ''Great Kids Make Great Communities'' campaign challenges adults in the community to abandon their negative stereotypes of adolescents and instead view themselves as potential asset builders in the lives of area youth. This initiative is based on research that has identified 40 developmental assets that all youth need to become responsible, caring and successful adults. These assets include family support, religious activity, commitment to learning, community service and other character traits which reduce the likelihood of delinquency among young people.

I strongly endorse the community's commitment to encourage adults to pro-actively build relationships with area youth. It is clear to me that regardless of how well intentioned, federal programs alone cannot deliver the results our youth deserve. I am convinced that only through the combined efforts of parents, the young people themselves, churches, our schools, and other mentoring organizations can society fully equip our young people with the building blocks necessary for success.

Mr. Speaker, I submit the following resolution regarding this initiative in the RECORD. I commend it highly.

WHEREAS, research by the Search Institute has identified 40 Developmental Assets that All youth need to grow into healthy productive adults; and

WHEREAS, the research demonstrates that children receiving thirty or more of the developmental assets are more likely to excel in school, embrace cultural diversity, resolve conflicts nonviolently, and resist the temptations of drugs and alcohol; and,

WHEREAS, the Search Institute has laid the framework for communities to shift their thinking from problem solving to vision building, from seeing the problems some children present to embracing the opportunities we have to improve the lives of the children, from focusing only on troubled youth to focusing on ALL youth; and,

WHEREAS, the community should be encouraged to work together to serve as resources to parents and families to secure the 40 assets each child needs; and,

WHEREAS, the GREAT KIDS MAKE GREAT COMMUNITIES campaign is Allen County's initiative to communicate the promise and vision of the 40 developmental asset concept in our community; and,

WHEREAS, all of the youth of Fort Wayne are important; and

WHEREAS, the value our children have to Fort Wayne should be communicated to our children in meaningful ways; and,

WHEREAS, the Tenth Annual Conference on Youth is an opportunity for this community to affirm to all youth their importance and value as citizens of this community;

Now therefore, all the children and youth of Fort Wayne are great kids and are a part of what makes Fort Wayne a great community.

IN HONOR OF REVEREND MONSIGNOR LEO TELESZ

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to recognize Reverend Monsignor Leo Telesz as he is being recognized by the Polonia Foundation of Ohio, Inc. for promoting his Polish Heritage through his accomplishments.

In 1988, Reverend Monsignor Leo Telesz was named Prelate of Honor by His Holiness Pope John II, receiving the title of Reverend Monsignor. In addition, he has time to serve as chaplain of Polish Army Veterans Post #1 and #2 as well as the Polish Legion of American Veterans, G Washington Post.

Reverend Monsignor has been blessed with the unique gift of being able to touch the lives

of all he encounters. Through his tireless compassion for others he has been able to assist the needs of many throughout his pastoral vocation. The City of Cleveland is quite grateful to him for his devotion to his duties.

My fellow colleagues, please join me in honoring Reverend Monsignor Leo Telesz for his achievements in the City of Cleveland.

THE REPUBLICAN TAX BILL

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. SANDLIN. Mr. Speaker, the Republican tax bill is the definition of fiscal recklessness. It seeks to enact a tax cut that is based only on projected surpluses under ten and fifteen year estimates. Budget projections for the next ten years have improved by nearly $2 trillion in the last twelve months—they could go the other way just as quickly. If budget projections turn out to be wrong, the budget will return to deficits financed by borrowing from the Social Security surplus. Even the Congressional Budget Office—the source of budget projections upon which the Republicans' tax cuts are based—says these projections could vary as much as $100 billion a year. That's an extremely wide margin of error, wide enough to cause deep concerns among fiscal conservatives like me.

Furthermore, even though Republicans are spending money they can't guarantee will exist, their tax plan still leaves no resources to meet important needs in education, agriculture, or defense, as well as funding for our veterans and other priorities. It is based on the assumption that discretionary spending will be cut by $595 billion below 1999 levels adjusted for inflation over the next ten years. This will require a cut in all discretionary programs of ten percent below current levels. Any increased spending in any area will require even deeper cuts in all other spending. The exploding costs of the tax bill will place an even greater squeeze on discretionary spending in later years.

If these massive tax cuts are passed, education will suffer greatly. The Republican tax bill includes a change to the tax-exempt bond arbitrage rules that largely fails to meet the stated objective of modernizing schools, especially in rural areas. Under H.R. 2488, school districts would have four years to spend school construction bond proceeds rather than the two years currently permitted. According to Republicans, this would enable school districts to invest bond proceeds for a longer period and recognize greater arbitrage profits. The Republicans contend that their plan is universal, covering cities, suburbs, and farms.

The truth is, many suburban and city school districts will receive NO BENEFITS from the Republican proposal. Schools with urgent needs, forced to teach children in trailers and dilapidated buildings, would not benefit from H.R. 2488. Their backlog of unmet needs means that they do not have the luxury of waiting four years before completing school construction. The Republican proposal also largely excludes some of our most needy schools—those in rural areas. The provisions in the Republican tax bill may benefit a few large, wealthy school districts with the financial capacity to issue large bonds four years in advance of need, but it WILL NOT help rural districts.

The bottom line is simple: this bill will only serve to hurt the American people by jeopardizing the stability of our economy and the prosperity of future generations for the instant gratification of tax cuts that are not only irresponsible, but dangerous. In reality the best tax cut we can give to all Americans is keeping interest rates low by paying down our debt. Reducing our national debt will provide a tax cut for millions of Americans because it will restrain interest rates, thereby saving them money on variable mortgages, new mortgages, auto loans, credit card payments, etc. Each percentage point increase in interest rates would mean an extra $200–$250 billion in mortgage costs to Americans. Paying down the national debt will protect future generations from an increasing tax burden to pay interest on the debt run up by current generations. More than 25% of individual income taxes go to paying interest on our national debt. Every dollar of lower debt saves MORE than one dollar in taxes for future generations.

Secure a prosperous future by paying down the debt and saying no to fiscally reckless tax cuts.

CENTRAL NEW JERSEY RECOGNIZES WINLAB'S 10TH AND MARCONI'S 100TH

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. HOLT. Mr. Speaker, I rise today in celebration of Guglielmo Marconi's historic radio transmission from the North Tower of the Twin Lights Lighthouse in Highlands, NJ. WINLAB, an industry-sponsored wireless research laboratory at Rutgers University, is sponsoring a ''Marconi Day'' celebration at the transmission site in Highlands on September 30, 1999.

Marconi, the inventor of the wireless telegraph, was invited to America by James Gordon Bennett, the publisher of the New York Herald, to publicize the 1899 America's Cup Races and to demonstrate the wireless telegraph. The confident Marconi promised New York reporters that, ''We will be able to send the details of the yacht racing to New York as accurately and as quickly as if you could telephone them. The distance is nothing.'' The first wireless messages actually did not report the America's Cup Races but rather followed the progress of Commodore George Dewey's victorious return from the Spanish-American War along the Hudson River.

The transmission between Twin Lights Beacon and the Navy's Great White Fleet on September 30, 1899 marked the first demonstration of practical wireless telegraphy in our history. Marconi became a national hero when the wireless telegraph, known simply as a ''Marconi'', was required on all sea-going ships and was responsible for saving many lives at sea, including 705 survivors of the Titanic. He received the Nobel Prize in Physics in 1909.

The centennial celebration features distinguished speakers, a reception and ceremonial reenactment, and a celebration of WINLAB's 10 year contribution to wireless communication. A ceremony and re-enactment will take place at the Twin Lights above Sandy Hook. Antique radio equipment will be displayed at Twin Lights, which commands a magnificent view of Sandy Hook and the entrance to New York Harbor. The evening concludes with a river-view dinner in the town of Highlands to celebrate WINLAB's 10th anniversary.

Rutgers WINLAB, the Wireless Information Network Laboratory, is a particularly appropriate sponsor for this event. WINLAB is an educational institution committed to advancing wireless communications through education and research. For ten years, WINLAB, founded by Dr. David Goodman, has been a National Science Foundation Industry/University Cooperative Research Center at Rutgers, the State University of New Jersey. WINLAB is renowned for its role in technology creation, evaluation, education and information exchange. It serves private industry, government agencies, academic and standards organizations. As they share both significant anniversaries and missions, WINLAB honors Marconi for providing the basis for wireless communications and creating the very object of their research.

I urge all of my colleagues to join me in recognizing WINLAB's commitment to Guglielmo Marconi's vision and continued contribution to wireless technology throughout the world.

RECOGNIZING THE BOYS HOPE GIRLS HOPE ORGANIZATION

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. TALENT. Mr. Speaker, I rise today to recognize the Boys Hope Girls Hope organization, who were among recipients of the Daily Points of Light Awards.

Boys Hope Girls Hope was formed to address the needs of children whose families can no longer provide for them. Volunteers live with the children and staff and help maintain an orderly, safe, and caring home environment. The Daily Points of Light Award honors individuals or organizations that make a positive lasting difference in the lives of others, and Boys Hope Girls Hope is such an organization.

Mr. Speaker, I have had the privilege of visiting Boys Hope Girls Hope often. It is a phenomenal program that offers so much to the children of St. Louis. Mr. Speaker, I hope that you will join me in offering congratulations to Boys Hope Girls Hope for receiving this award, and thank them for their continuing devotion to children in need.

DR. ARTHUR LEVINSON, PRESIDENT OF GENENTECH, DISCUSSES THE HUMAN IMPACT OF BIOTECHNOLOGY AT HEARING OF THE JOINT ECONOMIC COMMITTEE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. LANTOS. Mr. Speaker, biotechnology is leading our world into a new century of improved health and happier and productive

lives through revolutionary science. Today at a hearing of the Joint Economic Committee, my distinguished friend Arthur Levinson, the President and CEO of Genentech, testified about the life-saving results and remarkable growth of the biotechnology industry. That hearing was chaired by our colleague from the Senate and the Chairman of the Joint Economic Committee, Senator CONNIE MACK of Florida.

Mr. Speaker, I am proud that Genentech has deep roots in my Congressional District. It was in South San Francisco that Genentech originally pioneered the research and therapies that generated the biotechnology industry.

Genentech's President, my friend Dr. Levinson, has been a key force behind the firm's humanitarian mission to save lives. He earned his doctorate from Princeton University and was a post doctoral fellow in the department of microbiology at the University of California at San Francisco. He has served on the editorial boards of the journals Molecular Biology and Medicine, Molecular and Cellular Biology, and Virology. An outstanding active leader of the biochemistry community, there is no one more qualified than Arthur Levinson to discuss the merits and the mission of biotechnology.

Mr. Speaker, Arthur Levinson delivered an excellent statement to the Joint Economic Committee, highlighting the importance of continued federal involvement in the industry in order for biotechnology to continue its progress in saving and improving the quality of our lives.

Mr. Speaker, I submit the full text of Dr. Arthur Levinson's testimony to the Joint Economic Committee to be placed in the RECORD, and I urge my colleagues to give his testimony thoughtful consideration.

PUTTING A HUMAN FACE ON BIOTECHNOLOGY

Mr. Chairman and distinguished members of the Committee. Thank you for the opportunity to testify today regarding the most important topic of biotechnology and its impact on people like you and me. It is truly an honor to testify before you today. Your leadership on issues related to innovation, and medical research and development has been critical to the on-going development of new life-saving drugs and breakthrough technologies.

Without your commitment to such important policy initiatives as funding for the National Institutes of Health (NIH) and permanent extension of the research & experimentation tax credit (commonly known as the research and development tax credit), many remarkable products would not be made available to those in need.

The subject of today's hearing cuts to the core of what the biotech industry is all about. As Carolyn Boyer and Lance Armstrong's testimony demonstrates—the human face of biotechnology is very real. All the cutting-edge science and innovative technology of our industry is valuable only when it ultimately results in the alleviation of human suffering and the overall enhancement of human life.

Our mission at Genentech is to be the leading biotechnology company, using information and human genetic engineering to develop, manufacture and market pharmaceuticals that address significant unmet medical needs. We are committed to working with patients, families, providers and payers to improve patient care.

At Genentech we say that we are ''In business for life''. Our commitment to this is reflected in our history—a history that marks the genesis of the biotechnology industry. Genentech's founders, Herb Boyer and Bob Swanson, were the first to conceptualize the process of cloning human proteins for the purpose of manufacturing life-saving therapies. In 1976, Genentech was founded as the pioneering biotechnology firm with research and development, manufacturing and sales capabilities. By the early 1980s, Genentech had developed and licensed the first two products of biotechnology—recombinant insulin and alpha interferon.

As a testament to our commitment to saving lives, Genentech is among the most research intensive companies in the world. In 1996, we invested $471 million, or 49% of our income, on research and development. We reduced that amount to $396 million in 1998, or 34% of income, partially because investors are hesitant to support one-half of income going to research. But research is our lifeblood. It gives life to the ideas we test to treat serious, unmet medical needs. Our strong portfolio of products is a direct reflection of the ideas our scientists have brought from the lab to the patient. And, as evidenced by our robust pipeline, I firmly believe the best of our science is yet to come.

In an effort to further our commitment to our patients, Genentech devised a ''Single Point of Contact'' (SPOC) program to assist patients and their physicians in gaining reimbursement for their care. In addition Genentech instituted our own ''Uninsured Patient Program'' in 1986 when we marketed our first product, Protropin. The program provides free drugs to patients ensuring that a lack of financial resources will not prevent anyone from gaining access to our products.

With this brief background in mind, there are a few issues on which I wish to focus today, particularly: federal support for research and development, permanent extension of the R&D tax credit, and the Medical Innovation Tax Credit (MITC).

Federal Support for Biomedical Research and Innovation is Crucial. The scientific underpinnings of the industry itself—namely, the discovery of recombinant DNA technologies—was developed in the 1970s at Stanford University and the University of San Francisco with the help of federal funding.

As the industry has matured and grown, the ability of the federal government to either constructively nurture or inadvertently harm the industry has increased commensurately. The Joint Economic Committee (JEC)—particularly in hosting the national high technology summit earlier this summer—has played an enormously important role in highlighting some of the critical ways the federal government can advance our country by creating a more supportive environment for high-technology.

Permanent Extension of the R&D Tax Credit. Except for small increases in the past three years, direct federal support for overall research has, for the most part, been declining for over a decade. While a long-term commitment to increasing funds available to the federal government for basic research is important, maximizing private industry R&D through a permanent R&D tax credit is a necessity. Numerous studies have shown that a permanent R&D credit is a cost-effective means of ensuring that high levels of private-sector investment will continue to take place.

A short-term extension of the credit is clearly preferable to allowing the credit to lapse, however the lack of permanence severely compromises the effectiveness of the credit for the biotechnology industry. With biotechnology R&D programs often planned five to ten years in the future, uncertainty regarding the credit can prove detrimental. The industry is required to work under the assumption that the credit may not be in effect for the entire life of the research project, which in turn means less revenue can be committed to R&D. And, this translates into fewer scientific discoveries—fewer therapies like Herceptin.

Returning to our theme of ''Putting a Human Face on Biotechnology'', this uncertainty regarding the credit has profound implications for the patients since our industry spends much of its revenue on R&D. This uncertainty may necessitate a small firm furloughing scientists engaged in promising research. For a large firm it may mean making the hard choice to terminate or curtail a significant project. Either way, patients lose. I dare say that without the R&D tax credit, Herceptin simply would not be a reality. Mr. Chairman, you have long been the champion of this cause and I know that others on the Committee have been long time supporters of the credit. It is our desire to work with you to make the credit permanent.

Medical Innovation Tax Credit (MITC). Over the years, the federal government has invested billions of dollars to create a biomedical establishment of medical schools and teaching hospitals deemed the finest in the world. The growth of managed care, coupled with cuts in Medicare payments, threatens the ability of these medical schools and teaching hospitals to carry out their vital social mission of research, training of health professionals, and the provision of indigent care.

The Medical Innovation Tax Credit would establish an incremental 20 percent tax credit for clinical trials performed at medical schools, teaching hospitals that are under common ownership or affiliated with an institution of higher learning, or non-profit research hospitals that are designated as cancer centers by the National Cancer Institute (NCI). This credit would partially offset the roughly 30 to 50 percent greater cost of doing clinical trials at these institutions. It would encourage biomedical firms to do clinical trials here in the United States while providing a revenue source for medical schools, teaching hospitals, and NCI-designated cancer centers. Clinical trials at these crown jewels of our health care system have dropped from 82% of clinical trials in 1985 to an estimate of 27% in 1996.

This narrow credit is designed to complement the R&D tax credit and has been scored by the Joint Committee on Taxation as having negligible cost so long as the R&D credit is in effect. The legislation—H.R. 1039 in the House and S. 1010 in the Senate—has attracted strong bipartisan sponsorship and support. Mr. Chairman, thank you for your vital leadership on this important issue. I know others on the Committee are co-sponsors of this legislation, and we appreciate their support and efforts as well.

