The House met at 10 a.m.

REVISED NOTICE

If the 106th Congress, 1st Session, adjourns sine die on or before November 17, 1999, a final issue of the Congressional Record for the 106th Congress, 1st Session, will be published on December 2, 1999, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through December 1. The final issue will be dated December 2, 1999, and will be delivered on Friday, December 3, 1999. If the 106th Congress does not adjourn until a later date in 1999, the final issue will be printed at a date to be announced.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators’ statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at “Records@Reporters”.

Members of the House of Representatives’ statements may also be submitted electronically by e-mail or disk, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerkhouse.house.gov. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, signed manuscript. Deliver statements (and template formatted disks, in lieu of e-mail) to the Official Reporters in Room HT–60.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Congressional Printing Management Division, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, Chairman.

NOTICE

Effective January 1, 2000, the subscription price of the Congressional Record will be $357 per year, or $179 for 6 months. Individual issues may be purchased for $3.00 per copy. The cost for the microfiche edition will remain $141 per year; single copies will remain $1.50 per issue. This price increase is necessary based upon the cost of printing and distribution.

MICHAEL F. DiMARIO, Public Printer.
The Reverend Dr. Ronald F. Christian, Chaplain, Lutheran Social Services, Washington, D.C., offered the following prayer:

O mighty God, the seasons of the year are ordered by Your will and there is a time for everything under the sun. Wisdom teaches us that there is a time to plant and a time to grow, a time to harvest and a time to lay fallow.

We know also that the seasons of our lives are part of Your divine order and their rhythm is like the ebb and flow of the tide: the springtime of youth, the summer of labor, the autumn of maturity, and the winter of reflection.

O God, by Your goodness, we make a living by what we earn. But we make a life by what we give. So help us give thanks for Your blessings, give hope to the forlorn, give love to the lonely, and give joy to the disheartened.

And on this day of grace, O God, we pray for the circle of our families, for the circle of our friends, for the circle of our Nation, the United States of America.

Order our days in Your peace, and bless our deeds with Your grace so that, in whatever season of life it is our destiny to live, we may find satisfaction in our past and be awarded courage for the unknown tomorrows. Amen.

THANKS TO REVEREND DR. RONALD F. CHRISTIAN FOR LONG AND FAITHFUL SERVICE TO THE HOUSE

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

Mr. DAVIS of Virginia. Mr. Speaker, I am pleased today to give my personal thanks and those of the House of Representatives to the Reverend Dr. Ronald Christian, who was our guest chaplain today and has just led us in the beautiful opening prayer.

But in a sense Dr. Christian is not a guest in this Chamber, for during the last 20 years he has served as an unofficial chaplain in the House and since 1979 he has assisted Dr. Ford with the duties of the chaplaincy and participated in all the activities associated with that office. He has given the opening prayer more than 90 occasions and has been available for pastoral counsel for Members and staff.

Dr. Christian grew up on a farm in Illinois and attended a country church where his mother was the church organist. He was graduated from the Luther College in Iowa and Luther Seminary in Minnesota and in 1979 he was awarded the degree of Doctor of Ministry from Luther College. He was the founding pastor of Lord of Life Church in Fairfax, Virginia, and under his leadership the church grew to be one of the largest Lutheran churches in the metropolitan area.

He is married to Judy Christian and they have two children, Matthew and Mary J. O. Dr. Christian is now the Director and Lutheran Social Services in Northern Virginia.

We are honored that Dr. Christian was our chaplain today, and we thank him for the 20 years of faithful service to the House.

APPOINTING REVEREND DR. JAMES DAVID FORD AS CHAPLAIN EMERITUS OF HOUSE OF REPRESENTATIVES

Mr. PETRI. Mr. Speaker, I call up the resolution, (H. Res. 373) that immediately follows, to designate Dr. Ford as Chaplain of the House of Representatives and in recognition of the length of his devoted service to the House, Reverend James David Ford be, and he is hereby, appointed Chaplain Emeritus of the House of Representatives, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mrs. CAPPS. Mr. Speaker, reserving the right to object, and I will not object, I yield to my good friend the gentleman from Wisconsin to explain his resolution.

Mr. PETRI. Mr. Speaker, this resolution is offered in appreciation and thanks for the 20 years of service to the House, its Members, and its employees by our colleague and friend, the Chaplain of the House, James David Ford; and I urge its adoption.

Mrs. CAPPS. Mr. Speaker, continuing to reserve my right to object, I am very happy to yield to the gentleman from Illinois (Speaker Hastert), the Honorable Speaker of the House.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from California (Mrs. CAPPS) for yielding.

Mr. Speaker, I rise in recognition of Dr. Ford and his devoted service to this House. He is a man of this House. He is a colleague. He is a friend. He is a counselor.

He has touched the lives of many Members in countless ways. He has married us. He has kept marriages together. He has baptized our children. He has visited us in the hospital. He has been with our families as we bid farewell to our beloved colleagues.

And, very simply, he has been there when we needed him. He has made us laugh when we did not think we could, and he has made us introspective when we wanted to look elsewhere.

For me personally and the entire House, he was there that tragic day a little over a year ago when a gunman changed our lives in this House forever.

He was there for the fallen heroes. He was there for their families. He was there for those of us who knew them well and whose lives were saved by their heroic actions. For that, I will be forever grateful.

Dr. Ford is not allowed to speak on the House floor, and we are not about to break that tradition, even for an emeritus chaplain. But I think it fitting on this occasion to quote him from his charge to the Chaplain Search Committee.

I have been honored to have served you as Chaplain for nearly 20 years, and I leave with deep appreciation for the vital work of the Congress and the people who serve this place so faithfully. I continue with enthusiastic support for this institution, our democracy, and with a sense of thanksgiving for the opportunities that I have been given.

Thank you, Dr. Ford, and may God bless you. Amen.

Mrs. CAPPS. Mr. Speaker, further reserving the right to object, I am very happy to yield to my colleague the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, let me just echo the eloquent remarks of our Speaker in appreciation for the many years of service by Dr. Ford.
Mr. Speaker, I support the resolution to appoint Jim Ford Chaplain Emeritus of the House; and I hope and pray that he will be working with us and serving the American people for decades to come.

It is my pleasure to yield to my colleague from New York.

Mr. McNULTY. I thank the gentlewoman for yielding. Jim Ford is Swedish? I thought he was an Irish monsignor.

Mr. Speaker, the fact of the matter is that when I first came here in 1988 and met Jim Ford, I thought he looked like an Irish monsignor so I referred to him as monsignor. Little did I know that for years before I came to the House of Representatives, Tip O'Neill also called him monsignor. So over the past 11 years, I have carried on that tradition. But whatever the title, we are all very grateful to you, Dr. Ford, for your advice and counsel and friendship through the years.

We thank you for Marcy and your great family and the tremendous support they have also been to us. I particularly thank you for the service of your son Peter who has protected me in Sudan and Kuwait and various hot spots around the world. I think if we sum it all up, we could use the words of scripture to describe your service here in the House of Representatives over the past 20 years: "Well done, good and faithful servant."

Mr. Speaker, further reserving the right to object, I am happy now to yield to my colleague from Georgia.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentlewoman for yielding.

Mr. Speaker, I rise to support this resolution. When I first came here 13 years ago as a Member of Congress from the State of Georgia and met the Reverend Dr. James Ford, I wanted to refer to Dr. Ford not as Dr. Ford or Reverend Dr. Ford but, like my colleague from New York, I wanted to call him Father Ford. For this man, this good and wise spiritual leader, is a blessing not just to this body but to our Nation and to all of her citizens.

For 20 years, the Reverend Dr. James David Ford has started our session with the most important motion each day, a motion to the Congress and all Americans to pray and give thanks. Reverend Ford also reminds Congress every day that it is through faith, hope, and love that we serve. Through his selfless counseling and pastoral services to all Members and staff and his spiritual service as a new pastor in 1958 at the Lutheran Church in Irvan, Minnesota, Reverend Dr. Ford, you have personified the very best that public service has to offer.

I will miss you, Dr. Ford. We have traveled many roads together. We traveled together to a free and unified South Africa. You kept us calm; you prayed with us. We had good food together. We shared some good times together, but we shared some very high
Mr. GILMAN. Mr. Speaker, while I am pleased to join my colleagues in saluting Jim Ford on the occasion of his impending retirement, this is a bittersweet responsibility for me.

For one thing, Rev. Jim Ford is a former constituent of mine, having lived in our beautiful 20th Congressional District of New York throughout his 18 years as Cadet Chaplain at the U.S. Military Academy at West Point. This has afforded Jim and I with a reference point for many hours of pleasurable reminiscences about the majestic Hudson River and its magnificent valley.

Chaplain Ford has married and buried more Generals than any of us have met throughout our careers. He also had the honor to share with Jim and his good spouse, Marcie, travel on many of our overseas fact finding missions. Jim made a positive contribution to our works, always being ready with compassionate guidance, spiritual advice, and old fashioned common sense.

When Jim was first proposed for the role of House Chaplain back in 1979, he was one of the few nominees for that position ever to be nominated by both the Republican and Democratic caucuses. This bi-partisan support and admiration has continued throughout Jim's twenty year tenure as our Chaplain.

Those of us who have come to love Jim especially admire his zest for life, which he manifests through action rather than words. His legendary skill as a skier, his devotion to flying lighter than air aircraft, and his entire philosophy of living life to the fullest has long inspired us all.

Jim became Chaplain at a time when longer sessions and more work hours placed a strain on the family life of many of us in this chamber. He was always ready to lend any of us a helping hand and sound advice. I believe that Jim is the only person I have ever known who has been addressed as 'Reverend,' as 'Father,' and as 'Rabbi' by Members of this body and our staffs.

Jim Ford, in fact, is the first House Chaplain to devote himself full time to that position. This is a sincere indication that each individual we are losing, and how his shoes will be so difficult to fill. Chaplain Ford has been more than a clergyman, and far more than our House Chaplain. He has been a friend and confidant to many of us, and while we extend our best wishes and good health to Jim and Marcie upon this new venture in his life, we want him to know he will be sorely missed.

Accordingly, I am pleased to join my colleagues in support of H. Con. Res. 373, appointing Jim Ford as House Chaplain Emeritus.

Mr. RAMSTAD. Mr. Speaker, for the past 20 years, the House of Representatives has been well-served by our dedicated and beloved chaplain, the Reverend Dr. James Ford.

Seven days a week, year after year, Jim Ford has represented the absolute best in service to God and Country.

Much praise has deservedly been heaped upon Jim Ford as he marks his well-deserved retirement. Jim's many distinguished years of service (19) to the U.S. Military Academy at West Point and his earlier years at Ivanhoe Lutheran Church in Minnesota are well-known and well-documented.

What isn't so well-known are his very early years in Minnesota and his legendary escapade as a young ski-jumper at Theodore Wirth...
Representatives.

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thought of the great religious leaders over the

us.

Norwegians together!

Thank you for bringing even the Swedes and

families, our friends and our constituents.

Thank you for bringing Democrats, Republic-

and Independents together under God.

Thank you for bringing even the Swedes and

Norwegians together!

May God bless you and Marcie always, just

as your work here in the House has blessed

us.

Mr. HOUGHTON. Mr. Speaker, I've always

thought of the great religious leaders over the

ages to be strong men of substance with a

hearty voice and good spirit. This of course

perfectly describes our Chaplain, Jim Ford—a

strong man, a kind man, an effective man. He

comes to us from a long line of great religious

leaders. We're going to miss him sorely.

Mrs. CAPPS. Mr. Speaker, I appreciate

time for allowing us to cele-

brate the life of our Chaplain, Jim Ford, and I withdraw my reservation of

objection.

The SPEAKER pro tempore (Mr. LAHood). Is there objection to the re-

quest of the gentleman from Wisconsin?

There was no objection.

The Clerk read the resolution, as fol-

Res. 373

Resolved. That immediately following his

resignation as Chaplain of the House of Rep-

sentatives and in recognition of the length

of his devoted service to the House, Reverend

J ames David Ford be, and he is hereby, ap-

pointed Chaplain emeritus of the House of

Representatives.

The resolution was agreed to.

A motion to reconsider was laid on the

table.

GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous

consent that all Members may have 5 legisla-

tive days within which to revise and extend their remarks on the

resolution just adopted.

The SPEAKER pro tempore. Is there

objection to the request of the gen-

tleman from Wisconsin?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

PRO TEMPORE

The SPEAKER pro tempore. The Chair

announces that there will be five

minutes on each side.

GOVERNMENT WASTE

(Mr. PITTs asked and was given permit-

ation to address the House for 1

minute and to revise and extend his

remarks.)

Mr. PITTs. Mr. Speaker, last week

President Clinton vetoed a bill that

called for a 1 percent cut in discre-

tionary spending. He said the loss

would place too great a burden on

American families.

The President's concern would best

be served by insisting that his agencies

are more responsible. The waste in gov-

ernment far exceeds the proposed 1

percent cut.

Here is a partial list of this waste.

The Agriculture Department in 1997 er-

roniously issued $1 billion in food

stamps overpayments. In 1999, accord-

ing to the audit, the Defense Depart-

ment spent $40 billion on overseas tele-

communications systems that cannot

be used. The Defense Department

inventory contains $11 billion worth

of equipment that in 1997 was unneeded.

Also in 1997 the government spent

$3.3 billion in loan guarantees for
defaulted students. By 1996 the Depart-

ment of Energy spent $10 billion on 31

projects that were terminated before

completion. HCFA in 1998 erroneously

spent $12.6 billion in overpayments to

health care providers. HUD, $857 million in

erroneous rent subsidy payments in 1998.

On and on we could go.

Mr. Speaker, every agency under the

President can find fraud, waste and

abuse to cut.

PRIVATE RELIEF LEGISLATION

(Ms. CARSON asked and was given

permission to address the House for 1

minute.)

Ms. CARSON. Mr. Speaker, today I

am introducing legislation that would

provide for private relief for the benefit

of Adela Bailor and Darryl Bailor. As

my colleagues know, private relief is

available in only rare instances. I be-

lieve that the circumstances sur-

rounding the Bailors' case qualifies

under the rules for private legislation.

The facts surrounding this case are

clear and undisputed. Adela Bailor was

working for the John Muir Fellowship

Ministries in Fort Wayne, Indiana and

was raped on May 9, 1991 by a Federal pris-

oner who had escaped from the Salva-

tion Army Freedom Center, a halfway

house in Chicago, Illinois.

What makes the Bailors' case special

is that it was caught in a legal

Catch-22. The Bailors filed suit against

the Federal Bureau of Prisons and the

Salvation Army, which ran the halfway

house to which Mr. Holly was assigned.

One of the requirements for all inmates

at a halfway house is that they remain

drug free and take a periodic drug test.

Mr. Holly had a history of violence and

drug abuse, including convictions for

possession of heroin.

AMERICA'S VETERANS ARE THE

FABRIC OF OUR NATION

(Mr. GIBBONS asked and was given

permission to address the House for 1

minute and to revise and extend his

remarks.)

Mr. GIBBONS. Mr. Speaker, tomorrow

is Veterans Day and I rise to take

this opportunity to salute our Nation's

veterans, especially those veterans

from my home State of Nevada.

The Second Congressional District in

Nevada is one of the largest and fastest

growing veteran populations in the

United States. These are men and

women who at one point or another put

their personal lives and careers aside

and oftentimes their families on hold

for a much greater cause. It should be

remembered that our veterans made

America the leader of the Free World.

While we celebrate their service, just

one day each year, it is our responsi-

bility to remember them every day.

Mr. Speaker, we can thank our Na-

tion's veterans each day in many dif-

ferent ways. In Congress here, we can

make certain that our Nation's prom-

ises are kept to all of our veterans.

In our neighborhoods, we can take an

extra moment and thank a veteran for

their service. We can contact family

members and friends who served our

country to learn more about their

experiences of service and courage. In

our schools, we can teach our children

about America's greatest moments,

moments when freedom and democracy

were upheld because of our veterans.

America's veterans are the fabric of

our Nation. We salute you and we

thank you.

TIME TO ABOLISH INCOME TAXES

(Mr. TRAFICANT asked and was given

permission to address the House for 1

minute and to revise and extend his

remarks.)

Mr. TRAFICANT. Mr. Speaker, in

America, the government takes the

people's money and distributes it. That

sounds like communism to me. I think

it is time to throw out income taxes.

No more forms, no more audits, no

more IRS. Think about it. I am going

to quote now Reverend Jim Ford. He

says, think about this: The IRS does

not even send us a thank you for volun-

tarily paying our income taxes.

Beam me up. It is time to abolish in-

come taxes, abolish the IRS, and pass a

flat 15 percent national sales tax.

I yield back the IRS.

TEACHER EMPOWERMENT ACT

WILL FIX EDUCATION WOES

(Mr. BALLENGER asked and was

given permission to address the House

for 1 minute.)
Mr. BALLENTER. Mr. Speaker, this is the headline in the New York Daily News on Monday: the headline says, Not Fit to Teach Your Kid.

In some city schools, 50 percent of the teachers in New York are unqualified and they don’t help the City of New York if we gave them the flexibility that is in the House-passed Teacher Empowerment Act so that they can properly prepare some of the existing teachers they have; so that they can raise the academic achievement level of all their students.

WHO IS TAKING CARE OF OUR CHILDREN?

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

Ms. WOOLSEY. Mr. Speaker, the end of the session is almost here. Over this session, the last year, Congress has passed funding for the F-22, tax breaks for the wealthiest Americans, and appropriations bills that busted the budget caps.

But while the Republican leadership is taking care of special interests, I want to know who is taking care of our children. Our children continue to lack access to quality health care, attend dilapidated schools and die at a rate of 13 a day due to handgun violence.

Mr. Speaker, our children are 25 percent of our population, but they are 100 percent of our future, and I ask my colleagues, who is taking care of them? They do not need rhetoric, they need action.

So again, I ask my Republican colleagues, while they are taking care of special interests, who is taking care of our children?

STOP DELAYS ON SOCIAL SECURITY LOCKBOX LEGISLATION

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

Mr. VIeTTER. Mr. Speaker, tomorrow is Veterans Day, and it is also day 168 since this House passed the Social Security lockbox bill.

Memorial Day, the 4th of July, Labor Day, Yom Kippur, Columbus Day, the World Series, and tomorrow Veterans Day all will pass since this body acted to permanently stop the raid on Social Security. In those five months, the other body has failed to consider providing lockbox protection for the Social Security Trust Fund.

Mr. Speaker, time after time, an effort was made to bring the bill to the floor, but those efforts were all unsuccessful. And all the while, the leader of the obstructionists, the man who sits in the White House, accused the Republican Party of being against Social Security.

Once again, the truth did not get in the way of White House rhetoric. We will soon be recessing, heading home for Thanksgiving, Hanukkah, Christmas, New Year’s. Let us pledge not to let too many of those precious holidays pass before we pass in the House and the Senate Social Security lockbox protection.

U.S. SHOULD PAY U.N. ARREARS

Mr. CROWLEY. Mr. Speaker, last month, seven former Secretaries of State from both parties, Republican and Democrat, wrote to Congress and told us that it was time for us to pay our debt to the United Nations. With time winding down before we adjourn, we still have not followed their good advice.

For decades, the U.N. has played a key role in American international affairs and national security. But now by failing to pay our bill, we have strained our relationship with some of our closest allies. Our influence in the world and at the U.N. is being undermined and our ability to bring about critical U.N. reforms is being weakened as well.

If we fail to pay by the end of the year, the U.S. will lose its vote in the U.N. General Assembly under the very rules that we helped to adopt. Our international obligations should not be held up by disputes over unrelated issues between the House and the President. Keeping our promises should be a priority and not a bargaining chip.

Other countries look to our great Nation for leadership to set an example for the rest of the world. They should not look to us and see a nation that will not pay its bills because of unrelated issues.

PROVIDING FOR CONSIDERATION OF H.R. 3073, FATHERS COUNT ACT OF 1999

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 367 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 367

Resolved, That at any time after the adoption of this resolution and not the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3073) to amend part A of title IV of the Social Security Act to provide for grants for projects designed to promote responsible fatherhood, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived.

General debate shall be confined to the bill and shall not exceed 90 minutes, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and 30 minutes equally divided by the chairman and ranking minority member of the Committee on Education and the...
Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Ways and Means now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute made in order in the Committee of the Whole in pursuant to clause 8 of rule XVIII, modified by the amendment printed in part A of the Report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment so made to that amendment in the nature of a substitute shall be in order except those printed in part B of the Report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The gentleman from New York (Ms. S. LaHood) is recognized for 1 hour.

Ms. PRYCE of Ohio, Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from New York (Ms. S. LaHood), my friend, pending which I yield myself such time as I may consume. During deliberation of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 367 is a structured rule providing for the consideration of H.R. 3073, the Fathers Count Act of 1999.

The rule provides for 90 minutes of general debate. One hour will be managed by the chairman and ranking member of the Committee on Ways and Means, and 30 minutes will be managed by the Committee on Rules on portions of the Workforce. Both of these committees have jurisdiction over portions of the bill and the compilation of their work is embodied in a substitute amendment which will be made in order as base text for the purpose of further amendment.

The rule designates which amendments may be offered which are printed in the Committee on Rules report. Out of the nine amendments filed with the Committee on Rules, six are made in order under the rule and five of those six are Democrat amendments.

In addition to giving my Democratic colleagues five out of six amendments, the rule offers a motion to recommit with or without instructions. So I think it is accurate to say that this bill treats the minority very fairly, especially considering that both committees of jurisdiction reported their versions of the bill by voice vote, suggesting very little controversy.

Mr. Speaker, the Fathers Count Act builds on the welfare reforms that Congress successfully enacted in 1996. Those reforms were based on the principles of personal responsibility, accountability for the failure of work. And with this foundation, welfare reform has been a great success. Since 1996, we have seen our welfare rolls shrink by 40 percent. We now have the lowest number of families on welfare since 1994.

But our work is far from done. There are still families struggling to make ends meet and many of them are single-parent households and more often than not, the lone struggling parent is the mother.

For those of us who have raised children with the help and support of a spouse, it is hard to fathom the energy, patience, and stamina required to face such a task alone. And for those of us who were fortunate enough to be raised by two parents, it is hard to imagine the void of a fatherless youth or how our personalities and life experience would have been altered had our fathers not been there to guide us.

But as we know, this is the reality for many low-income American families that have their financial challenges compounded by the absence of a father and a husband. The fact is that kids in two-parent homes are generally better off than those raised in single-parent homes. Kids who have only one parent to rely on have a harder time in school, a lower rate of graduation, a greater propensity toward crime, an increased likelihood of becoming a single parent themselves, and a higher chance of ending up on welfare.

The Fathers Count Act recognizes these hardships as well as the significant role that fathers play in family life. The bill seeks to build stronger families and better men by promoting marriage and encouraging the payment of child support and boosting fathers’ income so that they can better provide for their children.

Specifically, the Fathers Count Act provides incentives for demonstration projects that are designed to promote marriage, encourage good parenting, and increase employment for fathers of poor children.

Congress and the President will appoint two 10-member review panels who will determine which programs receive Federal funds. Preference will be given to those programs that encourage the payment of child support, work with State and local welfare and child support agencies, and promote the recruitment of fathers. The number of programs selected and the amount of funding they receive is not dictated by the bill. Members of the selection panels will have the authority to make these decisions based on the quality and number of programs that apply.

The bill also encourages local efforts to help fathers by requiring that 75 percent of the funding be given to non-governmental community-based organizations.

The Fathers Count Act also seeks a balance in terms of the size of programs and their geographic locations. The fact is that we are not sure what the best way is to get fathers back into the workforce and engage in their children’s upbringing, but we think some community-based organizations might have some good ideas and would meet the unique needs of the fathers in their own cities and towns.

The Fathers Count Act is designed to try to tap into these communities, try some new things, and then scientifically evaluate the results so that good programs can be duplicated. In spite of its name, the Fathers Count Act is not just about fathers. It also improves our welfare system by expanding eligibility for welfare-to-work programs. The program was designed to help the hardest-to-employ, long-term welfare recipients. But in an attempt to ensure that the most needy individuals are served by the program, Congress made the criteria a bit too stringent and the States are not able to find enough eligible people to fulfill the program’s purpose. So this bill adds some needed flexibility to the program by requiring recipients to meet one of seven defined characteristics rather than two out of three. As a result, we should see many more families move successfully from welfare dependency to self-sufficiency.

Further, the bill gives relief to States who are making a good-faith effort to meet Federal child support enforcement requirements, but which are facing devastating penalties for missing this 1 percent deadline.

These penalties were established with the knowledge that if States missed the deadline by which they were to have a child support State distribution unit set up and running, they would be doing so in willful disobedience of Federal law. In fact, there are eight States that have been working very hard to comply, but have hit some bumps in the road which have slowed them down a bit. The alternative penalties provided in this bill provide incentives and encouragement to meet child support enforcement goals without crippling these States’ welfare systems in the process.
Finally, I am pleased that the Fathers Count Act includes important funding for the training of court personnel who are at the center of our child protection system.

As we implement new laws that seek to move children out of the foster care system into safe, loving and permanent homes, we must ensure that our courts have the resources necessary to make the very best decisions for our children.

Mr. Speaker, as I said earlier, the Fathers Count Act takes a number of important steps forward in our Nation’s efforts to redefine welfare and make it work for families. But most importantly, this legislation values responsible parenting, in this case, fatherhood, by giving the support and encouragement for fathers to be there for their children, physically, emotionally, and financially.

I hope my colleagues will support this rule, participate in today’s debate, and take another step forward in making our welfare system work for all families.

Mr. Speaker, I urge a “yes” vote on the rule and the Fathers Count Act.

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

Ms. SLAUGHTER. Mr. Speaker, I think the gentlewoman from Ohio (Ms. Pryce), my dear friend and colleague, for yielding me this time; and I yield myself such time as I may consume.

Ms. SLAUGHTER. Mr. Speaker, the rule governing the debate of H.R. 3073, the Fathers Count Act, makes in order a number of amendments which greatly improve the underlying bill. This rule should have been an open rule. The legislation should be fully debated without unnecessary restrictions. We were unable to achieve that, but a number of important amendments are made in order.

Mr. Speaker, let us all agree that fathers count. Fathers have a major impact on every child’s life either through their presence or by their absence.

We can go through the voluminous research or rely on our common sense to understand the important role that fathers play in the lives of the children whom they helped to bring into the world. But fathers must also stand up and be counted. In fact, last year, the majority of single-parent families with minor children are maintained by the mothers of those children. Too often, single mothers must struggle to balance the demands of a household, raising children, and holding a job. If they are receiving child support payments from the fathers of their children, this task can be all but impossible.

In my own home district of Monroe County, Michigan, alone, only $55 million of the $46 million due to local children was collected, meaning that one quarter of the child support went unpaid.

Mr. Speaker, it has taken heroic efforts just to get where we are today regarding the public perception of child support payments. We have made great strides in educating people that they are not casual obligations.

In many instances, we are not seeing marriage, but a commitment to stay together, and we know that many as one-fourth of the women on public assistance are living with violence in their lives, let us not try to force them to remain in a violent marriage.

Promoting and encouraging fatherhood is a laudable goal. We need to focus on men and their roles as fathers. But that cannot happen independent of the women who are their partners and who quite clearly have a very important part in creating children and the family which results.

There will be an amendment offered which will help clarify this point and which emphasizes the notion that parents count. To improve marriage, I am concerned about whether or not this bill may have an unintended effect of trying to keep together some unions which should, in fact, be separated, specifically, those with an abusive, unhealthy relationship.

Finally, the rule does allow for an amendment by our colleague who is perhaps the most consistent and thoughtful voice on the separation of church and State, the gentleman from Texas (Mr. Edwards). The separation of church and State is a brilliant and practical gift of our Founding Fathers.

Ms. Slufter, it responds to that concern it promotes and financially.

Ms. SLAUGHTER. Mr. Speaker, before I comment on the underlying bill, let me add my appreciation, gratitude and congratulations to Chaplain Ford in support of the resolution honoring him, for he has given and continues to give us a great, great and wonderful service.

Mr. Speaker, I rise to support the rule and to support the underlying bill as well. I am very grateful that the Committee on Rules saw fit to acknowledge a number of the amendments that I think will enhance this legislation.

Mr. Speaker, I rise to support the rule and to support the underlying bill as well. I am very grateful that the Committee on Rules saw fit to acknowledge a number of the amendments that I think will enhance this legislation. But I think it is important to start my support debate on this bill with a referral to a 13-year-old in Pontiac, Michigan, by the name of Nathaniel Abraham. Nathaniel Abraham came from a family that I am sure wanted the best for him. Nathaniel Abraham is a 13-year-old who has been certified as an adult for murder.

His mother, as the newspapers report, is a hard-working single parent with a number of other children who loved all of her children and cared for them, but Nathaniel’s father was not in the home. When interviewed on 60 Minutes about what he thought about that, his response was first, yes, he was unhappy and hurt, but that he was angry. I think the statistical analysis will point to the fact that children who have fathers who are absent from their lives and who care for the children who may happen to be from a single parent who loved all of her children and cared for them.

Recent studies show that 99 percent of teenage children born in poor families are raised by a single parent with little or no involvement of fathers, and 90 percent of teenagers who have children are unmarried, and 28 percent of all families are headed by a single parent.

Mr. Speaker, I am very delighted that this legislation will be a welfare-to-work provisions which will allow monies to be in a more liberalized manner, and that it will also provide monies for children or young people who are coming off foster care, an area of interest, and for a number of years.

I am very pleased that there will be a focus on low-income fathers through marriage and job counseling, mentoring, and family planning, but that mothers similarly situated will not be left out.

I think it is vital to understand that we do have a responsibility to liberalize or loosen the regulations to ensure that we put our money where our mouth is. For a very long time Members of this body have argued about the devastation of families who have been displaced of fathers that are incarcerated, or fathers who are unable to take on their responsibility as a parent. We have cited the devastation that comes sometimes from a single parent who may happen to be a mother.

In this instance, this legislation responds to that concern, and as it responds to that concern it promotes
family, it promotes the unity of family, and it enhances fathers who may not have had the right kind of training to be a father. How tragic it is in all of our communities to come upon households who are absolutely trying, Mr. Speaker, but they do not have the support they need.

I am likewise appreciative that we will have an opportunity to debate the amendment of the gentleman from Texas (Mr. Edwards), because all of us believe that there should be the spiritual families’ lives, but we do want to ensure that there is no proslavating, there is no promoting of religion in the course of trying to help these single parents, mothers and fathers.

Mr. Speaker, I support the rule, I support the legislation, and I would hope many of these amendments will pass as well.

Ms. Slaughter. Mr. Speaker, I yield 2 minutes to the gentleman from California (Ms. Woolsey).

Ms. Woolsey. Mr. Speaker, I rise in support of the Committee on Rules and all of the Democrats on the Committee on Education and the Workforce.

My amendment increases the time that a person is allowed to receive vocational education or job training while participating in a welfare-to-work program from 6 months to 12 months. Six months of vocational education or job training is just not enough to prepare an individual for a job that will pay wages leading to self-sufficiency.

I know that 6 months is not enough because studies that compare women’s education to their earnings prove it. I know that 6 months is not enough because I have testimonials from training programs nationwide, the people in the field who work with welfare recipients day in and day out, and they all agree that more education is needed to make families self-sufficient. And I know that 6 months is not enough because there was a time when I was a young mother raising three small children without any help from their father. Even though I worked full time, I depended on welfare to supplement my paycheck to give my children the food, the child care, and the health care that they needed.

Eventually, I was able to leave welfare and never go back. I was able to leave welfare because I was healthy, I was assertive, and I was educated and had good job skills. That education was my ticket off of welfare into a better job, into better pay, and into benefits that my family needed. It gave me the means to support myself and my family and, believe me, it cannot be done without education or training.

My amendment would have given other families the same fair chance I had to move from welfare to work, a chance to earn a livable wage. Remember, my colleagues, we should not be giving opportunity only to those who have opportunity.

I urge my colleagues to oppose this rule until all individuals are given the opportunity to earn a livable wage.

Ms. Slaughter. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. Cardin).

Mr. Cardin. Ms. Speaker, I thank the gentlewoman from New York and the gentlewoman from Ohio for bringing forward this rule that I support.

In response to the comments of the gentlewoman from California about job training, I agree with her. I am sorry that was not made in order. But without this rule, without bringing this bill forward, we are going to be with current law that does not allow any opportunity for independent job training. The bill provides for a new 6-month period, and I would hope that we would have her support so we could move this important bill forward.

Mr. Speaker, I wanted to compliment the Committee on Rules for allowing us to debate this issue fully today. I want to thank my colleague, the chairman of the Subcommittee on Human Resources of the Committee on Ways and Means, for the bipartisan way in which the Fathers Count Act of 1999 has been brought forward.

And let me just add, if I might, read from the statement of the administration’s policy received today: “The administration supports House passage of H.R. 3073. The President is deeply committed to helping parents of low-income children work and honor their responsibilities to support their children. H.R. 3073 is an important step in this direction.”

And we received last week a letter from the Center on Budget and Policy Priorities, the Center for Law and Social Policy, the Children’s Defense Fund, writing in support of H.R. 3073, the Fathers Count Act of 1999. The letter goes on to point out how important this is to help low-income custodial and noncustodial parents facilitate the payment of child support; and it assists parents in meeting their parental responsibilities.

Mr. Speaker, this is a good bill, and I would encourage my colleagues to support the rule and to support the legislation.

Ms. Slaughter. Mr. Speaker, I yield 8 minutes to the gentleman from Texas (Mr. Edwards).

Mr. Edwards. Mr. Speaker, I thank the gentlewoman for yielding me this time, and as the father of two small boys, I would hardly stand in the well of this House and oppose the concept of encouraging fathers to be part of their family and to take responsibility for their chilhood. I rise today because I want to bring to Members’ attention what I think are two fundamental flaws in this bill unless we pass the Edwards amendment in debate today.

The first is, without my amendment, this bill would allow direct Federal tax dollars to go directly into churches, synagogues, and houses of worship. Clearly, in my opinion, and more importantly the opinion of Justice Rehnquist in the 1986 decision, something that is unconstitutional.

Secondly, without the Edwards amendment, under this measure, because it adopts language that was originally put into the welfare reform bill in 1996, not a handful of Members of this House were aware of when that bill passed, and listen to me, Members, on this, this bill, without my amendment, would allow a church to take Federal tax dollars and put up a sign saying, if you are not of a particular religion, we will not hire you because of your religious faith. Signs in one church using Federal dollars may say, no Jews need apply here, and another church say, no Christians or no Protestants need apply here. I find that offensive and I hope every Member of this House would join me in support of changing that fatal flaw in this legislation.

Since the Committee on Rules was gracious enough to give me my amendment, I will have a chance to debate it further. Unfortunately, I only have 10 minutes to debate the issue of separation of church and State that our Founding Fathers spent 10 years debating. So let me discuss my amendment now.

My amendment is straightforward and direct. It says that Federal funding of this bill can go to faith-based organizations but not directly to churches, synagogues, and houses of worship. My amendment will be a short amendment and it will be a short debate. But, Members, the principle of opposing direct Federal funding of churches, synagogues, and houses of worship is as timeless and as profound as the first 10 words of our Bill of Rights. Those are the words that, as the gentlewoman from California so carefully crafted in the establishment clause and the first 10 words of the first amendment of our Bill of Rights.

Those words have protected for over 200 years American religion from government intervention and regulation. In a 20-minute debate today on this floor when our attention is focused on appropriations bills, let us not carelessly throw away the religious freedom and tolerance our Founding Fathers so carefully crafted in the establishment clause and the first words of the first amendment of our Bill of Rights.

Mr. Speaker, in my opinion, there is nothing wrong, given some basic safeguards, with faith-based organizations, such as the Salvation Army or Catholic Charities receiving Federal money to run social programs. However, if my colleagues would listen to the words of Madison and Jefferson, there is something terribly wrong about Federal tax dollars going directly to churches, synagogues, and houses of worship.

Our Founding Fathers, as I stated, debated at length the question of government-funding of churches. They not
only said no, they felt so strongly about their answer that they dedicated the first words of the Bill of Rights to the proposition that government should stay out of religion and should not directly fund religion and houses of worship.

Our Founding Fathers did not build the establishment clause in the Bill of Rights out of disrespect for religion, they did it out of total reverence for religion. Why? Because our Founding Fathers understood the clear lesson of all of their history, that the best way to ruin religion is to politicize it. The best way to limit religious freedom is to let government regulate religion. Millions of foreign citizens have emigrated to America and even put their lives on the line to do so precisely because of the religious freedom we have here guaranteed under the establishment clause.

Why in the world would we in this Congress want to tear down a principle today that the Founding Fathers extraordinarily fought for and that has worked, a principle that has worked so well for over 2 centuries? Why in the world would this Congress today want to emulate the failed policies of other nations which have results of which I do not know how to find a perfect word, but I do know that they have worked, a principle that has worked so well over 2 centuries? Why in the world would we in this Congress want to tear down a principle that has worked so well, that has worked so well for over 2 centuries? Why in the world would we in this Congress want to tear down a principle that has worked so well for over 2 centuries? Why in the world would we in this Congress want to tear down a principle that has worked so well for over 2 centuries?

Mr. Speaker, following is the case summary I referred to previously:


Mr. Speaker, I rise in strong support of this rule as well as H.R. 3073, the “Fathers Count Act of 1999.”

This is pretty important legislation, fundamentally important legislation. We were successful in doing something 3 years ago in 1997 we were told we could not do when I came to Congress in 1994; and that is, we reformed our welfare system, a system that was failing so bad that more children were in poverty in 1993 and in 1994 than ever before in history.

One of the reasons that so many children were in poverty was because their fathers were not involved in their families. And when the father was not involved, the family’s income was a lot less and the struggling, working mom trying to make ends meet and raise children was having a hard time.

We passed into law in 1997 the first major welfare reform in over a generation that emphasized work and family and responsibility. Clearly it is one of the great successes of this Congress, because we have seen a drop in the welfare rolls in my home State of Illinois from 50 percent to 10 percent. Families are now paying taxes and in the work rolls and successfully participating in society.
Well, this legislation, the “Fathers Count Act of 1999,” is the next logical step. Let us remember, the old welfare was biased against dad. The old welfare system discouraged dad from being involved in the family. In fact, it rewarded a woman if dad stayed away. We have changed that successfully over the last several years.

This legislation is the next step. What is great about this legislation is that it reinforces marriage, the most important basic institution of our society, and at the same time encourages better parenting. It encourages and rewards the payment of child support.

More children are in poverty today in Illinois because of the lack of the payment of child support, and we want to turn that around. But, also, this increases the father’s income and encourages and rewards fathers for being involved in family. It is good legislation.

I just listened to the argument of my friend, the gentleman from Texas (Mr. Edwards). He and the other past amendments that have been wasting, amount programs that have been wasting, millions of dollars, he and the other gentlemen who have joined made mistakes.

The fact that 75 percent of the funds, under this program, will go to faith-based organizations, whether they are Jewish or Muslim or Christian or other faiths, is a right step because they care and they want to be involved.

Organizations like Restoration Ministries in Harvey, Illinois, a program that successfully has worked over the last decade to identify men in the community, particularly in urban communities in the Southside of Chicago, and help give them the opportunity to participate in society. It has been a successful program. I think Restoration Ministries is one of those programs which work that we should enlist in our effort to involve fathers in this program.

The fact that 75 percent of the funds, under this program, will go to faith-based organizations, whether they are Jewish or Muslim or Christian or other faiths, is a right step because they care and they want to be involved.

Organizations like Restoration Ministries are successful because the people that are involved believe in their program to help people, they are part of the community. Let us enlist them.

I would also point out that this idea has bipartisan support. Not only do we have the leading Presidential candidate on the Republican side saying they support this, but the leading candidate on the Democratic side supporting this, as well.

Ms. Slaughter. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. Scott).

Mr. Scott. Mr. Speaker, I thank the gentlewoman for yielding the time.

Mr. Speaker, I oppose the rule because the Committee on Rules ruled out of order an amendment that I offered which would ensure that the Civil Rights Act and civil rights laws would apply to the use of these Federal funds.

The Edwards amendment would address many concerns. This amendment would address one specific concern, and that is that the bill’s appearance of exception to civil rights laws and specifically allows religious organizations to discriminate on hiring with Federal funds.

Now, many religious groups now sponsor Federal programs: Catholic Charities, Lutheran Services, but they cannot discriminate in hiring people with those Federal funds.

This bill changes that and says that a program that receives Federal funds must allow the sponsor to say that people of the Jewish faith need not apply for jobs funded by the Federal Government or Catholic only will be hired by the Federal funds. That is wrong.

The amendment should have been allowed, and it was not. Therefore, I oppose the rule.

Mrs. Pryce of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. Souder).

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

Mr. Souder. Mr. Speaker, one of the most devastating amendments today that we will be debating is the amendment offered by the gentleman from Texas (Mr. Edwards) that would strip out the opportunity to have religious and faith-based organizations participate in the fatherhood initiative and the fathers count program and the other initiatives that we have in front of the Committee.

We in the House have now passed this three times, in the Human Services bill, in the Welfare Reform bill, and in the Justice Department bills. It would seem only appropriate that we are very critical area and would allow the faith-based organizations to become involved.

We can get into all kinds of legal technicalities here about whether we should have types of separate organizations and how it should be structured. But the plain fact of the matter is that at the grass roots level, in urban America and African American and Hispanic communities, the organizations that are by far the most effective are faith-based.

They do not run around looking for attorneys as to how to set it up. They are actually trying to help kids in the street. They are trying to help get families reunited like Charles Ballard has in Cleveland. He did not ask about the structure. He went out and tried to go door to door with thousands of families over 15 years to get dads reunited with their families.

Eugene Rivers, in Boston, has put together a coalition in the streets of Boston, who, with all the other Government programs that have been wasting, in my opinion, for the large part millions of dollars, he and the other pastors and young people working with the churches of Boston have accomplished more to reduce youth violence than all the rhetoric about all the other programs in Boston.

But they do not even have health insurance for their employees, the volunteers in those programs and the people that are working for their churches. They do not have adequate money with which to get people out doing the things that are working. Instead, we put it into a lot of the traditional programs because we are worried that somebody might actually say that character matters.

What Vice President Gore has said, which the Republican Party and our leading candidate at this point, Governor Bush, has said, and as well as this House three times, is that faith-based organizations need to be included when we look at how to address these social problems.

Slaughter. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. Edwards).

Mr. Edwards. Mr. Speaker, I would like to first point out two inaccurate and I assume unintentional statements made by my colleagues on the other side of the aisle. Two of their speakers have misrepresented my amendment, saying that it would deny funding to all faith-based organizations.

Let me be clear what my amendment does or does not do so Members can know the facts and make their own decision on that amendment.

My amendment says that the Federal funds under this bill may go to faith-based organizations. And there are hundreds, if not thousands, of faith-based organizations out there. Catholic Charities, Lutheran Services of America, Jewish Federation, Salvation Army, Volunteers of America, Boys and Girls Clubs of America. Even 501(c)(3) organizations associated directly with the church would not be prohibited from receiving money under my amendment.

What my amendment simply does is deal with, as the previous speaker said, the legal technicality. I do want to point out, when we talk about legal technicality, we are talking about the first 10 words of the First Amendment of our Constitution, the first words that our Founding Fathers chose to put in the Bill of Rights, which said, “Congress shall pass no law respecting an establishment of religion.”

The legal technicality that the gentleman kind of demeans in his comments refers also to Chief Justice Rehnquist’s majority statement in writing the opinion in the 1988 case of Bowen v. Kendrick that direct Federal funding to pervasively sectarian organizations is unconstitutional.

So perhaps if they want to take the position that the Bill of Rights is the legal technicality that the First Amendment of the Constitution is a legal technicality, and that Justice Rehnquist and the Supreme Court are simply a legal technicality, then perhaps they should go ahead and vote against the amendment.

But if they take seriously and deeply the commitment of our Nation for two centuries not to the have direct Federal funding of churches and houses of worship, I would suggest that they should vote for the amendment and, recognizing the fact of the actual language, that it will continue to allow Federal dollars to go to faith-based organizations.
I hope the gentleman might have a chance to review my amendment again so that he would make it clear that we do not prohibit money from going to faith-based organizations. We do try to be constitutional and help this bill in its aim of protecting money from going directly to churches.

Mr. Speaker, I am happy to yield to the gentleman if he wants to explain why the Bill of Rights, the First Amendment, and Judge Rehnquist’s decision in 1988 in the Supreme Court case of Church of the Incarnation in New York and the similar case in California of Church of the Nazarene in Detriot opened the door to possible unconstitutional direct funding of our churches. So the fact that we did something that the gentleman was not looking at, and I think will declare as unconstitutional, in 1996 is hardly a rationale to say, based on those 1:00 a.m. debates with 5 minutes on the floor of the House, we ought to extend this unconstitutional direct funding of our religious houses of worship and just one more step with just, gosh, this is just another $150 million.

This is an issue our Founding Fathers debated at length, and it was so fundamental to them that they said neither convenience nor even good intentions should be a reason for breaking down the wall of separation between church and State. This is a fundamental principle.

I wish we could debate this issue all day. It deserves such a debate. But I would just argue with my colleagues, if they want to support this bill, if they actually want it to become law, they should support the Edwards amendment, because based on the clear decision of the Supreme Court in 1988 in Judge Rehnquist’s decision, this bill will not be constitutional unless we pass the Edwards amendment.

The final thing I would point out, in response to what the gentleman was saying, is that if we separate out the funding and have it go to religiously affiliated organizations, they do not have the protection under the Supreme Court decision to discriminate based on religious faith.

So, without my amendment, what they are really doing is breaking new ground. I would like to ask the gentleman to respond, how can he defend the concept and my Federal dollars and our constituents’ Federal dollars and hanging up a sign saying, if you are a Jew, a Christian, a Protestant, a Hindu or a Muslim should not apply for this federally funded job because they do not practice his right religion? How can the gentleman defend that principle?

Mr. SOUDER. Mr. Speaker, claiming my time, let me point out that I would make the same argument to the amendment the gentleman made as an argument to support the Edwards amendment and I appreciate his bringing it up.

Under the bill, when money goes directly to the church, the Federal Government, to provide accountability to the taxpayers, is going to have to audit every dime raised and spent by that church.

If we pass my amendment, the money goes to a separate organization affiliated with the church or religion. And, therefore, because it is separate, they do not give the Government the carte blanche to walk into every church and synagogue in America and audit their revenues and their expenditures.

I think, without this amendment, this bill, whether intended or not, is going to invite massive government intrusion into our houses of worship.

And finally the point I would make, the gentleman has referenced these debates when he has on the floor of the House about so-called charitable choice. Let me point out to him, I think he may recall the last two times we have had that debate, one was at 12:30 in the morning that lasted for 10 minutes and the other one was at 1:00 in the morning that lasted for 10 minutes.

I would be willing to wager with the gentleman that there were not 15 Members of Congress that knew that the Welfare Reform bill of 1996 opened the door to possible unconstitutional direct funding of our churches.

I would like to point out to the gentleman he is making as an argument to the amendment of the gentleman, he is making a fundamental principle.

Remember, the final decision as far as who gets the grant money lies with the Federal agency, not with the church. This is not like a block grant or something we are driving straight to the churches. What you are saying is you do not trust HHS under a Democratic administration to protect these rights.

Mr. EDWARDS. Frankly, our Founding Fathers did not trust government to regulate churches and houses of worship. I think they had it absolutely right in the Bill of Rights. The gentleman has made my point. He needs to read Judge Rehnquist’s decision in the actual Welfare Reform Act of 1996 that nobody knew about and this adopted that says, yes, there is an exemption that applies to that, and now to this bill if we pass it, that says, yes, you can hang out a sign saying, do not apply for this fedrally funded job if you are not of the right religious faith.

That is obnoxious to me, that is repugnant to me, and I think that is why this should be a bipartisan amendment. I would urge my Republican colleagues to support it.

Mr. SOUDER. The gentleman just shifted his argument. He just said you could not apply for a job. Earlier he told me you could not apply to the church. He said, you could not apply to the church. Now, if we point out to the listeners, he just switched his argument in the middle of his debate.

Mr. EDWARDS. I did not shift my argument. I will be happy to give the gentleman the printed statement that I read from a few minutes ago. What it says is this bill without the Edwards amendment will let you take Federal dollars and discriminate against someone in the hiring of a person based on his or her religion.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I would like to conclude this portion of the preliminary debate and listen to the comments. First off, it is patently ridiculous to suggest that after a year and a half of the welfare reform debate, after multiple versions of that bill here that Members of Congress did not understand what they were voting for in the welfare reform debate. Furthermore, while we unfortunately did deal with the charitable choice at several times in the evening during the debate, I would argue that Members of Congress fully understood, at least most of the Members of Congress, at least on our side, understood what they were debating in the charitable choice as did those two who were separately supportive of this legislation. I find it a little disconcerting for my colleague to suggest that Members of Congress did not know what they were voting on three different times.

Furthermore, I believe that this is such a fundamental principle, and we will debate this further, I am sure. I refer them to the language of church and State. What we are talking about here is that whether it is an individual church or a church entity, being
able to come and say, we want to work with juvenile delinquents, in this case with father questions, in other cases with homeless questions, we have to meet these criteria of serving this population.

In doing that, because we have seen that character matters, that, in fact, you do not have to, if you are a Catholic priest, take your collar off, you do not have to strip the crucifixes off your room. That part and parcel of the effect of faith-based organizations is their faith and character.

Lastly, as to this question of bringing the State into the church, the fact is that if it is a church-based entity or a church, if you say it can only come from an entity, you bring the government by default into the church. If you say that it can be either, you only bring the government in if there is a question about the grant. Under either way we do this, under the Edwards amendment or the existing, if there is a question about the grant, of course the government comes in. It would be illegal to use of funds.

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

The SPEAKER pro tempore (Mr. LAHOOd). Without objection, the previous question is ordered on the resolution.

There was no objection.

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

The question was taken; and the SPEAKER pro tempore announced that the ayes are 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 278, nays 144, not voting 11, as follows:

[Roll No. 582]

YEAS—278

Yeager, Arch, Arnn, Baird, Balbier, Balmaci, Barbier, Barrett (NE), Barrett, Barta, Bartley, Berry, Blakenship, Blakely, Blot, Bonilla, Boyer, Bowser, Boydstun, Bloch, Brand, Breaux, Bresnan, Brown (CA), Brown, Brown (IN), Brown (MA), Brown (NY), Brown (OH), Brown (PA), Brown (RI), Brown (TN), Brown (TX), Brown (VA), Brown (WV), Brownley, Brownley, Brownley, Brownly, Brownly

NAYS—144

Yeager, Arch, Arnn, Baird, Balbier, Balmaci, Barbier, Barrett (NE), Barrett, Barta, Bartley, Berry, Blakenship, Blakely, Blot, Bonilla, Boyer, Bowser, Boydstun, Bloch, Brand, Breaux, Bresnan, Brown (CA), Brown, Brown (IN), Brown (MA), Brown (NY), Brown (OH), Brown (PA), Brown (RI), Brown (TN), Brown (TX), Brown (VA), Brown (WV), Brownley, Brownley, Brownley, Brownly

Mr. SPRATT changed his vote from "yea" to "nay." So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I rise for the purposes of inquiring of the majority leader the schedule for the remainder of the week.

Mr. ARMYE. Mr. Speaker, I thank the gentleman from Michigan for taking this time, if the gentleman would yield.

Mr. BONIOR. I yield.

Mr. ARMYE. Mr. Speaker, appropriators are working very hard to wrap up the final bills. It is obviously difficult to get a read on it, and we are working very hard on that. I will try to inform the Members as we go along how that is going. I will try to get Members notice regarding Friday and complete our work. We will try to take a read. That is something that is very delicate. We will try to take a read.

I know Members want to not work tomorrow, as it is a very important day for so many of us. With Veterans Day. We will be in pro forma tomorrow, irrespective of how this works out, whether we can finish tonight or the early hours of tomorrow morning, or if, in fact, things do not go well with the paper work or the negotiations, we might have otherwise to come back Friday and complete our work. We will try to get Members notice regarding the extent to which we will either stay late tonight or hold over until Friday at such a time that would make it possible for Members to make some arrangements for them to travel for Veterans Day tomorrow.

The House will only be in pro forma tomorrow, in any event. If we find it necessary to go out for Veterans Day, we will expect to be back as soon as possible on Friday to take up the final work, have the final votes and complete our work and complete the year on Friday.
Mr. BONIOR. Mr. Speaker, reclaiming my time, if I might, there obviously is a lot of concern over the schedule by Members, I think it is fair to say, on both sides of the aisle. We are being told indirectly that we may be here until 2 or 3 a.m. tonight and then be back, as you have just pointed out, if, in fact, we do not finish tonight, which does not seem remotely possible, given the problems that are still out there, that we would be back on Friday, and I gather possibly through the weekend if we do not finish on Friday.

One of my concerns is the fact that Members who need to travel a great distance to be with their constituents on a day that honors our men and women who fought and died for our country will not be able to make that schedule if we are restrained to your schedule. In addition to that, of course, Members have events scheduled throughout this weekend.

If we are not going to be at the point where we can finish this weekend, does it not make sense to let people continue to do their work and to come back early at the beginning of next week and try to resume this?

Mr. ARMEY. If the gentleman would yield, first, I appreciate the point that you are making. Obviously, a great many of our Members appreciate the point just made by the gentleman from Michigan.

However, as the gentleman knows, when we were trying through the final points of the negotiations and we finally get to an agreement, it is always, I think, prudent to have ourselves in a position that when everybody says, okay, this is it, I agree, that we can get as quickly from that point of agreement to the floor of the House of Representatives.

As things are left to lay over, we may find ourselves extending our work here, or having it extended on our behalf, beyond the time that we were trying to do is to maintain the kind of options that will make it possible for all of our Members to seize that moment when everybody is in agreement, recognizing that these can be passing moments, but that moment to seize that moment and move the work to the floor and get it completed. We believe it is prudent, and we believe in the larger interest of the Members necessary, to keep that option available to us and keep it at hand.

We will keep you as much informed. The critical concern the Member has, I would think right now, is if the gentleman is not going to have the vote on the final package between midnight and 9 a.m. tomorrow, let me know as early in this day as possible, and I will try to do that.

Mr. BONIOR. Mr. Speaker, is the gentleman from Texas telling us also that if we do in fact come back on Friday, that we can expect to work through the weekend?

Mr. ARMEY. It is my anticipation if we were to come back on Friday, we would be able to convene for votes around noon and probably complete that work Friday late afternoon or Friday evening, and complete our work for the year.

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

Mr. ARMEY. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, the question I want to ask the distinguished majority leader, if we do in fact come back on Friday, is there a chance to finish this tonight, I pray for them.

Mr. BONIOR. Mr. Speaker, may I just ask the distinguished majority leader, if we do in fact come back on Friday, we would be able to convene for votes around noon and probably complete that work Friday late afternoon or Friday evening, and complete our work for the year.

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Mr. BONIOR. Mr. Speaker, may I just ask the distinguished majority leader, if we do in fact come back on Friday, we would be able to convene for votes around noon and probably complete that work Friday late afternoon or Friday evening, and complete our work for the year.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?
Mr. Speaker, is, and it alludes to what the gentleman from Wisconsin (Mr. Obey) just referred to, is the rumor that the remainder of the appropriations bills may actually be brought to us in one package, leaving out some of the items that have been negotiated with the White House.

Is there any fact to that rumor?

Mr. ARMEY. Again, if the gentleman will yield, I want to thank the gentleman for his inquiry.

Mr. Speaker, I appreciate the remarks of the gentleman from Missouri (Mr. Skelton). I believe the body would agree with me that there is no one person in this body for whom we would be more proud to speak so eloquently on behalf of our affection for the veterans as the gentleman from Missouri (Mr. Skelton). We are aware of and very concerned about this.

In addition, of course, the body is brought to a sobering realization of how difficult times are by the gentleman from Wisconsin (Mr. Obey), with his reliable optimism. Mr. Speaker, I would just say to the gentleman from Wisconsin, Mr. Obey, I do not want any more cheese, I just want out of the trap.

Mr. Speaker, again, I understand, in these times of these negotiations we all know from past experience year in and year out that when things look very difficult and perhaps even impossible, in every year there is that magic moment when everybody says, we can agree. That moment is at hand. We do not want to deny our Members the opportunity to seize that moment.

We believe, and I think with good reason through our discussions with Members of both bodies of Congress and the White House, that that moment is at hand. It can happen, and we need to be here and be prepared for it, while respecting, as the gentleman from Missouri (Mr. Skelton) so eloquently said, Members' efforts to pay their respects to our veterans.

I can say to the gentleman from Michigan, neither side of the aisle, I think neither side of the building, wants to put these last few items and some of the attendant items together in a singular package. That will not happen. We are making every effort for it not to happen, but in at least two packages related to the final spending bills and then attendant things, such as the tax extenders, and a few of the other items we are looking at.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

Mr. Speaker, I want to confirm what the majority leader has said. We have battled all year long to get these bills on an individual basis through the House, the Senate, and to the White House. We have been fairly successful. In the House we have basically finished our part of that job before the August recess.

Then we had a lot of time spent in negotiations with the other body, and we have resolved those, but still, every step of the way we have tried to keep that commitment, that we send each bill individually.

Now we are at the point, as the majority leader said, that all of the hard problems have now begun to focus. The easy ones are gone. The easy ones are out of the way. Now the hard ones are here. But we are at the point where I think we can quickly come together and not only pass one thing on a vehicle, but have a package of agreements whereby if we do this on this bill, we do something else on that bill, and we have to have a little give and take, both here in the Congress and at the White House.

I will be honest with my colleagues in the House, the White House has not been all that negotiating. The White House has been pretty tough in saying, here is our line, we are not going to budge, we have got a good, and I would like to thank the majority party for applauding the majority party's efforts here, and I knew that was a facilest applause. However, it is our intention to bring these issues together now.

The Speaker has spoken to the President personally this morning, and I agree with the majority leader, we are about at that point where things are going to fall into place.

Now, what is going to be done by Friday? I do not know. I know our staff on the Committee on Appropriations have been telling me for the last couple of days, boy, I will tell you, I do not think we can do it. My instructions this morning were, do not come back to me and tell me we can do it, and then we will get out of here.

Mr. BONIOR. Mr. Speaker, on that rousing note from the Speaker's indulgence for one other comment.

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

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

Mr. EDWARDS. Mr. Speaker, if I could make two points to the distinguished majority leader, let me say first that I hope that passage of a multi-billion dollar appropriation bill or bills is not contingent upon Members not having the opportunity to read it.

I hope that would cause great concern on both sides of the aisle, if the argument is the only way we can finally solve this appropriation conflict of ours is if we bring together a package and do not let Members have time to read it and think about it.

Secondly, tomorrow is not only Veterans Day, it is the last Veterans Day of the 20th century. It is a century that has seen our veterans fight in two world wars, and through all parts of this globe. I know I speak for Republicans and Democrats alike when I say that inconveniencing a Member of Congress should be of no consequence, but showing a lack of respect to the veterans who have fought those two world wars, many of whom will not be around to see the next Veterans Day, is totally a different thing.

Mr. Speaker, I yield with the majority leader, obviously, and Democrats and Republicans, to say, it is worth it to show respect to our veterans on the last Veterans Day of this century to let the House Members know within the next several hours whether they can catch the plane to home tonight or they have to make speeches tomorrow morning and tomorrow afternoon.

Give not us that privilege, Mr. Majority leader, but give that privilege to our veterans. Let us go home and say thank you to our veterans for the sacrifices they have given on behalf of our Nation.

Mr. BONIOR. I yield to the gentleman from Wisconsin.

Mr. ABERCROMBIE. Mr. Speaker, I understand only too well the necessities of strategy and tactics, and I respect that. I respect the majority leader's position and difficulties associated with trying to pass legislation.

I also understand the politics that is involved. But every Member here, I would say to the majority leader, is entitled to be treated with equal respect. There are simply logistical difficulties. Obviously, I have one. But I feel I am as entitled as any Member here to be able to participate fully. And if that involves some Members not having the ability to read it, I do not think that in any way should be of no consequence, but show respect to the veterans tonight.

Mr. Speaker, this is the workplace of democracy. There is no reason whatsoever, and no reason to believe whatsoever that I can determine, that we are going to be prepared to move this legislation Friday. I yield to the majority leader for a moment that the majority leader and his negotiators will be doing their level best to conclude their business on this. But let us face the facts of life. We cannot logistically do this and give every Member an opportunity to pay his or her respects as they are supposed to as representatives of this greatest democracy on the face of the Earth. We cannot be here before next Monday, and I
ask the majority leader to simply acknowledge that and let us move on with our business.

Mr. ARMEY. Mr. Speaker, if the gentleman will again yield, I want to express my own personal appreciation for the fine expression of sentiment and commitment I have heard from the Members on this important matter of Veterans' Day. And I can tell my colleagues that I am only touched by what I have heard.

I have talked to the Members of the Committee on Veterans' Affairs. They too, of course, have focused on this with a great deal of interest and commitment and they have encouraged me to remind Members that for those of us who may have difficulties in getting back to our own districts, that we will have ceremonies at Arlington Cemetery where, of course, some of our Nation's greatest heroes are interred, and we will make every resource available to assist Members in getting to those very important ceremonies.

Mr. BONIOR. Mr. Speaker, I thank my colleague and would say in conclusion that I would hope the gentleman from Texas (Mr. ARMEY) could be more definitive in terms of a time within the next couple of hours so people could plan accordingly for not only this evening, but for the weekend if that is, in fact, what the majority desires, and I thank the gentleman.

COMMUNICATION FROM STAFF MEMBER OF HON. DALE E. KILDEE, MEMBER OF CONGRESS

The Speaker pro tempore (Mr. LAHOOD) laid before the House the following communication from Barbara Donnelly, assistant district director for Hon. Dale E. Kildee, Member of Congress:

H.11870

CONGRESSIONAL RECORD—HOUSE

November 10, 1999

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

FATHERS COUNT ACT OF 1999

THE SPEAKER pro tempore. Pursuant to House Resolution 367 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3073.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3073) to amend part A of title IV of the Social Security Act to provide for grants for projects designed to promote responsible fatherhood, and for other purposes, with Mr. SHIMkus in the chair.