The Future of Biotechnology. The first quarter century of biotechnology has been a period of astounding advance. The next quarter century promises revelation and quantum leaps forward. The industry is on the cusp of major breakthroughs, breakthroughs that would have been the stuff of science fiction—not science—a few short years ago.

One example of where Genentech is headed in the future is our use of computers and the new technologies of bioinformatics to search large databases of information to advance our own research and medical science. Genentech's Secreted Protein Discovery Initiative (SPDI) builds on our world-class expertise in cloning and expressing genes from the human genome that encode proteins. SPDI focuses—through the brilliance of computer technology—on identifying the minority of proteins that are most likely to be of therapeutic interest. And because SPDI is

just that—''speedy,'' it has dramatically enhanced our scientific capabilities and is leading to new candidates for research. For example, SPDI has already helped identify proteins that may be useful as cancer therapies through a process called ''apoptosis,'' which means the genetic programming of the death of cells or, in the case of cancer, tumor cells. This technology would not have been possible 5 years ago. Both the Human Genome Project and the increases in computational capability through smaller, more powerful computers make bioinformatics work. Both the Human Genome Project and the advances in computer capability rely on federal research as the platform for future breakthroughs.

Our pipeline is very exciting and robust. In addition to apoptosis, we are making headway on an advanced form of our original product, tPA, which is effective in the treatment of heart attack and stroke victims. We are also moving forward with research on a product designed to block the cascade of health problems associated with asthma and other allergies, and are in the process of testing Herceptin on other forms of non-breast cancers as well as on earlier stages of breast cancer.

As I hope I have illustrated for you today, the biotech industry holds tremendous promise for the future and lives of so many patients facing serious illnesses. Our resolve to better their lives is unwavering, even in the context of an unpredictable financial and regulatory environment.

However, two things are predictable as we look toward the future of biotechnology. As in the industry's first 25 years, the next 25 years will require federal policies that are supportive of biomedical research and innovation. And finally, the industry as a whole will only succeed if we continue to keep the patient—the human face in biotechnology—first and foremost in all our decisions.

GRANTING THE VIRGIN ISLANDS GREATER FISCAL AUTONOMY

SPEECH OF

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. YOUNG of Alaska. Mr. Speaker, I submit for the benefit of the Members a copy of the cost estimate prepared by the Congressional Budget Office for H.R. 2841, an act to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, September 28, 1999.

HON. DON YOUNG,
Chairman, Committee on Resources,
Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2841, an act to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is John R. Righter, who can be reached at 226–2860.

Sincerely,

DAN L. CRIPPEN,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

SEPTEMBER 28, 1999

H.R. 2841—An act to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions, and for other purposes—as passed by the House on September 27, 1999

H.R. 2841 would provide the government of the Virgin Islands, a territory of the United States, more flexibility in issuing general obligation debt (that is, debt that the Virgin Islands secures by pledging its full faith and credit). Specifically, the legislation would allow the Virgin Islands to issue general obligation debt for any public purpose authorized by its legislature. It also would remove certain types of debt from the territory's limit on aggregate debt and would allow its government to pay bondholders on a monthly or quarterly basis. The Joint Committee on Taxation estimates that enacting H.R. 2841 would decrease governmental receipts by about $2 million over the 2000–2004 period, with the amount of forgone receipts totaling less than $500,000 for each year. The estimates loss of receipts would occur as a result of the government of the Virgin Islands increasing its amount of tax-exempt debt. Because the legislation would affect governmental receipts, pay-as-you-go procedures would apply.

In addition, the legislation would authorize the Secretary of the Interior to enter into an agreement with the Governor of the Virgin Islands to establish financial controls and performance standards for the territory. Subject to the availability of appropriated funds, CBO estimates that providing the technical assistance would not significantly increase costs at the Department of the Interior.

H.R. 2841 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments. The legislation would provide significant benefits to the government of the Virgin Islands.

The CBO staff contact is John R. Righter, who can be reached at 226–2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CONGRATULATING MEGAN SMITH, DARLENE TURNER AND DAWN YERGER ON THEIR SELECTION AS PARTICIPANTS IN THE VOICES AGAINST VIOLENCE TEEN CONFERENCE IN WASHINGTON, DC

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. VISCLOSKY. Mr. Speaker, I am pleased to announce today, the selection of three teens from Northwest Indiana to participate in the Voices Against Violence Teen Conference in Washington, D.C.

Megan Smith, a senior at Chesterton high school was selected along with Darlene Turner and Dawn Yerger, both seniors at Emerson School of the Performing Arts in Gary. These three teens will join over 400 youths from across the country as they work with lawmakers to develop youth violence prevention strategies.

The interest that has surrounded this conference is proof enough to me that our teenagers believe that preventing youth violence is a top priority, and want to be empowered in creating solutions to this emerging national crisis.

These three students represent the very best in our young people and I eagerly look forward to working with them during their trip to Washington. I have the utmost confidence that these three students will represent Northwest Indiana and the First Congressional District with dignity and leadership.

Megan Smith is a senior at Chesterton High School in Chesterton. Megan ranks first in her class of 439 students. She has excelled in varsity basketball and soccer at Chesterton. Megan is also active in her church, student government, SADD, and Chesterton's academic superbowl team.

Darlene Turner is a senior at the Emerson School of the Performing Arts in Gary where she ranks in the top quarter of her class. Darlene is active in a number of extracurricular activities at school, including the academic superbowl and spellbowl teams, Christians in Action, and the National Honor Society. She is also involved in her community as a church youth leader and a member of the Gary Civic Youth Orcestra.

Dawn Yerger is also a senior at Emerson School of the Performing Arts in Gary. Dawn ranks in the top quarter of her class and is active in extracurricular activities including National Honor Society, Spanish Club, Science Club, and Christians in Action. She is also involved in The Jesus Club, the International Thespian Society, and the Delta Teen Lift Organization.

Congratulations to these three exceptional young ladies and I look forward to their trip to our Nation's Capital.

TRIBUTE TO DR. PIYUSH AGRAWAL ON HIS RETIREMENT FROM PUBLIC EDUCATION

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mrs. MEEK of Florida. Mr. Speaker, it is indeed a distinct honor to pay tribute to one of America's unsung heroes, Dr. Piyush Agrawal. The celebration of his retirement from public education, particularly in his role as Superintendent of Piscataway Township Public Schools in Piscataway, New Jersey, this Saturday, October 2, 1999, will certainly leave a great void in our public school system.

During the years that I have known Dr. Agrawal as an administrator par excellence in the Miami-Dade County Public Schools, he truly epitomized the preeminence of a caring public servant who genuinely exuded the virtues of a gentleman and a scholar. I want to express my gratitude for all the efforts and sacrifices he consecrated to the thousands of children and their parents, as well as the administrators, teachers and paraprofessionals working in our Nation's fourth largest school system.

He has been in the field of education since 1955. His career has spanned over four continents from Asia to Europe, to Africa and to North America. His broad range of assignments included a stint as a United Nations expert on education, and has likewise served as

a Consultant for the United Nations Development Program (UNDP), the United Nations Educational, Scientific & Cultural Organization (UNESCO), the National Science Foundation (NSF), the new American Schools Development Corporation (MASDC) and the American Association of School Administrators (AASA). He has also served on several prestigious national task forces and panels such as the Presidential Awards for Excellence in Science and Mathematics, the Florida Speaker's Task Force on Mathematics, Science and Computer Education, and the National Council of Supervisors of Mathematics.

Many of his colleagues admire him for his leadership in ensuring equality of opportunity in our schools. At the same time, his forceful advocacy in adhering to the tenets of equal treatment under the law for all has been unequivocal not only in the halls of academia, but also in every government agency geared toward the responsible and productive well-being of our children. In fact, countless others have been touched by his untiring commitment to this agenda.

Dr. Agrawal is the consummate educational activist who abides by the dictum that those children who have less in life through no fault of their own should be helped at all costs in their quest for mastery of the basic skills and academic achievement. He has not faltered one iota in his belief that all children can learn and can succeed, given the appropriate affective and cognitive assistance from their parents and teachers. The numerous accolades with which he has been honored by various state and national organizations succinctly represent a genuine testimony of the utmost respect he enjoys from the academic community.

Blessed by a down-to-earth common sense, he is also imbued with the uncommon wisdom of subtly recognizing the strengths and limitations of those who have been empowered to govern over the well-being of others. It is this quality that endears him to many of his colleagues. And it is this superlative rapport that buttresses his leadership over several civic and social organizations, which have so wisely depended upon his vision and commitment.

Presently, he serves as Vice-President of the National Advisory Council for South Asian Affairs, a public interest foreign policy group recognized by the U.S. State Department. In 1994 he was appointed by the then Secretary of Commerce Ron Brown to the U.S. 2000 Census Advisory Committee on the Asian and Pacific Islander Populations for a three-year term. In 1997, he was reappointed to another three-year term by current Secretary of Commerce William M. Daley.

He thoroughly understands the accouterments of power and leadership. And he is wont to exercise this knowledge alongside the mandate of his convictions and the wisdom of his conscience, sagely focusing their elements upon the good of the community he has learned to love and care for so deeply. His word is his bond to those he deals with—not only in his moments of triumphal exuberance, but also in his quest to help transform our communities into the veritable mosaic of vibrant cultures and diverse people converging into the great promise and optimism that is America.

Dr. Piyush Agrawal truly exemplifies this unique leadership whose courageous vision and firm belief appeal to our noble character as a nation. At the risk of being presumptuous, I want to extend to him the gratitude of our community. I sincerely bid him good luck on his well-deserved retirement and wish him Godspeed in all his endeavors. He will certainly be missed.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. BECERRA. Mr. Speaker, on September 30, 1999, I was unavoidably detained during three rollcall votes: number 460, H. Res. 312 on Agreeing to the Resolution Providing for Consideration of H.R. 2910, National Transportation Safety Board Authorization; number 461 on Approving the Journal; and number 462 on Passage of H.R. 2910, the National Transportation Safety Board Authorization. Had I been present for the votes, I would have voted ''aye'' on rollcall votes 460, 461, and 462.

TRIBUTE TO OHIO CITIZENS AGAINST LAWSUIT ABUSE

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. BOEHNER. Mr. Speaker, the week of September 19–25, 1999 was recently observed in my home State of Ohio as Ohio Lawsuit Awareness Week (LAAW). As the House prepares to vote on the critical issue of managed care reform, there is perhaps no more appropriate time to focus attention on the importance of preventing lawsuit abuse and reversing our Nation's transformation into an overly litigious society.

Ohio Citizens Against Lawsuit Abuse (OCALA) has been a leader in this regard in recent years. We owe a debt of gratitude to the more than 5,000 consumers, physicians, taxpayers, small business operators and other professionals associated with OCALA who have dedicated their time and resources to increasing public awareness of lawsuit abuse and the need to improve America's civil justice system. We owe particular thanks to Dr. David Rummel, DDS; Peter Beck; Ken Blair, Jr.; Gerald Miller; and Claire Wolfe, MD, all of whom are members of OCALA's Board of Directors.

In recent years Congress has made great strides in the effort to reform our Nation's justice system and ensure that it is structured to protect the rights of citizens, rather than simply the prosperity of the trial bar. Whether the issue has been securities litigation, medical malpractice, or the ''Y2K'' problem, we have been steadfast in our support for bipartisan reforms that seek to restore fairness to the legal system and limit frivolous litigation. Next week, as the House faces the highly politicized challenge of protecting patients and expanding access in our Nation's healthcare delivery system, we must strive to be consistent in that posture.

Mr. Speaker, I would like to offer my congratulations to all of the individuals associated with OCALA, and to express my strong support for the cause for which OCALA exists. Through the courage and dedication of organizations like OCALA across the United States and the courageous support of legislators who support its vision, we will continue to move toward an American civil justice system that will truly meet the need of its citizens in the 21st century.

TRIBUTE TO VALLEY COLLEGE

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. BERMAN. Mr. Speaker, my colleague, Representative HENRY A. WAXMAN, and I, rise to pay tribute to Los Angeles Valley College, which this year is celebrating its 50th anniversary. Over the past five decades, Valley College has exemplified the best in American public education. Despite charging nominal fees to its students, the college has a top-notch faculty, the largest library in the San Fernando Valley and today offers more than 50 academic majors. Forty percent of the students who attend Valley College view it as a pathway to facilitate transfers into four-year colleges and universities.

When Valley College opened its doors in 1949, the San Fernando Valley was a suburban/rural community. The changes in the college since that time have paralleled the changes in the Valley, which is much more diverse than it was at the end of the Second World War. The College had done an outstanding job of adapting its curriculum and facilities to new and different circumstances.

Valley College has also kept up with the rapid pace of technological change at the end of the 20th century. The library recently completed its automation project and is now online with access to four separate databases. The College currently maintains a Bio-Tutorial Lab, Computer Science Lab, Music Listening Lab, Speech Lab, Foreign Language Lab, Statistics Lab and several open labs with Internet access for all students.

Valley College has developed a program that provides a number of one- and two-year technical programs such as accounting, business administration and computer sciences. Through the years, thousands of students have used these programs to enter rewarding careers.

Valley College has also made a concerted effort to meet the educational needs of high school students in the San Fernando Valley. The Afternoon College enables these young people to improve their basic skills before they graduate, which helps ensure that they will succeed in college. The Early-Start Program allows college-bound high school students to earn college credit while still attending high school.

We ask our colleagues to join us in saluting Dr. Tyree Wieder, President of Valley College, and the entire faculty and staff on this special occasion. Thanks to these dedicated educators, Valley College is a superb example of the best that California's Community College System has to offer. With the continued hard work of such committed individuals, the next

50 years at Valley College will be equally successful in serving our community.

PREMIUM SUPPORT: DO WHAT I SAY, NOT WHAT I DO

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. STARK. Mr. Speaker, in March, the Bipartisan Commission on the Future of Medicare voted 10 to 7 on a plan known as Premium Support. The law establishing the Commission required that for a formal report to be issued, 11 votes were needed.

One of the 10 votes for Premium Support was by Samuel Howard of Nashville, Tennessee.

Premium Support is a proposal to use higher premiums in traditional Medicare to push beneficiaries into private, managed care HMO-type plans. It is based on the theory that the private sector is more efficient and can do a better job—save money and offer extra benefits—than the traditional Medicare program.

Mr. Howard was one of the leading proponents of the idea that the business sector is always better than the government sector, and that government is inept and stupid. His comments in the Commission's public meetings never varied from that theme.

I submit for the RECORD an article from The Tennessean of September 4, 1999:

STATE BLAMES XANTUS CHIEF FOR INSOLVENCY

(By Keith Snider)

Xantus Corp. Chairman Samuel H. Howard used TennCare money to finance other business deals, misled state regulators and presided over a health plan that routinely lost claims, a report filed yesterday alleges.

State receivers who have been running insolvent Xantus HealthPlan of Tennessee blamed Howard for much of its demise, saying his business decisions left the TennCare plan disorganized and vulnerable.

Xantus disregarded a state law that requires health maintenance organizations to maintain a minimum net worth, the report says, and used cash from the health plan to pay debts and expand its parent firm, Xantus Corp., into Mississippi and Arkansas.

''Xantus HealthPlan of Tennessee was not managed in a compliant, operationally sound, or financially sound manner for several years,'' leaving it unable to meet its obligations, the report concludes.

Howard released a short statement challenging the report and saying he hasn't had time to read it in detail.

''I could not disagree more with its findings and conclusions,'' said Howard, former chairman of the Nashville Area Chamber of Commerce and one of the city's most prominent African-American businessmen. ''I am deeply disappointed that our voluntary entry into rehabilitation has resulted in a report of this nature.''

The Tennessee Bureau of Investigation said it is continuing a probe of possible wrongdoing at Xantus, but spokesman Mark Gwyn would not say whether the report will affect the investigation.

Officials in the attorney general's office and in the state Department of Commerce and Insurance couldn't be reached late yesterday for comment.

David Manning, a former state official who co-wrote the report with Manny Martins, would not say whether the receivers have shared information with the TBI. ''Obviously, we're making public filings and they're available for anybody who has an interest,'' he said.

Xantus, the state's third-largest TennCare plan with 160,000 members, has been in the hands of receivers since March 31.

On Thursday, Manning and Martins asked a Davidson County Chancery Court judge to approve a rehabilitation plan that would replace the health plan's management and begin paying creditors with $30 million in state funds.

The new report, supported by a thick stack of documents, describes a business that gradually was run into the ground.

Among other things, Howard used money from Xantus HealthPlan in 1994 to repay a $1 million start-up loan and used at least $2.8 million in 1996 to open a health plan in Mississippi, the report says.

Howard explained the 1994 transaction as a ''management fee'' paid by Xantus HealthPlan to Xantus Corp., but the report says no management agreement existed at the time and would have required state approval.

Xantus Corp. overcharged the health plan by millions of dollars in management fees to replace money it had originally invested in Xantus HealthPlan, the report says. That left the health plan relying only on TennCare payments to keep its net worth above state minimums.

After the state warned Xantus in April 1998 that it was undercapitalized, Howard approved a $10 million transfer from the health plan to the parent company to pay the $9 million balance of a Nations-bank loan, the report says.