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

Mr. Chairman, first let me thank the gentleman from Maryland (Mr. CARDIN), my colleague and ranking member, and the gentleman from Pennsylvania (Mr. GOODLING), and the gentleman from Missouri (Mr. CLAY) each will control 15 minutes.

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

Mr. CARDIN has indeed been a fine partner, both for his substantive knowledge and frank and cooperative working style. I also want to thank my friends on the Committee on Education and the Workforce, especially the gentleman from Pennsylvania (Chairman GOODLING) and the gentleman from California (Mr. McKeon) for their excellent work on this bill and for their spirit of cooperation in working out a compromise between the bills written by our two committees.

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

Mr. Chairman, the major provision of this legislation is the Fathers Count Act of 1999. This legislation will fund projects directed at helping poor fathers meet their responsibilities by promoting marriage, improving their parenting skills, and developing their earning power.

Welfare reform stimulated the development of far better services for welfare-dependent mothers; services that could help her identify her skills, provide her with the knowledge that could help her succeed in the workplace, find a job, work, and progress.

Mr. Chairman, surprisingly and encouragingly, a recent study by renowned researcher Sara McLanahan of Princeton University shows that at the time of nonmarital births, over half of the parents are cohabiting and about 80 percent say they are in an exclusive relationship that they hope will lead to marriage or at least become permanent.

It seems reasonable to us that if we develop ways to support these young couples when they are still exclusively committed to each other and to their child, they may be able to maintain their adult relationship and develop their parenting relationship.

Thus, our bill will provide a modest amount of money, $150 million over 6 years, to encourage community-based organizations and governmental organizations to conduct projects to help these young parents. Projects will be awarded on a competitive basis. Not only will the projects aim to help couples develop healthy relationships including marriage, but they would also provide the educational opportunities and other supports through which good parenting and relational skills can be honed and the earning power of the father developed.

Even if the parents remain separate, the projects help fathers play an important role in the lives of their children and encourage the development of a positive, consistent relationship, thus both the payment of child support and through good parenting of the child and open communication with the other parent.
November 10, 1999

Mr. CARDIN. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN), who has been a strong supporter of the fatherhood initiatives. Mr. WYNN. Mr. Chairman, I thank the gentleman from Maryland for yielding this time.

Mr. Chairman, I rise in strong support of the Fathers Count Act. For a long time, we have had our head in the sand with respect to the problem of children born out of wedlock. We have ignored the problem. We have assumed high-minded piety. We have condemned impoverished young people, but we have not really helped them.

This bill is an enlightened form of welfare reform that addresses some of the real problems faced by unwed parents and specifically fathers.

This bill is critical because it provides resources, not condemnation to unwed fathers. It provides counseling. It provides job support. It provides the resources that they will need to be productive and effective fathers. When we have productive and effective fathers, we have better children.

This is a very good bill in that it also encourages States to take an aggressive role in enforcing child support policies, and that is very essential because it is at the State level where we have the issue of child support enforcement.

By having States implement aggressive enforcement policies, we will collect more child support. Again, when we collect more child support, we are at a better position to help these children of unwed parents.

For too long this Congress and this society has ignored this problem or, as I said, has taken a head-in-the-sand approach. It is high time that, as a society, we address the problem, we accept responsibility, and we, more importantly, enable these young fathers to become better fathers, become better husbands, they will contribute to our society by producing young people that are more stable, less prone to crime, and more able to be productive citizens.

This is a bipartisan piece of legislation, the result of a lot of hard work. I think it is an excellent idea. I am very pleased to support it.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise to support the gentleman from Michigan (Mr. CAMP), a member of the Subcommittee on Human Resources.

Mr. CAMP. Mr. Chairman, I thank the gentlewoman from Connecticut for yielding this time.

Mr. Chairman, I rise as a cosponsor of the Fathers Count Act of 1999, and I want to thank the gentlewoman from Connecticut (Chairman JOHNSON) and the gentleman from Maryland (Mr. CARDIN), the ranking member, for their hard work and their good effort in this area.

Since we passed welfare reform in 1996, we have made remarkable
I commend the gentlewoman from Connecticut (Mrs. JOHNSON), the chairman of the Subcommittee on Human Resources, for her steadfast willingness to make sure that this legislation was considered and negotiated and marked up in a bipartisan way. I also want to compliment her on the hearings that we held on this bill. I thought they were very helpful. We heard from a lot of different groups, and they made many suggestions which are incorporated in this legislation that was brought forward.

The system worked. The process worked. As a result, the Fathers Count Act, H.R. 3073, is a bill that will help low-income parents in carrying out their responsibility, both custodial and noncustodial, both mothers and fathers. It is a good bill, and I encourage my colleagues to support this legislation.

It does not include every provision that the gentlewoman from Connecticut (Mrs. JOHNSON) or I would like to have seen in the legislation. It is a product of compromise, and it is a good bill that moves us forward in helping low-income fathers.

This endeavor is important for three reasons. First, it is simply unfair to expect low-income mothers to bear all the responsibility for raising their children. It is a moral and legal obligation of both parents to provide care for their sons and daughters.

Second, some noncustodial fathers want to help their families, but they lack regular employment, and it prevents them from carrying out their commitments. These are dead-broke dads, not deadbeat dads. They need assistance in finding and retaining employment, and they need encouragement to cooperate with their child support system, which they view in many cases as being very hostile.

Third, and most importantly, children are simply better off when both of their parents have a committed and caring relationship with them, as the gentlewoman from Connecticut (Mrs. JOHNSON) has pointed out. This is in the best interest of a child to have both parents involved in their upbringing.

Under the Fathers Count Act, $140 million dollars in competitive grants will be made available for communities to encourage fathers to become a consistent and productive presence in the lives of their children, whether through marriage or through increased visitation and child support.

These new grant funds can be used for a wide array of specific services, including counseling, vocational education, job search, and retention services, and even subsidized employment. The legislation includes resources to carefully evaluate the impact of these grants on marriage, parenting, employment, earnings, and the payment of child support.

Mr. Chairman, in addition, the grant program would encourage States and communities to implement innovative policies to assist and encourage non-custodial parents to pay child support.

For example, preference would be given to grant applications which contain an agreement from the State to pass through more child support payments to low-income families rather than recoup the money for prior welfare payments. I also hope that the legislation will encourage the Clinton administration to accept financial responsibility by noncustodial parents with their child. It is a good provision. Some States have done it, but not enough States have done this. This bill will encourage more involvement financially by noncustodial parents with their child. It is a good provision.

However, the criteria to access these funds are too restrictive. We know that. We are not able to get the money out where it is desperately needed. Therefore, the Fathers Count Act would broaden eligibility and local flexibility under the Welfare to Work program, an improvement, I might add, that has been requested by our National Governors' Association and by the U.S. Conference of Mayors and the Department of Labor. I hope that the House will build on this effort by passing a broader reauthorization of the Welfare to Work program. The Clinton administration has submitted such a request, and I hope that this will be the first step in reauthorizing that program.

Finally, I should point out that H.R. 3073 contains three provisions that would improve the administration of several different welfare assistance programs. First, the bill would establish a more realistic penalty for the States that have failed to establish a State Disbursement Unit for their child support enforcement system.

Second, the legislation would provide Federal reimbursement for State and local efforts to train judges and other court personnel involved in child abuse cases.

Lastly, the measure would provide additional funding to improve ongoing efforts by the Census Bureau to study the impact of welfare reform on low-income families.

Mr. Chairman, the underlying premise of the Fathers Count Act is that children are better off emotionally and financially when both of their parents are productive partners of their life. We achieve these goals by promoting marriage and involvement among parents. However, we recognize that marriage is not always possible or even desirable, especially when there is an obvious threat of domestic violence. In those circumstances, we still expect fathers to accept financial responsibility for their children.

This bill, therefore, seeks to help low-income fathers gain employment.
needed to pay child support. Without such an effort, we are condemning custodial mothers near the poverty level to bear the entire burden of raising their children.

In conclusion, let me say that we are going to speak on some of the amendments, and we will talk about that a little bit later, but the underlying bill is a good bill. It is supported by the administration. It is supported by many of the advocates and groups on behalf of our children. I urge my colleagues to support the legislation.

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

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. Shaw), who introduced the first fatherhood bill and who has been a real leader on this subject. It is a pleasure to have him on the floor with us today.

Mr. SHAW. Mr. Chairman, I congratulate the gentleman from Connecticut (Mrs. JOHNSON) for her work as well as the gentleman from Maryland (Mr. CARDIN).

I would have to agree wholeheartedly with my Democrat friend that, when we consider as Republicans and Democrats, we can do some great things and solve some tremendous problems in this country.

One-third of the children born today are born to single moms, one-third. I would wager that most of those, most of those children were fathered by a father that grew up without a father in the home.

It is hard for many of us to think of growing up without two parents. Experience shows us that the father shows up for the delivery, hands out cigars, and then, all too often, is never seen again. Oh, one may see him hanging out on the street corner, but he has been left behind.

□ 1245

We have done great things in this country with welfare reform, but it has created an imbalance that has to be addressed, and this legislation is a great first step in addressing the balance.

We are training the moms to become breadwinners, and we have done some wonderful things; and the children now look up to their moms as role models, and they will have some bonding for the rest of their lives. And then they will grow up and they will have children out of wedlock, and this cycle goes on and on. We have to break this cycle.

This is a pilot program, admittedly, but it is one whose time has come; and I am very, very pleased to see that we are joining together on both sides of this House and bringing forth this tremendous legislation. It is going to save a lot of human beings, and it is going to be great for today's kids.

Mr. CARDIN. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. HINCHERY).

Mr. HINCHERY. Mr. Chairman, I think this is a very interesting piece of legislation, and I know that the people who have put it together have the best of intentions and really want to see some progress made with this very serious problem. It is unfortunate that some of the amendments offered have not been made in order by the rule; however, there are a number of amendments that have been made in order and, if those amendments pass, I think this legislation may actually have some opportunity to be successful.

There are some things, however, that we are looking over as we promote this legislation. Perhaps one of the most salient features here of this bill, one of the most important things that it does, is it brings to the fore the direct connection between income and problems of parenting, particularly problems of fatherhood. This bill directly targets its provisions at those people who are 150 percent below the poverty level.

Why does it do that? Because either consciously or unconsciously it recognizes that poor parenting and poverty go hand in hand. So why are we not dealing with the problem of poverty? That is the question that every Member of this House ought to be asking themselves. The problem of poverty is fundamental to dealing with this issue.

One of the things we ought to do is bring to the floor here a bill to increase the minimum wage. We have allowed the minimum wage in our country to fall far below that level where it ought to be. If the minimum wage had been allowed to rise at its standard level, its normal level throughout the decade of the 1980s and the early 1990s, it would today be about $7.50 an hour. That is much closer to the level where a father can support a family.

Bringing out the minimum wage is the most important thing that we could do. The other body passed a minimum wage bill, but extends it over a period of 3 years, leaving it woefully behind where it ought to be. Let us bring the minimum wage bill out here to the floor, let us pass a real minimum wage bill, let us bring the minimum wage to where it ought to be, $7.00, $7.50, $8.00 an hour. Then we will have fathers who can support their families.

Let us pass legislation which will provide for national health insurance, so that all of the children of these fathers will have health insurance, so that they can have their health needs taken care of, and so that they can feel proud of being able to take care of their children; bringing them into immunization clinics, making sure they see a doctor and get proper health care. Those are the things we ought to be doing.

If we are really serious about improving parenting, if we are really serious about improving the quality of fatherhood and motherhood in our country, men are going to have to help with minimum wage. Let us bring out a bill that will give us national health insurance. Let us really do something for parents so that they can be strong, competent, capable parents, raising their children in competent and capable ways. That is the real answer to this problem.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself 1 minute.

I would just say to the gentleman, the gentleman speaking, that we are dead serious. We are dead serious about poverty as well as about parenting. And as a result of welfare reform, poverty in America has declined 26 percent in the last 4 years. It is unprecedented for poverty to decline in consecutive years, and especially among poor children.

But in addition under this bill, we do not just provide parenting education and help with relational skills, these things, they will get on the job placement, with career advancement, with getting the skills that are necessary for higher paying jobs. I am a big supporter of the minimum wage. I do not disagree that raising the minimum wage is important, but nobody working at minimum wage is really going to be able to provide a child real economic security.

The goal of this bill is not only to help men get into more stable jobs in the work force but help them to enhance their careers, their skills, move up and earn a higher wage. In sum, this is a direct attack on the problem of poverty among poor men.

Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Chairman, I thank the gentleman for her path-breaking work on this issue, and let me add that for the sake of the record, I represent New York who has now left the floor, it is probably worth noting that neither a minimum wage increase nor health care reform nor welfare reform came to the floor the last time his party was in the majority. But that is beside the point this morning.

We have gathered today on a bipartisan basis in support of the Fathers
Mr. Chairman, I yield myself 2 minutes. 

Mr. Chairman, I take the time now to explain why I will be offering an amendment when we get to the amendment section. 

The amendment that I am offering was actually in the Ways and Means reported version of the Fathers Count Act. It deals with changes in the welfare-to-work with custodial parents who are receiving TANF funds, being eligible for welfare-to-work funds. The difficulty is that the bill that is on the floor would restrict that to no more than 30 percent of the funds available. The problem is that there are other programs that fit into that 30 percent, including children aging out of foster care that we want to make sure the States have maximum flexibility. 

I would urge my colleagues to support this amendment to give the States maximum flexibility in how they manage the resources available to not only get people off of welfare but to keep people off of welfare and having good jobs and not being in poverty.

So I would hope my colleagues would support this amendment when it is offered during the amendment stage of debate.

Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. Edwards), who will be offering an amendment dealing with the charitable choice provisions.

Mr. Edwards. Mr. Chairman, I thank the gentleman for yielding me this time, and, Mr. Chairman, I will be offering an amendment in a few minutes that I hope all Members on both sides of the aisle will consider very carefully.

The amendment is very simple, but the amendment, in my view, behind that amendment is, I believe, as profound as the meaning of the establishment clause in the first amendment of our Constitution. 

What our amendment does is simply say that monies, the $150 million that will be funneled in, shall not go to pervasively sectarian organizations. The Supreme Court has decided this, specifically in a decision in 1988 in Bowen vs Kendrick, saying that pervasively sectarian organizations, or organizations such as churches, synagogues, mosques, houses of worship, where religion is fundamentally thoroughly the reason for its existence. 

Why do I offer this amendment? Well, there are a couple of basic reasons. First of all, the Founding Fathers were not just adequate in putting in the Bill of Rights, but putting in the first 10 words of the Bill of Rights this principle: that the best way to have religious freedom and respect in America is to build a firewall between the government and religion. And that separation, that wall of separation between church and State, has for 200 years worked extraordinarily well.

We are the envy of the world when it comes to religious tolerance and religious freedom. Why in the world, in a 20-minute debate over an amendment on the floor today in this House, should we, in effect, tear down that wall of separation between church and state and put at risk the independence and freedom of religious organizations and institutions all across this country? 

The second reason I would say we need to pass the Edwards amendment is that without that amendment we would see a provision in this bill that refers to in the 1996 Welfare Reform Act, which not more than a handful of Members were even aware of. This bill, without my amendment, could literally let churches and houses of worship take Federal dollars and, in using those dollars to run secular or social programs, they can hold out that money and actually use it to pay for a sign that they could put on the front of their church saying that no Jews need apply for this federally funded job, no Catholics, no Hindus. Whatever religions they do not like, they can use Federal dollars to literally discriminate in job hiring decisions based on no other reason than the religion of that American citizen.

I find that to be repugnant to the concept of the freedoms enshrined in the Bill of Rights. And I know that no sponsor of this legislation would intentionally want to do that, but I would urge them to take a look at the impact of this language and the underlying language that it builds on from the 1996 Welfare Reform Act.

I appreciate deeply the gentleman from Maryland (Mr. Cardin), the Democratic sponsor of this bill, and his strong support of my amendment. I think he and I would agree that if we believe in this legislation, we ought to vote for the Edwards amendment simply to make it constitutional, if for no other reason than that but yet important reason.

I think it is time for this House to take a stand in saying that we are not going to compromise the meaning of the establishment clause, the first 10 words of the First Amendment of the Bill of Rights, not out of disrespect to religion, but out of total reverence to religion.

To my Republican colleagues and conservative Members on both sides of the aisle, those of them who constantly come to this floor and express grievous reservations about government regulation of our public schools and they do not even want the Federal Government involved in governing our local schools and they are greatly concerned about Federal regulations and agencies overseeing businesses in America, why in the world through this legislation would they want to extend government regulation into our churches, our synagogues, and our houses of worship?

The way this bill is written and using the underlying language of the 1996 Welfare Reform Act, they basically are going to invite government regulators to come into virtually any synagogue, church, or house of worship that receives money under this program and allow those government regulators to ask where they got their money, how they spend their money, and the purpose for it.

Please, my colleagues, on a bipartisan basis, vote for the Edwards amendment.

Mrs. Johnson of Connecticut. Mr. Chairman, I yield myself such time as I consume.

Mr. Chairman, I would like to comment on the Edwards amendment that will come up later on.

The charitable choice provisions in the Welfare Reform bill are provisions that have been affirmed in three consecutive Congresses in votes on the floor. The reason that they have been affirmed is that, within the charitable choice provision in the law, there is a firewall. Church grant recipients cannot proselytize with federal funds and there must be a secular alternative service provider available. While the money can flow to a church, a church is not allowed to discriminate amongst children that they serve according to their child's religion affiliation.

Now, it is also true that it allows a Catholic day-care center that is run by nuns to have only nuns run it. But even that center could not discriminate on the basis of faith amongst children applying for the day-care center. So there is a very clear firewall.

In the years that this has been in the law, 6 years now, no body of examples
Mr. Chairman, the Edwards amendment does not repeal charitable choice. It recognizes the need for faith-based institutions to help us carry out the fatherhood initiative.

We recognize that also in the Welfare Reform Act, we do want faith-based institutions to help us in getting people off of welfare to work and we want faith-based institutions to help us in our Fatherhood Counts Act.

The gentlewoman from Connecticut (Mrs. Johnson) pointed out, and correctly so, that what we have done in this bill is referenced the 1996 Act. We referenced the Welfare Reform Act; and she states quite correctly that, under that Act, no funds provided directly to institutions or organizations to provide services and administrative programs shall be expended for sectarian worship, instruction, or proselytization.

That is in the 1997 law and, by reference, is incorporated into the fatherhood initiative.

Another section to that law of 1997 which is referenced, and it says that the programs must be implemented consistent with the establishment clause of the United States Constitution. That is in the 1997 Act and, by reference, is incorporated in Father's Count.

What the Edwards amendment does make is make that section consistent with the Kendrick decision, which is a Supreme Court decision that interpreted the Establishment Clause of the United States Constitution.

I think it is a clarifying amendment. Quite frankly, I don't think it should be a controversial amendment. I think it should be accepted as clarifying what we all agree, that we want faith-based institutions participating, but it must be in compliance with the Constitution of the United States.

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

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the point of the gentleman is an important one; and I appreciate the legitimate controversy around this issue.

In fact, we have two facts. There is no definition of these two words "pervasively sectarian." And since the Kendrick decision of 1993, the Supreme Court has indicated and, as we speak, reviewing decisions that will enlarge on that 1993 decision and slightly alter it. Even the administration has been for the clarification that would clearly allow technology assistance to parochial schools.

So we are at a point in our history where we now need to work out precisely what this division between church and state should look like on the ground running. And by putting into statute a 1993 Supreme Court decision, we limit the ability of that division to develop in the years ahead and for that line to be more clearly defined.

Now, that is one problem. The second problem is that, in the wording of his amendment, as he tries to translate it, the belief is that the Supreme Court decision into current law. Representative Edwards says, "notwithstanding any other provision of law, funds shall not be provided to any faith-based institution that is pervasively sectarian." Well, of course, the church is pervasively sectarian. The program that is going to use the funds is not. But if they do not allow this, say, small black church in a poor neighborhood to be a receiver of the funds, even though they must be spent on this program in compliance with the charitable choice statute, then they will not be eligible to receive the funds.

I think, if we pass the Edwards amendment here today, it will have a very chilling effect on both the Federal Government's and the State Government's willingness to include faith-based organizations in their network of service providers because we will have confused the issue as to who actually is defined as the "pervasively sectarian" entity.

Certainly, the church is a pervasively sectarian entity. Its day-care center cannot be if it is going to receive funds under this law. So I would just say that I think putting into statute Supreme Court language from a 1993 decision, when we are at this very time seeing the Supreme Court take more cases in this area in order to give cleaner definition to the delicate balance between the church and state in our democracy, would be unwise. Therefore, I will oppose the amendment when the time comes.

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

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

Mr. Chairman, I think the gentlewoman from Connecticut (Mrs. Johnson) is misreading the Kendrick decision.

The Kendrick decision dealt with the program management, not the sponsoring entity, in that they can be a sectarian institution that carries out a program that is not pervasively sectarian in the way that it is managed. In fact, we have found that in the management of TANF funds that religious institutions have been able to comply with this standard. And the reason why we think it is important to include it in statute is to make it clear that we want to make sure that the Constitution is in fact adhered to, the establishment clause.

Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. Edwards).

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

Mr. Chairman, I would like to respond to some of the points made by...
the gentlewoman from Connecticut (Mrs. JOHNSON).

First of all, she talked about a chilling effect. Quite frankly, to be honest, I do want to put a chilling effect, as Mr. Madison and Mr. Jefferson wanted. It is kind of the Bill of Rights and drafted it and supporting it, that we ought not to have Federal dollars going directly to houses of worship. They were adamant, they were profoundly committed to that concept. And, yes, I do want to put a chilling effect, because of the flow of dollars, for all the reasons that I have mentioned.

But my amendment is clear that it allows dollars, under this program, to go to other faith-based organizations. I think that is one reason why a number of religious organizations are supporting my amendment.

Let me just mention a few: The American Jewish Committee, the Baptist Joint Committee, the Anti-Defamation League, actually the American Federation of State, County and Municipal Employees, the National Council of Jewish Women, the American Civil Liberties Union, the American Jewish Committee, Religious Action Center, America United for Separation of Church and State, the Council on Religious Freedom. This is not going to stop faith-based organizations from participating in social programs. What it is going to do is make this bill consistent with Bowen v. Kentucky in 1988 in the Supreme Court decision.

Let me read from what Justice Rehnquist actually wrote in the majority position. He said, the reason for this concern, and he is referring to Federal dollars going to perversely sectarian churches to be run in secular programs. "The reason for this is that there is a risk that direct government funding, even if it is designated for specific secular purposes, may nonetheless advance the perversely sectarian institution's religious mission."

I do not understand why any sponsor of this legislation would want to write a bill knowing it is specifically in contrast to a clear constitutional decision written by Mr. Rehnquist and supported by a majority of the Supreme Court on a very similar case.

Second, on some other points, she talked about, well, under this bill you will not be able to discriminate against people wanting the services. That still does not mean that the fact that it will allow you to use Federal dollars to discriminate against people, in hiring people fed. It would be the same thing that has not been well implemented yet, in allowing dollars to go directly to churches and synagogues and houses of worship. I think that is profoundly risky and dangerous and threatens the very purpose and commitment of the Bill of Rights.

The gentlewoman mentioned, quote, there are no problems over the last 6 years. Let me point out that the welfare reform bill was only passed in 1996. It has only been in place 3 years, not 6 years, and in fact it is now being mired down in constitutional debate and court cases over the very point we are making today. Why burden this legislation with the burden that the welfare reform act is going through?

Finally, I think the point is just simply this: For 200 years, we have had separation of church and State for very basic reasons. We do not want government regulation of religious institutions. I would suggest without the Edwards amendment, that is exactly what we are going to get. Even when a church defends its efforts as not being proselytizing or sectarian, that will require itself court cases where, if it allow you to use Federal dollars, then it results against churches and houses of worship. I would suggest it is that constitutional question, it is that legal fear that has caused many churches, religions and houses of worship not to participate in the Federal funding under the welfare reform bill.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

The bottom line here is, and the gentleman from Texas (Mr. Edwards) said it very clearly, you do not want churches getting the money. I do want churches getting the money. That is the bottom line. I think there is a role in America for churches being part of the social service delivery system because they have the ability to support people at a level of faith that governmen cannot offer, and they are there after you outgrow the program, they are there after you fund the program. It gives the people opportunity, not only one say, but a permanent supportive commuity.

I do not want Federal money to go to churches that is not accountable and for programs that are not open to everyone who needs them. So, yes, there will be red tape. Churches who choose to receive Federal money will be regulated. If they do not like it, I cannot help it. If there are Federal dollars, you are accountable. If there are Federal dollars, you are accountable.

In addition, the community must make a secular alternative available and so on. The fire wall in the charitable choice language is extremely important and effective. But your fire wall would take effect about that and cut churches out of the service-providing social service network in America. I think that would be a tragedy.

Why did our Founding Fathers not oppose this because they never envisioned that the Federal Government would be providing the level of service, job placement, parenting education, not in their wildest dreams. Since we are doing that, we do have to do that in a way that is respectful of our Constitution and I believe the charitable choice provisions allow that.

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

Mr. Chairman, I would hope that the Members would read the bill and read the Edwards amendment before they vote on it, because I understand there are deep philosophical differences among Members as to what we would like to see in regards to the use of faith-based institutions in carrying out programs sponsored by the Federal Government. But that is not what really is involved in the Edwards amendment. The Edwards amendment is very simple. It says that we use faith-based institutions but they must comply with the constitutional standard in regards to establishment of religion.

In my view, if I might quote from CRS because I think that really summarizes it best. It says: If the organization's secular functions are separable, government can directly subsidize those functions. However, if the entity is so permeated by a religious purpose that it cannot act that way, and functions and religious functions are "inextricably intertwined," that is, the entity is "pervasively sectarian," the Court has construed the establishment clause generally to forbid direct public assistance.

That is what the Edwards amendment is saying. It is not trying to take sides quite frankly on whether it is a good public policy or a bad public policy to get our faith-based institutions involved in the fatherhood initiative. What it is saying is, let us adhere to the constitutional standards that were set out in the Edwards amendment before they vote on it, because I understand there are deep philosophical differences among Members as to what we would like to see in regards to the use of faith-based institutions in carrying out programs sponsored by the Federal Government. That is not what really is involved in the Edwards amendment. The Edwards amendment is very simple. It says that we use faith-based institutions but they must comply with the constitutional standard in regards to establishment of religion.

Mr. Chairman, in closing, this is one of the amendments, but let us not lose sight of the bill that is an extremely important bill. It is supported by the administration. By letter dated today, the administration urges a "yes" vote on H.R. 3073. It is supported by the Center on Budget and Policy Priorities, by the Children's Defense Fund, by the American Jewish Committee, the Baptist Joint Committee, the Anti-Defamation League, actually the American Jewish Committee, the Religious Action Center, America United for Separation of Church and State, the Council on Religious Freedom. This is a very important bill. I would hope my colleagues will support it when we have a chance to vote on it a little bit later.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield the balance of my time.

The CHAIRMAN. The gentlewoman from Washington (Ms. Dunn) and thank her for her good work on this subcommittee over the years.

The CHAIRMAN. The gentlewoman from Washington is recognized for 1 minute.

Ms. DUNN. Mr. Chairman, I want to add my voice to those who enthusiastically support H.R. 3073. I want to thank
Mr. Chairman, I urge my colleagues to support these amendments and to endorse the welfare-to-work operations of the bill.

Mr. Chairman, I reserve the balance of my time.
Mr. GOODLING. Mr. Chairman, I yield what time he may consume to the gentleman from California (Mr. MCKEON), the subcommittee chair.

Mr. MCKEON. Mr. Chairman, I rise in strong support of H.R. 3073, the Fathers Count Act. Not only does it focus on the unique needs of those individuals who have far greater barriers to employment than those who have already left public assistance. We know from the experience of States such as Wisconsin that those individuals can and are making a successful transition into employment and towards self-sufficiency.

However, it takes hard work, dedication, high expectation, and the types of assistance provided through the Welfare to Work program for this to happen. The changes we are making to this program today will help ensure these funds are an effective tool in these efforts to assist these individuals.

Mr. Chairman, I urge my colleagues to support this important legislation.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Mr. Chairman, I rise to express my support for those provisions in H.R. 3073, the Fathers Count Act, that will make important changes to the Welfare to Work program.

As my colleagues know, the Welfare to Work program was created when President Clinton insisted that $3 billion be included in the Balanced Budget Act of 1997 to help States move their welfare recipients into the workforce and comply with the ambitious work requirements established in the Personal Responsibility and Work Opportunity Reconciliation Act. I am pleased to say that that program has been largely successful.

Over the last 5 years, the welfare rolls have decreased by over 40 percent, reaching their lowest level since 1969. Conversely, the number of welfare recipients with jobs has quadrupled during that same time period.

In August of 1998, President Clinton announced that every State and the District of Columbia had met the work requirements set forth in the Personal Responsibility Act of 1998, and just as important, the annual income earned by those welfare recipients for those jobs has increased by an average of $650 per year.

As several of my colleagues have mentioned, one flaw is keeping the Welfare to Work program from realizing its full potential, overly restrictive eligibility requirements.

Therefore, I support the provisions in this bill that will expand the eligibility requirements of the program. This will help States enormously in their efforts to move the remaining welfare recipients to work.

However, while the new eligibility requirements will allow the States to access previously inaccessible money and provide incentives to focus on the previously intransigent welfare recipients, that money will be expended quickly, leaving the hardest to serve individuals without resources.

During the Committee on Education and the Workforce markup of H.R. 3172, the companion bill to H.R. 3073, I offered an amendment to reauthorize the Welfare to Work program at the President's request of $1 billion for fiscal year 2000, which would have allowed the program to serve an additional 200,000 individuals. Given the 2.6 million families remaining on welfare, I think that that is the least we can do.

In a recent letter from the administration, Alexis Herman states, "We support H.R. 3172 as a complement to a complete reauthorization of the Welfare to Work program." Additional resources are essential to addressing the continuing needs to promote long-term economic self-sufficiency among the hardest to employ welfare recipients and to assist non-custodial parents in making meaningful contributions to their well-being of their children.

Although, in the spirit of bipartisanship, I withdrew my amendment, I agree with the administration and hope that the Congress will also consider legislation to reauthorize and provide additional resources for the Welfare to Work program in the near future. We have not yet made enough progress to abandon our efforts now.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK. Mr. Chairman, I thank the ranking member for yielding me this time.

The Parents Count amendment that I am going to offer later, which attempts to correct what I think is a difficulty with the fatherhood section, and the debate seems to have been exclusively on that portion of the bill, I think we should really be spending time on the portion that has to do with Welfare-to-Work, which is an extremely important amendment that has been put together in this bill that is referred to as the Fathers Count legislation.

Beginning on title III of this legislation, Welfare to Work program eligibility, which was reported out favorably by the Committee on Education and the Workforce, is a bill which attempts to correct a very serious problem with the original welfare reform legislation. In that legislation we attempted to be so strict in defining the eligibility of people who could qualify for Welfare-to-Work, and in setting up the requirements, virtually eliminated 90 percent of the people who might otherwise have been able to participate.