And in September 1998, Xantus diverted an additional $350,000 from the health plan to its Mississippi business despite reporting a negative net worth of $3.4 million in the same quarter, the report says.

Xantus misreported its net worth for that year, the report says, and financial reports for that year show ''a pattern of questionable financial 'recovery' at the end of the first three calendar quarters'' and that the health plan ''recurrently 'rallied' at the end of each quarter.''

Howard misled Commerce and Insurance officials on management fees, the source of loans, intercompany transfers, his salary, and about how he intended to finance the acquisition of Health Net's TennCare business two years ago, the report alleges.

Xantus didn't properly investigate loss-plagued Health Net before buying it, the report says, and limped along with inexperienced managers and a clams processing system that paid claims to the wrong provider, paid the wrong amount, lost claims and denied claims that had been preauthorized.

The receivers said earlier this week that their estimate of how much Xantus owes doctors and hospitals has grown from $50 million-$60 million to $80 million because the processing system hasn't been sorted out.

Manning characterized the findings as ''a factual report that reaches reasonable conclusions.''

State Sen. Thelma Harper, who called a June news conference along with other prominent African-American leaders to express concern about the investigation of Xantus, couldn't be reached for comment.

Howard, who has blamed flaws in the $4.3 billion TennCare program for Xantus' problems, said yesterday he's learned ''that the gap between the business world and government is deep and wide.''

But the report says Howard's contention that Xantus had an unfair share of very sick enrollees was contradicted by a state review and by data from Xantus itself.

It concedes the state didn't allow Xantus to close its rolls to new members and also rejected a plan in August 1998 that would have cut management expenses from 17% to 11%.

The state should shoulder some of the blame, said Craig Becker, Tennessee Hospital Association president, who represents hospitals that have unpaid Xantus claims.

''The ultimate responsibility belongs to the state,'' he said. ''It was their lack of oversight that allowed it to happen.''

AGRICULTURAL RISK PROTECTION ACT OF 1999

SPEECH OF

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

The House in Committee of the Whole House on the State of the Union 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 improve protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes:

Mr. NUSSLE. Mr. Chairman, I rise today in strong support of H.R. 2559, the Agricultural Risk Protection Act. I would like to start by saying how impressed I am with the progress the House has made this year in transforming the concept of Federal crop insurance reform into the legislation we have in front of us today.

In 1994, as a member of the House Agriculture Committee, I had the opportunity to help write the last revision of the Federal crop insurance program. While the 1994 bill was a step in the right direction, that reform was done under the old Depression-era farm policy. I said then that the crop insurance program needed to become more farmer friendly by providing participation incentives for farmers.

As everyone in this chamber should recall, on February 1, 1999, the President submitted to Congress his fiscal year (FY) 2000 budget which failed to include a single dollar for crop insurance reform. After the President submitted his budget, I began working with House Budget Committee Chairman KASICH to provide funds for crop insurance reform in the House's FY 2000 budget. After a long hard-fought battle, on March 25, 1999, the House took a critical step in securing the necessary funds to reform crop insurance this year by providing $6 billion over five years for crop insurance in the FY 2000 budget. This decision by the Budget Committee gave the House and Senate Agriculture Committees the flexibility to address the need for workable risk management tools that are available to all farmers.

I applaud the House Agriculture Committee for the legislation they have brought before the House today. This legislation will provide future stability in the farm safety net by increasing premium assistance to producers, rewarding the productive capability of farmers, and creating new coverage for falling crop values and livestock losses. This legislation simply offers more choices to more farmers and less cost to farmers and taxpayers.

This bill addresses the need for workable risk management tools that are available to all

farmers. This is the kind of long-term help the Federal Government can and should provide to American farmers in the 21st century, without turning back the clock to Depression-era programs that had Washington bureaucrats telling farmers what to plant and where to plant it. By passing this legislation, establishing strong foreign markets, reducing burdensome regulations, and improving access to affordable financing for farmers, I believe our government can give farmers the tools they need to compete in a world market. I ask my colleagues to join me in supporting H.R. 2559.

HONORING STEPHEN PROCTOR

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. GOODLING. Mr. Speaker, I rise today to honor Stephen Proctor, Chief Executive Officer for Presbyterian Homes, Inc., who is stepping down from the chairmanship of the American Association of Homes and Services for the Aging. I am proud to be able to pay tribute to a man who has such a strong commitment to assisting in the care of the elderly.

For the last two years, Stephen Proctor has served as the chair of the American Association of Homes and Services for the Aging (AAHSA). AAHSA consists of over 5,300 organizations for care of the elderly such as nonprofit nursing homes, assisted living, senior housing facilities and community service organizations. Everyday, Mr. Proctor contributed to serving one million older persons across the country through his chairmanship of this organization.

In 1971, Mr. Proctor began his career with the aging as a Director of Nursing for the Schock Presbyterian Home but soon became its Administrator, a position that he served until 1975. The following year, Mr. Proctor became the Administrator at the Oxford Manor Presbyterian Home where he worked for three years before becoming the Chief Operating Officer for Presbyterian Homes, Inc. in 1979. After 16 years in this position, Mr. Proctor became the Chief Executive Officer in 1995, a position that he currently holds.

In addition to having begun his career in long-term care as a nurse, Mr. Proctor has dedicated himself to serving elders in many official capacities. He became an accomplished member of the Pennsylvania Association of Non-Profit Homes for the Aging, becoming its president in 1982. Beginning in 1983, he chaired the Pennsylvania Department of Welfare's Medical Assistance Advisory Committee's Long-Term Care Subcommittee, an honor that he served for eleven years. Furthermore, Mr. Proctor currently holds a position on the Pennsylvania Intra-Governmental Council on Long-Term Care.

Mr. Speaker, I salute Stephen Proctor as he steps down from his chairmanship of the American Association of Homes and Services for the Aging. I commend him not only for his many accomplishments but also for his continuing service for the elderly. I send him my very best wishes for his future.

PERSONAL EXPLANATION

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. COBLE. Mr. Speaker, on Wednesday, September 22, I had to return to North Carolina due the death of my father and was absent for votes the remainder of the week.

During my absence, on September 22, 23, and 24, 1999, I missed rollcall votes 430 through 447. Had I been present, I would have voted ''no'' on rollcalls 430, 431, 432, 433, 434, and 435, ''yes'' on rollcalls 436 and 437, ''no'' on rollcalls 438, 439, 440, 441, and 442, ''yes'' on rollcalls 443 and 444, ''no'' on rollcalls 445, ''yes'' on rollcall 446, and ''no'' on rollcall 447.

POLICE STILL KILLING SIKHS IN PUNJAB

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. DIAZ-BALART. Mr. Speaker, on September 22, Burning Punjab reported that Devinder Singh, a young Sikh, died in police custody at the Ropar police station on September 18. A witness said that third-degree methods were used to extract ''false information'' from him. His brother and two associates said that he died of injuries inflicted by the police. The two associates were unable to walk due to injuries from torture.

About a week earlier, another young Sikh was killed by the police in the Sarhali police station. On August 16, Lakhbir Singh Lakha was tortured to death in police custody at police post, Chohla Sahib. Mr. Inder Singh, father of the deceased said they had to wait for the body as his son had died 48 hours earlier. Gurpreet, a 17½-year-old Sikh girl, was abducted and raped repeatedly by the son of a Punjab Akali minister and his brother-in-law. Another Catholic priest was murdered in Orissa by allies of the governing party.

The Indian government says that there are no more human-rights violations occurring in Punjab, yet incidents like these keep coming to light.

These terrible incidents are just part of a pattern that has seen the Indian forces allegedly murder over 250,000 Sikhs since 1984, as well as more than 200,000 Christians in Nagaland since 1948, over 65,000 Muslims in Kashmir since 1988, and thousands of other minorities such as Tamils, Manipuris, Dalit ''untouchables,'' and Assamese people.

I thank Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, for bringing these terrible incidents to my attention. These incidents show that for minorities like the Sikhs and others, there is no security in India. That is why the Sikhs of Khalistan, the Muslims of Kashmir, the Christians of Nagaland, and others seek their independence.

I call on my colleagues to support an internationally-supervised plebiscite in Punjab on the question of independence. These people should be given the same opportunity that citizens of Puerto Rico and Quebec have received—the chance to decide their political future and status in a democratic vote.

Many believe that the breakup of India is inevitable. Since India now has nuclear weapons, the democratic countries of the world, led by the United States, must work to make sure that if this happens, it happens peacefully like in Czechoslovakia (now the Czech Republic and Slovakia), not violently like in Yugoslavia. We can prevent another Yugoslavia type crisis from breaking out in South Asia by encouraging the democratic process in the subcontinent. Let us take this stand and help ensure democracy and stability throughout the region.

TRIBUTE IN HONOR OF VERN AND NORMA BATES

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. BARCIA. Mr. Speaker, I rise today in honor of Mr. and Mrs. Vern and Norma Bates on the occasion of their 50th wedding anniversary celebration. The Bateses were married in my home town of Bay City, Michigan, on June 3, 1950, thus beginning the marriage which would see them to the close of this century, and into the next millennium. During this half century together they have developed a marriage which remains one that all of us in the Fifth Congressional District aspire to and admire.

In July 1950, Vern and Norma Bates began their married life together in Caro, Michigan, where Vern established his own barber business, and together, the couple began their many civic contributions. During these early years, they were blessed with a kind and loving family, with the arrival of their three children, Annette, Timothy, and James. Today, the Bateses are proud grandparents of Chad, Eric, Jodi, and Scott.

In 1962, Vern Bates accepted a position with the Michigan Department of Licensing and Regulation, first as a barber, and later as a hearing officer. He remained there until his retirement in April 1992. For 12 years, Mr. Bates was a member of the Caro School Board, where he served as President.

In 1988, Norma Bates was elected County Commissioner for the Village of Caro, Indian Fields and Wells Townships. Previously, she had served as Board Chairperson as well as on numerous other boards and committees in the community. She is currently serving in her fifth term in office.

Vern and Norma Bates have contributed greatly to the Caro community. They are active members of the St. Paul Lutheran Church of Caro, where both have held numerous offices and positions. They are leaders in the local Little League. Their civic contributions to the community and public service are exemplary. Indeed, Vern and Norma Bates are beloved by their family, honored by their neighbors, and venerated by the Caro community.

Mr. Speaker, I am sure that you will agree that both Vern and Norma's many life accomplishments can be attributed to their great commitment to each other, to their commitment to a marriage which weathers any storm and upholds all sacred vows. Mr. Speaker, I urge you and our colleagues to join with me in honoring Mr. and Mrs. Vern and Norma Bates, on this celebration of their 50 years of marriage.

IN HONOR OF TOMASZ WYSZYNSKI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Tomasz Wyszynski as he is being honored for promoting his Polish Heritage through his outstanding accomplishments by the Polonia Foundation.

Tomasz Wyszynski is a man of many personal and career accomplishments. After joining the Army, Tomasz had the opportunity to live in Russia, Iraq, India, South Africa, France, and England. In addition, he has exhibited a tremendous aptitude for languages, he learned to speak not only his native Polish, but English and enough Russian, German, and Hindi to make himself understood to communicate.

When Tomasz Wyszynski later settled in Akron, Ohio, he joined the Polonia of Akron Lodge and took his first position as a Trustee. Soon after, he developed an interest in insurance sales to assist others in providing necessities and security.

Tomasz Wyszynski has been a tireless worker, coordinator, and recruiter for the Polish National Alliance. To date he has recruited over 2,000 people to the Polish National Alliance membership in addition to being a member since the organization's inception. His contributions to the Polonia Society have been continuous and awe-inspiring, he has always been willing to help others.

I ask that my distinguished colleagues join me in commending Tommy Wyszynski for his dedication, service, and leadership in the Cleveland community. Our community has certainly been rewarded by the true service displayed by Tomasz Wyszynski.

RECOGNIZING DALE CURTIS

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. TALENT. Mr. Speaker, I rise today to recognize Dale Curtis of Ellisville, Kenneth Jewson of St. Charles, and Richard Stevens of Fenton, who have completed their rigorous training at the FBI National Academy in Quantico, Virginia. The National Academy's 11-week training program prepares men and women in law enforcement to meet their challenges of the future.

The FBI's National Academy students are selected from the managerial ranks of the state, local, and international police agencies. The academy's graduates set the standard for integrity, competence, and dedication throughout the law enforcement profession. I am pleased that these law enforcement officers from the second district attended the FBI National Academy.

Mr. Speaker, I hope you will follow me in offering these outstanding officers our congratulations, and the best of luck in their future endeavors as law enforcement professionals.

PERSONAL EXPLANATION

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. BALLENGER. Mr. Speaker, on September 23, 1999, on the first Lofgren motion (rollcall No. 438) to instruct conferees on H.R. 1501, the Juvenile Justice Reform Act of 1999, I was recorded as voting ''yea'' when I intended to vote ''nay.''

TRIBUTE TO ALBERT CHEN

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. GARY MILLER of California. Mr. Speaker, I rise today to recognize Mr. Albert Chen of Chino, California, a constituent of mine from the 41st congressional district.

Mr. Chen is the founder and Chief Executive Officer (CEO) of Telamon Electronics, which provides pre-installation assembly, material management and other services to the high-tech industry in Southern California. This 10-year old company has annual revenues in excess of $140 million and is headquartered in Chino. As one of the highest tax-generators of the 2,100 businesses in the region, Telamon Electronics currently adds approximately $1 million annually in tax revenue to our area.

Under Mr. Chen's capable leadership, Telamon Electronics recently brokered a $120 million business deal with two other leading national high-tech companies, GTE and Nortel Networks. This new working relationship will provide new jobs, new opportunities, and new services for the residents of Chino, western San Bernardinio County and eastern Los Angeles County. I believe this is a perfect example of big business working with small business to the mutual benefit of the economy and our diverse society.

I congratulate Mr. Chen on his recent successes, and I welcome the new business partnerships between Telamon, GTE and Nortel Networks to my congressional district. Together, this new ''team'' will be providing a valuable service to the high-tech industry, while continuing to develop and implement cutting edge Internet technology.

INTRODUCTION OF LEGISLATION TO PROTECT OUR GREAT LAKES

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. CAMP. Mr. Speaker, I rise to introduce legislation that will protect our Great Lakes and ensure an effective strategy for conserving our water resources.

One hundred and sixty-six million people in 18 countries are suffering from water scarcity. Almost 270 million more in 11 additional countries are considered water stressed. By 2025, one fourth of the world will suffer from lack of water. These are a few of the reasons that experts are hypothesizing that water will soon change from a resource to a commodity.

Given these disturbing statistics, it's becoming very clear that we need to develop a better strategy for water management. One problem that is facing environmentalists, scientists and policy makers is the lack of sufficient and reliable information on water availability and quality. Efforts to balance supply and demand, and plans for a sustainable future, are severely hampered by this lack of information. That is why this legislation is so necessary.

The Great Lakes comprise ⅕ of the Earth's fresh water resources. Over the past few years, there have been numerous proposals to withdraw bulk quantities of water from the Great Lakes Basin. The Great Lakes hold over 6 quadrillion gallons of water. However, before we begin mass exports of bulk water from this giant resource, we must be very clear on how this will impact the Great Lakes region. We cannot allow commercial exploitation of such a precious resource.

Last year, the House passed a Resolution calling on the President and the other Body to work to prevent the sale or diversion of Great Lakes water in mass quantities. That resolution was an important first step. The legislation that I'm introducing today takes the necessary second step. This bill will impose a two year moratorium on exports of bulk fresh water. The moratorium will give the governors of the Great Lakes, who for the past fifteen years have effectively managed the Basin, the opportunity to effectively evaluate how and if bulk exports from the Great Lakes Basin should proceed.

Prudent management of our natural resources means looking ahead and planning for the future. As we enter a new millennium, we need to be responsible stewards of our environment, to ensure that our children are not denied the resources that we today are able to enjoy. Our water resources must be carefully conserved, and this legislation will allow the Great Lakes governors to develop an effective strategy to ensure our water supply and ecosystem are protected. I urge my colleagues to join me in support of this legislation.

CONGRATULATIONS TO JEANNE CAMERON'S CLASS AT OGDEN MIDDLE SCHOOL

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mr. HANSEN. Mr. Speaker, I wish to bring before the Congress a marvelous example of a classroom of children at the Mt. Ogden Middle School in Ogden, UT. Mt. Ogden is an inner city school of approximately 880 children from both wealthy and economically disadvantaged homes. It is predominately Hispanic. Last year, the school wanted to create a new reading program for those students whose reading level is below that of their age level. That program would have cost $20,000, and the school simply didn't have the money. That's where the kids came in.

This year, the Channel One Network, and educational program provider for schools around the country sponsored a current events knowledge competition, with a prize of $25,000 to the school with the winning class. The contest involved identifying and describing the context of a series of current events images from around the world over a period of

weeks. Well these kids and their teacher, Ms. Jeanne Cameron, got together and entered the contest along with nearly 2,000 other classes, and they won. The money will probably be used to create the special reading program and to buy new books for the school.