I say that very literally, because in talking to the Department of Labor that administers this program, they are saying that only about 10 percent of the funds have been utilized. Looking at the figures programs in May and June of this year, they are saying that hopefully it has risen to about 13 to 15 percent, which is what I was suggesting this legislation which was reported out of the Committee on Education and the Workforce is an absolutely essential correction.
In my own State, and I have talked to the people there, and they say the one thing that eliminates almost all of the custodial parents from participating is the restriction that says you must not have a high school diploma or a GED, and if the people on welfare or the parents on welfare have their high school diplomas in my State, and so they are automatically disqualified.

So this correction which we are making, eliminating these very strict requirements, is not going to be a change. If we expect to take this Welfare-to-Work opportunity to the people that really need it.

The second point I want to make is that the current law, even the current law which has all of these defects, opens up opportunity for Welfare-to-Work opportunities and assistance and other kinds of programs to both custodial parents and noncustodial parents. It is opened up completely to both aspects.

In fact, to make sure that the noncustodial parent has an opportunity, there were restrictions of funding, 70 percent in one area, 30 percent in another. It is an important point to realize that the Welfare Reform Act, in creating Welfare-to-Work, established opportunities for both mothers and fathers.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER), a member of the committee.

Mr. SOUDER. Mr. Chairman, I wanted to briefly talk again about the Edwards amendment on whether or not we are going to have a pervasively sectarian standard that basically, for all of the rhetoric, will eliminate faith-based organizations from being eligible for grants because States and others would be scared away from including faith-based organizations in the definition of what constitutes pervasively sectarian. The Supreme Court has been evolving this definition.

But rather than just talk about Vice President Gore, Governor Bush and others in this House and in the Senate in signed law that has passed three times with this clause, let me read a little bit from the Brookings Institution, once again where it separates kind of the far left of the Democratic Party from the moderate part of the Democratic Party, where they are talking about the reason to change the "pervasively sectarian standard which they say has constituted a genuine, though more subtle establishment of religion, because it supports one type of religious world view, while penalizing holistic beliefs."

Now, what did the Brookings Institution mean by holistic beliefs. They say, "Holistic faith-based agencies operate on the assumption that all areas of a person's life, whether psychological, physical, social or economic, can be adequately considered in isolation from the spiritual." In other words, that is what we see in many of the grass-roots organizations around the country.

This bill would not allow them to teach religion; it would not allow them to have the bulk of this program, to discriminate against people who are not in that church, but it would say that if you are a faith-based organization, you can have standards on your staff, you can have it be part of your ministry, because in fact, the holistic approach says that it is not just the mechanical parts of this, but it is also the church's holistic aspects.

That is why many, if not most, although we have many secular organizations that had an impact; but many, if not most in the highest risk areas of the effective organizations have dealt with matters of the soul in addition to kind of the just mechanical execution, whether that is in homelessness, whether it is in juvenile delinquency, or whether it is as in this case, fatherhood, as this bill addresses.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SANFORD).

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

Mr. Chairman, I rise very reluctantly actually against this bill, because I know that a lot of hard work was done on this bill, in the things that make a lot of sense about it, and yet, my struggle quite simply is this.

As I read through the idea of establishing a grant program to foster responsible fatherhood, I struggle with whether that is in homelessness, whether that is in juvenile delinquency, or whether it is as in this case, fatherhood, as this bill addresses.

Mr. CASTLE. Mr. Chairman, I rise to support title III of the welfare-to-work program and the expansion of eligibility amendment thereto.

The welfare-to-work program was established in 1997 as a separate funding source for States to provide targeted assistance to moving the hardest to employ welfare recipients to work and self-sufficiency.

But what we have found is that the welfare-to-work program, while well-intended, requires greater flexibility in order to serve a greater population of the hardest to place welfare recipients.

To date, States have only spent $283 million of the total $3 billion available, but face multiple barriers to expanding their ability to serve more clients.

In Delaware, although $2.7 million was available this year, only $4,000 has been spent, with only about 40 clients being served. By relaxing the criteria as we are doing today, perhaps up to 10,000 others could be served.

Mr. Chairman, I do not ordinarily complain about a lack of State funding on Federal assistance, but in this case, there is a large population of hard to place recipients that otherwise could gain benefit from relaxed eligibility criteria and more flexibility in who may be served under the program.

States like Delaware are clearly having difficulty in finding welfare recipients who qualify for assistance under this program. The transitional assistance to needy families funds have the flexibility to serve a greater population. Now it is time to expand the welfare-to-work eligibility criteria, thereby allowing us to spread the safety net and package services in a more seamless way.

By expanding the eligibility criteria for the welfare-to-work program, we retain, we dedicate, and strengthen the Federal commitment to serving the highest risk areas of the population. Not until adequate resources are targeted to the welfare-to-work recipients in a more realistic way and these recipients are helped off of welfare can we truly say that the historic Welfare Reform Act was a complete and unmitigated success.

Expanding the eligibility of welfare-to-work recipients is an excellent idea whose time has come. I am proud to support the expansion of eligibility for the highest to serve taxpayers.

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

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON), a member of the committee.

Mr. ISAKSON. Mr. Chairman, I thank the chairman for yielding time to me, and I commend him for his hard work on this legislation, as well as the subcommittee.

Mr. Chairman, I want to raise two points. I think at this time it is fortunate that we are dealing with legislation to expand welfare-to-work and to
truly reach those that we have failed to reach as of yet.

Secondly, I want to point out, in reply to the comment of the gentleman from South Carolina (Mr. SANDFORD) a few minutes ago with regard to whether or not it was the Federal Government’s role to deal with the fatherhood programs, when welfare started, the Federal government determined that aid to families of dependent children was predicated upon a single mother and dependent children. Fatherhood was not even an issue. Today we want to promote families and fathers, and to expand in title III the accessibility to reach out in terms of eligibility for welfare-to-work programs. It means that this Congress and this country are addressing now those that are the most disadvantaged and those that are the last to not realize the success of welfare-to-work as passed by this Congress a number of years ago.

It is only right and proper that the Federal government recognize in this program fatherhood and the promotion of it. It is only right in this program we expand eligibility so as to reach all Americans who deserve the opportunity, the transition, the training, and the background, so they can truly become employed and be a contributing member of this society.

I commend my chairman, I commend the committee, and I rise in full support of the bill.

Mr. GOODLING. Mr. Chairman, I yield the balance of my time to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I just want to say that what is so remarkable about this bill, and I appreciate the concern of some of my colleagues about a new program, is that it reaches out to the young men with the very same services that we have been giving to women, and that we have developed so dramatically under the welfare-to-work, the welfare reform bill.

It just helps them get the job, develop their skills, become successful, proud breadwinners, and at the same time we help them develop the discipline, parenting skills, and personal development that is essential if they are going to have good relationships with their children and good relationships with their mother, the children.

If we do not do this, we leave these children isolated, growing up without the economic or emotional support they need to take advantage of the remarkable opportunity free America offers.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the amendment offered by Representative Mink. This amendment would strike Title I of the Fathers Count Act and replace it with a gender neutral Parents Count Act.

This language is preferable because it would allow mothers to be eligible to receive the same benefits as fathers. As offered, the Act without this amendment offers programs to fathers only, programs that are also needed by mothers.

The new title would make the eligibility of poor women for parenting education programs, job training and other types of counseling equal to that of non-custodial fathers. It would further give preference to applicants that consult with domestic violence prevention and intervention organizations.

This is preferable over the original bill which provides for marriage counseling which expresses a preference for keeping married couples together despite the fact that many children suffer from domestic violence as a result of being locked into these marriages.

The Mink Amendment is important also to ensure that the bill does not violate the Constitution. As written, the bill expresses a gender preference for receipt of these benefits, which is contrary to the equal protection clause in the Constitution. By making the bill gender neutral, this provision removes any question of constitutionality.

My concern is that programs that encourage fatherhood—active involvement in the life of children, then diminish the importance of the entire family as a unit. We certainly need to encourage more men to get involved in their families, and I support any effort that makes special efforts to do so.

However, I do not encourage such efforts when they diminish the importance of the mother and the entire family unit in raising and caring for a child. A child needs the support of an entire family—mother, father, grandparents, the entire extended family. The Mink Amendment addresses this concern by making the bill gender neutral, also by encouraging the reunification of the family, the entire family.

I urge my Colleagues to support this amendment because it is pro-family. If we are a Congress committed to the idea of supporting the American family, then this should be a welcome change.

The CHAIRMAN. All time for general debate has expired.

In lieu of the amendment recommended by the Committee on Ways and Means printed in the bill, it shall be a substitute as follows, in order to comply with the original purpose of amendment under the 5-minute rule an amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1, modified by the amendment printed in Part A of House Report 106-463. That amendment in the nature of a substitute shall be considered as read.

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

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Fatherhood Grants Act of 1999.”

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

Sec. 1. Short title; table of contents.

TITLE I—FATHERHOOD GRANT PROGRAM

Sec. 101. Fatherhood grants.

TITLE II—FATHERHOOD PROJECTS OF NATIONAL SIGNIFICANCE

Sec. 201. Fatherhood projects of national significance.
“(i) a father of a child who is, or within the past 24 months has been, a recipient of assistance or services under a State program funded under this part;

(ii) a mother, including an expectant or married father, whose income (net of court-ordered child support) is less than 100 percent of the poverty line (as defined in section 672(a) of the Social Security Act of 1965, including any revision required by such section, applicable to a family of the size involved);

(iii) such lesser percentage as the Secretary deems appropriate (which shall be not less than 10 percent) of such amount, if the application demonstrates that there are circumstances that limit the ability of the entity to raise funds or obtain resources.

(2) CONSIDERATION OF APPLICATIONS BY INTERAGENCY PANELS.—

(A) FIRST PANEL.—

(I) ESTABLISHMENT.—There is established a panel to be known as the ‘`Fatherhood Grants Recommendations Panel’ (in this subparagraph referred to as the ‘Panel’).

(II) MEMBERSHIP.—

(aa) 2 members of the Panel shall be appointed by the Chairperson of the Committee on Ways and Means of the House of Representatives.

(bb) 2 members of the Panel shall be appointed by the Secretary of Labor.

(cc) 2 members of the Panel shall be appointed by the Committee on Ways and Means of the House of Representatives.

(dd) 1 member of the Panel shall be appointed by the Secretary of Labor.

(ee) 2 members of the Panel shall be appointed by the Chairperson of the Committee on Finance of the Senate.

(ff) 1 member of the Panel shall be appointed by the ranking minority member of the Committee on Ways and Means of the House of Representatives.

(ii) CONFLICTS OF INTEREST.—An individual shall not be eligible to serve on the Panel if such service would pose a conflict of interest for the individual.

(iii) TIMING OF APPOINTMENTS.—The appointment of members to the Panel shall be completed not later than March 1, 2000.

(iv) DUTIES.—

(I) REVIEW AND MAKE RECOMMENDATIONS ON PROJECT APPLICATIONS.—The Panel shall review all applications submitted pursuant to paragraph (1), and make recommendations to the Secretary regarding which applicants should be awarded grants under this subsection. The Secretary shall make payments of funds under this paragraph to the entity that the entity will help participate in or provide for the life of the Panel.

(2) CONTRIBUTION ON COMPENSATION.—Members of the Panel may not receive pay, allowances, or benefits by reason of their service on the Panel.

(3) TRAVEL EXPENSES.—Each member of the Panel shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(vii) MEETINGS.—The Panel shall meet as often as is necessary to complete the business of the Panel.

(viii) CHAIRPERSON.—The Chairperson of the Panel shall be designated by the Secretary at the time of appointment.

(x) OBTAINING OFFICIAL DATA.—The Panel may obtain, at the cost of the entity that the entity will help participate in or provide for the life of the Panel, the head of the department or agency shall furnish that information to the Panel.

(ii) MAIL.—The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(xvi) MAIL.—The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(xvii) EFFECTIVE DATE.—This section shall take effect on September 1, 2001.

(3) MATCHING GRANTS.—

(I) IN GENERAL.—The Secretary shall award matching grants, on a competitively basis, among entities submitting applications therefor which meet the requirements of paragraph (1), in amounts that take into account the written commitments referred to in paragraph (1)(D).

(ii) TIMING.—

(I) FIRST ROUND.—On October 1, 2000, the Secretary shall award not more than $70,000,000 in matching grants after considering the recommendations submitted pursuant to paragraph (2)(A)(iii)(I).

(II) SECOND ROUND.—On October 1, 2001, the Secretary shall award not more than $70,000,000 in matching grants after considering the recommendations submitted pursuant to paragraph (2)(B)(ii).

(iii) NONDISCRIMINATION.—The provisions of this section shall be applied and administered so as to ensure that mothers, expectant mothers, and married mothers are eligible to receive matching grants under this section and that benefits and services under projects and programs are available in an equal manner to married mothers, expectant mothers, and married fathers.

(iv) PREFERENCES.—In determining which entities to which award grants under this subsection, the Secretary shall give preference to an entity in the extent that the application submitted by the entity describes actions that the entity will take that are designed to encourage or facilitate the payment of child support, including, but not limited to—

(I) obtaining agreements with the State in which the project will be carried out under which the State will pay the full or partial cost of child support enforcement and the State will enforce, under the terms of such agreements, the payment of such support; and

(II) obtaining written agreements with the State in which the project will be carried out under which the State will pay the full or partial cost of child support enforcement, and the State will enforce, under the terms of such agreements, the payment of such support;

(III) obtaining agreements with the State in which the project will be carried out under which the State will pay the full or partial cost of child support enforcement, and the State will enforce, under the terms of such agreements, the payment of such support;

(IV) obtaining written agreements with the State in which the project will be carried out under which the State will pay the full or partial cost of child support enforcement, and the State will enforce, under the terms of such agreements, the payment of such support;

(v) OBTAINING WRITTEN AGREEMENTS.—The provisions of this section shall be applied and administered so as to ensure that mothers, expectant mothers, and married mothers are eligible to receive matching grants under this section and that benefits and services under projects and programs are available in an equal manner to married mothers, expectant mothers, and married fathers.

(vi) PREFERENCES.—In determining which entities to which award grants under this subsection, the Secretary shall give preference to an entity in the extent that the application submitted by the entity describes actions that the entity will take that are designed to encourage or facilitate the payment of child support, including, but not limited to—

(I) obtaining agreements with the State in which the project will be carried out under which the State will pay the full or partial cost of child support enforcement and the State will enforce, under the terms of such agreements, the payment of such support; and

(II) obtaining written agreements with the State in which the project will be carried out under which the State will pay the full or partial cost of child support enforcement, and the State will enforce, under the terms of such agreements, the payment of such support;
with other private and governmental agencies, including the State or local program funded under this part, the local Workforce Investment Board, the State or local program funded under part D, and the State or local program funded under part E, which should include a description of the services each such agency will provide to fathers participating in the project described in the application.

(iii) to the extent that the application describes a project that will enroll a high percentage of project participants within 6 months before or after the birth of the child; or

(iv) to the extent that the application sets forth clear and practical methods by which fathers will be recruited to participate in the project.

(C) Minimum Percentage of Recipients of Grant Funds to Be Nongovernmental (Including Faith-Based) Organizations.—Not less than 75 percent of the entities awarded grants under this subsection in each fiscal year (other than entities awarded such grants pursuant to subparagraph (A)) shall be awarded to—

(i) nongovernmental (including faith-based) organizations; or

(ii) governmental organizations that pass through to organizations referred to in clause (i) at least 50 percent of the amount of the grant.

(D) Variety of Projects.—

(i) In General.—In determining which entities to which to award grants under this subsection, the Secretary shall attempt to achieve a balance among entities of differing sizes, entities in differing geographic areas, entities in urban versus rural areas, and entities employing differing methods of achieving the purposes of this section.

(ii) Congress.—Within 90 days after each award of grants under subclause (i) or (ii) of subparagraph (A)(ii), the Congress shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a brief report on the diversity of projects selected to receive funds under the grant program. The report shall include a comparison of funding for projects located in urban areas, projects located in suburban areas, and projects located in rural areas.

(E) Limitation on Expenditures.—

(i) In General.—Grants made available pursuant to this section shall be used only for the purposes described in subsection (a) of this part, and the amounts made available shall remain available until the end of the 5th fiscal year ending after the initial grant award.

(ii) Authority of Agencies to Exchange Grants.—The amounts made available under this subsection shall be awarded to the Secretary an amount equal to the amount of grant funds received under this subsection with the requirements of this section.

(iii) Grant Funds.—The amounts made available pursuant to paragraph (A)(ii) shall be awarded to—

(1) for the evaluation of the projects for the evaluation, the Secretary shall assess, among other outcomes selected by the Secretary, effects of the projects on the basis of changed economic circumstances of the families, including the State or local program described in subsection (a)(2).''.

(2) Authority to Exchange Grant Funds.—

(a) Fundings.—Section 403(a)(1)(E) of such Act (42 U.S.C. 604a) is amended by inserting ''and for fiscal years 2000 through 2006, such sums as are necessary to carry out section 403A before the period.

(b) Appropriations.—

(1) In General.—An agency administering a program funded under this part or a State plan approved under part D which has received cash payments under a State program funded under section 403, the State may distribute the amount collected pursuant to section 464 that would otherwise be retained as reimbursement for assistance to any entity to which funds have been provided pursuant to section 403A of the Social Security Act (42 U.S.C. 657(a)(2)(B)(iv)) is amended—

(1) by inserting ''the following:'' after ''this section'';

(2) by adding at the end the following:

''(A) The amount is collected on behalf of a family that includes a child of a participant in a project funded under section 403A who has ceased to receive cash payments under a State program funded under section 403, then the State shall pay the amount to the Secretary, and the aggregate of the amounts otherwise required by this section to be paid by the State to the Federal government shall be reduced by an amount equal to the State share of the amount collected pursuant to section 464 that would otherwise be retained as reimbursement for assistance paid to the family.''

(3) Application of Charitable Choice Provisions of Welfare Reform.—Section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 604a) is amended by adding at the end the following:

''(ii) Notwithstanding the preceding provisions of this section, the section shall apply to any entity to which funds have been provided under section 403A of the Social Security Act in the same manner in which this section applies to States, and, for purposes of this section, any project for which such funds are so provided shall be considered a project described in paragraph (B(ii)) of this subsection.''

(b) Limitation on Expenditures of Other Provisions of This Part.—Sections 404 through 410 shall not apply to any provision of this Act, to amounts paid under this section, and shall not be subject to the limitations of other provisions of this Act.''

II.—FATHERHOOD PROJECTS OF NATIONAL SIGNIFICANCE

SEC. 201. FATHERHOOD PROJECTS OF NATIONAL SIGNIFICANCE.

Section 403A of the Social Security Act, as added by title I of this Act, is amended by adding at the end the following:

"Title II: Fatherhood Projects of National Significance

Subtitle A: General Provisions

Section 201. Fatherhood Projects of National Significance.

Section 403A of the Social Security Act, as added by this title, is amended by adding at the end the following:
"(C) Fatherhood Projects of National Significance.—

"(1) National clearinghouse.—The Secretary shall award a $5,000,000 grant to a nationally recognized, nonprofit organization, or coalitions of such organizations, to develop and operate a national clearinghouse which shall include the production and successful placement of television, radio, and print public service announcements which promote the involvement of fathers in the child-rearing process. The organization shall develop a program which focuses on extending child-rearing knowledge, and shall develop a plan for skill development programs with an emphasis on promoting married fatherhood as the ideal.

"(A) develop, promote, and distribute to interested States, local governments, public agencies, and private nonprofit organizations, including charitable and religious organizations, a media campaign that encourages the appropriate involvement of both parents in the life of any child of the parents, and encourages such organizations to develop or sponsor programs that specifically address the issue of responsible fatherhood and the advantages conferred on children by marriage.

"(B) develop a national clearinghouse to assist States, communities, and private entities in promoting the roles of marriage and responsible fatherhood by collecting, evaluating, and making available (through the Internet and by other means) to all interested content and information regarding media campaigns and fatherhood programs;

"(C) develop and distribute materials that are for use by entities described in subparagraphs (A) and (B) and that list all the sources of public support for education and training that are available to young adults, including government spending programs as well as benefits under Federal and State tax laws.

"(2) Multicity fatherhood projects.—

"(A) In general.—The Secretary shall award a $5,000,000 grant to each of 2 nationally recognized nonprofit fatherhood promotion organizations which meet the requirements of paragraph (B) and that have experience in using married couples to deliver program services in the inner city.

"(B) Requirements.—The requirements of this subparagraph are the following:

"(i) The organization must have several years of experience in designing and conducting programs that meet the purposes described in paragraph (A).

"(ii) The organization must have experience in simultaneously conducting such programs in more than 1 major metropolitan area and in designing such programs with local government agencies and private, non-profit agencies, including State or local agencies responsible for conducting the programs under part D and Workforce Investment Boards.

"(iii) The organization must submit to the Secretary a description of programs that meet the conditions applicable to the organization under this section and that provides for projects to be conducted in 3 major metropolitan areas.

"(C) Use of married couples to deliver services in the inner city.—The requirement of this subparagraph is that the organization must have experience in using married couples to deliver program services in the inner city.

"(3) Payment of grants in equal annual installments.—During each of fiscal years 2002 through 2005, the Secretary shall provide to each entity awarded a grant under this subsection an amount equal to 1/4 of the amount of the grant.

"(4) Funding.—

"(A) In general.—Of the amounts made available pursuant to section 408(a)(3)(E) to carry out this section, $3,750,000 shall be made available for grants under this subsection for each of fiscal years 2002 through 2005.

"(B) Availability.—The amounts made available pursuant to subparagraph (A) shall remain available until the end of fiscal year 2005.

"TITLE III—WELFARE-TO-WORK PROGRAM

SEC. 301. FLEXIBILITY IN ELIGIBILITY FOR PARTICIPATION IN WELFARE-TO-WORK PROGRAM.

(a) In general.—Section 403(a)(5)(C)(i) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(i)) is amended as follows:

"(iii) General eligibility.—An entity that operates a project with funds provided under this paragraph may expend funds provided to the project for the benefit of recipients of assistance under the program funded under this part of the State in which the entity is located who—

"(I) has received assistance under the State program funded under this part of the State and is pursuing work or education necessary to become eligible for assistance under the State program for at least 30 months (whether or not consecutive); or

"(ii) within 12 months, will become ineligible for assistance under the State program funded under this part of the State for at least 30 months (whether or not consecutive); or

"(aa) A description of the services to be provided under this paragraph, and a commitment by the noncustodial parent to cooperate, at the earliest opportunity, in the establishment of the paternity of the minor child, through voluntary acknowledgment or other procedures, and in the establishment of a child support order.

"(bb) A commitment by the noncustodial parent to cooperate in the payment of child support for the minor child, which may include a modification of an existing support order to take into account the ability of the noncustodial parent to pay such support and to participate in the payment of such support in the project.

"(cc) A commitment by the noncustodial parent to participate in employment or related activities that will enhance the noncustodial parent's ability to support the minor child, and which, at a minimum, includes the following:

"(dd) A description of the services to be provided under this paragraph, and a commitment by the noncustodial parent to participate in such services, that are designed to assist the noncustodial parent obtain and retain employment, increase earnings, and enhance the financial and emotional contributions to the well-being of the minor child.

"In order to protect custodial parents and children who may be at risk of domestic violence, the preceding provisions of this subclause shall not be construed to affect any other provision of law requiring a custodial parent to cooperate in establishing the paternity of a child or establishing or enforcing a support order with respect to a child, or entitling a custodial parent to refuse, for good cause, to provide such cooperation as a condition of assistance or benefit under any program, shall not be construed to require such cooperation by the custodial parent as a condition of participation of any active child in the program authorized under this paragraph, and shall not be construed to require a custodial parent to cooperate with or participate in any activity or program authorized under this program, and which, at a minimum, includes the following:

"(ee) A commitment by the noncustodial parent to participate in employment or related activities that will enhance the noncustodial parent's ability to support the minor child, and which, at a minimum, includes the following:

"(ff) A description of the services to be provided under this paragraph, and a commitment by the noncustodial parent to participate in such services, that are designed to assist the noncustodial parent obtain and retain employment, increase earnings, and enhance the financial and emotional contributions to the well-being of the minor child.

"In order to protect custodial parents and children who may be at risk of domestic violence, the preceding provisions of this subclause shall not be construed to affect any other provision of law requiring a custodial parent to cooperate in establishing the paternity of a child or establishing or enforcing a support order with respect to a child, or entitling a custodial parent to refuse, for good cause, to provide such cooperation as a condition of assistance or benefit under any program, shall not be construed to require such cooperation by the custodial parent as a condition of participation of any active child in the program authorized under this paragraph, and shall not be construed to require a custodial parent to cooperate with or participate in any activity or program authorized under this program, and which, at a minimum, includes the following:

"(gg) A commitment by the noncustodial parent to participate in employment or related activities that will enhance the noncustodial parent's ability to support the minor child, and which, at a minimum, includes the following:

"(hh) A description of the services to be provided under this paragraph, and a commitment by the noncustodial parent to participate in such services, that are designed to assist the noncustodial parent obtain and retain employment, increase earnings, and enhance the financial and emotional contributions to the well-being of the minor child.

"In order to protect custodial parents and children who may be at risk of domestic violence, the preceding provisions of this subclause shall not be construed to affect any other provision of law requiring a custodial parent to cooperate in establishing the paternity of a child or establishing or enforcing a support order with respect to a child, or entitling a custodial parent to refuse, for good cause, to provide such cooperation as a condition of assistance or benefit under any program, shall not be construed to require such cooperation by the custodial parent as a condition of participation of any active child in the program authorized under this paragraph, and shall not be construed to require a custodial parent to cooperate with or participate in any activity or program authorized under this program, and which, at a minimum, includes the following:

"(ii) A description of the services to be provided under this paragraph, and a commitment by the noncustodial parent to participate in such services, that are designed to assist the noncustodial parent obtain and retain employment, increase earnings, and enhance the financial and emotional contributions to the well-being of the minor child.
Section 302. Limited Vocational Educational and Job Training Included as Allowable Activity

Section 302. Certain Grantees Authorized to Provide Employment Services Exclusively

Section 303. Certain Grantees Authorized to Provide Employment Services Exclusively

Section 304. Simplification and Coordination of Reporting Requirements.

(a) Elimination of Current Requirements—Section 431(a)(1)(A) of the Social Security Act (42 U.S.C. 611(a)(1)(A)) is amended—

(1) by striking “in the matter preceding clause (ii), by inserting “, or if the entity is not a private industry council or workforce investment board, by striking the direct provision of such services” before the period.

(b) Reporting Requirement—Section 431(a)(5)(C)(iii) of the Social Security Act (42 U.S.C. 611(a)(1)(A)(ii)) is amended by inserting “the direct provision of such services” before the period.

(c) Effective Date—The amendments made by this section shall take effect on October 1, 1999.

Section 401. Alternative Penalty Procedures Related to State Disbursement Units

(a) In General—Section 454(a) of the Social Security Act (42 U.S.C. 659a) is amended by adding after the period the following:

(5) (iii) (A) and (B)(i) of section 454(27) during a fiscal year, the amount otherwise payable to the State under paragraph (1)(A) of this subsection is reduced under paragraph (4) of this subsection for failure to comply with subparagraph (A) of section 454(24)(A)."

(b) Inapplicability of Penalty Under TANF Program—Section 401(a)(8)(A)(ii)(II) of such Act (42 U.S.C. 673(a)(8)(A)(ii)(II)) is amended by striking “section 454(24)” and inserting “paragraph (24), or subparagraph (A) or (B)(i) of paragraph (27), of section 454”.

(c) Effective Date—The amendments made by this section shall take effect on October 1, 1999.

Title VII—Financing Provisions

Section 501. Use of New Hire Information to Assist in Collection of Defaulted Student Loans and Grants.

(a) In General—Section 455(j) of the Social Security Act (42 U.S.C. 653(j)) is amended by adding after the period the following:

(6) “Information comparisons and disclosure for enforcement of obligations on higher education act loans and grants—Such information descriptions and disclosure for enforcement of obligations on higher education act loans and grants—The Secretary of Education shall furnish to the Secretary, on
a quarterly basis or at such less frequent intervals as may be determined by the Secretary of Education, information in the custody of the Secretary of Education for comparison with the State Directory of New Hires, in order to obtain the information in such directory with respect to individuals who—

(i) are borrowers of loans made under title IV of the Higher Education Act of 1965 that are in default; or

(ii) owe an obligation to refund an overpayment of a grant awarded under such title.

(B) REQUIREMENT TO SEEK MINIMUM INFORMATION NECESSARY.—The Secretary of Education shall seek information pursuant to this section only to the extent essential to improving collection of the debt described in subparagraph (A).

(i) INFORMATION COMPARISON; DISCLOSURE TO THE SECRETARY OF EDUCATION.—The Secretary, in cooperation with the Secretary of Education, shall compare information in the National Directory of New Hires with information in the custody of the Secretary of Education, and disclose information in that Directory of New Hires to the Secretary of Education in accordance with this paragraph, for the purposes specified in this paragraph.

(ii) CONDITION ON DISCLOSURE.—The Secretary may disclose information in accordance with clause (i) only to the extent that the Secretary determines that such disclosures do not interfere with the effective operation of the program under this part. Support collection under section 460(b) shall be given priority over collection of any defaulted student loan or grant overpayment against the same income.

(D) USE OF INFORMATION BY THE SECRETARY OF EDUCATION.—The Secretary of Education shall use information resulting from a data match pursuant to this paragraph only—

(i) for the purpose of collection of the debt described in subparagraph (A) owed by an individual whose annualized wage level (determined by taking into consideration information from the National Directory of New Hires) exceeds $16,000 and

(ii) after removal of personal identifiers, to conduct analyses of student loan defaults.

(E) DISCLOSURES OF INFORMATION BY THE SECRETARY OF EDUCATION.—

(i) DISCLOSURES PERMITTED.—The Secretary of Education may disclose information resulting from a data match pursuant to this paragraph only to—

(I) a guaranty agency holding a loan made under part B of title IV of the Higher Education Act of 1965 on which the individual is obligated;

(II) a contractor or agent of the guaranty agency described in subclause (I);

(III) an attorney or agent of the Secretary; and

(IV) the Attorney General.

(ii) PURPOSE OF DISCLOSURE.—The Secretary of Education may make disclosure under clause (i) only for the purpose of collection of the debts owed on defaulted student loans, or overpayments of grants, made under title IV of the Higher Education Act of 1965.

(iii) RESTRICTION ON REDISCLOSURE.—An entity to which information is disclosed under clause (i) may not disclose such information only as needed for the purpose of collecting on defaulted student loans, or overpayments of grants, made under title IV of the Higher Education Act of 1965.

(F) REIMBURSEMENT OF HIS COSTS.—The Secretary of Education shall reimburse the Secretary, in accordance with subsection (k), normal costs incurred by the Secretary in furnishing the information requested under this subparagraph.