I understand that the class and its teacher were unaware of their success until they were filmed live upon receipt of the prize last week. I ask my colleagues to join me in extending warmest congratulations to Ms. Cameron's class and the Mt. Ogden Middle School for their learning and competitive spirit, and their partner, the Channel One Network, for making this program a reality.

INTRODUCTION OF THE ''STATE INITIATIVE FAIRNESS ACT''

HON. MARY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

Mrs. BONO. Mr. Speaker, today I rise to reintroduce the ''State Initiative Fairness Act.'' This commonsense judicial reform is legislation that is already well-known to my colleagues and courtwatchers. It passed the House of Representatives twice in recent memory. First, it passed as the free-standing bill, H.R. 1170, during the 104th Congress in 1995. And again, it passed as part of the Judicial Reform Act in 1998 during the 105th Congress where it was one of the first issues I considered upon joining this institution. This measure gained bipartisan and broad support in the past. This procedure contained in the bill establishing a three-judge panel review is simply the restoration of a judicial procedure that was the norm in the federal system for most of the twentieth century.

Strong voting rights are the keystone of our democratic system. It is noted that ''A system which permits one judge to block with the stroke of a pen what 4,736,180 state residents voted to enact as law tests the integrity of our constitutional democracy.'' (*See The Coalition For Economic Equity* v. *Wilson,* 110 F3d 1431, 1437 (9th Cir. 1997)). The unjust effect on voting rights created by injunctions issued in California by one judge against the will of the people of the State as reflected in propositions concerning immigration, medical marijuana, and affirmative action is well-known. This bill provides that requests for injunctions in cases challenging the constitutionality of measures passed by a State referendum must be heard by a three-judge court. Like other Federal voting rights legislation containing a provision providing for a hearing by a three-judge court, the bill is designed to protect voters in the exercise of their vote and to further protect the results of that vote. It requires that any state-passed initiative or referendum voted upon and approved directly by the citizens of a State be afforded the protection of a three-judge court pursuant to 28 U.S.C. 2284 where an application for an injunction is brought in Federal court to arrest the enforcement of the referendum on the premise that the referendum is unconstitutional.

It is not my intent to change the outcome of any litigation concerning the past propositions passed by the electorate. The goal of the bill is to secure the judicial process and guarantee to the people it is as objective as possible. For example, where the entire populace of a State democratically exercises a direct vote on an issue, one Federal judge will not be able to issue an injunction preventing the enforcement of the will of the people of that State. Rather, three judges, at the trial level, according to procedures already provided by statute, will hear the application for an injunction and determine whether the requested injunction should issue. An appeal is taken directly to the Supreme Court, expediting the enforcement of the referendum if the final decision is that the referendum is constitutional. Such an expedited procedure is already provided for in other voting rights cases. It should be no different in this case, since a State is redistricted for purposes of a vote on a referendum into one voting block. The Congressional Research Service estimates that these 3-judge courts would be required less than 10 times in a decade under this bill, causing a very insubstantial burden on the Federal judiciary, while substantially protecting the rights of the voters of a State.

This bill recognizes that State referenda reflect, more than any other process, the one-person-one-vote system, and seeks to protect a fundamental part of our national foundation. This bill will implement a fair and effective policy that preserves a proper balance in Federal-State relations.

In closing, I wish to express my gratitude to my many colleagues who join me today as cosponsors and their support as we strive to amplify and secure the will of the people.

H.R. 415: EXPAND AND REBUILD AMERICA'S SCHOOLS ACT

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Ms. SANCHEZ. Mr. Speaker, I rise today to call attention to one of the most pressing difficulties facing our schools: overcrowded and run-down facilities.

Last month, 53.2 million young people went back to school. The facilities that greeted them were not up to par. One-third of all public schools are in serious need of repair or replacement, and nowhere is that problem more obvious than my home district in Orange County, California.

Our schools are simply run down and out of room, and California is feeling the crunch. Facilities are so crowded in our state that we would have to spend $4 billion by 2002 in order to provide enough space. In fact, high school enrollment is projected to grow by a full one-third between 1998 and 2008.

Right now our children attend schools with leaking roofs, dangerous wiring and chipping paint, crammed into storage closets, libraries and gyms for lack of classroom space. By neglecting to provide an environment appropriate for learning and teaching, we are sending our youth a message that their academic success is unimportant to us. This tragically shortchanges our students.

That's why I have introduced H.R. 415, the Expand and Rebuild America's Schools Act.

H.R. 415 will help local education agencies (LEAs) with limited financial resources by creating a new class of tax-exempt bonds, interest-free for LEAs. A financial institution that issues these bonds would receive a tax credit in the amount of the interest that would otherwise be paid by the LEA. So the school district only has to repay the principal, no interest. The Secretary of Education will be responsible for direct distribution of the bond program to the LEAs, avoiding any state bureaucracy involvement in funding decisions or program administration.

To be eligible to participate in the school construction bond program, LEAs must: (1) have at least 35 percent of students eligible for the free or reduced-cost lunch program; (2) be involved in a public/private partnership with a local private enterprise, to provide an amount equal to at least 10 percent of the interest-free capital provided; (3) maintain high educational standards; (4) have a projected growth rate at or above 10 percent over the next five years; (5) have a student-teacher ratio of 30 to 1 or higher; and (6) have already made an attempt to alleviate overcrowding.

These qualifying factors will ensure the bond program assists the most impacted, high-quality schools. Simultaneously, it will encourage schools to seek out private contributions to improve curriculum and equipment, enhancing the impact of the bond initiative. H.R. 415 will provide our children with an environment that is more conducive to learning, and prevent this facilities crisis from continuing into the next century.

SMALL BUSINESS INNOVATION RESEARCH PROGRAM REAUTHORIZATION ACT OF 1999

SPEECH OF

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. CAPUANO. Mr. Speaker, I rise in support of H.R. 2396, the Small Business Innovation Research Program Reauthorization Act of 1999. This important program has had a significant impact not just in Massachusetts, but many other states around the country.

Literally thousands of companies have benefited from the SBIR program since its establishment in 1982. With the exception of some Internet and biotechnology companies, small technology businesses generally do not have the financial resources necessary to develop their most innovative ideas. Many businesses, in their early years and without much of a track record, have a difficult time finding the capital necessary to bring ideas to the marketplace, regardless of how good these ideas might be. The SBIR program provides these businesses with an opportunity to develop and implement their ideas with the goal of enabling these businesses to fully realize their commercial potential. When these companies succeed, they in turn strengthen the economy by providing the type of high quality jobs our country needs to prosper.

While the SBIR program has been a tremendous help to the small business technology community, more can be done to improve upon the success of the program. Through H.R. 2396, we are promoting a number of program changes that will increase the chances of success for small businesses operating in the technological fields.

In order for SBIR recipients to achieve success, it is important that participating agencies

allocate a sufficient portion of its administrative expense budgets to the SBIR program. By reserving these funds, agencies could (1) conduct site visits to companies which have won Phase I or Phase II awards; (2) provide the opportunity for agencies to review a company's work; and (3) provide those firms with such assistance in meeting the requirements of the program as they may require. Such expenses require agency investment in SBIR beyond set aside funds. However, this investment is a necessary agency administrative expenditure if agencies and participating companies are to get maximum value out of the program. A great example of this type of investment already exists at the Department of Defense.

Another change this legislation will make to the SBIR program is the addition of a National Research Council study. The Science Committee asked the NRC to examine a variety of questions which I and other Committee members feel will lead to a better understanding of the program's potential and encourage other beneficial program changes in the future. It is important that this study is done objectively, with a true understanding of the problems facing SBIR winners. We expect that the NRC panel that oversees this project will embody a wide range of expertise and experience, and include a respectable number of small high technology businessmen who have participated in the program.

In closing I would like to reiterate the importance of this program and the need to pass this bill this session. In the Boston area, we have a number of great research universities and laboratories; each filled with bright, technically oriented people who are willing to take a chance on an idea that possesses great potential. It is in our best interest to do what we can to encourage these individuals to pursue their ideas to the fullest. With this in mind, I urge each of my colleagues to give this bill their strongest support.

MR. EDWARD BRENDER HONORS SYNAGOGUE IN POEM

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. GILMAN. Mr. Speaker, I rise today to recognize one of my constituents. Edward Brender of Kauneonga Lake, New York, wrote a poem honoring his Temple Beth-El which celebrated its 75th anniversary last year. The congregation first started meeting in a barn. When their numbers grew, additions were built. The congregation is still growing today.

Mr. Speaker, I submit Mr. Brender's poem into the CONGRESSIONAL RECORD at this point:

''THE BARN THAT BECAME A HOUSE OF WORSHIP''

(By Edward Brender)

The temple once a farmer's barn; part of America's rural farm Furnished with a century-old church's pews, yet filled with devout and dedicated Jews.

At Temple Beth-El, we like to stay with American uplifted heart's we spay.

For 75 years, the temple filled our spiritual needs, while rabbis planted righteous seeds.

The halls resounded with Chief Justice Lawrence H. Cook's praise, reminding us of Hebrew sacrifices during America's revolutionary phase.

During the time of our country's greatest need, recounting tales of Jewish patriots' deeds.

High on a majestic verdant hill stands stately Temple Beth-El; For 75 years a beacon of freedom's faith, spreading boundless love and tales to tell.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. RILEY. Mr. Speaker, on Monday September 27 and Tuesday September 28 of 1999, I was unavoidably detained by a family medical emergency and missed the following votes. Had I been present, I would have voted ''aye'' on rollcall votes No. 448 regarding the EU ban of U.S. Hushkitted and Reengined Aircraft, ''aye'' on No. 449 supporting free elections in Haiti, ''aye'' on No. 450, conveying land to San Juan College, ''aye'' on No. 451 preserving affordable housing for senior citizens, ''aye'' on No. 452, the Energy and Water Appropriations Conference Report, ''aye'' on rollcall vote No. 453, the Continuing Resolution for FY 1999, ''aye'' on No. 454 regarding East Timor, ''aye'' on No. 455 expressing sympathy for Taiwanese earthquake victims, ''aye'' on No. 456 to protect Social Security, and ''aye'' on No. 457, the Health Research and Quality Act.

TRIBUTE TO HEALTH HILL HOSPITAL FOR CHILDREN

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. LATOURETTE. Mr. Speaker, it is with great pride that I announce the renaming of Health Hill Hospital for Children to the Cleveland Clinic Children's Hospital for Rehabilitation.

Since 1998, Health Hill Hospital for Children has been part of the Cleveland Clinic Health System. Devoted entirely to pediatric development, Health Hill has one of the largest teams of pediatric therapists in the nation. In addition to being one of the world's preeminent medical research and educational facilities, the Cleveland Clinic Health System is northeast Ohio's foremost provider of comprehensive medical and rehabilitative services to children requiring long-term treatment. In 1983, the Cleveland Clinic Foundation became the first medical center in the United States to be designated as a National Referral Center by the Health Care Financing Administration (HCFTA), Department of Health and Human Services. More specifically, Cleveland Clinic Children's Hospital for Pediatric Rehabilitation—Health Hill—is a national health resource for pediatric rehabilitation.

The primary goal for Health Hill is to create a more independent lifestyle for these children and their families. Not only does the hospital's pediatric staff provide excellent care to critically ill and disabled children, but they do so in a comforting and caring environment that eases the children's fears and worries. For example, by providing unique programs, like the Day Hospital Program, children can receive daily intensive therapy without having to be hospitalized. Day Hospital patients receive therapy, nursing and medical care, yet are able to return home to their families each evening and weekend. Providing patients with the opportunity to maintain their routines and home lives is so important in making a sick child feel as ''normal'' as possible. The hospital serves children with a variety of illnesses, ranging from spinal cord and head injuries, respiratory problems, feeding disorders, and burns to chronic or congenital medical conditions.

Mr. Speaker, Health Hill Hospital has proven to be more than just a ''hospital.'' Their commitment to providing the highest standards of medical services for special needs children is why they continue to be a shining example of one of the best children's specialty hospitals. Cleveland Clinic Children's Hospital for Rehabilitation is affiliated with the renowned Cleveland Clinic Foundation, ranked among the ten best hospitals in the nation by U.S. News and World Report's annual guide to ''America's Best Hospitals.'' It is exciting to see the resources of this prestigious hospital devoted to the care of children.

Again, I am honored to announce the Cleveland Clinic Children's Hospital for Rehabilitation's new designation, and commend the Foundation's outstanding achievements throughout the past 78 years.

INTRODUCTION OF BILL TO ENSURE FREER AND FAIRER TRADE

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. COMBEST. Mr. Speaker, I am introducing a bill that provides the United States Trade Representative with additional tools to ensure freer and fairer world trade.

For U.S. agriculture, trade is an essential part of their livelihood. Currently exports account for 30 percent of U.S. farm cash receipts and nearly 40 percent of all agricultural production is exported. U.S. farmers and ranchers produce much more than is consumed in the United States, therefore exports are vital to the prosperity and success of U.S. farmers and ranchers.

For years, United States agriculture has provided a positive return to our balance of trade. In order to continue this positive balance, and to improve upon it, markets around the world must be open to our agricultural exports.

One of the biggest threats to trade policy is the inability to make certain the trade agreements are adhered to and other countries live up to their commitments. This weakens support across the country for trade agreements. This is true for farmers and ranchers, and others interested in exporting United States goods around the world.

The bill my colleagues and I are introducing today addresses this issue by requiring that the United States Trade Representative (USTR) periodically revise the list of goods subject to retaliation when a foreign country fails to comply with a WTO ruling. The goal of

this legislation is implementation of the recommendations adopted in the WTO dispute settlement proceedings or in achieving a mutually satisfactory solution to the issue that gave rise to the dispute.

Right now retaliation is the only authorized tool for persuading countries to comply with WTO decisions. No matter how selective USTR is in applying this retaliation tool, American jobs and businesses are affected. The preference is obviously that countries comply with WTO decisions and provide market access for the products of United States agriculture.

That is the goal of this bill and I urge my colleagues to join me in this effort.

BILL EXPLANATION

This bill amends section 306 of the Trade Act of 1974 by: Requiring that if the United States imposes duties or withdraws the benefits of a trade agreement because a country fails to implement a World Trade Organization (WTO) decision, the United States Trade Representative (USTR) must review and revise its action 4 months after the date of the action and every 6 months thereafter.

The revision may be minor (''in whole or in part'').

Exceptions: USTR may waive the requirement if: (1) USTR determines that the targeted country is ready to implement the WTO decision; or (2) USTR determines, in consultation with the affected U.S. industry or petitioner in the case, that revision of the action is unnecessary.

Standard for revision: USTR shall act in a manner that is most likely to result in implementation of the recommendations adopted in the dispute settlement proceeding, or in achieving a mutually satisfactory solution to the issue that gave rise to the dispute.

HEALTH RESEARCH AND QUALITY ACT OF 1999

SPEECH OF

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

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. CAPUANO. Mr. Chairman, I rise in support of the Pediatric Graduate Medical Education (GME) amendment offered by Mrs. JOHNSON of Connecticut. The amendment, identical to H.R. 1579, The Children's Hospital Research and Education Act of 1999, would provide targeted Graduate Medical Education funding to our nation's freestanding children's hospitals by creating a fair and equitable financing system for pediatric physician training.

In today's increasingly competitive health care marketplace, independent children's teaching hospitals face serious challenges in receiving adequate patient care reimbursement to cover the added costs of their GME program. Unlike other teaching hospitals, freestanding children's hospitals do not qualify for the one remaining, stable source of GME financing—Medicare—because they care for children, not the elderly. As a consequence, these hospitals receive less than 0.5% of the level of Medicare direct and indirect medical education support that all teaching hospitals receive. Boston Children's Hospital, located in my district, estimates the cost of GME to be in excess of $20 million of which only $2–3 million is reimbursed from the state's Medicaid program. This leaves $17 million in unreimbursed expenditures that the hospital is forced to absorb. This gap in federal support jeopardizes highly successful pediatric training programs and places these children's hospitals at increasing competitive risk.

Comprehensive GME financing reform is needed by all hospitals, however, its achievement is several years away at best. This bill addresses the need for interim federal GME support for these children's teaching institutions which although accounting for less than 1% of all hospitals, train nearly 30% of all pediatricians and nearly half of all pediatric specialists. The passage of H.R. 1579 would allow for freestanding children's hospitals to receive an immediate source of financial assistance through a capped, time-limited appropriation that would provide GME payments to children's hospitals. The measure would authorize a $280 million grant in FY2000 and $285 million in FY2001. The passage of this bill would help sustain the vital role played by our Nation's freestanding children's teaching hospitals and would make payments to children's hospitals commensurate with those provided to other teaching facilities.

Without a consistent source of financial support, children's hospitals cannot fulfill their mission—providing clinical care for the sickest and poorest children, training the next generation of care givers for children, and investing in research to improve children's health care. If we really care about our children's future, we must ensure that they have access to the best medical care in the world. With this in mind, I urge each of my colleagues to give this amendment their strongest support.

UNCOMMON COURAGE FIGHTING OUR FIGHT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. GILMAN. Mr. Speaker, eighteen months ago a courageous and fearless Colombian National Police (CNP) anti-narcotics operations Captain stayed overnight in the Colombian jungle to protect a downed excess-Vietnam-era, single engine Huey helicopter from the Revolutionary Armed Forces of Colombia (FARC) narco-terrorists in that troubled nation. Taken captive and dragged through Colombian jungles for more than 18 months, this courageous police captain was fighting America's fight against illicit drugs upfront and personal.

CNP Captain Wilson Quintero broke loose from his FARC captors this month after killing several of them during his escape. He stayed on the run through the tough jungles of Colombia for more than 12 days, where he was killed fighting his narco-guerillas captors after being shot 35 times. Two other CNP anti-drug officers, without weapons, were also found executed by the guerillas near Quintero's body.

The Colombian National Police used every aerial asset in its aged and ill-equipped helicopter fleet to try to save its courageous comrade. Captain Quintero leaves a wife and son to whom we extend our deepest sympathies. May Captain Quintero and all those CNP officers who have died fighting illicit drugs rest in peace and remind us of their courageous service in their and our drug war.

NATIONAL REFLEX SYMPATHETIC DYSTROPHY AWARENESS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. CUNNINGHAM. Mr. Speaker, I rise to recognize the promise of medical research. With the advancements in medical research being announced every day, the possibilities for improving the length and quality of life for all Americans appear impressive and unprecedented. We can maintain hope, buoyed by good science, that improved treatments and cures can be found for cancer, diabetes, AIDS, arthritis, Alzheimer's, Parkinson's and spinal cord injuries to name a few. However, to take full advantage of this possibility we must increase our funding for the National Institutes of Health and all federally funded medical research.

I could marvel you with the achievements in medical research that I have seen in the last year through my role as a member of the Appropriations Subcommittee on Labor, Health and Human Services and Education. However, I would instead like to focus on those individuals that experience pain in their daily lives. The National Arthritis Foundation tells me that nearly one in six Americans will suffer from some form of arthritis and according to the American Chronic Pain Association, pain is part of the daily lives of one in three Americans.

I am blessed to know a wonderful lady in San Marcos, California, Alfie Burns. Alfie is President of the Reflex Sympathetic Dystrophy Syndrome Association of California, serves as an Appeals Board Member on the California Department of Rehabilitation, is involved in her community and still has time to raise a family.

It is for people like Alfie that I have recognized the month of October as Reflex Sympathetic Dystrophy Awareness Month in the 51st District of California. I encourage my colleagues to join me in promoting unity in the chronic pain community to provide sound public education, cohesive medical information and bring compassion for those who experience chronic pain. I wish for all Americans to live self-supporting and fulfilling lives free from the ravage of pain.

IN HONOR OF NATIONAL REFLEX SYMPATHETIC DYSTROPHY AWARENESS MONTH, OCTOBER 1999

Whereas, Reflex Sympathetic Dystrophy (RSD) is a complex and extremely painful neurogenic medical condition that afflicts millions of Americans annually. RSD is a multiple symptom condition which may simultaneously affect nerves, muscles, bones, skin, and the circulatory system; and

Whereas, Reflex Sympathetic Dystrophy (RSD) was officially assigned an International Category of Diseases Code Number, ICD–9337.2, in October 1993, allowing accurate statistics on this condition to be collected. According to a recent survey by the National RSD Hope Group, 65% of RSD sufferers contract the disease in their thirties or forties

and three out of every four RSD patients are women; and

Whereas, Alfie C. Burns founded the Reflex Sympathetic Dystrophy Syndrome Association of California in 1992. The mission of the not for profit organization is to promote education and awareness of this debilitating disorder. The RSDSA–CA is the longest standing organization of its kind in the state and it serves as an RSD information resource; and

Whereas, Reflex Sympathetic Dystrophy (RSD) involves numerous medical procedures and a variety of medications if the disease becomes chronic and there is no single standard treatment for the condition. Additionally, medical costs for treatment of the disease can be prohibitive. One of my goals is to double funding for medical research so that new treatments may be found and costs may be curtailed for all Americans with health problems; Now therefore, be it

Resolved, that in recognition of the numerous accomplishments of the RSDSA–CA, the month of October 1999, is hereby proclaimed ''Reflex Sympathetic Dystrophy Awareness Month'' in the cities and communities of California's 51st Congressional District.

PRESERVING AFFORDABLE HOUSING FOR SENIOR CITIZENS AND FAMILIES INTO THE 21ST CENTURY ACT

SPEECH OF

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1999

Mr. FORBES. Mr. Speaker, I strongly support H.R. 202 and urge its adoption. The House Committee on Banking and Financial Services has incorporated three other worthy bills into H.R. 202. Together, this bipartisan legislation assures affordable housing and needed services for low-and-moderate income senior citizens. This bill will provide a continuum of care to our seniors by making certain that our seniors can afford to live independently in their own homes, and continue to preserve their dignity and self-sufficiency by obtaining services in an assisted living facility as an alternate to nursing home care.

Like other areas around our country, Suffolk County, NY is plagued with high property taxes and very expensive real estate prices. Even middle class senior citizens run out of money and the ability to afford to live on their own, in an assisted living facility, or in a nursing home. In some of our towns, such as Riverhead, Long Island, 25% of our citizens are senior citizens. Some senior citizens are only able to live in their apartments because of the assistance provided through Section 8 vouchers. Others need the supportive services provided by an assisted living facility, but these services are not always available. Although assisting living facilities are being constructed every day, more are needed.

Today, I would like to focus on some particularly important aspects of this bill that will help to address this problem in eastern Long Island and everywhere else in our country.

As contracts with the federal government expire in increasing numbers, landlords can ''opt-out'' of the Section 8 voucher program that makes housing more affordable for low-income residents, particularly elderly and disabled individuals. Through its ''mark-up-to-market'' initiative, HUD recently began to offer increased rents for below market projects whose market rents are between 110% and 150% of Fair Market Rent. This encourages owners not to ''opt-out'' of the Section 8 program. H.R. 202 expands HUD's ''mark-up-to-market'' initiative, facilitating even more owners to remain in the program. Even where owners do ''opt-out,'' however, HUD will be able to provide ''enhanced vouchers'' so that seniors who have been living independently in their homes for years can remain there. The expansion of the mark-up-to-market initiative and these enhanced vouchers are critical to keeping our seniors from having to face relocation or loss of their housing.

The Section 202 program also provides capital to nonprofit organizations to finance construction and rehabilitation for rental housing with supportive services for the low-income elderly. It also provides rent subsidies for sponsors of projects to help make these assisted-living facilities affordable. The Section 811 program provides capital and subsidies for similar housing programs for disabled individuals. H.R. 202 allows refinancing or canceling of this debt for certain older facilities. If the project sponsor accepts these new financial terms, it must put at least 50% of that savings into increasing supportive services, rehabilitation, modernization, or retrofitting of structures for the elderly. Through this innovative process, this bill will help to create more assisted living facilities for our elderly and disabled individuals in all of our communities.

Mr. Speaker, as the newest Member of the House Committee on Banking and Financial Services, I am proud of this bill and urge its passage.

TRIBUTE TO BYRON AND DOROTHY DAVIDSON GERSON ON THE DEDICATION OF THE SECOND TEMPLE PERIOD TRIPLE GATE MONUMENTAL STAIRS AND OBSERVATION PLAZA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday October 1, 1999.

Mr. LANTOS. Mr. Speaker, I would like to pay tribute to the outstanding civic contributions of Dorothy Davidson Gerson and Byron Gerson. The Gersons and their wonderful family have, for decades, supported a wide range of civic and philanthropic causes. I am honored to know them and welcome the opportunity to pay tribute to them for their unusual devotion to advancing Jewish community life.

The most recent example of the Gersons' generosity will be inaugurated this weekend. On Sunday, October 3, in Jerusalem the Second Temple period Triple Gate Monumental Stairs and Observation Plaza will be dedicated. Israeli Prime Minister Ehud Barak, Jerusalem Mayor Ehud Olmert, and other Israeli leaders and scholars will participate in this celebration. The Triple Gate restoration project, located in the Jerusalem Archeological Park and developed by the Israel Antiquities Authority, was realized thanks to the strong support of the Gersons. It will be dedicated in loving memory of Dorothy's parents, Sarah and Ralph Davidson, both highly respected for their own contributions to the Jewish community and to civic life.

The historical significance of the Gersons' altruism will be appreciated for generations to come. The Triple Gate and the Double Gate, also known as the Huldah Gates, were one of the principal entrances to the Temple Mount for pilgrims during biblical times. This area of the southern wall was badly damaged following the destruction of the Second Temple. The western Huldah Gate, or Double Gate, now lies below the Al–Aqsa Mosque. The eastern Huldah Gate, or Triple Gate, consisted of three arched entryways at the time of the Second Temple. Now parts of the threshold and the doorjamb are all that remain of the Triple Gate. A monumental staircase was earlier located in front of the Triple Gate. Much of this staircase has now been reconstructed, affording visitors the opportunity to envision the southern entrances to the Temple Mount as it was during the Second Temple period.

Mr. Speaker, I urge my colleagues to join me in paying tribute to the generosity of Byron and Dorothy Davidson Gerson, and in congratulating them on the forthcoming dedication of the Triple Gate Monumental Stairs and Observation Plaza. This project will serve not only as a historical treasure, but also as an appropriate monument to the Gersons' passionate devotion to ensuring that the lessons and legacy of our past are preserved for centuries to come.

RECOGNIZING BASF

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize BASF for its outstanding contributions to the community.

BASF is one of the world's leading agriculture product companies. Its products range from natural gas, oil, petrochemicals and innovative intermediates to high-value-added chemicals, crop protection agents and pharmaceuticals. Among BASF'S Hallmarks are its comprehensive know-how, highly developed integrated systems, which are called Verbund and a significant proportion of specialities.

BASF has an enviable and long history of innovative crop protection technologies and agronomic systems. But perhaps nowhere is the rich legacy of BASF more evident than in the soybean industry. BASF also helps cotton growers around the world solve costly insect, disease, weed control and plant physiology problems in more than 50 crops. When it comes to weed control, BASF is the peanut producer's oldest and most reliable partner. BASF is also instrumental for its agricultural products in the crops of corn, rice, apples, citrus and fruits, and vegetables.

All of BASF's products and services help to conserve and maintain values. As a company that operates throughout the world, BASF is responsible for the effects of its products and processes on humans and the environment. BASF is constantly looking for improvements in safety, environmental protection, and health.

Founded in 1965, BASF is committed to being the best provider of knowledge and innovative solutions for crop protection, in the eyes of its customers, employees and the public.

Mr. Speaker, I recognize BASF for its service to the community, nation and world. I urge

my colleagues to join me in wishing BASF many more years of continued success.

NONSENSE CONTINUES TO DOMINATE THE 106TH CONGRESS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. OWENS. Mr. Speaker, there are strong rumors that Actor Warren Beatty may run for President in order to highlight the ''real issues'' facing our great nation. Beatty produced and starred in the movie, ''Bulworth,'' which was a nonsense presentation seeking to ridicule our present political environment. When we listen to the posturing and slogans of the leadership of this 106th Congress it is difficult to distinguish the nonsense on the floor from the nonsense in ''Bulworth.'' Perhaps the political process would benefit from a presidential run by Warren Beatty. He could hold up a mirror for us to see the ''bull'' we tolerate.

WELCOME BULWORTH

Bulworth welcome
To the Capitol dome
For folks full of bull
This is your home
Manure is splattered
Over the Congress floor
Bring a shovel
Push the grit
Out the Chamber door
Medicare prescriptions
Will bankrupt the nation
BULL
Postpone school construction
Til the next generation
BULL
Money equals free speech
Guns have great
Manhood lessons to teach
BULL
Tobacco smoke is not a pest
Get government out of the medicine chest
Unborn children need protection
Single mothers deserve rejection
BULL
Moral decay killed the kids
At Columbine
Our hi-tech army
Still needs the land mine
BULL BULL BULL.

HONORING A FALLEN DRUG WAR HERO

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. BURTON of Indiana. Mr. Speaker, in March of 1998, Colombian National Police (CNP) Captain Wilson Quintero left his base in San Jose del Guaviare for the last time. As he took off in his Vietnam-era UH–1H Huey helicopter, he saluted the ground crew, and left on his mission to fly cover for U.S.-sponsored eradication spray planes. Something all too familiar happened that day. Captain Quintero's aging chopper was shot down by the terrorist group, the Armed Revolutionary Forces of Colombia (FARC).

As his chopper was going down, Captain Quintero radioed for help, and proceeded to crash-land his helicopter without severely injuring his crew. Another helicopter landed to take away the injured CNP officers. The helicopter had parts which were deemed to be salvageable, and the decision was made to leave six CNP officers overnight to guard the aging Huey. Captain Quintero chose to stay with his chopper, feeling it was his responsibility.

At dawn the next morning, several CNP Hueys landed near the crash site to pick up Captain Quintero. The sight they came upon was gruesome. Three of the six CNP officers were found with their hands tied behind their backs, face down with bullet holes in the back of their heads. They had been executed by the FARC terrorists. Captain Quintero and the others had been taken hostage by the FARC terrorists.

Over the next 18 months his family waited for any word that he was alive. None came.

In early September 1999, Captain Quintero escaped from his FARC terrorist captors. He stayed on the run through the triple canopy jungles of northeastern Colombia for the next two weeks. The FARC, fearing a successful escape, launched an all-out effort to find Captain Quintero. Captain Quintero did not give-in easily. He was shot 35 times in his last standoff, finally murdered by FARC terrorists. Two fellow CNP counter-narcotics officers were also found executed near Captain Quintero's body.

The CNP, who knew he was on the run, did everything in their power to find him. Every ill-equipped helicopter and aging aircraft was given the recovery of Captain Quintero as a top priority. Unfortunately these aircraft were not able to find him in time.

Captain Quintero is survived by his wife, Carmen Elisa Quintero and two-year old daughter Laura Andrea Quintero Nunez. I extend to his family my deepest sympathy. Mr. Speaker, I ask that Congress take a moment to recognize the service Captain Wilson Quintero has done for our country. Captain Quintero is truly a hero. May he rest in peace.

A TRIBUTE IN HONOR OF MR. BILL BOWEN

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to an exceptional manager and good friend, Mr. Bill Bowen, on the occasion of his retirement from the General Motors Powertrain Plant, located in my hometown of Bay City, Michigan. Bill Bowen's distinguished career spans 39 years, and I believe it is not an understatement to say that many of our families in the Fifth Congressional District owe in part their secure, well-paying jobs to Bill's wise stewardship of the plant.

Those who know Bill say that his strong sense of integrity underscores all their interactions with him. I certainly am well-acquainted with his unflagging commitment to honesty and hard work, for these two qualities have always been associated with his name. Bill began his career with General Motors in 1956, shortly after graduating from Alma College. While still working, he managed to continue his education and received a master's degree from the University of Detroit in 1966.

Bill held a variety of positions at General Motors Corporation before moving to Bay City in 1977, when he accepted a position as quality manager, and, in 1979, he became a production manager in Brighton, Michigan. In 1990, he was offered, and accepted, the top position of plant manager. This was widely considered unusual, as GM usually slated outside executives for these positions, but it shows the extent of Bill's reputation, and the vast confidence that others had in him.

Over the next decade, Bill and GM-Powertrain continued to shift toward strategic product lines and maintaining a technological edge. GM invested nearly $1 billion in equipment and tooling for the Bay City plant, and Bill and the Powertrain community delivered. Today, they produce about 40,000 connecting rods daily—although three years ago they produced none. And in 1986, they did not produce camshafts, but now, thanks to Bill's leadership and the Powertrain team, they produce 25,000 daily.

I have great admiration for Bill, as does everyone who has worked with him over the years. Under his leadership, GM-Powertrain has been at the forefront of management/labor relations. The plant has one of the few ''living agreement'' contracts in the country, which means that the contract never expires; rather, disputes are addressed, and resolved, as they arise. Bill's expertise is not limited to management relations, however, I've worked closely with him on such issues as air quality control standards and Corporate Average Fuel Economy [CAFE] regulations. I hope to continue seeking his excellent advise and expertise during his retirement.

Although Bill would never hint to his extensive civic involvement and community volunteer activities, everyone in Bay City has benefited at one time or another from Bill's kindness. For instance, he has led the campaign for the Bay County Women's Center, in the process raising almost two million for the three million dollar facility, all in less than a year. He has been very involved in the United Way of Bay County, where he served as General Campaign Chairman in 1994 and on the Board of Directors for six years. The list of his civic activities is too long to speak about today, but to name a few: Bay Area Chamber of Commerce, BaySail, Bay Health and Junior Achievement of Northeastern Michigan, and of course, the local Little League. Despite these many community activities, despite his commitment to his work, Bill's greatest pride is in his family. Anyone who meets Bill, knows shortly thereafter of his great dedication to his wife Sally, and their two sons, Robert and David.