(b) PENALTIES FOR MISUSE OF INFORMATION.—Section 402(a) of the Child Support Performance and Incentive Act of 1998 (112 Stat. 669) is amended in the matter added by section 402(a) of such Act by striking subparagraph (E) and redesignating subparagraphs (F) through (K) (as added by section 303(a)(2) of this Act) as subparagraphs (E) through (J), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective October 1, 1999.

SEC. 502. ELIMINATION OF SET-ASIDE OF FEDERAL MATCH-FUNDING FUNDS FOR SUCCESSFUL PERFORMANCE BONUS.

(a) IN GENERAL.—Section 403(a)(5) of the Social Security Act (42 U.S.C. 630(a)(5)) is amended by striking subparagraph (E) and inserting "subparagraph (F)"

(b) CONFORMING AMENDMENTS.—

(1) Section 403(a)(5)(A)(i) of such Act (42 U.S.C. 630(a)(5)(A)(i)) is amended by striking "subparagraph (I)" and inserting "subparagraph (H)".

(2) Subclause (I) of each of subparagraphs (A)(iv) and (B)(v) of section 403(a)(5) of such Act (42 U.S.C. 630(a)(5)(A)(iv) and (B)(v)) is amended—

(A) in item (aa)—

(i) by striking "(ii)" and inserting "(H)"; and

(ii) by striking "(G), and (H)" and inserting "and (G)"; and

(B) in item (bb), by striking "(F) and inserting (E)".

(3) Section 403(a)(5)(B)(iv) of such Act (42 U.S.C. 630(a)(5)(B)(iv)) is amended in the matter preceding subclause (I) by striking "(ii)" and inserting "(H)".

(4) Subparagraphs (E) and (F) of section 403(a)(5) of such Act (42 U.S.C. 630(a)(5)(F) and (G)), as so redesignated by subsection (a) of this section, are amended by striking "(I) and inserting "(H)".

(5) Section 412(a)(3)(A) of such Act (42 U.S.C. 612(a)(3)(A)) is amended by striking "403(a)(5)(H)" and inserting "403(a)(5)(H)".

(c) FUNDING AMENDMENT.—Section 403(a)(5)(H)(i) of such Act (42 U.S.C. 630(a)(5)(H)(i)), as so redesignated by section 403(a)(5)(H) of such Act (42 U.S.C. 630(a)(5)(H)), is amended in the matter following "$1,500,000,000" and all that follows and inserting "for grants under this paragraph—

(I) $1,500,000,000 for fiscal year 1998; and

(II) $1,400,000,000 for fiscal year 1999."

TITLE VI—MISCELLANEOUS

SEC. 601. CHANGE DATES FOR EVALUATION.

(a) IN GENERAL.—Section 474(a)(3) of the Social Security Act (42 U.S.C. 674(a)(3)) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(2) by inserting after subparagraph (B) the following:

(C) 75 percent of so much of such expenditures as are for the short-term training (including cross-training with personnel employed by or under contract with the State or local agency administering the plan in the political subdivision, training on topics relevant to the legal representation of clients in proceedings conducted by or under the supervision of an abuse and neglect court, and training on related topics such as child development and the importance of achieving safety, permanency, and well-being for a child) of judges, judicial personnel, law enforcement personnel, agency attorneys, attorneys representing a parent in proceedings conducted by, or under the supervision of, an abuse and neglect court, attorneys representing a child in such proceedings, guardians ad litem, and volunteers who participate in court-appointed special advocate programs, to the extent the training is related to the court’s role in expediting adoption procedures, implementing reasonable efforts, and providing for timely permanency planning, and case reviews, except that such training shall be offered by the State or local agency administering the plan, either directly or through contract, in collaboration with the appropriate judicial governing body operating in the State.

(b) DEFINITIONS.—Section 475 of such Act (42 U.S.C. 675) is amended by adding at the end the following:

(8) The term ‘abuse and neglect courts’ means the State and local courts that carry out State or local laws requiring proceedings (conducted by or under the supervision of the courts)—

(A) that implement part B or this part, including rulings on preliminary disposition of such proceedings;

(B) that determine whether a child was abused or neglected;

(C) that determine the advisability or appropriateness of placement in a family foster home, group home, or a special residential care facility; or

(D) that determine any other legal dis-
"(9) The term `agency attorney' means an attorney or other individual, including any government attorney, district attorney, attorney general, State attorney, county attorney, or attorney corporation counsel, or privately retained special prosecutor, who represents the State or local agency administering the programs under part A of title IV of the Social Security Act (42 U.S.C. 673(a)(6)(B)) is amended by striking "474(a)(3)(E)" and inserting "474(a)(3)(F)"."

"Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 1999.

SEC. 607. IMMIGRATION PROVISIONS.

(a) Nonimmigrant aliens ineligible to receive visas and excluded from admission for nonpayment of child support.—

(1) In general.—Section 212(a)(10) and (a)(19) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10) and (a)(19)) is amended by inserting at the end the following:

``(c) Authorization to serve legal process in child support cases on certain arriving aliens.—

(1) In general.—Section 212(a)(10) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)) is amended by striking "subsection (a)(3)(D)."

(2) Nonpayment of child support.—

``(D) The term `attorney representing a nonimmigrant alien' means an attorney or other individual, including an attorney corporation counsel, or a privately retained special prosecutor, who represents a nonimmigrant alien in a proceeding conducted by, or under the supervision of, an abuse and neglect court.""

"The CHAIRMAN. No amendment to that amendment shall be in order except those printed in Part B of the report. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered nondebatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

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

Mr. GOODLING asked and was given permission to speak out of order for 1 minute.)"
“(I) promote successful parenting through counseling, mentoring, disseminating information about good parenting practices, including family planning, training parents in money management, encouraging visitation between a custodial parent and their children, and other methods; 

“(II) help parents in their marriages through counseling, mentoring, and teaching how to control aggressive methods, and other methods; 

“(b) Parent Grants. 

“(I) Applications. An entity desiring a grant to carry out a project described in subsection (a) may submit to the Secretary an application that contains the following: 

“(A) A description of the project and how the project will be carried out. 

“(B) A description of how the project will address all of the purposes of this section. 

“(C) A description by the entity that the project will allow an individual to participate in the project only if the individual is: 

“(i) a parent of a child who is, or within the past 24 months has been, a recipient of assistance or services under a State program funded under this part; or 

“(ii) a parent, including an expectant parent, whose income is less than 150 percent of the poverty line (as defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section, applicable to a family of the size involved). 

“(D) A written commitment by the entity that the entity will provide for the project, from funds obtained from non-federal sources (other than funds which are counted as qualified State expenditures for purposes of section 409(a)(7)), amounts (including in-kind contributions) equal in value to— 

“(i) 20 percent of the amount of any grant made under this subsection; or 

“(ii) such lesser percentage as the Secretary deems appropriate (which shall be not less than 10 percent) of such amount, if the applicant shows that there are circumstances that limit the ability of the entity to raise funds or obtain resources. 

“(2) Consideration of Applications by Interagency Panel. 

“(A) First panel. 

“(I) Establishment. There is established a panel to be known as the ‘Parent Grants Recommendation Panel’ (in this subpart referred to as the ‘Panel’). 

“(II) Membership. 

“(aa) The Panel shall be composed of 10 members, as follows: 

“(bb) 1 member of the Panel shall be appointed by the Secretary. 

“(cc) 2 members of the Panel shall be appointed by the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate. 

“(dd) 2 members of the Panel shall be appointed by the Chairman of the Committee on Education and the Workforce of the House of Representatives. 

“(ee) 2 members of the Panel shall be appointed by the Chairman of the Committee on Education, Workforce, and Labor of the House. 

“(ff) 2 members of the Panel shall be appointed by the ranking member of the Committee on Health, Education, Labor, and Pensions of the Senate. 

“(III) Conflicts of Interest. An individual shall not be eligible to serve on the Panel if such service would pose a conflict of interest for the individual. 

“(IV) Timing of Appointments. The appointment of members to the Panel shall be completed not later than March 1, 2001. 

“(V) Duties. 

“(I) Review and make recommendations on project applications. The Panel shall review all applications submitted pursuant to paragraph (1), and make recommendations to the Secretary regarding which applicants should be funded under this subsection, with due regard for the provisions of paragraph (3), but shall not recommend that a project be awarded such a grant if the application describing the project does not attempt to meet the requirement of paragraph (1)(B). 

“(II) Timing. The Panel shall make such recommendations not later than September 1, 2000. 

“(IV) Term of Office. Each member appointed to the Panel shall serve for the life of the Panel. 

“(V) Prohibition on Compensation. Members of the Panel may not receive pay, allowances, or benefits by reason of their service on the Panel. 

“(VI) Travel Expenses. Each member of the Panel shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code. 

“(VII) Meetings. The Panel shall meet as often as is necessary to complete the business of the Panel. 

“(VIII) Chairperson. The Chairperson of the Panel shall be designated by the Secretary at the time of appointment. 

“(IX) Staff of Federal Agencies. The Secretary may detail any personnel of the Department of Health and Human Services and the Secretary of Labor may detail any personnel of the Department of Labor to the Panel to assist the Panel in carrying out its duties under this subparagraph. 

“(X) Obtaining Official Data. The Panel may secure directly from any department or agency of the United States information necessary to enable it to carry out this paragraph. On request of the Chairperson of the Panel, the head of the department or agency shall furnish that information to the Panel. 

“(XI) Mails. The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States. 

“(XII) Termination. The Panel shall terminate on September 1, 2001. 

“(B) Second Panel. 

“(I) Establishment. Effective January 1, 2001, there is established a panel to be known as the ‘Parent Grants Recommendation Panel’ (in this subpart referred to as the ‘Panel’). 

“(II) Membership. 

“(I) In General. The Panel shall be composed of 10 members, as follows: 

“(aa) 1 member of the Panel shall be appointed by the Secretary. 

“(bb) 1 member of the Panel shall be appointed by the Chairman of the Committee on Education and the Workforce of the House of Representatives. 

“(cd) 2 members of the Panel shall be appointed by the ranking minority member of the Committee on Education and the Workforce of the House of Representatives. 

“(ee) 2 members of the Panel shall be appointed by the Chairman of the Committee on Education, Workforce, and Labor of the House. 

“(ff) 2 members of the Panel shall be appointed by the ranking member of the Committee on Health, Education, Labor, and Pensions of the Senate. 

“(II) Timing. The Panel shall make such recommendations not later than September 1, 2001. 

“(III) Term of Office. Each member appointed to the Panel shall serve for the life of the Panel. 

“(IV) Prohibition on Compensation. Members of the Panel may not receive pay, allowances, or benefits by reason of their service on the Panel. 

“(V) Travel Expenses. Each member of the Panel shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code. 

“(VI) Meetings. The Panel shall meet as often as is necessary to complete the business of the Panel. 

“(VII) Chairperson. The Chairperson of the Panel shall be designated by the Secretary at the time of appointment. 

“(VIII) Staff of Federal Agencies. The Secretary may detail any personnel of the Department of Health and Human Services and the Secretary of Labor may detail any personnel of the Department of Labor to the Panel to assist the Panel in carrying out its duties under this subparagraph. 

“(IX) Obtaining Official Data. The Panel may secure directly from any department or agency of the United States information necessary to enable it to carry out this paragraph. On request of the Chairperson of the Panel, the head of the department or agency shall furnish that information to the Panel. 

“(X) Mails. The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States. 


“(XII) Grant Awards. 

“(I) In General. The Secretary shall award matching grants, on a competitive basis, to one or more entities under this section, with due regard for the provisions of paragraph (1), in amounts that take into account the written commitments referred to in paragraph (1)(D). 

“(II) Timing. 

“(I) First Round. On October 1, 2000, the Secretary shall award not more than $30,000,000 in matching grants considering the recommendations submitted pursuant to paragraph (2)(A)(iii). 

“(II) Second Round. On October 1, 2001, the Secretary shall award not more than $70,000,000 in matching grants considering the recommendations submitted pursuant to paragraph (2)(B)(iii). 

“(XIII) Nonmonetary Assistance. The provisions of this section shall be applied and administered so as to ensure that both mothers and
expectant mothers and fathers and expectant fathers are eligible for benefits and services under projects awarded grants under this subsection.

(2) REFERRAL.—In determining which entities to award grants under this subsection, the Secretary shall give preference to an entity—

(i) the extent that the application submitted by the entity describes actions that the entity will take that are designed to encourage the participation of those entities that are eligible to participate in projects receiving grants under this subsection, and may use the grant funds to support community wide initiatives to address the purposes of this section.

(3) NONDISPLACEMENT.—

(i) IN GENERAL.—Each adult in a work activity described in section 407(d) which is funded, in whole or in part, by funds provided under this subsection shall not be employed or assigned the purposes of this section.

(ii) when any other individual is on layoff from the same or any substantially equivalent job; or

(iii) if the employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy so created with such a worker.

(4) RULE OF CONSTRUCTION ON MARRIAGE.—

``(A) IN GENERAL.—Each entity to which a grant is awarded under this subsection shall remit to the State an amount equal to the State share of such passed through amounts paid as grants under this section shall not be employed or assigned the purposes of this section.

(B) DIVERSITY OF PROJECTS.—In determining projects for the evaluation, the Secretary shall attempt to award grants to nongovernmental (including faith-based) organizations, including State or local programs funded under this part D, the local Workforce Investment Board, and the State or local program that, in the aggregate, will provide to parents participating in the project described in the application.

(5) RULE OF CONSTRUCTION.—

``(A) IN GENERAL.—The Secretary shall establish and maintain a grievance procedure for resolving complaints of alleged violations of clause (i) by private entities.

``(B) AVAILABILITY.—

``(i) GRANT FUNDS.—The amounts made available pursuant to subparagraph (A)(ii) shall remain available until the end of fiscal year 2005.

``(ii) FUNDING.—The amounts made available pursuant to subparagraph (A)(iii) shall remain available until the end of fiscal year 2005.

``(c) AUTHORITY TO STATES TO PASS THROUGH ARREARAGES COLLECTED THROUGH TAX REFUND INTERCEPT TO FAMILIES WHO HAVE CEASED TO RECEIVE CASH AS- SISTANCE; FEDERAL REIMBURSEMENT OF STATE SHARE OF SUCH PASSED THROUGH AR- REARAGES.—Section 475(a)(2)(B)(iv) of such Act (42 U.S.C. 675(a)(2)(B)(iv)) is amended by adding at the end the following:

``(E) REMISSION OF MARRIAGE FUNDING.—Each entity to which a grant has been awarded under this subsection shall remit to the Secretary all amounts paid under the grant that remain after both the fiscal year ending after the initial grant award.

(6) AUTHORITY OF STATE AGENCIES TO EXCHANGE INFORMATION.—Each agency administering a State program funded under part D may share the name, address, and telephone number of parents for purposes of assisting parents in locating or retaining custody of children who have been assigned to participate in projects receiving grants under this title, and in contacting parents potentially eligible to participate in the projects, subject to all applicable privacy laws.

(7) EVALUATION.—The Secretary, in consultation with the Secretary of Labor, shall, directly or by grant, contract, or interagency agreement, conduct an evaluation of projects funded under this section (other than under subsection (c)(ii)) of the purposes of this section, the effects of the projects on parenting, employment, earnings, payment of child support, and marriage. In se- lection of projects for evaluation, the Secre- tary shall include projects that, in the Secretary's judgment, are most likely to im- pact the matters described in the purposes of this section.

(8) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this subsection.

(9) LIMITATION ON APPLICABILITY OF OTHER PROVISIONS OF THIS SECTION.—Sections 404 through 410 shall not apply to this section or to amounts paid under this section, and shall not be applied to an entity solely by reason of the receipt of funds pursuant to this section.

(10) FUNDING.—

(A) IN GENERAL.—

(i) I NTERAGENCY PANELS.—Of the amounts made available pursuant to section 403(a)(1)(E) for fiscal years 2000 and 2001, a total of $150,000 shall be made available for the interagency panel established by para- graph (2) of this subsection.

(ii) GRANTS.—Of the amounts made available pursuant to section 403(a)(1)(E), there shall be made available for grants under this subsection—

``(I) $17,500,000 for fiscal year 2001;

``(II) $35,000,000 for each of fiscal years 2002 through 2004; and

``(III) $17,500,000 for fiscal year 2005.

(iii) EVALUATION.—Of the amounts made available pursuant to section 403(a)(1)(E) for fiscal years 2000 and 2001, the total of $6,000,000 shall be made available for the evaluation required by paragraph (6) of this subsection.

``(B) AVAILABILITY.—

``(I) GRANT FUNDS.—The amounts made available pursuant to subparagraph (A)(ii) shall remain available until the end of fiscal year 2005.

``(ii) FUNDING.—The amounts made available pursuant to subparagraph (A)(iii) shall remain available until the end of fiscal year 2005.

(b) FUNDING.—Section 403(a)(1)(E) of such Act (42 U.S.C. 603(a)(1)(E)) is amended by inserting ``, and for fiscal years 2000 through 2004'' after ``, and the total of $6,000,000 shall be made available for'' before ``, and 2006, such sums as are necessary to carry out section 403A'' before the period.

(c) AUTHORITY TO STATES TO PASS THROUGH ARREARAGES COLLECTED THROUGH TAX REFUND INTERCEPT TO FAMILIES WHO HAVE CEASED TO RECEIVE CASH AS- SISTANCE.—Federal Reimbursement of State Share of Such Passed Through Ar- rearages.—Section 457(a)(2)(B)(iv) of such Act (42 U.S.C. 675(a)(2)(B)(iv)) is amended by adding at the end the following:

``(E) REMISSION OF MARRIAGE FUNDING.—Each entity to which a grant is awarded under this subsection shall remit to the Secretary all amounts paid under the grant that remain after both the fiscal year ending after the initial grant award.

(7) AUTHORITY OF STATE AGENCIES TO EX- change Information.—Each agency adminis- tering a State program funded under part D may share the name, address, and telephone number of parents for purposes of assisting parents in locating or retaining custody of children who have been assigned to participate in projects receiving grants under this title, and in contacting parents potentially eligible to participate in the projects, subject to all applicable privacy laws.

(8) EVALUATION.—The Secretary, in con- sultation with the Secretary of Labor, shall, directly or by grant, contract, or inter- agency agreement, conduct an evaluation of projects funded under this section (other than under subsection (c)(2)) of the purposes of this section, the effects of the projects on parenting, employment, earnings, payment of child support, and marriage. In se- lection of projects for evaluation, the Secre- tary shall include projects that, in the Secretary's judgment, are most likely to im- pact the matters described in the purposes of this section.

(9) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this subsection.

(10) LIMITATION ON APPLICABILITY OF OTHER PROVISIONS OF THIS SECTION.—Sections 404 through 410 shall not apply to this section or to amounts paid under this section, and shall not be applied to an entity solely by reason of the receipt of funds pursuant to this section.

The CHAIRMAN. Pursuant to House Resolution 367, the gentleman from Hawaii (Mrs. Mink) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Hawaii (Mrs. Mink).
Mrs. MINK of Hawaii. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise to offer my amendment, which substitutes for the word "father" the word "parent." I think that that is a very important change, which has been offered here in titles I and II.

There is, I believe, a misapprehension that somehow, in enacting the Welfare Reform Act and the welfare-to-work provisions that went along with it, that somehow, the noncustodial part of the family, was neglected and not served and not considered.

In debating the Welfare Reform Act, we had numerous discussions about deadbeat dads and how important it was to enforce the child support provisions, and all the mechanisms that went to that. So there was no neglect of the concerns that fathers had an important part in assuming their parental responsibilities. That is all incorporated in the Welfare Reform Act.

In any event, when the Department of Labor that about 25 percent of the funding has actually gone to the noncustodial parent, to enable that parent to obtain work guidance and all sorts of assistance, transportation to the job and whatever.

So there was no discrimination, no leaving out of the fathers in the formula for consideration of the necessity of responsibility.

The children were, of course, the main object of the legislation. In every case, both the custodial parent and the noncustodial parent were given the options of coming under the program and benefiting from it.

So now we come to this new provision which is described as a fatherhood grant program. I believe that what is assumed by the purpose of this language is that somehow fathers have been left out.

Obviously, we want to do everything we can to assist responsibility in absent fathers to make sure they pay for their child support, to make sure if they want a job, they are counseled and assisted and enabled in every possible way for obtaining a job.

But when we create a new title and we spend $150 million and direct it only to fathers, it seems to me that the concept of family then kind of withers on the vine. When we talk about family, we are talking about a mother and a father.

When we have, on page 4 of this legislation, a provision which says that there must be a written commitment by the entity applying for this grant that will allow an individual to participate only if the individual is a father of a child who is on welfare, or a father whose income is less than 150 percent, it seems to me that we are creating a division which is so unnecessary.

It seems to me that the provisions that come in for this funding will deal with fathers separately than they will with mothers, but it seems to me to create a whole program and declare that only those eligible to participate are fathers is incorrect.

So I have offered this amendment to Title I which expands it, talks about the importance of parents. It talks about the importance of counseling. The original bill that we are debating provides for marriage counseling. I do not know if a marriage counselor will deal with a situation with only one part of the family. They want both parties to come together.

So I think that it makes a lot of sense to recognize the roles and responsibilities of both the fathers and the mothers, and to provide this extra assistance.

It is important to realize that the current law does deal with job funding and all sorts of services in job search and getting ready for work for both the custodial and the noncustodial, so that is not new. What it will create is a whole new bureaucracy for the management of this aspect of the welfare-to-work law which already exists in the Department of Labor.

I would hope that my amendment will be agreed to and that we will provide this advantage for both sides of the family equation.

Mr. ENGLISH. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 10 minutes.

Mr. ENGLISH. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut (Mrs. JOHNSON), the last known chairman of the subcommittee.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong opposition to this amendment. First of all, ironically, in the bill is a reform of the welfare-to-work provisions that is a program whose goal is to reach out to women who have been on welfare for long periods of time, 5, 10, 15 years, and provide the education and training that is essential to help someone like that get into the workforce. For a lot of societal reasons, the great majority of people on welfare are women. Like 92 percent of all the services in the fatherhood bill are already available to women.

Mr. Chairman, all our program does is to level the playing field by making similar services available to men. There may be a number of different laws that would provide for the noncustodial parent the kinds of resources this bill does. And because they are primarily men when we are talking about noncustodial parents of children on welfare, then we need a fatherhood program.

How many times have I stood on this floor and fought for those special training centers under the SBA for women, and the fact that women entered that with different information than men entrepreneurs to succeed because the environment in which they come up is different. Well, the same is true for poor fathers of children. They suffer a sort of unique exclusion in our society. Their girlfriends, because they are on welfare, get job training, get education. Pretty soon they feel good about themselves; pretty soon they have a good job and then we see the young man behind. This is the imbalance that the gentleman from Florida (Mr. SHAW), my friend, referred to in his remarks and the source of the fatherhood bill.

We need to level the playing fields for these guys so they too can get the job training and skill development; they can get good jobs. Not only will they be able to support the kids better, but they will have the pride in themselves that is essential to healthy relationships.

This bill directly addresses some of the problems that tend to be common among these men, for example, the problem of aggressive behavior. So not only are we looking at providing them with education around parenting skills. Women at least get that from their friends; they at least get it from their moms. The young men who are the unmarried fathers of welfare children have no milieu in which to help them develop the skills they are going to need for this new life of fatherhood. I am proud that we are recognizing the needs of these men, and it is about time because we recognized the same needs of the women a long time ago.

There is not one aspect of this bill that in any way interferes with the money for maternal and child health block grants; that is gender based. Women at least get that from their friends; they at least get it from their moms. The young men who are the unmarried fathers of welfare children have no milieu in which to help them develop the skills they are going to need for this new life of fatherhood.

Mr. Chairman, I urge my colleagues to go to any school in their district to see how education has done Character Counts and mediation and the principal will tell us, the incidence of "he hit me" or "she hit me" plummet 95 percent in the first 3 months. So we can teach violence control and teach relational issues but we need to work with the men together. They need to hear each other and share experience about how they resolved a conflict with a woman, because there is no venue for them to do that.

If my colleagues visit these fatherhood programs, they will see why we need special services for dads, because dads do count.
So I urge my colleagues to oppose this amendment because it demeans the importance of our fathers, it demeans the role they play, and it denies them the skill development they need to succeed.

Mr. MINK of Hawaii. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of the Mink amendment. I strongly support fatherhood and any steps to help men be better parents. I just do not believe these programs have to be isolated.

Right now under the welfare-to-work program, men and women can receive job training, educational training, and likewise equal support. We do not need a gender-specific law now.

The Mink amendment eliminates all gender discriminatory language and replaces it with parents. By replacing the word “father” with “parent” in title I of the Fathers Count Act, the Mink amendment emphasizes the fact that both fathers and mothers are important to families. Providing grants to help only fathers will pit dads and moms in a fight for welfare assistance against each other. Targeting only fathers ignores the fact that 84 percent of single-parent families are headed by mothers.

Tying Federal benefits to only fathers violates the equal protection clause of the 14th amendment to the Constitution.

We must help all parents, whether mother or father, acquire the skills and training to become self-sufficient. This bill, without the Mink amendment, would undo the protections of the family violence option that many States have adopted under welfare reform.

The Mink amendment improves the Fathers Count Act by giving preference to programs that consult with domestic violence organizations in the development and implementation of the projects. Nearly 30 percent of women who receive public assistance are experiencing violence in their lives and two-thirds report having been victims previously.

The Mink amendment improves upon the goal of the fatherhood program by stating that the program must help parents in their marriages, through counseling, mentoring and teaching, how to control aggressive behavior.

Mr. Chairman, I urge a “yes” vote on the Mink amendment.

Mr. MINK of Hawaii. Mr. Chairman, I yield myself 1 minute, simply to clarify the point that the language in this bill already provides for nondiscrimination.

If I can read from the actual language of the bill that is currently on the floor: “Nondiscrimination. The provisions of this section shall be applied and administered so as to ensure that mothers, expectant mothers, and married mothers are eligible for benefits and services under projects awarded grants under this section on the same basis as fathers, expectant fathers, and married fathers.”

Mr. Chairman, this is a red herring. There is no issue here.

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

Mrs. MINK of Hawaii. Mr. Chairman, I yield 1 ½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I thank the gentlewoman from Hawaii (Mrs. MINK) for yielding me this time.

Mr. Chairman, I rise in support of the underlying bill. I am pleased to note that legislation that the gentleman from Pennsylvania (Chairman GOODLING), the gentleman from California (Mr. McKEON), and I authored, which frees up funding for moving from welfare to work, is in this bill. I thank the majority for their cooperation.

Mr. Chairman, I support the Mink amendment. If I could have one wish for every child in America, it would be that there is at least one committed adult who gets out of bed every morning and makes that child’s welfare the most important priority in his or her life. I think it is important that we recognize that males or females, blood relatives or nonblood relatives, can serve that function.

Anything that narrows those opportunities by gender, by blood relation versus nonblood relation, I think narrows the chance that children are going to get that kind of care. Mothers and fathers, aunts and uncles, friends who have taken responsibility as guardians, all of these people are necessary for children to be nurtured.

Mr. Chairman, I support the Mink amendment because I believe it does not tie the funding streams to the gender of the adult, but it ties the funding streams to the needs of the child and the existence of an adult who is willing to help. I urge support of the Mink amendment as well as support for the underlying bill.

Ms. WOOLSEY. Mr. Chairman, I have no additional speakers, and I reserve the balance of my time.

Mrs. MINK of Hawaii. Mr. Chairman, I yield ½ minutes to the gentleman from California (Ms. WOOLSEY.)

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

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of amendment offered by the gentlewoman from Hawaii (Mrs. MINK) to make all parents count, rather than only fathers. We cannot over-emphasize the value of having a father in a child’s life. Dads are invaluably important. Providing grants to help mothers, expectant mothers, and married mothers is going to increase the incentive for mothers to work, is in this bill. I thank the majority for their cooperation.

Mr. Chairman, I support the Mink amendment because we have heard some curious arguments today. We do not hear the same arguments applied to other programs such as maternal and child health block grants, the Women, Infants, and Children program, and the Violence Against Women Act. Mr. Chairman, I think the point here is we already have a level playing field. We are not creating a new bureaucracy. This is a very lean program, in which the money will go directly to projects at the local level and do so on a nondiscriminatory basis.

This program is not being created in isolation. This fits nicely and directly into many of the efforts that are already going on at the local level and also at existing welfare-to-work programs.

Mr. Chairman, I believe that this amendment is unnecessary and it overlooks a fundamental reality and that is the benefits from this legislation will go beyond the father by enabling the father to provide help and support for the mother; and most importantly, it will benefit their child by providing them caring, supportive parents active in their lives.

This bill, without this amendment, is a solid social initiative. This amendment, I believe, simply muddles the waters; and it should be categorically rejected.

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

The CHAIRMAN pro tempore (Mr. PEASE). All time for debate on the amendment has expired.
The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. ENGLISH. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 367, further proceedings on the amendment offered by the gentlewoman from Hawaii (Mrs. MINK) will be postponed.

The point of no quorum is considered with the ayes appearing to have it.

AMENDMENT NO. 2 OFFERED BY MR. ENGLISH

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment. The text of the amendment is as follows:

Part B Amendment No. 2 Offered by Mr. ENGLISH:

In section 403A(b)(2)(A)(i) of the Social Security Act, as proposed to be added by section 300(a) of the bill, redesignate subclauses (II) and (III) as subclauses (III) and (IV), respectively, and insert after subclause (I) the following:

"(II) QUALIFICATIONS.—An individual shall not be eligible to serve on the Panel unless the individual has experience in programs for fathers, programs for the poor, programs for children, program administration, or program research."

In section 403A(b)(2)(B)(ii) of the Social Security Act, as proposed to be added by section 300(a) of the bill, redesignate subclauses (II) and (III) as subclauses (III) and (IV), respectively, and insert after subclause (I) the following:

"(II) QUALIFICATIONS.—An individual shall not be eligible to serve on the Panel unless the individual has experience in programs for fathers, programs for the poor, programs for children, program administration, or program research."

In section 403A(b)(3)(B)(i) of the Social Security Act, as proposed to be added by section 300(a) of the bill, redesignate subclauses (II) and (III) as subclauses (III) and (IV), respectively, and insert after subclause (I) the following:

"(IV) helping fathers arrange and maintain a consistent schedule of visits with their children."

The CHAIRMAN pro tempore. Pursuant to House Resolution 383, the gentleman from Pennsylvania (Mr. ENGLISH) and a Member opposed each will control 5 minutes.

Mr. CARDIN. Mr. Chairman, I am not in opposition to the amendment, but I am not aware of anyone in opposition, and I ask unanimous consent to control the time in opposition.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. ENGLISH).

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

Mr. Chairman, my amendment has two parts. First, it requires that individuals who serve on the selection panels created under this act have some background in programs for fathers, programs for the poor, programs for children, program administration or program research.

This amendment ensures that only individuals who have professional experience related to social programs evaluate which fatherhood programs should be funded under this act.

Second, this amendment encourages the payment of child support by helping fathers with visitation. The intent of this legislation is to select programs which will have the greatest chance of promoting marriage, improving parent effectiveness, and helping fathers with employment.

This legislation gives preference to those programs which promote the payment of child support by helping fathers in a variety of ways. My amendment would add one more way to promote payment of child support specifically by helping fathers arrange and maintain a schedule of regular visits to their children.

This amendment encourages fathers to have a more active role in their children's lives both financially and by spending more time with their children. Under this amendment, the real winners are the children. This amendment, I understand, has bipartisan support and has no budgetary impact.

I urge my colleagues on both sides of the aisle to support it.

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

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

Mr. Chairman, as I pointed out, I support the gentleman's amendment. But I took the time because I have had some conversations with the gentleman concerning this amendment. I support it, but a literal reading of it could be interpreted to link visitation with the payment of child support. Now, I know that the author of the amendment does not intend that to be the consequence. We are in a position where we cannot amend an amendment on the floor under the rule which we are operating under.

So I heard the gentleman's explanation, and I fully agree with what he is intending to do that we want to make sure the noncustodial parent has a more active role in the child's life, which is the language used by the gentleman from Pennsylvania (Mr. ENGLISH), a more responsible relationship.

I would just point out, my conversations with the gentleman is that we will work, as this bill works its way through the process, to make sure there is no unintended consequences of the gentleman's amendment.

Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Chairman, I make that commitment absolutely. I thank the gentleman from Maryland (Mr. CARDIN) for his support and his thoughtful analysis of this issue, and I would be delighted to work with him and work with the rest of the subcommittee on that point.

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

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

Mr. Chairman, I urge all of my colleagues to look carefully at this issue. I think it is relatively straightforward. This amendment would vastly strengthen this bill. It would introduce the gentleman from Hawaii (Mrs. MINK) in the next Congress.

In the end, it would bring fathers closer to their children.

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

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 3 printed in Part B of House Report 106±463.

AMENDMENT NO. 3 OFFERED BY MRS. MINK OF HAWAII

Mrs. MINK. Mrs. MINK of Hawaii. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment. The text of the amendment is as follows:

Part B Amendment No. 3 Offered by Mrs. MINK of Hawaii:

Strike title II, and redesignate succeeding titles and sections (and amend the table of contents) accordingly.

The CHAIRMAN pro tempore. Pursuant to House Resolution 383, the gentlewoman from Hawaii (Mrs. MINK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK. Mrs. MINK of Hawaii. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, title II of the Fathers Count Act gives $5 million to two nationally recognized nonprofit fatherhood promotion organizations, $5 million to each of two nationally recognized nonprofit organizations. I am opposed to that kind of selection out of organizations for funding at such a level as $5 million.

We have been debating on the floor that the Federal Government and the bureaucracy has to be cut. In fact, we cannot come to agreement on many of our appropriation bills because we are still arguing over the funding levels that each of these worthy groups are entitled to. Yet, here, today we have legislation which is prepared to give two organizations $5 million just for existing.

The provision in the law says that the nonprofit promotion organization entitled to $5 million have a minimum of 4 years of experience in disseminating a national public education campaign, including production and placement of television, radio, and print public service
announcements that promote the importance of responsible fatherhood.

While I do not have any objection to national organizations being in existence to do exactly that, to teach men in our society to be responsible if they have children, they ought to be willing to pay for their support, maintenance, and education.

The government ought not to be out there trying to find ways in which to nurture these people through the establishment of organizations. But national organizations probably do a tremendous amount of good. They gather together the forces within a community, within the country, to come to grips with this issue of parental responsibility. I think that is something to be applauded.

But I do take great objection to the idea that the Federal Government needs to get involved in promoting through the placement of television, radio, and present public service announcements about the responsibilities of fatherhood. So I would hope that my amendment would be agreed to, and that only title I of this Fathers Count Act legislation will be agreed to and, hopefully, will be changed to a parenthood instead of program.

It is important to realize that, if this is connected to welfare, which I assume that it is, that 85 percent of the people on welfare who are the custodial parents are going to try to deal with this issue of welfare and the problems that children must suffer through because they are in a welfare family, then we have to make special efforts to try to support the single moms who are out there struggling to make a life and to support these children. Yet, we have no programs that I am aware of that specifically allocates $5 million for the support of single moms who are trying to raise their children and who are on welfare.

So I think that it is a matter of priorities. It is not a priority which I share. I believe it is a dangerous precedent. I hope that, instead of spending this $10 million in this way, that we can provide the monies for other programs.

I am told by someone who is knowledgeable that Healthy Mothers Program has been cut from the budget. Now, there is a program that has been nationally recognized, and the people that organize that program have all remarked what a tremendous contribution it makes to helping children and families at risk. Yet, the Congress is seeing fit not to fund this program.

So this money, I think, is needed in other programs where the need is much, much greater and where the benefits for the children at risk can be addressed directly. While I have no objection to these two organizations in mounting their campaigns for fatherhood and to insist that fathers be recognized for their responsibilities in their communities and in this country, I do object to the fact that special funds are set aside for the purposes of promoting these private organizations.

Mr. Chairman, title II of the Fathers Count Act gives $5 million to two nationally recognized nonprofit fatherhood promotion organizations. Five million dollars! We have recently been debating on the floor that every federal agency that wishes to spend its budget may be reduced by 1 percent. Yet, this legislation is prepared to give two organizations $5 million just for existing.

We have not done this for motherhood organizations. And mothers make up 84 percent of the custodial parents on welfare. If we do anything with this five million dollars, we should provide it to the people that need this assistance the most—the custodial parent.

Title II would give this money to organizations to help them develop and promote material addressing the issue of responsible fatherhood and promote marriage. Fathers should be responsible, and I applaud any organization that strives to make non-custodial fathers active in their children's lives and well-being. But it is not the federal government’s job to provide these non-profit organizations with millions of dollars to help them do their job. This sets a dangerous precedent. Are we to provide millions of dollars to the National Education Association? Or to the National Organization for Women? Of course not.

It is the responsibility of parents to provide services to help custodial parents become self-sufficient. We should help these parents find jobs so they can provide for their families.

My amendment will strike title II and save this government millions of dollars that can be better spent.

I urge my colleagues to support this amendment.

Mr. ENGLISH. Mr. Chairman, I rise in opposition to this amendment and claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 5 minutes.

Mr. ENGLISH. Mr. Chairman, I yield as much time as she may consume to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong opposition to this amendment. The bill does not allocate $1 to any organization. It does set aside $5 million for competitive grants where the Secretary makes the final decision.

We do want some of the money in the bill to be set aside for highly developed organizations that have been in the field for a long time, that are reputable, and that are capable of testing project designs in many different places across the Nation because we know very, very little about what works in reaching out to these dads.

The rest of the money goes to community-based organizations because we know what is happening out there, the things that are going on, some of them funded by TANF, happening at the neighborhood level, at the small city level. And we feel that to be disseminated to communities that can learn and profit from the example. We urge the rejection of this amendment.
Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentlewoman from Hawaii (Mrs. MINK).

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

Mrs. MINK of Hawaii. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 367, the gentleman from Maryland (Mr. CARDIN) and a Member opposed each will control 5 minutes.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 4 printed in Part B of House Report 106-463.

AMENDMENT NO. 4 OFFERED BY MR. CARDIN

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 4 offered by Mr. CARDIN:

In section 403(a)(5)(C)(iv) of the Social Security Act, as so redesignated by section 301(b)(1)(B) of the bill—

(1) insert "or" at the end of subclause (II); and

(2) strike "; or" at the end of subclause (III) and insert "; or" at the end of subclause (IV).

In section 301 of the bill, redesignate subsection (d) as subsection (e) and insert after subsection (c) the following:

"(d) CUSTODIAL PARENTS WITH INCOME BELOW POVERTY LINE WHO ARE NOT ON WELFARE.

(I) whose income is less than 100 percent of the poverty line (as defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section, applicable to a family of the size involved); and

(ii) whose income is less than 100 percent of the poverty line (as defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section, applicable to a family of the size involved); and

(2) CONFORMING AMENDMENTS.

(A) Section 403(a)(5)(C)(iv) of such Act (42 U.S.C. 603(a)(5)(C)(iv)), as so redesignated by subsection (b)(1)(A) of this section, as amended by subsection (c)(2) of this section, is amended by striking "(vi)" and inserting "(v)".

In section 301(b)(1) of the bill—

(1) strike "section 301(b)(1)" and insert "sections (b)(1) and (d)(1) of section 301"; and

(2) redesignate clause (x) of section 403(a)(5)(C) of the Social Security Act, as proposed to be added by such section 304(b), as clause (xi).

The CHAIRMAN pro tempore. Pursuant to House Resolution 367, the gentleman from Maryland (Mr. CARDIN) and a Member opposed each will control 5 minutes.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 4 printed in Part B of House Report 106-463.

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

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of the amendment to allow custodial parents, usually moms with incomes below the poverty line, to participate in welfare-to-work programs equally with noncustodial parents, usually dads.

While I was glad to get this limited amendment into the Committee on Education and the Workforce markup for access for low-income custodial moms, this is far better. In fact, it is far more fair and sensible to treat low-income custodial moms equal to dads. We know that more and more of the very poorest families in this country are not receiving welfare. These are families headed by single moms. It is not sensible, nor is it fair to give absent dads greater access to welfare-to-work programs than it is to give these programs to the mothers, those who are living with their children and taking care of them day in and day out.

If we want to help low-income children, we need to give both their parents equal access to the welfare-to-work programs that the Cardin amendment does, and I urge my colleagues to support it.

Mr. GOOGLING. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania (Mr. GOOGLING) is recognized for 5 minutes.

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

I would hope we would not go down this path, Mr. Chairman, for many reasons. Under the current law, the funds are targeted for hard-to-employ welfare recipients and noncustodial parents with children on welfare. No one else can get that money. But we worked out in committee an arrangement where 30 percent of that money could go for nonwelfare recipients living in poverty.

Now, I have a tremendous fear if we ever open this up and say 100 percent. Why do we have that in and why is it legitimate? When we combined all these workforce programs to try to make them work several years ago, the State employment offices were out there trying to kill everything we were doing. Why were they doing that? Because they have a tendency to give all of their effort to those who they know can count as successful so when they have to give their statistics, they come out very successful. However, the people they neglected are the hardest people there are to try to prepare for employment.

That is my fear here. If we open this up beyond the 30 percent, the next thing we will fit of the funds will be on welfare, these custodial parents with children on welfare, all of a sudden will get no service, because they are very, very difficult to try to prepare for the workforce.

As a result, we have to make sure that we understand there is all sorts of money out there for those people. When we look at TANF and other programs, there are billions of dollars that are serving these very people that we are talking about at present time. We do not want to just turn this into another job-training program, because that, of course, was a real failure in the past.

We also keep in mind there is $2.5 billion for economically disadvantaged adults and dislocated workers assistance under the Work Force Investment Act. All of that money is out there for these people. But this sets up a situation where welfare recipients, the ones that we do not want to just turn this into another job-training program, because that, of course, was a real failure in the past.

I also rise to congratulate over 2 million welfare recipients in this country who, under the Republican welfare reform program, have had restored to them not only a job but dignity in their life; and I implore those on the other side of the aisle to keep our focus on this welfare-to-work program for the people that are truly on welfare.

There are many job training programs, but there is only one welfare-to-work program that we worked out a good compromise in committee that would allow us to use up to 30 percent of the funds for those not on welfare but below the poverty line, and this is a good start. But if we take our total focus off of welfare recipients that are still on it are going to be the ones that are hardest to get jobs and we need more than ever the welfare-to-work program focused on these people today. And once again encourage everyone on the other side to remember, let us do not create another job training program. There are a lot of those. But in my district, the folks in the chamber and in
businesses and in community organizations are working together with the Department of Social Services to focus welfare funds as well as private sector funds to get people back to work. And I just hope that we will not destroy this program by opening it up and just leaving it to anyone who chooses to use it in a different way.

Mr. CARDIN. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Chairman, having examined this amendment, I am inclined to agree with it, and I rise in support of it.

What this amendment does is it allows more people to participate in welfare-to-work and it allows States to use more funds for welfare-to-work programs for low-income custodial parents who do not receive TANF.

This provides greater flexibility to the States. And given that flexibility was the hallmark of our 1996 welfare reforms, I think that this is consistent with its spirit. I support this amendment.

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

Mr. Chairman, I just make a couple of points, if I might, in response to the gentleman from Pennsylvania, the chairman of the committee.

This amendment carries out the commitment we made to our States when we enacted welfare reform, and that is to give flexibility to our States to be able to deal with the problems. The gentleman is suggesting that we should restrict our States somehow on how they feel it is best to deal with the problems by imposing this 30 percent restrictional use of funds for low-income custodial parents. The Committee on Ways and Means, in its version of the bill, included this amendment. It did not put the 30 percent restriction in.

Mr. Chairman, what really concerns me is that it is not limited to 30 percent; it is limited much below that. In fact, it is unlikely that any resources will get to this targeted group unless this amendment is adopted, because it has to compete with two other groups of individuals; one, those that have been on TANF for 30 months or less and, number two, the commitment we made to help children aging out of foster care. They are both subject to the same 30 percent restriction.

There are not going to be any resources available for low-income custodial parents who are playing according to the rules. We would be telling them to go on welfare to get help. That does not make any sense. We should be rewarding people who want to play by the rules, who want to be able to get a good job. The States should have this flexibility.

I listened to the proponents of welfare reform and I voted for it. We talked about trusting our States to be able to have the flexibility to deal with the job. Let us not discriminate against low-income people because they have not been on welfare. And let us live up to our commitment we promised to children aging out of foster care so there would be resources available for that group. And let us also deal with the people who have been on welfare for less than 30 months. Support the amendment. It is a good amendment. It is a bipartisan amendment. I urge my colleagues to vote in favor of it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Maryland (Mr. Cardin).

The amendment was agreed to. The CHAIRMAN pro tempore. It is now in order to consider amendment No. 5. Printed in Part B of House Report 106-463.

AMENDMENT NO. SOFFERED BY MR. TRAFICANT.

Mr. TRAFICANT. Mr. Chairman, I offer amendment No. 5.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 5 offered by Mr. TRAFICANT:

In section 403A(b)(1) of the Social Security Act, as amended to be added by section 101(a) of the bill, add at the end the following:

"(E) A written commitment by the entity that the entity will make available to each individual participating in the project education about alcohol, tobacco, and other drugs and the effect of abusing such substances, and information about HIV/AIDS and its treatments;

The CHAIRMAN pro tempore. Pursuant to House Resolution 383, the gentleman from Ohio (Mr. TRAFICANT) and a member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

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

Following this debate, Mr. Chairman, the gentleman from New York (Mr. HINCHLEY) made a very good statement about poverty. One of the statements he made was that people without seem to have more problems.

My little amendment says it would require any of these projects getting grants under this bill to also add a drug-alcohol education component and information about the transmission of AIDS and the HIV factor.

In America, at the University of Cincinnati Medical School, 20 milligrams of diacetylmorphine, known on the streets as heroin, has produced physical dependence in 7 days, known as addiction on the streets, in 7 days with laboratory animals. The synergistic effect of drugs has destroyed families, where many families unknowingly, fathers, end up in hospital rooms with unintended overdose accidents. I think that these projects and this program is good, but any fatherhood project that does not offer this, I think, would be lacking.

I think it is a good program. I do not ask for any additional money, because I believe the social service system could network to do this, but Congress says they shall do this, I think it is that important.

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

Mr. ENGLISH. Mr. Chairman, I ask unanimous consent to engage the time in opposition, even though I am not opposed to this amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 5 minutes.

Mr. ENGLISH. Mr. Chairman, I yield myself such time as I may consume, and I rise in support of the amendment of the gentleman from Ohio (Mr. TRAFICANT).

I think it is noteworthy that what he has offered is a requirement that these fatherhood projects provide education on alcohol, tobacco, and other drugs, as well as the effect of abusing such substances and information about HIV/AIDS. I think we can all agree that this is a valuable addition to this bill and a valuable addition to this debate. Mr. Chairman, some districts that abuts on that of the gentleman from Ohio (Mr. TRAFICANT), and let me say I am very grateful for his long-standing interest in these issues. He has been, I think, a real leader in the House focusing on these issues for many, many years and he has been an inspiration to me.

Let me just say, in addition, that I think his amendment strongly adds to this bill. I think it gives this bill an additional push and I, for one, strongly support its inclusion in the final language.

Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I also want to congratulate the gentleman from Ohio on his amendment. I think it is a very worthy one. I accept it for myself.

Mr. CARDIN. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from Maryland.

Mr. CARDIN. Mr. Chairman, I also support the amendment and compliment my friend from Ohio. It strengthens the bill, and we certainly will be glad to see it included.

Mrs. JOHNSON of Connecticut. Yes, reclaiming my time, Mr. Chairman, we appreciate the gentleman's continued interest in these issues and find his amendment a real constructive addition to the bill.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume to thank the chairman, and I want to close by thanking my friend and neighbor the gentleman from Pennsylvania (Mr. ENGLISH), who has worked with me on many issues.

I also want to thank my fellow graduate at Pitt, the gentleman from Maryland (Mr. CARDIN), who has done a...
Mr. Chairman, I yield back the balance of my time.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The Chair recognizes the gentleman from Texas (Mr. EDWARDS) and a member opposed each will control 10 minutes for their speeches.

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 367, the gentleman from Texas (Mr. EDWARDS) and a member opposed each will control 10 minutes.

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

Mr. EDWARDS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment is one sentence long. It says this: “Notwithstanding any other provision of law, funds shall not be provided under this section to any faith-based institution that is pervasively sectarian.”

This is very simple. The Supreme Court ruled in 1988 they cannot give dollars directly to pervasively sectarian organizations, essentially organizations that are thoroughly religious, that their secular and religious purposes are so intertwined they cannot separate them. We are picking up that language of the Supreme Court in its 1988 case to try to make this bill consistent with that language.

I want to be clear. My amendment does not stop Federal funds from flowing to faith-based organizations. That is happening today. It has happened for years. And it will continue to happen under the amendment.

What will be different is, under my amendment, we will follow the profound principles of the first 10 words, in fact, the establishment clause of the Bill of Rights, that say our Founding Fathers did not and would not want direct Federal dollars to go directly to houses of worship, churches, and synagogues.

There are many supporters, from the Joint Baptist Committee to the American Jewish Committee, of this amendment. Let me just say some things that will happen if it does not pass.

First, they will obliterate a 200-year wall between church and State. Convenience or even good intentions are not good enough reasons to turn our back on the first 10 words of the First Amendment of the Bill of Rights.

Secondly, without my amendment passing, this bill will let a church or religious organization take Federal dollars and, in the decision of hiring people for that federally funded program, say, no, they are not good enough because they are not, as an American citizen, of the right religion in our opinion. I find that is offensive to the concept of religious freedom and respect and independence in this country.

Third, I think we are going to harm these religious organizations by inviting massive Federal regulation of them. And finally, they will create great dissension as these organizations compete for Federal dollars.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise to oppose the amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I thank the gentlewoman from Connecticut for yielding me the floor.

Mr. Chairman, this has been a fascinating partial debate. Now we are to the actual amendment, which the sponsor says would not affect faith-based organizations but would, in fact, gut the intent of this amendment and certainly would set back and probably reverse the whole flow that the Federal Government has been doing for a number of years to try to include people who want to include character and faith-based organizations in the delivery of social services going back to the pervasively sectarian standard.

In fact, Vice President AL GORE, in his home page for President, as well as his speech that he gave in Atlanta, said:

I believe the lesson for our Nation is clear. In those instances where the unique power of faith that can help us meet the crushing social challenges that are otherwise impossible to meet, such as drug addiction and gang violence, we should explore carefully tailored partnerships with our faith communities so that we can use approaches that are working best.

Governor Bush in Texas has done this with prison fellowship, with other groups that are involved in youth issues and fatherhood issues, and we see many examples in this current administration.

The Brookings Institute has come out forcefully for this saying that, in fact, to use a pervasively sectarian standard has, in fact, discriminated against those who want to include as a part the moral teachings.

Now, to argue and rewrite the American Constitution to say that this obliterates the wall of separation, first of all, that was not in the original Constitution, and it is not what the Supreme Court said. Because, in fact, to use a pervasively sectarian standard is to obliterate the wall of separation.

The intent of the Founding Fathers was clearly not to take religion out but, rather, to keep certain religions from being funded.

As an anti-Baptist, I would not have wanted to fund the Anglican Church. People in the other States would not have wanted to fund, as they were at the time of original founding, the ministers and the church schools in those States as the only choice for schoolchildren.

But, in fact, the United States Congress in their first few years when they could not get Bibles in from England, the United States Congress, with Federal dollars, bought Bibles to distribute to the public schools.

A little bit later the Congress, concerned that it was difficult even to purchase those, the same people who wrote the Constitution purchased Bibles, printed them, and it says at U.S. Government expense, to be distributed by congressional legislation to public schools.

That is not what we are proposing here. The question is not whether we are proposing actual religious education. In fact, everything in this bill and in the previous three times this House has voted overwhelmingly for the charitable choice and the same provision that we are voting on today that the gentleman from Texas (Mr. EDWARDS) is trying to gut, the plain truth of the matter is that we cannot use any of these funds for religious teaching.

So contrary to what the Founding Fathers allow, which was Bibles printed at congressional expense distributed by the United States Congress to public schools, we are not proposing that.

We are just saying, in the process of addressing questions like fatherhood, as we did earlier in juvenile Justice, as we did earlier in Human Services, as we did earlier in welfare reform, that we should be able to include character and faith-based organizations in that section.

The most dynamic organizations in this country, in fact, have pastors, faith leaders, people who attend churches, church-based organizations, or parent church organizations that do not teach religion but have that as a component, the love, the hope, the faith, the kindness, the tolerance that comes through religion is intermingled in their programs.

To say that a program, for example, if a particular religion, whether it is, for example, Orthodox Jews and, if Orthodox Jews have a program to reach kids in their neighborhood, we want to hire them, we say, to say that they must hire somebody who does not belong to their religion, in effect, means they will not participate in these programs.
Now, the Government gets to decide when a faith-based organization comes up and says we have a proposal here under the Father Counts bill or any of the other three previous bills where we passed this exact same language, that when this is to the Government, they do not say it has to show it is not teaching religion, it has to show that it is addressing the problems there, it is addressing them in a unique way regardless which of these bills we are talking about, and there are many protections; and ultimately the Federal Government has to decide is this the group the best way to deliver these services.

So I think this is a reasonable amendment that has passed by as many as 350 votes in this House. It is supported by the leading presidential candidates in both parties as a general principle.

Mrs. J. JOHNSON of Connecticut. Mr. Chairman, I reserve the balance of my time.

Mr. EDWARDS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. DELAY), cosponsor and coauthor of this legislation.

Mr. CARDIN. Mr. Chairman, I thank the gentleman from Texas for yielding me this time, and I urge my colleagues to support his amendment. I hope everybody will put this in proper perspective. This bill deals with $150 million over the next 5 years. It incorporates by reference the charitable choice provisions that are in the 1997 Welfare Reform bill that has spent $165 billion per year. What the Edwards amendment does is make it clear that this money must be spent in a constitutionally acceptable way.

We have by reference in this statute that it must be spent consistent with the establishment clause of the United States Constitution as it relates to religious freedom, separation of church and state. That is already in this bill by reference.

Read the Edwards amendment. The Edwards amendment says that it goes to the establishment clause and incorporates by reference the Constitution, as it is in the Kendrick case. So this pervasively sectarian test is the test on whether we have violated the establishment clause.

This is not whether faith-based organizations will participate or not. They do participate under the bill or under the Edwards amendment. The Edwards amendment makes sure that we spend the money in a constitutionally acceptable way.

I urge my colleagues to accept the amendment so that we can get faith-based institutions and entities using these funds but using it an acceptable way so we can build upon the program and not help the people that this legislation is aimed at.

It is a good amendment. It clarifies. It prevents it from causing problems that otherwise could occur. I urge my colleagues to support the amendment.

Mrs. J. JOHNSON of Connecticut. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Mr. Chairman, I stand in opposition to the amendment. I am afraid that this would have a chilling effect upon the application of an otherwise very, very fine bill.

We are going to need a lot of help from a lot of areas in order to be able to get through and to accomplish the goals that we have with regard to this legislation.

The Supreme Court, in its decisions, is not a static entity. It is a living entity. It is one that shifts and goes back and forth in accordance with the facts of the various cases and the changing times.

It is time that we looked to other organizations, non-traditional organizations, to help out. This bill is not going to promote any religious activity. It would be grossly unconstitutional if this is what it was. But the churches and synagogues and other religious institutions can be very valuable in reaching out to these fathers and bringing them in and do exactly what the intent of this bill is.

I stand in opposition to the amendment.

Mr. EDWARDS. Mr. Chairman, I yield 1 1/2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I rise in support of the Edwards amendment.

The Edwards amendment is simple. It just conforms the bill to the First Amendment of the Constitution as interpreted by a long line of Supreme Court decisions.

Many religiously affiliated groups now sponsor Federal programs, but the program must be administered in a secular manner and not conducted in a pervasively sectarian manner. And so, Federal funds support programs sponsored by Catholic Charities or Lutheran Services. But they do not have to be Catholic or Lutheran to benefit those people. They do not have to be Catholic or Lutheran to benefit from those services. And if they want to compete for a job funded by those Federal dollars, they do not have to be Catholic or Lutheran to hire.

This bill, without the Edwards amendment, allows Federal funds to sponsor pervasively sectarian activities and allows sponsors to require program participants as a condition of receiving federally funded benefits to require the participation in church religious activities and allows churches to discriminate based on religious affiliation in hiring employees with Federal dollars. That is wrong. It is unconstitutional, and we should fix it by adopting the Edwards amendment.

The CHAIRMAN. The gentlewoman from Connecticut (Mrs. J. JOHNSON) has 4 minutes remaining. The gentleman from Texas (Mr. EDWARDS) has 4 1/2 minutes remaining.

Mrs. J. JOHNSON of Connecticut. Mr. Chairman, I yield 3 1/2 minutes to the gentleman from Texas (Mr. DELAY), the distinguished Whip.

Mr. DELAY. Mr. Chairman, I rise in very strong objection and opposition to this amendment.
Mr. EDWARDS. Mr. Chairman, I yield myself such time as I may consume.

I have gone from being concerned about the language of this bill to being alarmed by some of the statements I have heard from the leadership of this Chamber. When the gentleman from Indiana (Mr. Souder) says the establishment clause of the first amendment really was not in the original Constitution, as if, my colleagues, that is to suggest that the Bill of Rights has somehow lost power or force in our constitutional government because it was only part of the Bill of Rights, it was only the first amendment to the Constitution.

Then the gentleman from Texas (Mr. DeLaeyer) came up and said separation of church and State was invented in the 20th century. My colleagues, that would be a great surprise to Mr. Jefferson who mentioned that very phrase in the 18th century. It would be a great surprise to Mr. Madison and the writers of the Bill of Rights who felt deeply about this.

The fact is that this bill is going to allow Federal funds to go to faith-based organizations but it is going to follow not only the Bill of Rights but the Supreme Court decision of 1989, that is this century, not two centuries ago, that said you cannot send Federal dollars to pervasively sectarian organizations.

Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey (Mr. Nadler).

Mr. NADLER. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. Strickland).

Mr. STRICKLAND. Mr. Chairman, we should all feel some trepidation at what has just been spoken in this Chamber. As a former United Methodist minister, I know and I believe that there is an appropriate role that religious organizations play in social services. In fact, they are already doing wonderful things with Federal funding through such secular affiliations as Catholic Charities and Jewish Federations. We are grateful to them for providing desperately needed services. But when we cross the line and let specific religions determine which would in turn allow synagogues to receive Federal money directly which would in turn allow them to use those Federal funds to discriminate in hiring practices. Do we really want to open that door? Do we really want to see a sign in front of a church that says “Catholics will not be considered for this position”?

I think not. I hope not. I pray not.

Mr. EDWARDS. Mr. Chairman, without this amendment, this bill opens the door to religious organizations requiring individuals to participate in a religious ceremony or to listen to sectarian proselytizing as a condition of participating in a federally funded program. That violates our Constitution and quite frankly is an abuse of government authority over families in need.

No one has or should exclude religious institutions from performing good works or from receiving public funds to do so. But a religious organization should never be allowed using Federal funds to condition a meal for a homeless person or anger counseling for an abusive husband on participating in a religious ceremony or listening to a religious sermon and it should not be allowed to discriminate in employment on a religious basis using government funds.

No one is talking about separating, totally separating church and State. But we are talking about keeping each in its proper sphere and not allowing government to invade the religious sphere or religion invade the government’s sphere. We are talking about preventing the sectarian strife that will come when the Methodists think they are getting half a percent too little and the Baptists think they are getting half a percent too much of Federal funds.

That is why we need this amendment, Mr. Chairman.
Mr. ARMEY. I yield to the gentleman for yielding.

Mr. Chairman, might I inquire of the gentlewoman from Texas (Ms. ARMSTRONG), that in the event that the appropriations bills are not ready to be voted upon on Friday, does the majority intend to have the Members come back on Friday to vote on the suspension bills?

Mr. ARMEY. The gentleman should be advised the leadership sees no contingency that would precipitate such an event. There is nothing that I can see that would cause me to think that would be necessary.

When and if I saw anything that would result in that kind of consideration, I would give that consideration out of respect for the Members. Should such an unlikely and unpredictable contingency arise, I am sure the Members would be notified in a proper and effective fashion.

Mr. HOYER asked and was given permission to speak out of order for 1 minute.

REGARDING THE LEGISLATIVE PROGRAM

Mr. HOYER. Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. OBERY), the ranking member on the Committee on Appropriations.

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

I would just ask the majority leader to respond to two problems. I think Members have a right to know what is happening in some of these conferences.

At this point, two of the vehicles which had been expected to be used to bring bills back to this House are being tied up in the other body by individual Members.

In addition to that, we have not yet reached any significant agreement in the Labor-HHS Bill. We still have outstanding issues in both the Interior and Commerce-State-Justice which are viewed as major by both sides.

It is my profound belief that if Members have a right to know what is happening in some of these conferences.

I would simply urge the majority leader to take another read on what is happening on these bills, because it does not do any Member any good to come back here and sit twiddling their thumbs while they wait for the conferences to finish.

I would also make one other request. We just met in the D.C. conference. The decision was made to bring all five bills into one bill. My concern is that if we are interested in passing whatever comes out of the conference, if those five bills are put into one, I am afraid that there are a variety of groups on both sides who will be so concerned and so opposed to portions of those bills that we will maximize the opposition to a bill if it is packaged as five bills. I think there is a significant opportunity that the entire thing could go down.
Mr. ABERCROMBIE. Is it the Chair's ruling that I am out of order wanting to be able to vote on this floor?

The CHAIRMAN. The gentleman has not stated a point of order.

Mr. ABERCROMBIE. This is a point of order. The CHAIRMAN. The gentleman will suspend.

Mr. ABERCROMBIE. I will not be silenced on this.

The CHAIRMAN pro tempore. The gentleman will suspend.

Does the gentlewoman from Hawaii seek recognition?

Mrs. MINK of Hawaii. Mr. Chairman, I ask unanimous consent that my demand for a recorded vote on amendment No. 3 be withdrawn.

The CHAIRMAN pro tempore. The request is granted.

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 3 offered by the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I ask unanimous consent that my demand for a recorded vote on amendment No. 3 be withdrawn.