Mr. Speaker, Bill is indeed a great leader, a kind person, and devoted husband and father. I have no doubt that he will continue to inspire others with his selfless contributions to our community. Today, I urge you and our colleagues to join with me in congratulating Bill Bowen on his retirement from GM-Powertrain in Bay City, Michigan.

TRIBUTE TO THE BUDDHIST CHURCH OF SACRAMENTO

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. MATSUI. Mr. Speaker, I rise in tribute to the Buddhist Church of Sacramento. On October 16, 1999, this church will be celebrating its 100th year anniversary. As the church members gather to celebrate, I ask all my colleagues to join with me in saluting this monumental achievement.

The Buddhist Church of Sacramento was established on December 17, 1899. The first meeting was held that day at 1221 Third Street, and the next year, a temple building was purchased at 418 O Street. Today, this small gathering of people has grown to over 1,200 families from throughout Sacramento, Yolo, and Solano counties.

In the past, this church has not been without its share of tragedy. On April 15, 1923, an arson fire destroyed the dormitory housing for children of working parents. Ten children perished in that fire. Additionally, after the outbreak of World War II and the issuance of Executive order 9066, Japanese-Americans from Sacramento were relocated to internment camps throughout the United States. During that time, the U.S. government assumed responsibilities for the church and used it as a military induction center.

However, the members of the Buddhist Church of Sacramento have persevered. Two years after the infamous arson fire, the church members constructed a new temple. A social hall was constructed in 1937 to provide additional recreational and social facilities for the Japanese-American community. As a result of the Sacramento Redevelopment Project, a new temple complex was constructed. It was dedicated on June 27–28, 1959.

Today, the church has grown to host several youth programs and events. For instance, over 200 community youths participate as members of Boy Scout Troop 50, Cub Scout Pack 50, and Girl Scout Troop 569. The church also sponsors various youth sports programs including basketball, volleyball, and golf.

Community programs at the Buddhist Church of Sacramento are not limited to youth activities. The church hosts the Tanoshimi-kai, a weekly lunch program attended by 150 seniors. The church's facilities are open to various Bonsai and other Japanese cultural groups for meetings and gatherings. In addtion, the church conducts Japanese language classes, which are attended by over 100 students of all ages.

One crowning achievement of the Buddhist Church of Sacramento is its involvement in the Triple R Day Care Program. The program, sponsored by the city of Sacramento since Spring, 1999, chose the church as its first satellite site, the first Asian program, and the first site hosted by a church. Currently, there are nine program participants.

As a theme for this year's Centennial Celebration, the Buddhist Church has chosen: ''Gratitude, Dedication, Aspiration.'' This theme symbolizes the relationships of the past, present, and future at the church. It represents a time to reflect on the past, a time to celebrate the present, and a time to plan for the future.

Mr. Speaker, as the exceptional people of the Buddhist Church of Sacramento gather to celebrate their church's centennial anniversary, I am honored to pay tribute to one of Sacramento's most outstanding organizations. The Buddhist Church of Sacramento's contributions to the youth and overall community are commendable. I ask all of my colleagues to join with me in wishing the church continued success in all its future endeavors.

IN MEMORY OF DR. DAVID N. JONES

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today in memory of Dr. David N. Jones, a former professor of Russian and Soviet History at California State University, Fresno (CSUF). David was also actively involved in the Fresno County Republican Central Committee.

Dr. Jones is a native of West Virginia, grew up in North Carolina and was educated at the University of North Carolina at Chapel Hill. He joined the faculty at CSUF in 1970, after teaching at the University of California, Santa Barbara and Duke University. He was a demanding but sought-after teacher. The University and the community will sorely miss his erudition. He served the History Department in many capacities, most notably as Chair and as Graduate Advisor. He was an avid violinist and performed for many years with the Fresno state orchestra. He also enjoyed amateur theatricals and performed in many local productions. Many will remember him as Lesgate in ''Dial M. for Murder'' or Mr. Radley in ''To Kill a Mocking Bird.'' At the time of his death he was preparing to try out for the role of the fiddler in ''Fiddler on the Roof'' with the Roger Rockas Music Hall.

David Jones was active in Republican Party Affairs from 1996–1998 as an elected member of the Fresno County Republican Central Committee.

David is remembered by his wife, Laura; his stepchildren, Amber, Christopher, and Justin Weatherby of Fresno; his brother, Joseph Jones of Chapel Hill, NC; his sister, Karin Jones of Denver, CO, and numerous nephews, nieces, and cousins.

Mr. Speaker, in remembrance of David N. Jones, I would like to acknowledge the happiness he brought to others and the respect so many held for him. I urge my colleagues to join with me in extending my condolences to the Jones family.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Ms. CARSON. Mr. Speaker, I was unavoidably absent Friday, September 24, 1999, and Monday, September 27, 1999, and as a result, missed rollcall votes 444 through 452. Had I been present, I would have voted ''yes'' on rollcall vote 444, ''yes'' on rollcall vote 445, ''no'' on rollcall vote 446, ''yes'' on rollcall vote 447, ''yes'' on rollcall vote 448, ''yes'' on rollcall vote 449, ''yes'' on rollcall vote 450, ''yes'' on rollcall vote 451, and ''yes'' on rollcall vote 452.

REGARDING THE RETIREMENT OF JOE REORDA

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. SCHAFFER. Mr. Speaker, today, because Republicans in the House of Representatives are working to ensure 100% of the Social Security Trust Fund is devoted to preserving Social Security instead of being used to pay for new big government spending, a friend and constituent came to my mind, Mr. Joe Reorda, Principal of Trinidad Catholic Schools, in Trinidad, Colorado.

Mr. Reorda, who plans to retire in 2000, served as a school principal for 31 years in Trinidad's public school system and for the last eight years, as principal of Trinidad Catholic Schools. During his tenure in the public schools, he contributed to Colorado's public retirement plan which provides solid, secure benefits at a reasonable cost. Unfortunately, when he went to work for the private school, he had no choice but to make payments to the Social Security system.

Upon retirement from Trinidad Catholic Schools, he will start receiving his pension from the state of Colorado but his benefit from Social Security will be greatly reduced because of the Windfall Elimination Provision. Mr. Reorda knows this is not fair. First of all, he was required to invest in the government's program instead of being able to choose his own individual retirement plan. An Individual Retirement Account, for example, would earn for him more than what the government can. In fact, all Americans could be earning a higher rate of return on retirement funds if they were allowed to invest in individually directed and professionally managed accounts.

Secondly, and more importantly, after a lifetime of hard work and paying taxes, Mr. Reorda should be able to trust he will receive full benefits when he retires. He made the required payments to the system in good faith so he should be able to expect the full measure of his Social Security benefits to be waiting for him when he retires.

This is a very challenging time for Members of Congress. For 32 years, Congress raided the Social Security Trust Fund to pay for Washington programs that had nothing to do with Social Security. It is time to put an end to this practice. It is time my colleagues on both sides of the aisle pledge not to pass any legislation that spends one penny of the Social Security Trust Fund.

Mr. Speaker, it is for this reason I rise today to tell you about my friend, Mr. Reorda. I would like to soon be able to report to him the funds he's been sending to Washington are secure and will be returned to him in full.

REMARKS ON THE TUSCOLA KOREAN WAR MUSEUM

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. EWING. Mr. Speaker, I rise today in support of my resolution to recognize the Korean War Veterans National Museum and Library in Tuscola, Illinois as a National Korean War Veterans Museum.

The Korean War has often been referred to as the Forgotten War. Of all the conflicts in which our country has been involved, this one has received the least amount of attention or fanfare. However, the individuals who participated in this conflict fought just as bravely and sacrificed just as much as their fellow veterans from other wars.

The museum and library in Tuscola is dedicated to honoring the brave individuals who participated in this war. It provides a forum where individuals can view artifacts from the war as well as perform research and participate in educational programs relating to this often neglected event in our history. The individuals who served in this war have earned our respect and deserve recognition for the sacrifices they have made and this museum is a fitting tribute to their efforts.

I applaud the efforts of the administrators of the Tuscola museum. Their long hours and hard work has paid off, giving Korean War veterans a museum we can all be proud of. Please join with me in supporting this worthy resolution.

CONGRATULATING WALDWICK BOROUGH ON ITS 80TH ANNIVERSARY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Borough of Waldwick, New Jersey, on its 80th anniversary. This historic occasion will be marked this weekend with the celebration of Waldwick Day, Saturday, October 2, and the dedication of the borough's long-awaited new Administration Building.

The people of Waldwick this year are celebrating the many virtues of their wonderful community. Waldwick is a good place to call home. It has the outstanding schools, safe streets, family oriented neighborhoods, civic volunteerism and community values that make it an outstanding place to live and raise a family.

On this occasion, I want to specifically acknowledge the outstanding leadership of Waldwick's elected officials. Waldwick has always enjoyed a history of good, sound local government—a tradition carried on today by Mayor Rick Vander Wende, Borough Administrator Gary Kratz, Borough Clerk Paula Jaegge, and Borough Council members Art Barthold, Robert Campbell, Frank McKenna, Joseph Musumeci, James O'Connell and Jim Toolen.

Waldwick has been a town of many names. The area traces its past to the settlement of New Barbadoes Township in modern-day northern New Jersey in 1693. The settlement changed its name to Franklin Township when it was incorporated in 1772, however, and by the late 1800s was known as Orvil Township. Orvil changed its form of government from township to borough in 1919, prompting another name change. A committee chose ''Wald,'' German for ''woods'' and later refined the choice to Waldwick, meaning, ''a light in the woods.''

Transportation played a major role in the development of Waldwick. An Indian trail along the foothills of the Ramapo Mountains was used by European settlers and became part of the Albany Post Road. The Franklin Turnpike was developed and named for New Jersey Colonial Governor William Franklin, son of Benjamin Franklin. Railroads first came to the area in the 1840s, when the Paterson and Ramapo built a line to connect Suffern, New York, and Jersey City, but a depot wasn't built in Waldwick until 1886. The railroad brought dramatic improvements in Waldwick's connections to the outside world, including the first regularly scheduled deliveries of mail.

Several businesses developed around the railroad depot, including the Orvil Hotel, a printing shop, two butcher shops, a carpenter's shop, a livery stable, a machine shop, a general store, a dressmaker's shop, a funeral home and Hopper's Coal and Lumber Co.

By the 1920s, Waldwick had a thriving downtown district and growing residential neighborhoods. A large number of civic organizations, including the Ancient Order of Forresters, the Sylvandale Literary Society and the Waldwick Public Hall Association, among others, were formed. Italians were a prominent ethnic group within the community, forming a chapter of the Sons of Italy and staging an annual Assumption of the Virgin Mary celebration.

The Depression actually benefited Waldwick with the construction of a municipal pool and a municipal office building by the Works Progress Administration.

Today, under the leadership of Mayor Vander Wende and the other borough officials, Waldwick continues to be a thriving, modern community with much to offer to everyone. The new Administration Building being dedicated this weekend is the latest tangible sign of Waldwick's growth. The $1.9 million, 12,000-square-foot building, located at 63 Franklin Turnpike, will consolidate all borough administrative offices in one location. The old Municipal Building, built in 1927 at a cost of $40,000, will remain home to the Police Department headquarters and will continue to be the site of meetings of the Borough Council, the Planning and Zoning Board and sessions of Municipal Court.

My colleagues, I am certain you would agree with my conviction that Waldwick is one of the finest communities in the State of New Jersey. This community is symbolic of traditional American values. The residents work hard, are dedicated to their families, support their schools and volunteer to help their neighbors. I ask all my colleagues to join me in wishing all its residents continued success.

UNBORN VICTIMS OF VIOLENCE ACT OF 1999

SPEECH OF

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1999

The House in Committee of the Whole House on the State of the Union had under consideration 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:

Mr. HALL of Ohio. Mr. Chairman, I rise in support of H.R. 2436, the Unborn Victims of Violence Act. Under current federal law, an individual who commits a federal crime of violence against a pregnant woman receives no additional punishment for killing or injuring the fetus. I think this is wrong and should be changed.

An incident that occurred in my district illustrates why this law is so desperately needed. In 1996, a man enlisted in the Air Force and stationed at Wright-Patterson Air Force Base—a jurisdiction which is governed by federal military law—severely beat his wife who was 34 weeks pregnant at the time. Although the woman survived the attack, her uterus split open, expelling the baby into her mother's abdominal cavity, where the baby died.

The man was arrested and charged with several criminal offenses for the attack. However, Air Force prosecutors concluded that they could not charge him with a separate offense for killing the baby because, although Ohio law recognizes an unborn child as a victim, federal law does not.

In 1998, that judgment was concurred in the U.S. Air Force Court of Criminal Appeals ruling on the case. The court said, ''Federal homicide statutes reach only the killing of a born human being . . . (Congress) has not spoken with regard to the protection of an unborn person.''

Mr. Chairman, I believe it is time that Congress speaks on this issue by passing H.R. 2436. Many states, like Ohio, have passed laws to recognize unborn children as human victims of violent crimes. However, these laws do not apply on federal property. I think they should and therefore would urge my colleagues to pass the Unborn Victims of Violence Act.

THURGOOD MARSHALL COMMEMORATIVE STAMP RESOLUTION

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. CUMMINGS. Mr. Speaker, today, I introduced legislation urging the Citizen's Stamp Advisory Committee and the United States Postal Service to issue a commemorative stamp to honor the late great Justice Thurgood Marshall.

I'd like to start my tribute with a brief story.

This story was told by Marshall during the installation of Wiley Branton as Dean of Howard University's Law School. It clearly exemplifies what Marshall's legacy means to me.

You'll see what I mean when you hear the story.

This guy took a trip to Las Vegas and did what so many others do—he lost his money, including his fare home. While figuring out what to do, as sometimes happens, he had to go. When he got to the bathroom, he discovered that they had not a nickel or dime but quarter stalls. He didn't have any money, so he was in pretty bad shape. And then a gentleman came by and he told the gentleman his problem. The guy said, ''I'll give you a quarter . . . I don't care if you give it back to me or not, it's no problem.'' He took the quarter and went back into the restroom, and just as he was about to put the quarter in, he realized the door had been left open. So he put the quarter in his pocket and he went in . . . He realized that a quarter wasn't going to get him back to Los Angeles and wouldn't even feed him. So, he put the quarter in a slot machine.

And it wouldn't be a story if he didn't hit the jackpot.

Then he hit the bigger jackpot . . . and he went to the crap table; he went to the roulette table. He ended up with about ten or fifteen thousand dollars. He went back home and invested in the right stock. He got the right business together. And in pretty short order, about fifteen years, he became the second wealthiest man in the world. He was asked about this story on television and began by saying, ''I am so indebted to that benefactor of mine. That man who made all of this possible. And if he comes forth and proves who he is, I will give him half my wealth in cash. So a man came forth . . . . He said, ''Are you sure you are the one I'm looking for?'' ''Of course, he said, I'm the man who gave you that quarter,'' The millionaire said ''I'm not looking for you. I'm looking for the man who left the door open.'' You see, if he hadn't left the door open, I would have put the quarter in the stall.''

Marshall epitomizes the man who left the door open. We are all millionaires—even billionaires—rich from Marshall's legacy of opening doors for those less fortunate. As we close this era, we must not forget his impact on the events of the 20th Century.

Marshall was instrumental in supporting the rights of minorities and immigrants; limiting government intrusion in cases involving illegal search and seizure, double jeopardy, and the right to privacy; and in creating new protections under the law for women, children, prisoners, and the homeless.

His legacy has inspired Americans to name educational institutions, Federal Buildings, legal societies, libraries, and numerous academic achievement awards in his honor. It is indeed my honor to recognize a man whose career is a monument to our judiciary system and who has inspired so many to continue his quiet crusade.

Marshall was born and raised in the Congressional District I represent—Baltimore City, Maryland—and lived in a home about eight blocks from where I live now. We both attended Howard University and, more significantly, he was once turned away from the law school I attended and graduated from—the University of Maryland. As such, I am especially proud to honor Thurgood Marshall, as I share a common background with him.

Through his knowledge, advocacy and devotion to the cause of civil rights, Marshall contributed to the battle fought in the United States courts to eradicate the legacy of slavery. I believe, however, that he should be revered most for his courage and independent judiciary and for breathing life into the text of the Constitution. He worked tirelessly to guarantee all Americans equality and liberty in their individual choices concerning voting, housing, education and travel.

In 1954, he argued the case of Brown v. Board of Education of Topeka, Kansas before the Supreme Court, where racial segregation in public schools was declared unconstitutional.

He won 29 of the 32 cases he argued before the Supreme Court, including, cases in which the court declared unconstitutional:

A Southern state's exclusion of African-American voters from primary elections (Smith v. Allwright, 1944); state judicial enforcement of racial ''restrictive covenants'' in housing (Shelley v. Kraemer, 1948); and ''separate but equal'' facilities for African-American professionals and graduate students in state universities (Sweatt v. Painter and McLaurin v. Oklahoma State Regents, both 1950).