The CHAIRMAN pro tempore. The request is granted.

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 3 offered by the gentlewoman from Texas (Mr. EDWARDS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk redesignates the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded. A recorded vote was ordered.

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

The vote was taken by electronic device, and there were yeas 184, nays 238, not voting 11, as follows:

(Amendment No. 3 Offered by Mrs. Mink of Hawaii)

YEAS—184

Mr. Abercrombie. Mr. Chairman, I believe that under what the majority leader just stated, I will be prevented from being able to go home and come back in adequate time to be able to vote.

The CHAIRMAN. The gentleman has not stated a point of order that the Committee of the Whole can resolve.
The SPEAKER pro tempore is the gentleman opposed to the bill? Mr. SCOTT. Mr. Speaker, I am, in its present form.

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

The Clerk reads as follows:

Mr. SCOTT moves to recommit the bill H.R. 3073 to the Committee on Ways and Means with instructions to report the same to the House forthwith with the following amendment:

``no'' to ``aye.''

Mr. SCOTT (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. SCOTT) is recognized for 5 minutes.

Mr. SCOTT. Mr. Speaker, first of all, I want to State that if this motion to recommit is passed, we will immediately consider final passage. So adopting the motion to recommit will not defeat the bill.

Mr. Speaker, this is a simple amendment. The bill provides that religious organizations which sponsor fatherhood programs with Federal funds may discriminate in hiring based on religious affiliation. The amendment in the motion to recommit provides that religious organizations cannot base hiring with Federal funds on religious affiliation.

So I urge my colleagues to support the motion to recommit.

Mr. Chairman, during the prior debate on charitable choice, we heard how this work would. Cited on page H4687 of the CONGRESSIONAL RECORD, June 22, 1999, the gentleman from Texas (Mr. EINTRICH) asked the major sponsor of this legislation, Mr. Speaker, during the prior debate on charitable choice, we heard how this bill, provisions that have been affirmed by this body in three consecutive Congresses in one form or another, religious institutions do have the right to maintain their religious character; that is, they do not have to hire someone who radically disagrees with them and cannot, therefore, be part of the body of the character of that institution.
However, they have no right to proselytize in programs that are funded with public money, and they have no right to discriminate on the basis of religion amongst applicants.

In other words, within the charitable choice provisions, there is a constitutional firewall drawn. Furthermore, it is one that has worked. There have been cases in which programs have proselytized, and their grants have been withdrawn. So it not only has a firewall, it is an enforceable firewall.

Now, I would just say to my colleagues the small churches, often small black churches, small Hispanic community churches. Yes, they need to be able to reach out to the fathers of children on welfare and help them, and help them in the same way that we help the mothers of children on welfare.

So this is a very good bill. We need the small church institutions to help us reach people, and we need those institutions to support people long after the public money and the public interest is gone.

I urge my colleagues' rejection of the motion to recommit. I urge my colleagues' support for this bill, which, for the first time, is going to recognize that dads do count and that we can help dads be better providers, better fathers, and that, together, we can create for children, all children, a structure around them that provides better help than we are getting today.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill.

The vote was taken by electronic device, and there were—ayes 176, noes 246, not voting 11, as follows:

AYES—176

Abercrombie  McNulty  Mullin
Ackerman  McKeon  Munoz
Aderholt  McGovern  Murtha
Agnew  McMillian  Musgrave
Alger  McMorris  Musto
Allen  McMorris Rose  Hutto
Anderson  McGovern  Napolitano
Andrews  McSween  Nussle
Armey  McTavish  Olsen
Bachus  McGovern  Paul
Baker  McTavish  Payne
Bakos  McGurn  Peterson (PA)
Bartlett  McVey  Peterson (MN)
Bascomb  Meeks (FL)  Pickering
Bateman  Meeks (NY)  Pickering
Becker  Meeks (VA)  Pickering
Bereuter  Meek (OK)  Pickering
Biggert  Meek (TX)  Pickering
Bilbray  Meehan  Pickering
Bilirakis  Millender  Pickering
Billicy  Miller  Pickering
Blunt  Miller, George  Pickering
Boehlert  Milliken  Pickering
Boehner  Miller, Susan  Pickering

NOES—246

Aderholt  Bonilla  Collin  Cornyn
Agnew  Boswell  Collins  Cronin
Alger  Boyd  Connolly  Crenshaw
Armey  Boykin  Cornyn  Cummings
Bachus  Boykins  Costa  Cummings
Baker  Boyce  Crenshaw  Cummings
Bakos  Brady (TX)  Cummings  Cummings
Barca  Brashley  Cummings  Cummings
Barr  Braton  Cummings  Cummings
Barrett (NE)  Brady (PA)  Cummings  Cummings
Bartlett  Brady (TX)  Cummings  Cummings
Basset  Bratton  Cummings  Cummings
Bateman  Bradley  Cummings  Cummings
Bereuter  Bradley (FL)  Cummings  Cummings
Biggert  Brademas  Cummings  Cummings
Bilbray  Brannon  Cummings  Cummings
Billings  Brindamour  Cummings  Cummings
Blunt  Brinkman  Cummings  Cummings
Boehlert  Brisko  Cummings  Cummings
Boehner  Brown (NJ)  Cummings  Cummings

Recall to order voted on the motion to recommit the bill. The motion to recommit was rejected. The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ROGAN. Mr. Speaker, on rollcall Nos. 583, 584 and 588 I was attending parent-teacher conferences for my daughter. Had I been present, I would have voted "no" on all three votes.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the SPEAKER pro tempore announced that the ayes had it.

Messrs. MCINTOSH, SPRATT, MCINNIS and GILMAN changed their vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.
The yeas and nays were ordered. The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device and, there were—yeas 328, nays 93, not voting 12, as follows:

[Roll No. 586]  
YEAS—328

Rush  
Ryan (WI)  
Sabo  
Sarbanes  
Saxton  
Shaw  
Shays  
Shuster  
Simmons  
Skeen  
Skelton  
Smith (NJ)  
Smith (MA)  
Snyder  
Souder  
Spratt  
Stabenow  
NAYS—93  
Abercrombie  
Ackerman  
Baer  
Baldwin  
Barr  
Bartlett  
Becerra  
Chenoweth-Hage  
Clay  
Collins  
Conyers  
Cooksey  
DeFazio  
DeGette  
Ehlers  
Ensley  
Engel  
English  

Mr. DREIER (during debate on H.R. 2442), from the Committee on Rules, submitted a privileged report (Rept. No. 106-466) on the resolution (H. Res. 374) providing for consideration of motions on rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. DREIER (during debate on H.R. 2442), from the Committee on Rules, submitted a privileged report (Rept. No. 106-466) on the resolution (H. Res. 375) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 78. Joint resolution making further appropriations for the fiscal year 2000, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore, pursuant to clause 8 of rule XX, announced that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken on Friday, November 12, 1999.

EXEMPTING CERTAIN REPORTS FROM AUTOMATIC ELIMINATION AND SUNSET PURSUANT TO FEDERAL REPORTS AND ELIMINATION AND SUNSET ACT OF 1995

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3234) to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports and Elimination and Sunset Act of 1995, as amended.

The Clerk read as follows:

H.R. 3234

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

SECTION 1. REPORTS WITHIN THE JURISDICTION OF THE COMMITTEE ON EDUCATION AND THE WORKFORCE.

CONGRESSIONAL RECORD – HOUSE

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

Mr. GOODLING. Mr. Speaker, I yield the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

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

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

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

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

On December 21, 1999, all the reports that we would normally use in oversight work remain on the books. And we are happy to get rid of all of the others, which are in this folder.

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

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

Mr. Speaker, I am pleased that our staff were able to resolve some issues that we had about the adequacy of the list of reports and studies contained in the introduced bill. By taking just a little additional time, we have reached a bipartisan agreement that has been incorporated into the amendment that has been offered today.

Reexamining the usefulness of the reporting requirements that have been imposed on Federal agencies is a prudential exercise for Congress to undertake. It can ensure that resources are not being wasted to produce reports that are no longer useful or desirable.
Therefore, Mr. Speaker, the legislation now before us indicates that our committee has met that standard. Accordingly, I urge a yes vote on the bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. Goodling) that the House suspend the rules and pass the bill, H.R. 3234, as amended.

The motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3234.

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

There was no objection.

WARTIME VIOLATION OF ITALIAN-AMERICAN CIVIL LIBERTIES ACT

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2442) to provide for the preparation of a Government report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgment of such injustices by the President.

The Clerk read as follows:

H.R. 2442

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

SECTION 1. SHORT TITLE.
The Act may be cited as the “Wartime Violation of Italian-American Civil Liberties Act”.

SEC. 2. FINDINGS.
The Congress makes the following findings:
(1) The freedom of more than 600,000 Italian-born immigrants in the United States and their families was restricted during World War II by Government measures that branded them “enemy aliens” and included carrying identification cards, travel restrictions, and seizure of personal property.
(2) During World War II more than 10,000 Italian Americans living on the West Coast were forced to leave their homes and prohibited from entering coastal zones. More than 50,000 were subjected to curfews.
(3) During World War II thousands of Italian American immigrants were arrested, and hundreds were interned in military camps.
(4)Hundreds of thousands of Italian Americans performed exemplary service and thousands sacrificed their lives in defense of the United States.
(5) At the time, Italians were the largest foreign-born group in the United States, and today they are the fifth largest immigrant group in the United States, numbering approximately 15 million.

(6) The impact of the wartime experience was devastating to Italian American communities in the United States, and its effects are still being felt.
(7) A deliberate policy kept these measures from the public during the war. Even 50 years later much information is still classified. The full story remains unknown to the public, and it has never been acknowledged in any official capacity by the United States Government.

SEC. 3. REPORT.
The Inspector General of the Department of Justice shall conduct a comprehensive review of the treatment by the United States Government of Italian Americans during World War II, and not later than one year after the date of enactment of this Act shall submit to the Congress a report that documents the findings of such review. The report shall cover the period between September 1, 1939, and December 31, 1945, and shall include the following:
(1) The names of all Italian Americans who were taken into custody in the initial round-up following the attack on Pearl Harbor, and prior to the United States declaration of war against Italy.
(2) The names of all Italian Americans who were taken into custody.
(3) The names of Italian Americans who were interned and the location where they were interned.
(4) The names of all Italian Americans who were ordered to move out of designated areas under the United States Army’s “Individual Exclusion Program”.
(5) The names of all Italian Americans who were arrested for curfew violations or other violations under the authority of Executive Order 9066.
(6) Documentation of Federal Bureau of Investigation raids on the homes of Italian Americans.
(7) A list of ports from which Italian American fishermen were restricted.
(8) The names of Italian American fishermen who were prevented from fishing in prohibited zones and therefore unable to pursue their livelihood.
(9) The names of Italian Americans whose boats were confiscated.
(10) The names of Italian American railroad workers who were prevented from working in prohibited zones.
(11) A list of all civil liberties infringements suffered by Italian Americans during World War II, as a result of Executive Order 9066, including internment, hearings without benefit of counsel, illegal searches and seizures, travel restrictions, enemy alien registration, employment restrictions, confiscation of property, and forced evacuation from homes.
(12) An explanation of why some Italian Americans were subjected to civil liberties infringements, as a result of Executive Order 9066, while other Italian Americans were not.
(13) A review of the wartime restrictions on Italian Americans to determine how civil liberties can be better protected during national emergencies.

SEC. 4. SENSE OF THE CONGRESS.
It is the sense of the Congress that—
(1) the story of the treatment of Italian Americans during World War II needs to be told in order to acknowledge that these events happened, to remember those whose lives were unjustly disrupted and whose freedoms were violated, to help repair the damage to the Italian American community, and to disseminate information about similar injustices and violations of civil liberties in the future;
(2) Federal agencies, including the Department of Education and the National Endowment for the Humanities, should support projects such as—
(A) conferences, seminars, and lectures to heighten awareness of this unfortunate chapter in our Nation’s history;
(B) the refurbishment of and payment of interest on the following film, which exhibit “Una Storia Segreta”, exhibited at major cultural and educational institutions throughout the United States; and
(C) documentation concerning the treatment of Italian Americans;
(4) after completion of the report required by this Act, financial support should be provided for the education of the American public through the production of a documentary film suitably produced for public broadcast.

SEC. 5. FORMAL ACKNOWLEDGEMENT.
The President shall, on behalf of the United States Government, formally acknowledge that these events during World War II represented a fundamental injustice against Italian Americans.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. Hyde) and the gentleman from New York (Mr. Engel) each will control 20 minutes.

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

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2442.

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

There was no objection.

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

Mr. Speaker, few people know that during World War II, approximately 60,000 Italian American resident aliens in the United States were deprived of their civil liberties by government measures that branded them enemy aliens.

In fact, on December 7, 1941, hours after the Japanese attack on Pearl Harbor, the FBI took into custody hundreds of Italian American resident aliens previously classified as “dangerous” and shipped them to camps where they were imprisoned until Italy surrendered in 1943.

Mr. Speaker, enemy aliens, Italian American resident aliens were required to carry a special photo identification booklet at all times and they were forced to turn over to the government such items as shortwave radios, cameras, and flashlights. Those suspected of retaining these items had their homes raided by the FBI.

In California, about 52,000 Italian American resident aliens were subjected to a curfew that confined them to their homes between 8 p.m. and 6 a.m., and a travel restriction that prohibited them from traveling farther than five miles from their homes. These measures made it difficult, if not
impossible, for some Italian Americans to travel to their jobs; and thousands were arrested for violations of these and other restrictions.

Then on February 24, 1942, 10,000 Italian American resident aliens living in California were ordered by the Federal Government to evacuate coastal and military zones. Most of those who had to abandon their homes were elderly, some of whom were taken away in wheelchairs and on stretchers.

Late in 1942, about 25 Italian American citizens were ordered to evacuate these areas.

In Half Moon Bay, San Francisco, Santa Cruz, and Monterey the evacuation orders had an enormous impact on hundreds of Italian American fishermen, such as Giuseppe DiMaggio, father of baseball brothers Joe and Dominic and Vince DiMaggio, as well. They were prohibited from taking their boats out to sea.

In fact, nearly all boats belonging to Italian Americans were impounded by the U.S. Navy for the duration of the war.

On March 12, 1942, Ezio Pinza, a renowned opera singer at the Metropolitan Opera in New York, was arrested and interned at Ellis Island of all places. After two hearings and nearly three months of confinement on charges that were never articulated by the Government, Mr. Pinza was released.

Despite his ordeal, Ezio Pinza was honored to have been chosen to sing the "Star Spangled Banner" at the welcoming home ceremonies for Generals Patton and Doolittle.

This secret history of wartime restrictions on Italian Americans living in the United States has been largely absent from the American history books. It is long past the time that this unknown part of American history and the plight of immigrant people living in the United States who endured oppression during World War II should be revealed. The truth has to be told. I was shocked when I first heard of these abuses against one of the most loyal segments of our country.

H.R. 2442, the "Wartime Violation of Italian American Civil Liberties Act," requires the Department of Justice to conduct a comprehensive review of the Federal Government's treatment of the Italian Americans during World War II and submit to Congress a report that documents the findings of that review.

This bill also requires the President to formally acknowledge that these events represented a fundamental injustice against Italian Americans.

In addition, H.R. 2442 encourages Federal agencies, including the Department of Education and the National Endowment for the Humanities, to support, among other things, conferences, seminars, and other activities to heighten awareness of the injustices committed against Italian Americans.

H.R. 2442 thus brings to the forefront the discrimination and the prejudice that was suffered by Italian Americans during World War II. It is my hope that a report submitted by the Justice Department pursuant to H.R. 2442 will uncover long buried events and recast the plight of Italian American immigrants in a way that will help heal those who suffered and make sure that history will never repeat such injustice again.

I want to thank the gentleman from New York (Mr. Lazio) and the gentleman from New York (Mr. Engel) for bringing this legislation to our attention.

I want to also thank Mr. Anthony LaPiana of my district, who so forcibly brought this to my attention.

I urge Members to vote in favor of H.R. 2442.

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

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

Mr. Speaker, I want to thank the gentleman from Illinois (Mr. Hyde), the chairman of the Committee on the Judiciary, and the gentleman from Michigan (Mr. Conyers) for their efforts in bringing this bill to the floor today.

I have worked on this legislation with my colleague the gentleman from New York (Mr. LaZio), and I am proud to be here today to express my support for the "Wartime Violation of Italian American Civil Liberties Act." December 7, 1941, is a day that is very well-known. On that day, the Japanese bombed Pearl Harbor and the U.S. entered World War II.

What has been overlooked since that day is the fact that Italian Americans on that day suddenly became so-called "enemy aliens." Loyal Italian American patriots who had fought alongside U.S. armed forces in World War I, mothers and fathers of U.S. troops fighting in World War II, even women and children, were suspected of being dangerous and subversive solely because they were Italian American.

With this new enemy alien status, Italian Americans were subject to strict curfew regulations, forced to carry photo IDs, and could not travel farther than a five-mile radius from their homes without prior approval.

Furthermore, many Italian fishermen were forbidden from using their boats in prohibited zones. Since fishing was the only means of income for many families, households were torn apart or completely relocated as alternative sources of income were sought.

It is difficult to believe, Mr. Speaker, that over 10,000 Italians deemed enemy aliens were forcibly evacuated from their homes and over 52,000 were subject to strict curfew regulations.

Ironically, at that time, over half a million Italian Americans were serving in the U.S. armed forces, fighting to protect the liberties of all Americans, while many of their family members had their basic rights and freedoms revoked.

When we first started working on this legislation, we had vague accounts of mostly non-Italians who were subjected to these civil liberties abuses.
live in a land of freedom and opportunity and indeed that is why so many of our ancestors came to these shores. As my grandparents came from Italy, they came for nothing but to seek a better way of life. Some of their children even served this country in World War II.

This resolution does not ask for any memorials or any payments. I think what it seeks to do is just to shed a little light on what was an injustice during and after the war. How many Italian Americans like so many other Americans who gave their life for this country so that we could be free, I think we would be making a wonderful statement, that when this country perhaps engages in an injustice, it is willing to right it. We are not coming down here screaming that this has got to be erased from the history books. No, I am not sure what we are doing is, as I said, letting the generations yet to come know what this is all about.

The Italian Americans who served this country in war and otherwise in business and in the communities of this country love and appreciate this country. What this will do, Mr. Speaker, is to allow those families that were dishonored by some of these actions by the United States Government to erase that dishonor from their family books, because if there is anything Italian Americans appreciate and love, it is their pride and honor. They love this country. They love what it represents. If we can do that and call into question some of the activities that occurred about 50 years ago by this government, I think it would be a good thing.

Mr. ENGEL. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I rise in strong support of this bill. The bill was considered in the Subcommittee on the Constitution, we worked on it, and I raised one concern during the deliberations in the subcommittee that I want to raise again on the floor, not to diminish the importance of the bill but to express concern about how we are doing this.

There are a number of things that we could direct the President to apologize for the representations in the record of our country. This will be the first time that we will have gone on record as directing the President of the United States to make a formal apology for some historical event. Now, apologies have been made and this is one where it would be justified. There is no question about it. But I am concerned about the precedent that we establish by the last provision in the bill which directs the President, it says the President, to fully cooperate with the Department of the United States Government formally acknowledge that these events during World War II represented a fundamental injustice against Italian Americans. I think that is a wrong precedent to establish. It is not something that would impel me to vote against this bill or to lobby against it because it is a wonderful bill, but I do encourage my colleagues as we go forward in the process of this legislation to encourage otherwise the President of the United States is going to be out there every week apologizing for something or acknowledging some injustice. I am not sure that we want to start that precedent in our country, regardless of how terrible the incidents are that we are acknowledging.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume, simply to comment on the gentleman from North Carolina's statement. It may be a distinction without a difference, but the word "apology" is not used. It is an acknowledgment that these events represented a fundamental injustice against Italian Americans. And so that is somewhat different.

There is a precedent of sorts for this, 22 U.S. Code Annotated Section 1394, Recognition of Philippine Independence. The President of the United States, if I may read, shall by proclamation and on behalf of the United States, shall recognize the independence of the Philippine Islands as a separate and self-governing nation and acknowledge the authority and control over the same of the government instituted by the people thereof under the constitution then in force.

So this statute, which is law and which Harry Truman, I might add, followed through with an appropriate proclamation, required an acknowledgment, a recognition of the independence of the Philippine Islands. I would cite that to my friend.

Mr. WATT of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Speaker, I do not want to diminish the value of this bill by getting sidetracked onto this side issue. But even that language would be better than the language that we have in this bill. The only point I want to make is that I hope the sponsors of this bill and the draftsmen, as the bill goes forward in the process with the Senate, take a close look at how we are doing here and consider altering the way we are doing it. But again, I do not want anything to diminish the value of this bill. It is a very important bill. We ought to acknowledge it. The President has suggested that this bill Simply requires the United States Government formally acknowledges, et cetera.

But again we cannot do it on the suspension calendar, anyway. I just want to make sure that some deliberation about how we do this gets put out.

Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New Jersey (Mrs. ROUKEMA).

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. I thank the gentleman for yielding me this time. Mr. Speaker, I do not want that it is incomprehensible to me that this abuse and discrimination could have occurred and that it was not rectified for all these years. And so I want to thank the gentleman and certainly the gentleman from New York (Mr. LAZIO) and the gentleman from New York (Mr. ENGEL) for bringing it to the attention of this House. It is long overdue. And as has been stated very adequately and more than adequately by the gentleman from Illinois, exactly what it does to put this, our house in order here.

The proper context of this, as I see it as an Italian American, is that these restrictions and discrimination were very much the time when they were contributing so richly to our society. In fact, it was at a time when 1.2 million Americans were estimated to be of Italian descent serving in the United States military defending our country. I guess I want to say, Mr. Speaker, that most of the 600,000 Italians had been living in the United States since the turn of the century, long before any possible hostilities between their homeland and their new land. In that regard, Mr. Speaker, I do want to acknowledge the Scafatis and the D'Alessios from which I am descendent.

I thank my colleagues so much for this opportunity and this rectification of this discrimination.

Mr. Speaker, I rise in strong support of H.R. 2442 and urge its immediate passage. In fact, House consideration of this legislation is long overdue. In fact, it is in comprehensible that this abuse and discrimination could have occurred or that it was not rectified for all these years!

This is straightforward legislation designed to address injustices that occurred during a complicated time. This bill requires the President of the United States to formally acknowledge that Italians and Italian-Americans faced serious violations of their civil rights during World War II. The bill further directs the Justice Department to compile and catalogue these violations.

It has been my experience that few Americans are aware that more than half a million Italians living in the United States during World War II suffered serious violations of their rights.

Shortly after the United States declared war on Italy in 1941, the federal government classified more than 600,000 Italians living in the United States as "internal enemies." From February through October 1942, the United States imposed restrictions on these 600,000 individuals. They were required to register at the nearest post office, carry identification cards, and report all job changes. They could not travel more than five miles from their own homes. In some states, they had to adhere to dusk to dawn curfews. They were forbidden to own guns. Cameras and short-wave radios were also "out-of-bounds."

To put this in the proper context, these restrictions and discriminations were imposed on
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Italian Americans at a time when they were contributing richly to American society. In the least, an estimated 1.2 million Americans of Italian descent were serving in the U.S. military, constituting one of the largest segments of the U.S. combat forces in the war effort.

Mr. Speaker, most of these 600,000 Italian Americans had been living in the United States since the turn of the century—long before any possible hostilities between their homeland—Mother Italy—and their new land—the United States of America. My family—the Scalatis and the D'Alessios—were among these early 1900s. And while I have never heard any family stories that they were subjected to this kind of overt discrimination, the point is, they could have been.

And could have happened to them in 1942, we have to ask: what is to prevent the wholesale violation of another ethnic group's civil rights in the Year 2002?

Make no mistake about it. The United States has always been "The Shining City on a Hill." America is, indeed, the "Great Melting Pot" where peoples of all races and national origins come to live and work in relative harmony.

With that said, we can be justifiably proud of our nation's ability to shine a spotlight on the darkest moments. There is no doubt that the treatment of Italians in America during World War II was a dark chapter in American history. That is precisely why this legislation is so important. By debating H.R. 2442, we are shining a light on this dark chapter, so that current generations will not repeat the mistakes of the past. So that our children and their children will understand more clearly than ever that our precious civil rights exist for everyone and for all times.

Support the bill.

Mr. ENGEL. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I would like to thank the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) for bringing this bill to the floor. As a cosponsor of the Wartime Violation of Italian American Civil Liberties Act, I rise in strong support of the bill.

This bill rights a terrible wrong against our parents, our grandparents and the upstanding elders of our communities. A century ago, Italian Americans left behind their homes to make their way in the new world. It is places like Wooster Square in New Haven, Connecticut, where I grew up that they came with little else but a determination to work hard and make a new life. They raised their families, and built strong, tightly knit communities. The values that Italian Americans shared are the same values that have made this nation great: hard work, family, community, faith.

My own family was an Italian immigrant, served in the United States Army. And yet in our history, 600,000 Italian Americans were treated as enemies in their own land. Ten thousand were forced from their homes, and hundreds lost their jobs or were shipped to internment camps, all because they were Italian.

I thank the gentleman from New York (Mr. ENGEL) and the gentleman from New York (Mr. LAZIO) for keeping up the pressure on the Federal Government to acknowledge the nightmare that Italian Americans lived through, loyal U.S. citizens, leaders of their communities, during World War II.

I know my family and myself when I say it is an honor to stand here today to call on our government to recognize this terrible injustice. This wrong must not be hidden in the shadows any longer. I am very proud to stand here and to support this bill. Again, I thank my colleagues.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. I thank the gentleman for yielding me this time.

Mr. Speaker, as an original cosponsor, I am pleased to rise in support of the Wartime Violation of Italian American Civil Liberties Act. I want to commend the gentleman from New York (Mr. LAZIO) and the gentleman from New York (Mr. ENGEL) for being such leaders in making sure that this piece of legislation was well crafted and came before the House.

I thank the gentleman from Illinois (Mr. HYDE) and the House for helping this bill come before us for a vote. It is so important. H.R. 2442 is going to officially acknowledge the denial of human rights and freedoms of Italian Americans during World War II by the United States.

While many Americans know the sad history of our Nation's treatment of Japanese Americans following Pearl Harbor and our entry into World War II, remarkably, few Americans know that shortly after that attack, the attention and concern of the U.S. Government was similarly focused on Italian Americans. More than 600,000 Italian Americans were determined to be enemy aliens by their own government.

PEREZ. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I am very glad that this House of Representatives and my colleagues have brought forward this resolution, and I seek its swift passage.

Mr. Speaker, most, if not all, of the Italian American participation was of the Italian Americans being taken into custody, being interned, being ordered to move to designated areas.

I say that because as an Italian American and representing a district that has a very large number of Italian Americans, most of my knowledge of the history of World War II and the Italian American participation was of so many soldiers of Italian American descent going abroad, fighting in the war, including my father and a lot of my relatives, and I only had the memory of my father and myself when I say it is an honor to stand here today to call on our government to recognize this terrible injustice. This wrong must not be hidden in the shadows any longer. I am very proud to stand here and to support this bill. Again, I thank my colleagues.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I want to thank my colleague from New York (Mr. ENGEL) for bringing this legislation, and this live measure if you will, to my attention. I think it was several months ago, maybe even a year ago, when the gentleman from New York (Mr. ENGEL) mentioned to me that he was involved with the gentleman from New York (Mr. LAZIO) in introducing this bill. I want to say that I was frankly shocked by some of the information that has come forward in terms of Italian Americans being taken into custody, being interned, being ordered to move to designated areas.

I say that because as an Italian American and representing a district that has a very large number of Italian Americans, most of my knowledge of the history of World War II and the Italian American participation was of so many soldiers of Italian American descent going abroad, fighting in the war, including my father and a lot of my relatives, and I only had the memory of my father and myself when I say it is an honor to stand here today to call on our government to recognize this terrible injustice. This wrong must not be hidden in the shadows any longer. I am very proud to stand here and to support this bill. Again, I thank my colleagues.

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While many Americans know the sad history of our Nation's treatment of Japanese Americans following Pearl Harbor and our entry into World War II, remarkably, few Americans know that shortly after that attack, the attention and concern of the U.S. Government was similarly focused on Italian Americans. More than 600,000 Italian Americans were determined to be enemy aliens by their own government.

More than 10,000 were forcibly evicted from their homes; 52,000 were subject to strict curfew regulations, and hundreds were shipped to internment camps. Constitutional guarantees of due process were absolutely unrecognized.

Although they had family members whose basic rights had been revoked, more than a half million Italian Americans served this Nation with honor and valor to defeat fascism during World War II. My three brothers served very valiantly in World War II and one, in fact, received a Purple Heart. Thousands made the ultimate sacrifice.

The Wartime Violation of Italian Americans Civil Liberties Act directs the Department of Justice to prepare a comprehensive report detailing the unjust policies against Italian Americans during this period of American history. This is a very important to Italian Americans that this information is brought forward so that we can get to the bottom of it.

I just want to commend the two gentlemen from New York for their efforts on this behalf and 1 urge support for this bill.

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume. I want to go into the well and show my self such time as I may consume. I self such time as I may consume. I wish to commend the two gentlemen from New York for their efforts on this behalf and urge support for this bill.

Mr. Speaker, I yield myself such time as I may consume. I want to go into the well and show my colleagues two photos that were taken during that terrible period.

These photos were taken at Missoula, Montana at the internment camp holding the various Italian Americans primarily from the West Coast, and one of
the things that people are saying, as our colleagues have said when they first heard about it and as the chairman said, everyone was in shock because nobody could really believe that this had actually happened. We had heard about the internment of Japane se Americans during the war, but no one knew anything about Italian Americans. My colleagues can see over here, this was from Missoula, Montana, and this is a picture of the internment camp. We can see a band of Italian Americans standing just waiting to go into the camp.

The next photo actually is a little bit closer and it shows again the fence, how the people were fenced in; we can see the American flag flying, and again, we have Italian Americans arriving at the Missoula, Montana internment camp in 1941. Again, this happened shortly after, a matter of days literally, after the bombing of Pearl Harbor.

I am very proud of our colleagues on both sides of the aisle who have really helped move this legislation; the chairman, who moved mountains to get this done, and it has been a pleasure working with my good friend and colleague from New York (Mr. LaZio). When we wrote this legislation, Mr. Speaker, we wanted the American public to know, and we want the Justice Department to continue to open up its records, because there are things that we still do not know, we want to know all that happened during this period. This is obviously the greatest country in the world and even great countries make some mistakes, and we raise this not to go back in the past, but to learn from it. It means a great deal to me. Anthony Cassamento is a true American hero who lived in my district until his death. He was a man who earned the Congressional Medal of Honor for his conduct at the Battle of Guadalcanal. During the battle, every member of Corporal Cassemento's machine gun crew was killed or wounded in a fire fight. Cut off from all help and badly injured, he manned his section's weapon singlehandedly, beating back repeated assaults on his position and destroying an enemy machine gun nest. He provided crucial covering fire for a flanking assault by the rest of his unit, and saved dozens of American lives.