I honor and praise him for his civil rights and professional achievements within our judicial system.

President John F. Kennedy appointed Marshall to the United States Court of Appeals for the Second Circuit in 1961. Four years later, President Lyndon B. Johnson appointed him Solicitor General of the United States.

President Johnson nominated Marshall to the Supreme Court of the United States and the Senate confirmed the appointment on August 30, 1967, making Marshall the first African-American justice to sit on the Court. Marshall served 23 years on the Supreme Court, retiring on June 27, 1991, at the age of 82.

After his death an article in the Washington Afro-American stated, ''We make movies about Malcolm X, we get a holiday to honor Dr. Martin Luther King, but every day we live the legacy of Justice Thurgood Marshall.''

PULL FEDERAL FUNDING FROM BROOKLYN MUSEUM OF ART

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. SWEENEY. Mr. Speaker, today I am introducing a resolution along with Mr. FOSSELLA, that calls for an elimination of federal funds for the Brooklyn Museum of Art if it proceeds with an exhibit that desecrates religion.

The Museum, which has come under fire for using taxpayer money to host an exhibit featuring a portrait of the Virgin Mary smeared with elephant dung, has received more than $700,000 from the National Endowment for the Arts and the National Endowment for the Humanities over the past three years.

John Cardinal O'Connor, in published new accounts, called the exhibit ''an attack on religion itself and, in a special way, on the Catholic Church.'' In fact, it is an is an affront to the more than one billion Catholics worldwide!

In addition to the Virgin Mary painting, the art show titled, ''Sensation: Young British Artists from the Saatchi Collection,'' also features a portrait of a convicted child murderer fashioned from small hand prints. Do we really want to glorify convicted murderers?!

I wholeheartedly agree with my colleague, Mr. FOSSELLA, who describes the exhibit as ''little more than publicly-funded bigotry.'' He was correct in saying that ''the American people have a right to know that their tax dollars are not being used to desecrate religion and promote bigotry.''

When taxpayers decide to support the arts, I doubt these are the kinds of exhibits they have in mind. Our resolution will give a voice to the millions of Americans who are disgusted that they are being forced to fund this offensive exhibit. Furthermore, I believe that most of my constituents would join me in saying that this exhibit goes too far and is devoid of culturally redeeming value, by any standard.

Our federal tax dollars should not be spent on images that glorify immoral and criminal behavior. They should be used to defend not offend. Further, if we are to subsidize the expression of art, let that expression carry a message of education, not defecation.

We have no obligation to call it art and the American people don't have to subsidize it. While these so-called artists have a right to create their ''art,'' and galleries have a right to display it, the First Amendment does not guarantee that the American people must subsidize it.

The City of New York has threatened to pull the museum's funding, and so too should the federal government.

Again, I urge my colleagues to continue to cosponsor this important resolution.

INDEPENDENCE DAY FOR CYPRUS

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. GEJDENSON. Mr. Speaker, I rise today to pay tribute to the Republic of Cyprus on the 39th anniversary of its independence.

As we celebrate this important day, we are sadly reminded of the political impasse which continues to divide the island into two communities. However, recent seismic shifts in the region give hope to optimists who believe that for the first time in many years we could see progress towards a fair and just settlement on this island nation.

Even before the recent tragic earthquakes that rocked Turkey and Greece in August and September, we were seeing fissures in the previously frozen relations between the two nations. The far sighted leadership of Foreign Ministers Papandreou and Cem brought them together to talk in a meaningful way about coordinating policy in the wake of the crisis in Kosovo—breaking the silence which had stifled dialogue between Athens and Ankara since the invasion of Cyprus.

Little could they have imagined that serious earthquakes this year would take the lives of thousands in the region and elicit such profound and heartfelt responses from the peoples of each country towards their neighbors in times of crisis. The outpouring of assistance and sympathy during these consecutive tragedies demonstrated that the citizens of Greece and Turkey were following the lead of their respective foreign ministers in acknowledging that no country is an island.

Neither political tremors touched off by Slobodan Milosevic's military aggression nor

geological tremors caused by tectonic shifts stayed confined within international borders. The peoples of Greece and Turkey worked together during these crises because there was no other feasible option. Now they must work together as must Greek Cypriots and Turkish Cypriots to find a solution in Cyprus.

Both Turkey and the people of Northern Cyprus have much to gain from an end to the strife which has divided the island for a quarter of a century. The United States, the United Nations, the G–8 nations, and the Council of Europe are united in urging a settlement in Cyprus that establishes a stable bizonal, bicommunal federation with adequate security guarantees for all citizens on the island nation.

Restarting serious talks in Cyprus without stymying pre-conditions would produce enormous progress for Turkey towards solving an impediment to its relations with the international community and for the people of Northern Cyprus to emerge from their painful isolation from the rest of the world.

Greece has built on ''earthquake diplomacy'' to send signals that it would not oppose Turkish entry into the European Union. Ankara could build on this momentum by urging Turkish Cypriots to reestablish crucial cultural and business exchanges between the two communities and restart negotiations immediately. Because of past history, Turkish Cypriots have every right to demand strong security guarantees when the partition of the island is removed. But this legitimate concern cannot be a rationalization for preserving the status quo by evading the responsibility to find a solution.

Thirty-nine years ago Cyprus gained its independence from colonial status only to find itself torn apart by violence fifteen years later. I hope that soon we can stand together in this body and celebrate an anniversary of independence for Cyprus that sees its two communities reunited and working together towards the future.

CELEBRATING THE BIRTH OF JORDYN MACKENZIE MOUDY

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. SHOWS. Mr. Speaker, I rise today to announce the grand arrival of Jordyn Mackenzie Moudy. She's a new little democrat of the 4th congressional district in Mississippi.

The proud parents are Jerry and Kristi Moudy from Terry, Mississippi. Grandparents include Joe and Annette Gallaspy from Clinton, Mississippi. Annette happens to be a member of my staff in my Jackson office.

Granny Annette reports that Jordyn arrived on September 29, 1999, at 5:30 p.m., weighing in at 7 pounds, 7 ounces and 19 inches long, and sporting lots of black hair. Mother and daughter are doing fine but Annette can barely contain herself and I do not know when she will return to earth.

I send a hearty ''welcome'' to Miss Jordyn, and my best wishes go out to the Moudy and Gallaspy families.

HONORING FENMORE AND PHYLLIS SETON FOR THEIR DEDICATED SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to recognize my good friends, Fenmore and Phyllis Seton, as they are honored by the New Haven Colony Historical Society with the Seal of the City Award.

The Seal of the City Award is presented annually to an individual or individuals who have strived to improve the quality of life for New Haven residents and have demonstrated a commitment to the overall improvement of the community. First presented to Mayor Richard C. Lee in 1992, this award reflects the dedication which we, the New Haven community, have toward the continued growth and revitalization of our city. Today, Fen and Phyllis will receive this award as a token of our sincere appreciation for their contributions to our community.

For over fifty years, Fen and Phyllis have been active community leaders in Greater New Haven. Recognized both locally, nationally, and internationally, they share a common interest in community revitalization. Fen has had a remarkable career in rehabilitation services as Past President of Rehabilitation International, lecturer at the United Nations, and recipient of the Presidential Award from President George Bush. Within her own distinguished career, Phyllis has served as both an officer and director of the New Haven Easter Seals—Goodwill Rehabilitation Center, and has been honored for her work at an international assembly in Nairobi, Kenya.

The Setons conceived and endowed the Elm-Ivy Award Program which for twenty years has recognized Town-Gown relationships. This local initiative honors individuals whose efforts have had a positive impact on both the City of New Haven and Yale University. They have been recognized jointly with Yale University's highest honor, the Yale Medal, as well as recently named ''Connecticut's Philanthropists of the Year'' by the National Society of Fund Raising Executives.

Their support of and active participation with non-profit organizations has served to enhance the quality and prosperity of the City of New Haven. Their outstanding record of service sets a brilliant example for other community leaders—an embodiment of the very spirit of the Seal of the City Award. I am proud to join with family, friends, and community members to recognize my dear friends, Fen and Phyllis Seton, as they are honored with this very special award. The City of New Haven is indeed fortunate to have such dedicated individuals working on behalf of our community.

TRIBUTE TO FRED ROTI

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1999

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to acknowledge the passing of former Alderman Fred Roti of the old first ward which included the downtown loop area of Chicago.

Alderman Roti or Freddie as he was known was one of eleven children born in an apartment over a store in Chinatown. His father, Bruno, was known as Bruno the bomber for his work as a small time gangster under Al Capone.

Fred Roti was reported to have ties to organized crime throughout his life, yet he was elected and served as Alderman of the 1st ward from 1968 to 1990. Several members of Alderman's Roti's political group were convicted of crimes and ultimately, Alderman Roti was indicted in 1990 and convicted of fixing a murder trial, zoning case and a civil court case. Notwithstanding, his alleged and ultimate criminal conviction, Fred Roti remained a popular figure in Chicago civic, political and social circles until his death from lung cancer at the age of 78.

Fred Roti was convicted of corruption and was probably corrupt. He was eventually caught, convicted, went to jail, served his time, came home to Chinatown and died.

He never stopped being witty, he never stopped living in Chinatown, and he never stopped expressing a love for Chicago

Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity.

House agreed to the conference report on H.R. 2084, Department of Transportation and Related Agencies Appropriations Act.

House agreed to the conference report on H.R. 1906, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Senate

Chamber Action

Routine Proceedings, pages S11757–S11822

Measures Introduced: Five bills and one resolution were introduced, as follows: S. 1678–1682, and S. Res. 194. **Page S11803**

Measures Passed:

National Stamp Collecting Month: Committee on the Judiciary was discharged from further consideration of S. Res. 182, designating October, 1999, as ''National Stamp Collecting Month'', and the resolution was then agreed to. **Page S11815**

Taiwan Earthquake Victims: Committee agreed to S. Res. 194, expressing sympathy for the victims of the devastating earthquake that struck Taiwan on September 21, 1999. **Page S11817**

Hurricane Floyd Victims: Committee on Environment and Public Works was discharged from further consideration of S. Res. 188, expressing the sense of the Senate that additional assistance should be provided to the victims of Hurricane Floyd, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto:

Pages S11817–18

Lott (for Edwards/Helms) Amendment No. 1890, to add the Governor of Delaware to the list of commended Governors. **Page S11818**

Labor/HHS/Education: Senate continued 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, taking action on the following amendments proposed thereto:

Pages S11757–61, S11774–80

Adopted:

By a unanimous vote of 93 yeas (Vote No. 305), Collins Amendment No. 1824, to express the sense of the Senate that diabetes and its resulting complications have had a devastating impact on Americans of all ages in both human and economic terms, and that increased support for research, education, early detection, and treatment efforts is necessary to take advantage of unprecedented opportunities for progress toward better treatments, prevention, and ultimately a cure. **Pages S11757–61**

Pending:

Nickles Amendment No. 1851, to protect Social Security surpluses. **Pages S11774–80**

Nickles Amendment No. 1889 (to Amendment No. 1851), to protect Social Security surpluses.

Pages S11775–80

Black Canyon National Park and Gunnison Gorge National Conservation Area Act: Senate concurred in the amendment of the House to S. 323, to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, clearing the measure for the President.

Pages S11815–17

Nominations—Agreement: A unanimous-consent agreement was reached providing for the consideration of the nominations of Ronnie L. White, to be United States District Judge for the Eastern District of Missouri, Brian Theadore Stewart, to be United States District Judge for the District of Utah, and Raymond C. Fisher, to be United States Circuit Judge for the Ninth Circuit, on Monday, October 4, 1999, with votes to occur on the nominations of

Messrs. White, Stewart, and Fisher to occur on Tuesday, October 5, 1999 at 2:15 p.m. **Pages S11788–89**

Transportation Appropriations Conference Report—Agreement: A unanimous-consent agreement was reached providing for the consideration of the conference report on H.R. 2084, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, on Monday, October 4, 1999, at 5:30 p.m., with a vote on adoption to immediately occur thereon. **Page S11790**

Comprehensive Nuclear Test Ban Treaty Agreement: A unanimous-consent agreement was reached providing for the consideration of the Comprehensive Nuclear Test Ban Treaty (Treat Doc. 105–28), on Friday, October 8, 1999. **Pages S11820–21**

Nominations Confirmed: Senate confirmed the following nominations:

Harry J. Bowie, of Mississippi, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

M. James Lorenz, of California, to be United States District Judge for the Southern District of California.

Victor Marrero, of New York, to be United States District Judge for the Southern District of New York.

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.

Routine lists in the Coast Guard, National Oceanic and Atmospheric Administration.

Pages S11789–90, S11818–19, S11822

Nominations Received: Senate received the following nominations:

Alan Craig Kessler, of Pennsylvania, to be a Governor of the United States Postal Service for a term expiring December 8, 2008.

LaGree Sylvia Daniels, of Pennsylvania, to be a Governor of the United States Postal Service for a term expiring December 8, 2007.

William A. Halter, of Arkansas, to be Deputy Commissioner of Social Security for the term expiring January 19, 2001.

Greta Joy Dicus, of Arkansas, to be an Alternate Representative of the United States of America to the Forty-third Session of the General Conference of the International Atomic Energy Agency.

Norman A. Wulf, of Virginia, to be an Alternate Representative of the United States of America to the Forty-third Session of the General Conference of the International Atomic Energy Agency.

J. Stapleton Roy, of Pennsylvania, to be an Assistant Secretary of State (Intelligence and Research).

Joseph R. Crapa, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

Avis Thayer Bohlen, of the District of Columbia, to be an Assistant Secretary of State (Arms Control). **Pages S11821–22**

Messages From the House: **Page S11800**

Measures Referred: **Page S11800**

Communications: **Pages S11800–01**

Petitions: **Pages S11801–03**

Statements on Introduced Bills: **Pages S11803–07**

Additional Cosponsors: **Pages S11807–08**

Amendments Submitted: **Page S11808**

Notices of Hearings: **Pages S11808–09**

Additional Statements: **Pages S11809–14**

Record Votes: One record vote was taken today. (Total—305) **Page S11761**

Adjournment: Senate convened at 9 a.m., and adjourned at 3:09 p.m., until 12 noon, on Monday, October 4, 1999. (For Senate's program, see the remarks of the Majority Leader in today's Record on pages S11819–20.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Bills Introduced: 11 public bills, H.R. 2991–3001; and 3 resolutions, H. Con. Res. 191 and H. Res. 319–320, were introduced. **Page H9241**

Reports Filed: Reports were filed today as follows:

H.R. 1381, to amend the Fair Labor Standards Act of 1938 to provide that an employee's ''regular state'' for purposes of calculating overtime compensation will not be affected by certain additional payments, amended (H. Rept. 106–358);

H.R. 2884, to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003, amended (H. Rept. 106–359); and

H.R. 764, to reduce the incidence of child abuse and neglect (H. Rept. 106–360). **Page H9241**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Ewing to act as Speaker pro tempore for today. **Page H9201**

Department of Transportation and Related Agencies Appropriations: The House agreed to the conference report on H.R. 2084, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000 by a yea and nay vote of 304 yeas to 91 nays with one voting ''present'', Roll No. 466. **Pages H9202–10**

H. Res. 318, the rule that waived points of order against the conference report, was agreed to by voice vote. **Pages H9201–02**

Agriculture, Rural Development, FDA, and Related Programs Appropriations: The House agreed to the conference report on H.R. 1906, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000 by a yea and nay vote of 240 yeas to 175 nays, Roll No. 469. **Pages H9217–37**

Rejected the Kaptur motion to recommit the conference report to the committee on conference by a yea and nay vote of 187 yeas to 228 nays, Roll No. 468. **Pages H9235–36**

H. Res. 317, the rule that waived points of order against the conference report, was agreed to by a yea and nay vote of 230 yeas to 188 nays, Roll No. 467. **Pages H9210–17**

Meeting Hour—Monday, October 4: Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, October 4 for morning-hour debates. **Page H9237**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business on Wednesday, October 6. **Page H9237**

Senate Messages: Message received from the Senate appears on page H9201.

Quorum Calls—Votes: Four yea and nay votes developed during the proceedings of the House today and appear on pages H9209, H9216–17, H9236, and H9236–37. There were no quorum calls.

Adjournment: The House met at 9:00 a.m. and adjourned at 1:40 p.m.

Committee Meetings

MEDICARE BALANCED BUDGET ACT REFINEMENTS

Committee on Ways and Means: Subcommittee on Health held a hearing on Medicare Balanced Budget Act Refinements. Testimony was heard from Michael M. Hash, Acting Administrator, Health Care Financing Administration, Department of Health and Human Services; William J. Scanlon, Director, Health Financing and Public Health Issues, GAO; Gail R. Wilensky, Chair, Medicare Payment Advisory Commission; and public witnesses.

Joint Meetings

APPROPRIATIONS—TRANSPORTATION

Conferees, on Wednesday, September 29, agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 2084, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1071*)

H.R. 2605, making appropriations for energy and water development for the fiscal year ending September 30, 2000. Signed September 29, 1999. (P.L. 106–60)

H.J. Res. 34, congratulating and commending the Veterans of Foreign Wars. Signed September 29, 1999. (P.L. 106–61)

H.J. Res. 68, making continuing appropriations for the fiscal year 2000. Signed September 30, 1999. (P.L. 106–62)

CONGRESSIONAL PROGRAM AHEAD

Week of October 4 through October 9, 1999

Senate Chamber

On *Monday*, Senate will consider S. 82, Air Transportation Improvement Act (FAA Authorization), and will begin consideration of the nominations of Ronnie L. White, to be United States District Judge for the Eastern District of Missouri, Brian Theadore Stewart, to be United States District Judge for the District of Utah, and Raymond C. Fisher, to be United States Circuit Judge for the Ninth Circuit. Also, at 5:30 p.m., Senate will consider the conference report on H.R. 2084, Transportation Appropriations, with a vote on adoption to immediately occur thereon.

On *Tuesday*, Senate will continue consideration of S. 82, Air Transportation Improvement Act (FAA Authorization), and resume consideration of the nominations of Messrs. White, Stewart, and Fisher (see Monday), at 2:15 p.m., with votes to occur thereon.

On *Friday*, Senate will begin consideration of the Comprehensive Nuclear Test Ban Treaty (Treaty Doc. 105–28), at 9:30 a.m.

During the balance of the week, Senate expects to resume consideration of S. 1650, Labor/HHS/Education Appropriations, and consider any cleared legislative and executive business, including conference reports, when available.

(On Tuesday, Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Agriculture, Nutrition, and Forestry: October 6, 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, 9 a.m., SR–328A.

October 7, Full Committee, 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, 9 a.m., SR–328A.

Committee on Banking, Housing, and Urban Affairs: October 5, Subcommittee on Housing and Transportation, 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, 9:30 a.m., SD–538.

Committee on Commerce, Science, and Transportation: October 6, to hold hearings on S. 1510, to revise the laws of the United States appertaining to United States cruise vessels, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: October 5, Subcommittee on Forests and Public Land Management, 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, 2:30 p.m., SD–366.

October 7, Subcommittee on Energy Research, Development, Production and Regulation, 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, 2:30 p.m., SD–366.

Committee on Environment and Public Works: October 5, Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety, to hold hearings on the Environmental Protection Agency's Blue Ribbon Panel findings on methyl tertiary-butyl ether, 9:30 a.m., SD–406.

October 6, Full Committee, 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, 10 a.m., SD–406.

October 7, Full Committee, to hold hearings on S. 188, to amend the Federal Water Pollution Control Act to authorize the use of State revolving loan funds for construction of water conservation and quality improvements; S. 968, to authorize the Administrator of the Environmental Protection Agency to make grants to State agencies with responsibility for water source development, for the purposes of maximizing the available water supply and protecting the environment through the development of alternative water sources; and S. 914, 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, 10 a.m., SD–406.

Committee on Foreign Relations: October 5, to hold hearings on convention On Protection of Children and Co-operation in Respect of Intercountry Adoption, Adopted and Opened for Signature at the Conclusion of the Seventeenth Session of the Hague Conference on Private International Law on May 29, 1993 (Treaty Doc. 105–51);

and S. 682, to implement the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, 10:30 a.m., SD–419.

October 5, Subcommittee on African Affairs, to hold hearings to examine development assistance to Africa and the implementation of United States foreign policy, 2:30 p.m., SD–419.

October 6, Full Committee, to hold hearings to examine United States support for the peace process and anti-drug efforts in Colombia, 10 a.m., SD–419.

October 6, Full Committee, to hold hearings to examine the conduct of the NATO air campaign in Yugoslavia, 2 p.m., SD–419.

Committee on Governmental Affairs: October 7, Subcommittee on International Security, Proliferation and Federal Services, to hold hearings to examine guidelines for the relocation, closing, consolidation or construction of Post Offices, 2 p.m., SD–608.

Committee on Indian Affairs: October 6, business meeting to consider pending calendar business, 3 p.m., SR–485.

Select Committee on Intelligence: October 6, to hold closed hearings on pending intelligence matters, 2 p.m., SH–219.

October 7, Full Committee, to hold closed hearings on pending intelligence matters, 2 p.m., SH–219.

Committee on the Judiciary: October 5, Subcommittee on Administrative Oversight and the Courts, 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, 10 a.m., SD–226.

October 6, Subcommittee on Technology, Terrorism, and Government Information, to hold hearings to examine fiber terrorism on computer infrastructure, 10 a.m., SD–226.

October 6, Full Committee, to hold hearings on S. 1455, to enhance protections against fraud in the offering of financial assistance for college education, 2 p.m., SD–226.

October 7, Full Committee, to resume hearings to examine certain clemency issues for members of the Armed Forces of National Liberation, 10 a.m., SD–226.

October 7, Full Committee, to hold hearings on pending nominations, 2 p.m., SD–226.

House Chamber

To be announced.

Any Further Program Will Be Announced Later.

House Committees

Committee on Agriculture, October 6, hearing to review the USDA's Russian Food Aid Program, 10 a.m., 1300 Longworth.

Committee on Armed Services, October 5, hearing on the U.S. Commission on National Security/21st Century, 9:30 a.m., 2118 Rayburn.

October 7, Subcommittee on Military Readiness, hearing on spare and repair parts shortages, 9 a.m., 2212 Rayburn.

October 7, Subcommittee on Research and Development, hearing on electromagnetic pulse (EMP) threats to U.S. military and civilian infrastructure, 10:30 a.m., 2118 Rayburn.

Committee on Commerce, October 4, Subcommittee on Health and Environment, to continue hearings on Prescription Drugs: What We Know and Don't Know About Seniors' Access to Coverage, 3 p.m., 2123 Rayburn.

October 5 and 6, Subcommittee on Energy and Power, hearings on H.R. 2944, Electricity Competition and Reliability Act of 1999, 10 a.m., 2123 Rayburn.

October 6, Subcommittee on Oversight and Investigations, to continue hearings on Blood Safety and Availability, 9:30 a.m., 2322 Rayburn.

October 7, Subcommittee on Finance and Hazardous Materials, hearing on PUHCA Repeal: Is The Time Now? 10 a.m., 2123 Rayburn.

Committee on Education and the Workforce, October 5, to mark up H.R. 2, to send more dollars to the classroom, 10 a.m., 2175 Rayburn.

October 6, to mark up the following measures: H.R. 2300, Academic Achievement for All Act (Straight A's Act); and H. Res. 303, expressing the sense of the House of Representatives urging that 95 percent of Federal education dollars be spent in the classroom, 10:30 a.m., 2175 Rayburn.

October 7, hearing on Examining the Impact of Minimum Wage on Welfare to Work, 10 a.m., 2175 Rayburn.

Committee on Government Reform, October 6, Subcommittee on Government Management, Information, and Technology and the Subcommittee on Technology of the Committee on Science, joint hearing on State of the States: Will Y2K Disrupt Essential Services? 10 a.m., 2154 Rayburn,

October 6, Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs and the Subcommittee on Energy and Environment of the Committee on Science, joint hearing on Is CO_2 a Pollutant and Does EPA Have the Power to Regulate It? 2:30 p.m., 2247 Rayburn.

Committee on International Relations, October 6, hearing on U.S. Policy Toward Russia, Part I: Warnings and Dissent, 10 a.m., 2172 Rayburn.

October 6, Subcommittee on International Operations and Human Rights, hearing on the First Annual State Department Report on International Religious Freedom, 2 p.m., 2172 Rayburn.

October 7, full Committee, to continue hearings on U.S. Policy Toward Russia, Part II: Corruption in the Russian Government, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, October 5, to mark up the following: 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 a sibling who is a child under such Act; H.R. 1520, Child Status Protection Act of 1999; H.R. 2961, International Patient Act; and two private relief bills, 10 a.m., 2141 Rayburn.

Committee on Resources, October 5, Subcommittee on National Parks and Public Lands, hearing on H.R. 2932, to authorize the Golden Spike/Crossroads of the West National Heritage Area, 10 a.m., 1324 Longworth.

October 6, full Committee, to consider the following bills: S. 278, to direct the Secretary of the Interior to convey certain lands to the County of Rio Arriba, New Mexico; S. 382, Minuteman Missile National Historic Site Establishment Act of 1999; H.R. 2496, to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1999; H. R. 2669, Coastal Community Conservation Act of 1999; H.R. 2821, to amend the North American Wetlands Conservation Act to provide for appointment of 2 additional members of the North American Wetlands Conservation Council; H.R. 2970, Rongelap Resettlement Act of 1999; and the Resources Reports Restoration Act, 11 a.m., 1324 Longworth.

October 7, Subcommittee on Water and Power, to hold a hearing on the following: the Sugar Pine Dam and Reservoir Conveyance Act; H.R. 1696, to direct the Secretary of the Interior to convey the Griffith Project to the Southern Nevada Water Authority; H.R. 2674, providing for conveyance of the Palmetto Bend project to the State of Texas; Nampa-Meridian Conveyance Act; the Middle Loup Conveyance Act; the Lower Yellowstone Irrigation Project Facilities Conveyance Act of 1999; and H.R. 2889, to amend the Central Utah Project Completion Act to provide for acquisition of water and water rights for Central Utah Project purposes, completion of Central Utah project facilities, and implementation of water conservation measures, 10 a.m., 1334 Longworth.

Committee on Rules, October 4, to consider the following: H.R. 2723, Bipartisan Consensus Managed Care Improvement Act of 1999; and H.R. 2990, Quality Care for the Uninsured Act of 1999, 2 p.m., and to consider H.R. 764, Child Abuse Prevention and Enforcement Act of 1999, 5 p.m., H–313 Capitol.

Committee on Science, October 5, Subcommittee on Basic Research, hearing on Plant Genome Science: From the Lab to the Field to the Market, Part 2, 2 p.m., 2318 Rayburn.

October 5, Subcommittee on Energy and Environment, hearing on Fuels for Future, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, October 6, Subcommittee on Water Resources and Environment, hearing on H.R. 2332, Binational Great Lakes-Seaway Enhancement Act of 1999, 10 a.m., 2167 Rayburn.

October 7, Subcommittee on Coast Guard and Maritime Transportation, hearing on Cruise Ship Safety, 10 a.m., 2167 Rayburn.

October 7, Subcommittee on Oversight, Investigations, and Emergency Management, hearing on GSA's Federal Building Security Program, 2 p.m., 2167 Rayburn.

Committee on Ways and Means, October 5, Subcommittee on Human Resources, hearing on fatherhood legislation, 12 p.m., B–318 Rayburn.

October 7, Subcommittee on Human Resources, to mark up the Fathers Count Act of 1999, 10 a.m., B–318 Rayburn.

Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED SIXTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY

January 6 through September 30, 1999

	Senate	*House*	*Total*
Days in session	129	105	..
Time in session	911 hrs., 02′	859 hrs., 42′	..
Congressional Record:			
Pages of proceedings	11,755	9,173	..
Extensions of Remarks	..	1,997	..
Public bills enacted into law	17	45	62
Private bills enacted into law	2	..	..
Bills in conference	21	13	..
Measures passed, total	313	432	745
Senate bills	91	29	..
House bills	61	191	..
Senate joint resolutions	2	..	..
House joint resolutions	5	9	..
Senate concurrent resolutions	17	6	..
House concurrent resolutions	23	42	..
Simple resolutions	114	155	..
Measures reported, total	*244	*332	576
Senate bills	173	6	..
House bills	23	205	..
Senate joint resolutions	3	..	..
House joint resolutions	..	9	..
Senate concurrent resolutions	4	..	..
House concurrent resolutions	1	12	..
Simple resolutions	40	100	..
Special reports	17	10	..
Conference reports	..	15	..
Measures pending on calendar	142	48	..
Measures introduced, total	1,955	3,567	5,522
Bills	1,676	2,990	..
Joint resolutions	34	69	..
Concurrent resolutions	58	190	..
Simple resolutions	187	318	..
Quorum calls	7	2	..
Yea-and-nay votes	304	221	..
Recorded votes	..	242	..
Bills vetoed	..	2	..
Vetoes overridden	..	..	..

DISPOSITION OF EXECUTIVE NOMINATIONS

January 6, 1999 through September 30, 1999

Civilian nominations, totaling 358, disposed of as follows:	
Confirmed	133
Unconfirmed	208
Withdrawn	8
Returned to White House	9
Other civilian nominations, totaling 1,823, disposed of as follows:	
Confirmed	1,361
Unconfirmed	461
Returned to White House	1
Air Force nominations, totaling 5,702, disposed of as follows:	
Confirmed	5,676
Unconfirmed	26
Army nominations, totaling 3,660, disposed of as follows:	
Confirmed	3,642
Unconfirmed	18
Navy nominations, totaling 6,561, disposed of as follows:	
Confirmed	6,266
Unconfirmed	295
Marine Corps nominations, totaling 2,125, disposed of as follows:	
Confirmed	2,123
Unconfirmed	2

Summary

Total nominations received this Session	20,229
Total Confirmed	19,201
Total Unconfirmed	1,010
Total Withdrawn	8
Total Returned to White House	10

Next Meeting of the SENATE

12 noon, Monday, October 4

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 12:30 p.m.), Senate will consider S. 82, Air Transportation Improvement Act (FAA Authorization).

At approximately 4:30 p.m., Senate will begin consideration of the nominations of Ronnie L. White, to be United States District Judge for the Eastern District of Missouri, Brian Theadore Stewart, to be United States District Judge for the District of Utah, and Raymond C. Fisher, to be United States Circuit Judge for the Ninth Circuit.

At 5:30 p.m., Senate will consider the conference report on H.R. 2084, Transportation Appropriations, with a vote on adoption to immediately occur thereon.

Also, Senate will consider any conference reports when available.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, October 4

House Chamber

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Ballenger, Cass, N.C., E2008
Barcia, James A., Mich., E2007, E2013
Becerra, Xavier, Calif., E2005
Bereuter, Doug, Nebr., E2000
Berman, Howard L., Calif., E2005
Boehner, John A., Ohio, E2005
Bono, Mary, Calif., E2009
Burton, Dan, Ind., E2013
Camp, Dave, Mich., E2008
Capuano, Michael E., Mass., E2009, E2011
Carson, Julia, Ind., E1999, E2014
Coble, Howard, N.C., E2007
Collins, Mac, Ga., E1999
Combest, Larry, Tex., E2010
Cummings, Elijah E., Md., E2015
Cunningham, Randy ''Duke'', Calif., E2011
Davis, Danny K., Ill., E2017
DeLauro, Rosa L., Conn., E2017
Diaz-Balart, Lincoln, Fla., E2007
Ewing, Thomas W., Ill., E2015
Farr, Sam, Calif., E2001
Forbes, Michael P., N.Y., E2012
Gejdenson, Sam, Conn., E2016
Gillmor, Paul E., Ohio, E2001
Gilman, Benjamin A., N.Y., E2010, E2011
Goodling, William F., Pa., E2007
Hall, Tony P., Ohio, E2015
Hansen, James V., Utah, E2008
Holt, Rush D., N.J., E2002
Kucinich, Dennis J., Ohio, E2000, E2001, E2008
Lantos, Tom, Calif., E2002, E2012
LaTourette, Steve C., Ohio, E2010
Matsui, Robert T., Calif., E2014
Meek, Carrie P., Fla., E2004
Miller, Gary G., Calif., E2008
Nussle, Jim, Iowa, E2006
Owens, Major R., N.Y., E2013
Radanovich, George, Calif., E2012, E2014
Riley, Bob, Ala., E2010
Roukema, Marge, N.J., E2015
Sanchez, Loretta, Calif., E2009
Sanders, Bernard, Vt., E2000
Sandlin, Max, Tex., E2000, E2002
Schaffer, Bob, Colo., E2014
Shows, Ronnie, Miss., E2017
Souder, Mark E., Ind., E2001
Stark, Fortney Pete, Calif., E2006
Sweeney, John E., N.Y., E2016
Talent, James M., Mo., E1999, E2002, E2008
Visclosky, Peter J., Ind., E2004
Waxman, Henry A., Calif., E2005
Young, Don, Alaska, E2004

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶Public access to the Congressional Record is available online through *GPO Access,* a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available on the Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is http://www.access.gpo.gov/su_docs, by using local WAIS client software or by telnet to swais.access.gpo.gov, then login as guest (no password required). Dial-in users should use communications software and modem to call (202) 512–1661; type swais, then login as guest (no password required). For general information about *GPO Access,* contact the *GPO Access* User Support Team by sending Internet e-mail to gpoaccess@gpo.gov, or a fax to (202) 512–1262; or by calling Toll Free 1–888–293–6498 or (202) 512–1530 between 7 a.m. and 5 p.m. Eastern time, Monday through Friday, except for Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $165.00 for six months, $325.00 per year, or purchased for $2.75 per issue, payable in advance; microfiche edition, $141.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to (202) 512–1800, or fax to (202) 512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, or GPO Deposit Account. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.