Mr. Speaker, while Anthony Cassamento was manning that machine gun nest near Mountungan in the cause of freedom, hundreds of his fellow Italian Americans were being shipped and held in internment camps in no other reason than their ethnicity, because they happened to be born as Italian Americans. While Anthony Cassamento was providing covering fire for his fellow Marines, his friends and acquaintances back home were considered enemy aliens by the U.S. Government.

It is a little known fact that in the first days after Pearl Harbor, hundreds of Italian Americans were arrested as security risks and shipped off to distant internment centers without benefit of counsel or of trial. They were held against their will until Italy surrendered two years later. Two years later, Mr. Speaker. Consider that. Without trial, without due process.

Mr. LAZIO. Mr. Speaker, let me begin by saying, that there are a lot of folks who thought this day would never come; that this House would never consider a resolution that spoke to an era in American history that some believed was long forgotten. But they did not count on the great men represented in the gentleman from Florida (Mr. Canady) and of course the leading cosponsor of the bill, the gentleman from New York (Mr. Hyde) for his remarkable efforts in trying to move this bill forward. This legislation embodies values that we hold dear in our Nation—the values of truth, of liberty, and of freedom. These are the values that our country fought to protect in nations far overseas during the Second World War.

Mr. Speaker, I happen to be a member of the Anthony Cassamento Lodge of the Sons of Italy back on Long Island. Now the name Anthony Cassamento may not ring a bell to most people, but it means a great deal to me. Anthony Cassamento is a true American hero who lived in my district until his death. He was a man who earned the Congressional Medal of Honor for his conduct at the Battle of Guadalcanal. During the battle, every member of Corporal Cassemento's machine gun crew was killed or wounded in a fire fight. Cut off from all help and badly injured, he manned his section's weapon singlehandedly, beating back repeated assaults on his position and destroying an enemy machine gun nest. He provided crucial covering fire for a flanking assault by the rest of his unit, and saved dozens of American lives.

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Mr. HYDE. Mr. Speaker, I am pleased to say that this bill has attracted 86 cosponsors from both sides of the aisle. The diversity of this list reflects both the national scope of the injustices that took place and the widespread desire felt across ethnic and geographic lines that justice be done.

As we have heard also, Mr. Speaker, the noted poet and philosopher George Santayana observed that "Those who cannot remember the past are condemned to repeat it." But the truth must be established before it can be remembered. That is why this bill has been introduced. We owe it to the Italian American community and indeed to the American public to find out exactly what happened and why it happened. A complete understanding of what took place during this sad chapter of American history is the best guarantee that it will never happen again.

With that, I once again want to thank the gentlemen from Illinois (Mr. Hyde), the chairman of the Committee on the Judiciary, for his leadership in bringing this measure to the floor today.

Mr. ROOTHAM. Mr. Speaker, I rise today as a proud cosponsor of "The Wartime Violations of Italian-American Civil Liberties Act."

I want to begin by thanking the distinguished chairman and ranking member of the
After all, an Italian American discovered America. Italian immigrants helped to build this country and have contributed immeasurably to the rich fabric of our history, society and culture and around the world. The actions and policies of our government during World War II was a black mark that almost destroyed a part of the very foundation upon which America was established and built and has been maintained.

Mr. Speaker, I support this bill on behalf of all Italian Americans, so that future generations will have a better understanding of our nation’s history. As I have demonstrated, Italian Americans have contributed so much to this country, and I believe we own them, and their families who had to endure American socio-political pressures in the past.

It is through the educational efforts that this bill seeks to initiate, such as encouraging relevant federal agencies to support projects that heighten public awareness of this unfortunate chapter of our nation’s history; such as having the President and Congress provide direct financial support for a film documentary; and such as the formation of an advisory committee to assist in the compilation of relevant information regarding this matter and related public policy matters, that we will ensure that this tragedy is never repeated.

On behalf of the 630,000 Italian Americans in Connecticut, and the 114,574 who live in our state’s capitol, Hartford, which is in my district and ranks 21st on the National Italian American Foundation’s list of top 50 cities with this Italian American population, I urge support of this bill. We cannot change the past, but recognizing this serious violation will send an important message to the generations who have been affected by this terrible period of time in our nation’s history. It will tell them: “You are not forgotten.”

Ms. PELOSI. Mr. Speaker, I rise today in support of the “Wartime Violation of Italian American Civil Liberties Act,” H.R. 2442. This legislation addresses and attempts to redress America’s mistaken discriminatory policies during World War II that harmed Italian Americans. This bill would require the Government to prepare a report detailing the injustices suffered by Italian Americans during World War II, and have the President formally acknowledge such injustices.

Throughout America, more than ten thousand Italian Americans were forcibly evacuated from their homes and taken away from military installations and coastal areas. In addition, approximately 600,000 Italian nationals, many whom had spent years in America, were labeled “enemy aliens” to ensure strict travel restrictions, curfews, and seizures of personal property. Some of these Italian Americans were excluded from California and the district I represent, San Francisco.

As with many Japanese Americans, the U.S. government deprived these Italian Americans of their civil liberties. The government prevented them from traveling far from their homes and confiscated their shortwave radios, cameras, and firearms. Historians estimate that over 500,000 Italian Americans were subjected to a curfew. In Boston harbor and other ports, Italian American fishermen were denied their livelihood. Despite this mistreatment, more than 500,000 Italian Americans were forcibly evacuated from their homes and taken away from military installations and coastal areas. In addition, approximately 600,000 Italian nationals, many whom had spent years in America, were labeled “enemy aliens” to ensure strict travel restrictions, curfews, and seizures of personal property. Some of these Italian Americans were excluded from California and the district I represent, San Francisco.

To straighten the official historical record, The Wartime Violation of Italian American Civil Liberties Act would have the Department of Justice prepare and publish a comprehensive report detailing the government’s unjust policies and practices during this time period. Looking ahead, this bill would require the Department to analyze how it will protect U.S. civil liberties during future national emergencies. The bill also requires the President to
formally acknowledge America’s failure to protect the civil liberties of Italian Americans, who were then America’s largest foreign-born ethnic group.

We can never undo the injustices that were done to Italian Americans, including thousands of long term residents. We can never adequately compensate those individuals or the Italian American community. We can take steps to remember and publicize this shameful chapter of American history. We can work to ensure that every American has equal protections and equal opportunities. Too frequently in our country our society and individuals have sought to mislabel those different from us and override the rights of these “others.” This bill reminds us of our obligation to prevent the government and individuals from mislabeling and then discriminating against the “other.”

Mr. HYDE. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H. R. 2442.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

STALKING PREVENTION AND VICTIM PROTECTION ACT OF 1999

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 1869) to amend title 18, United States Code, to expand the prohibition on stalking, and for other purposes, as amended.

The Clerk read as follows:

H. R. 1869

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 “Stalking Prevention and Victim Protection Act of 1999.”

SEC. 2. EXPANSION OF THE PROHIBITION ON STALKING.

(a) IN GENERAL.—Section 2261A of title 18, United States Code, is amended to read as follows:

§ 2261A. Stalking.

(a) Whoever—

(1) for the purpose of stalking an individual, travels or causes another to travel in interstate or foreign commerce, uses or causes another to use the mail or any facility in interstate or foreign commerce, or enters or leaves, or causes another to enter or leave, Indian country; or

(2) within the special maritime and territorial jurisdiction of the United States or within Indian country, stalks an individual; shall be punished as provided in section 2261.

(b) For purposes of this section, a person stalks an individual if that person engages in conduct—

(1) with the intent to injure or harass the individual; and

(2) that places the individual in reasonable fear of the death of, or serious bodily injury to, that individual, a member of that individual’s immediate family (as defined in section 115), or that individual’s intimate partner.

“(c) The court shall at the time of sentencing for an offense under this section issue an appropriate protection order designed to protect the victim from further stalking by the convicted person. Such an order shall remain in effect for such time as the court deems necessary, and may be modified, extended or terminated at any time after notice to the victim and opportunity for a hearing.”.

“(b) DETENTION PENDING TRIAL.—Section 3156(a)(6)(C) of title 18, United States Code, is amended by inserting “; or section 2260A” after “117”.

“(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110A of title 18, United States Code, is amended by striking the item relating to section 2261A and inserting the following: “2261A. Stalking.”

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the bill now under consideration.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS).

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

Mr. Speaker, I am managing this bill on behalf of the gentleman from Florida (Mr. McCOLLUM), my friend and colleague, and at this time I would like to recognize his leadership on this bill and also the leadership of the chairman of the full Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE).

Mr. BACHUS. Mr. Speaker, I do rise at this time in support of H. R. 1869, the Stalking Prevention and Victim Protection Act of 1999.

The bill was introduced by the gentlewoman from New York (Mrs. KELLY), and this bill has been the result of 4 years of hard labor on behalf of the gentlewoman from New York.

She recognized that presently we have over 1 million women in this country that are being stalked, we have about 400,000 men, and we have hundreds of thousands of children that are currently being stalked because of the Internet.

The full Committee on the Judiciary favorably reported the bill as amended by voice vote. The goals of the bill are to expand the reach of the Federal stalking statute to prosecute cyberstalkers who are currently beyond the reach of Federal law enforcement but are deserving of Federal prosecution, and to better protect stalking victims by authorizing pretrial detention for alleged stalkers, and mandating the issuance of a civil protection order against convicted stalkers.

These goals are worthwhile, and these goals will give Federal prosecu-
Mr. Speaker, it was only 9 years ago that the first anti-stalking statute was passed in California. Since that time, all 50 States have enacted stalking statutes of one form or another. Congress passed the first federal stalking statute in 1996. This bill would be the first amendment to that statute since it was enacted.

Mr. Speaker, I believe that this bill will give federal prosecutors better tools to more effectively prosecute interstate stalking in cyberstalking cases and to better protect the victims of those crimes and the community.

I urge all my colleagues to support the bill as amended.

Mr. Speaker, I am pleased to manage this bill on behalf of my friend and my colleague from Florida, Mr. McCollum, and want to recognize his leadership on this issue.

Mr. Speaker, I rise in support of H.R. 1869, the “Stalking and Victim Protection Act of 1999.” The bill was introduced by Representative Sue Kelly and has bipartisan support.

The goals of the bill are to expand the reach of the Federal stalking statute to prosecute cyber stalkers who are currently beyond the reach of federal law enforcement but are depriving of federal prosecution, and to better protect stalking victims by authorizing pretrial detention of an accused stalking defendant pending trial in order to assure the safety of the victim and the community, as well as the defendant’s appearance at trial.

This is because of one simple fact. This is that fact, that stalking victims run a higher risk of being assaulted or even killed by a stalker immediately after the criminal justice system intervenes; that is, just after the stalker is arrested and then released on bond, prior to trial.

Mr. Speaker, it was only 9 years ago that the first anti-stalking statute was passed in California. Since that time, all 50 States have enacted stalking statutes of one form or another. Congress passed the first federal stalking statute in 1996. This bill would be the first amendment to that statute since it was enacted.

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I urge all my colleagues to support the bill as amended.

Mr. Speaker, I reserve the balance of my time.
behavior of those driven by delusions and personal demons, it is our responsibility to do all that we can to assist the millions of stalking victims in our country.

In the last 10 years, lawmakers across the land have acknowledged this responsibility. As it stands now, there is not one State that does not have an anti-stalking statute on its books. We have responded at the Federal level, as well. Three years ago, my friend and colleague, the gentleman from California (Mr. Royce), shepherded through Congress the International Stalking Punishment and Prevention Act, the first Federal anti-stalking statute.

This provision makes it a crime for any person to travel across State lines with the intent to injure or harass another person, thereby placing that person or a member of that person's family in reasonable fear of death or serious bodily injury. This was landmark legislation that was an important first step to our effort.

I come to the House floor today to continue that effort. In considering the proposal before us, we ought to be guided not so much by memories of high profile cases of celebrity stalking, but rather by an increasing awareness that stalking is a commonplace circumstance affecting millions of Americans. It is my hope to help these millions who have not the resources to co-opt themselves from mainstream society to do so.

The Justice Department has estimated that over 1 million women and over 370,000 men are currently stalked every year. They further estimate that one out of every 12 women and one out of every 45 men has been stalked at some point in their lives.

In light of these projections, a reassessment of the current Federal law must yield a conclusion that modifications should be made. My proposal seeks to build upon the current law by addressing the definition of stalking, which addresses only traveling over interstate lines. This new definition works by including those avenues of communication we are addressing in this area believed by many experts to be the most vulnerable medium to an increased rate of stalking in the coming years, the Internet.

Though its magnitude is unknown at this point, a report on cyberstalking released by the Justice Department concludes that there may be potentially tens or even hundreds of thousands of victims of recent cyberstalking in the United States. Because of its ostensibly anonymous, nonconfrontational nature, many are concerned that stalking over e-mail and the Internet will increase as more Americans gain access to this exciting new communications tool.

By acting now, we will impose a serious disincentive to stalkers who consider using technological capabilities to inflict harassment and fear.

My proposal also seeks to provide additional protections to stalking victims by stipulating that a protection order be issued at the time of sentencing, and by specifying that there be a presumption against bail in cases where the accused has a previous history of stalking offenses.

I think all of my colleagues would agree that this body has no directive more important than the one which guides us to work each day to improve the lives of Americans. Though perhaps in the grand scheme of our efforts this may seem small, it nevertheless carries great significance to those Americans across the country whose basic daily freedoms are contaminated and crippled by an un-daunted menace.

I urge all of my colleagues to vote for this proposal.

Mr. BACHUS. Mr. Speaker, in my opening statement on this bill, I mentioned that California passed the first law, the first anti-stalking statute of all the United States. I also mentioned the Federal statute that this body passed.

I am very pleased to yield such time as he may have the gentlewoman from California (Mr. Royce), who is the author of both of those bills, the California statute and the first Federal statute.

Mr. ROYCE. Mr. Speaker, I rise in support of this bill, which is the Stalking Prevention and the Victim Protection Act. In 1990, I was the author of the first anti-stalking law in the country. That came about at a time when there was a 6-week period in which four young women in my county of Orange County, California, were each told that they were going to be killed. And each one informed law enforcement and law enforcement, unfortunately, had to tell them there was nothing that they can do until they were physically attacked.

One police officer told me the worst thing he ever had to do in his life was to try to apprehend a stalker in the act, and he almost succeeded. Unfortunately, the young woman lost her life. She was killed just before the apprehension of the stalker was made.

So all four of these young women who knew they were going to be killed, who told law enforcement, who told their friends that this was going to happen to them lost their lives in the span of 6 weeks.

That was the impetus for the bill.

Today, all 50 States have antistalker laws on their books. When I came to Congress, I felt that there was need for a Federal law. Why? Because in the case of restraining orders between the States, there is a situation where those who received the order went away when the victim moves from one State to another State. Why does the victim do that? Because they are told by victim witness programs get away from the stalker. And when they try to do that, they lose the protections under the law.

So the Federal antistalker law protected those victims. But now we have a new type of stalking which has come to the fore, and this bill which was prompted by a Justice Department report on the frequency and the seriousness of cyberstalking, will do something about that. It is going to tighten the Federal antistalking law to include threats through regular mail, with the passage of this bill, victims of this crime will have further legal recourse. They are going to have an increased sense of security.

I talked to one young woman who was stalked for 14 years by a young man she did not even know. He watched her when she was on the high school track team. He began following her, stalking her, threatening her, and there was nothing, again, that law enforcement could do at the time. It culminated with a standoff on her front doorstep for 12 hours with police. He had tried to abduct her with a knife to her throat.

Mr. Speaker, these are instances where these individuals let their intent be known. They publish their threats against these victims. There is no reason why we cannot let law enforcement act upon those threats before it is too late before they lose their lives. I urge passage of this bill.

Mr. BACHUS. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Maryland (Mrs. Morella), who we learned today had three brothers that fought in World War II.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Alabama (Mr. BACHUS) for yielding me this time, and thank him for his leadership on this important piece of legislation.

Mr. Speaker, I also want to thank the gentleman from Illinois (Mr. Hyde), chairman of the committee, and the gentleman from Michigan (Mr. Conyers), the ranking member. I want to thank the gentleman from Virginia (Mr. Scott) for his work on this; and the gentleman from Florida (Mr. McCollum) in absentia, indeed, the prime sponsor, the gentlewoman from New York (Mrs. Kelly), for it.

And, sure, I have three brothers who served in wartime and what we are trying to do with this legislation is to prevent some of the wars that are going on with the stalking.

Mr. Speaker, we have heard the statistic that in 1997, the Department of Justice reported that 1 million women and 370,000 men are stalked every year. This greatly exceeds any expectations or estimates. And, indeed, it continues to increase, from what we understand.

According to the National Center for Victims of Crime, there is no definitive psychological or behavior profile for stalkers, which makes the effort to devise effective antistalking strategies very difficult. I must say, with all of our advances in technology, technology has also allowed for additional opportunity for stalking.

So, Mr. Speaker, that is why I think this bill is so very important. We heard
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from the gentleman from California (Mr. ROYCE) about the origin, the genesis of the first stalking law that we had. It is time now that we alter it. It is time now that we go beyond the current DOJ model antistalking code that was released in 1993 and the legislation enacted in 1996.

So what this bill does is it alters the current antistalking legislation by expanding the Federal prohibition on stalking. And what it does that I think is so important, it broadens the federal definition of stalking to include interstate commerce, which can include e-mail, telephone, and other forms of interstate communications as a means of stalking.

Mr. Speaker, I just want to mention also that it adds new provisions, which have already been stated, with regard to bail restrictions and protection orders at the time of sentencing.

We in government must do all that we can to protect our citizenry from stalking, to prevent it. It is a crime that will stalk every year. It is a crime that will stalk millions in this country: 8% of American women and 2% of American men will be stalked in their lifetimes. In fact, 1.4 million Americans in 1999 and 2% of American men will be stalked in their lifetimes. In fact, 1.4 million Americans and 2% of American men will be stalked in their lifetimes. In fact, 1.4 million Americans and 2% of American men will be stalked in their lifetimes. In fact, 1.4 million Americans and 2% of American men will be stalked in their lifetimes. In fact, 1.4 million Americans and 2% of American men will be stalked in their lifetimes. In fact, 1.4 million Americans and 2% of American men will be stalked in their lifetimes. In fact, 1.4 million Americans and...
for the management of mid-continent light geese and the conservation of their habitat. (b) REQUIRED ELEMENTS.—The plan shall apply principles of adaptive resource management and shall include—

(1) a description of methods for monitoring the levels of populations and the levels of harvest of mid-continent light geese, and recommendations concerning long-term harvest levels;

(2) recommendations concerning other means for the management of mid-continent light geese and associated species, taking into account the reasons for the population growth specified in section 102(a)(3);

(3) an assessment of, and recommendations relating to, conservation of the breeding habitat of mid-continent light geese;

(4) an assessment of, and recommendations relating to, conservation of native species of wildlife adversely affected by the overabundance of mid-continent light geese, including the species specified in section 102(a)(5); and

(5) an identification of methods for promoting collaboration with the government of Canada, States, and other interested persons.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2000 through 2002.

Page 1, line 1, strike out "SEC. 4." and insert "SEC. 5."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from American Samoa (Mr. FOLEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have five minutes within which to revise and extend their remarks and include extraneous material on this legislation.

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

There was no objection.

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

Mr. Speaker, I am pleased to see that the Senate amended H.R. 2454, the Arctic Tundra Habitat Emergency Conservation Act, to include a second title that would have authorized a program for the conservation and management of neotropical migratory birds. But considering the changes that have been made to the bill by the Senate, Mr. Speaker, I am satisfied that the bill has been sufficiently narrowed to limit excessive light geese mortality while the Fish and Wildlife Service completes its environmental impact statement and develops a comprehensive management plan. It is not ideal, but it is reasonable under the circumstances. And I do urge my colleagues to pass this legislation.

Mr. Speaker, sometimes our best efforts to restore wildlife populations create unintended consequences, and that seems to be the unfortunate case with mid-continent light geese. According to biologists—from inside and outside of the Federal government—the population of light geese has exploded over the past decade. This has caused substantial destruction to fragile Arctic and sub-Arctic habitats.

Indisputably, human actions are partly to blame for the growth of the light geese population. And for better or worse, human actions will be pivotal in the future control of these migratory birds.

H.R. 2454, the Arctic Tundra Habitat Emergency Conservation Act, basically authorizes two emergency regulations that were proposed earlier this year by the Fish and Wildlife Service. These emergency measures were strongly supported by State wildlife management agencies and a broad assortment of private wildlife and conservation organizations, including Ducks Unlimited and the National Audubon Society.

The Fish and Wildlife Service voluntarily withdrew these proposed regulations earlier this year after a Federal appeals court ruled that the Service needed to complete a full environmental impact statement (EIS). At that time, I joined the ranking Democrat member of the Resources Committee, Mr. MILLER, in commending the Service for pausing to recognize the need to develop a full environmental impact statement.

Mr. Speaker, it is vital for the Service to complete this EIS at the earliest possible date. More specifically, as part of this EIS, is it absolutely critical for the Service to thoroughly review all essential biological and ecological data concerning light geese. It is my understanding that additional census data and statistical analyses concerning lesser snow geese could shed new light on the status and trends of these important geese. The Service should consider this data thoroughly as part of this EIS.

Frankly Mr. Speaker, without the best available scientific data, we will never be able to address the problem of habitat degradation in the Arctic and sub-Arctic. Without that analysis, Congress can never be sure that the management and population control strategies we authorize are necessarily targeted and free of excess light geese mortality.

It also needs to be re-emphasized that Congress is legislating in this matter solely because all other administrative options available to the Fish and Wildlife Service—under NEPA or any other statute—have been exhausted.
Regrettably, the only remedy remaining is a legislative fix.

Fortunately, the bill has been improved during the legislative process. Nevertheless, I remain concerned about two provisions. First, the bill would waive all procedural requirements of environmental protection legislation (NEPA). Second, the bill authorizes the use of otherwise outlawed hunting practices, notably the use of electronic calling devices and unplugged shotguns.

I realize that we have agreed to move this bill during the current session, and the absence of any administrative remedies. However, I continue to question whether it is ever appropriate for the Congress to pass legislation to waive NEPA or to authorize otherwise illegal, or certainly, unsportsman-like hunting methods.

I am pleased that the Chairman of the Committees, Mr. YOUNG and Mr. SAXTON agreed to include an expiration date of May 15, 2001, or earlier if the Service files its final EIS before that date, to limit the duration of this emergency action. I am also pleased that Senate amended the bill to require the Fish and Wildlife Service to develop and implement a comprehensive management plan for mid-continent light geese and their habitats.

Certainly, in an ideal world it would have been an administrative step to first require the Fish and Wildlife Service to complete the plan before authorizing emergency measures. But in light of the circumstances, it is my hope that an effective plan will make the need for future legislation regarding emergency management of these mid-continent light geese unnecessary.

We have also come to recognize that the version of H.R. 2454 that was reported to the Senate by the Committee on Environment and Public Works included a second title that would have authorized a program for the conservation and management of neotropical migratory birds. This title closely resembled legislation passed by the House on April 12, H.R. 39, the Neotropical Migratory Bird Conservation Act. Surprisingly, this bill has not been scheduled for floor action this session.

It is my understanding that the Senate agreed to remove this second title after the Chairman of the Committee on Resources assured the Senate that he will work with his leadership to ensure that H.R. 39 is brought to the floor. I am pleased that the Fish and Game, Ducks Unlimited, the Audubon Society and other non-governmental entities to try to address the problem. In February of this year, the Fish and Wildlife Service issued two final rules to authorize additional hunting methods to reduce the population of snow geese so that a reasonable population can survive on a viable habitat. The goal was to reduce the number of mid-continent light geese in the first year by 975,000 using additional hunting methods carefully studied and approved by the Fish and Wildlife Service.

It is clear that human decision making has contributed mightily to the light geese problem through increased agricultural production, sanctuary designation, and reduction in harvest rates.

Mr. Speaker, the bill before us takes an affirmative and humane step to help assure the long-term survival of mid-continent light geese and the conservation of the habitat upon which they and other species depend. I urge my colleagues to support this important bill, and I pledge my support toward making sure the President signs it.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no further speakers, so I yield back the balance of my time.

Mr. SAXTON, the Acting Chairman, has no further requests for U.S. Senators and I yield back the balance of my time.

Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2724) to make technical corrections to the Water Resources Development Act of 1999.

The Clerk read as follows:

A motion to reconsider was laid on the table.

WATER RESOURCES DEVELOPMENT ACT TECHNICAL CORRECTIONS

Mr. BOEHLERT. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2724) to make technical corrections to the Water Resources Development Act of 1999.

The Clerk read as follows:

SENATE AMENDMENT:

SECTION 1. ENVIRONMENTAL INFRASTRUCTURE.

(a) JACKSON COUNTY, MISSISSIPPI.—Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 375) is amended

(1) in subsection (c), by striking paragraph (5) and inserting the following:

"(5) JACKSON COUNTY, MISSISSIPPI.—Provision of an alternative water supply and a project for the elimination or control of combined sewer overflows for Jackson County, Mississippi;";

and

(2) in subsection (e)(1), by striking "$10,000,000" and inserting "$20,000,000".

(b) MANCHESTER, NEW HAMPSHIRE.—Section 219(e)(3) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 375) is amended by striking "$10,000,000" and inserting "$20,000,000".

(c) ATLANTA, GEORGIA.—Section 219(k)(1) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335) is amended by striking "$25,000,000" for.

(d) PATERNSON, PASSAIC COUNTY, AND PASSAIC VALLEY, NEW JERSEY.—Section 219(f)(2) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335) is amended by striking "$20,000,000" for.

(e) BEHRENS AND NORTH HUDSON, NEW JERSEY.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335) is amended

(1) in paragraph (3), by striking "$20,000,000" and inserting "$10,000,000"; and

(2) in paragraph (4)

(A) by striking "$10,000,000" and inserting "$20,000,000"; and

(B) by striking "in the city of North Hudson" and inserting "for the North Hudson Sewerage Authority".

SEC. 2. UPPER MISSISSIPPI RIVER ENVIRONMENTAL MANAGEMENT PROGRAM.

Section 1103(e)(5) of the Water Resources Development Act of 1986 (33 U.S.C. 632(e)(5)) is amended by adding the following:

"(c) J ACKSON COUNTY, M ISSISSIPPI.—Section 364 of the Water Resources Development Act of 1999 (113 Stat. 309) is amended by striking paragraph (1)(A)(i) and inserting paragraph (1)(B)";

SEC. 3. DELAWARE RIVER, PENNSYLVANIA AND DELAWARE.

Section 346 of the Water Resources Development Act of 1999 (113 Stat. 313) is amended by striking "Each" and all that follows through the colon and inserting the following:

"Each of the following projects is authorized to
be carried out by the Secretary, and no con-
struction on any such project may be initiated
to the Secretary determines that the project
is technically sound, environmentally acceptable,
and economically justified;"; (2) by striking paragraph (1); and (3) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

SEC. 3. COMITE DIVERSION PROJECT.
Section 103(d)(2)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2231(d)(2)(A)) (as amended by section 215(a)(2) of the Water Resources Development Act of 1999 (113 Stat. 292)) is amended by striking "of" for a which feasibility study is completed after that
date," and inserting "for a project for which
of the Engineer's Report is completed by
date."; and

SEC. 6. COMITE RIVER, LOUISIANA.
Section 371 of the Water Resources Develop-
ment Act of 1999 (113 Stat. 321) is amended—
(1) by inserting "(a) in GENERAL.—" before
"The"; and
(2) by adding at the end following:
"(b) CREDITING OF REDUCTION IN NON-FED-
ERAL SHARE.—The project cooperation agree-
ment for the Comite River Diversion Project shall include a provision that specifies that any reduction in the Federal share that results from the modification under subsection (a) shall be credited toward the share of project costs to be paid by the Amite River Basin Drainage and Water Project, as provided in section 3003 of the Water Resources Development Act of 1986 (33 U.S.C. 2264(a))."

SEC. 7. CHESAPEAKE CITY, MARYLAND.
Section 535(b) of the Water Resources Devel-
opment Act of 1999 (113 Stat. 349) is amended by striking "the city of Chesapeake" each place it appears and inserting "Chesapeake City".

SEC. 8. CONTINUATION OF SUBMISSION OF CERTAIN REPORTS BY THE SECRETARY OF THE ARMY.
(a) RECOMMENDATIONS OF INLAND WATERWAYS USERS BOARD.—Section 302(b) of the Water Re-
sources Development Act of 1986 (33 U.S.C. 2251(b)) is amended in the last sentence by striking "the" and inserting "Notwithstanding sec-
tion 3003 of Public Law 104-66 (31 U.S.C. 1113
note; 109 Stat. 734), the", the.
(b) LIST OF AUTHORIZED BUT UNFUNDED STUD-
IES.—Section 710(a) of the Water Resources De-
(c) REPORTS ON PARTICIPATION OF MINORITY GROUPS AND MINORITY-OWNED Firms IN MISSISSIPPI RIVER-GULF OUTLET FEATURE.—Section 844(b) of the Water Resources Development Act of 1986 (100 Stat. 4177) is amended in the second sentence by striking "the" and inserting "Not-
withstanding section 3003 of Public Law 104-66 (31 U.S.C. 1113 note; 109 Stat. 734), the".
(d) LIST OF AUTHORIZED BUT UNFUNDED PROJECTS.—Section 1001(b)(2) of the Water Re-
sources Development Act of 1986 (33 U.S.C.
579(a)(2)) is amended in the first sentence by striking "Every" and inserting "Notwith-
standing section 3003 of Public Law 104-66 (31
U.S.C. 1113 note; 109 Stat. 734), every"

SEC. 9. AUTHORIZATIONS FOR PROGRAM PRE-
VIOUSLY AND CURRENTLY FUNDED.
(a) PROGRAM AUTHORIZATION.—The program
described in subsection (c) is hereby authorized.
(b) AUTHORIZATION OF APPROPRIATIONS.—
Funds are hereby authorized to be appropriated for the Department of Transportation for the program authorized in subsection (a) in amounts as follows:
(1) Fiscal Year 2000.—For fiscal year 2000, $10,000,000.
(2) Fiscal Year 2001.—For fiscal year 2001, $10,000,000.
(3) Fiscal Year 2002.—For fiscal year 2002, $7,000,000.
(c) APPLICABILITY.—The program referred to in
subsection (a) is the program for which funds
appropriated in title I of Public Law 106-69
under the heading "FEDERAL RAILROAD
ADMINISTRATION" are available for obliga-
tion upon the enactment of legislation authoriz-
ing the program.

§ 1745

The SPEAKER pro tempore (Mr. BARRETT of Nebraska), Pursuant to the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Pennsylvania (Mr. BORSKI) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

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

Mr. Speaker, the bill's clarifications and revisions were developed in close coordination with the Senate and the administration.

Mr. Speaker, Senator Chafee worked very closely with the House conference on the Water Resources Development Act. If I am not mistaken, it was the last major legislative achievement before his untimely death. He also worked very closely with us to fine-
tune this legislation and then expedite its passage. It is a tribute to him that we were able to enact the Water Re-
sources Development Act and then ex-
pediately move this bill.

H. R. 2724 perfections the legislation and addresses new, time-sensitive issues. It deserves the support of all of our col-
leagues.

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

Mr. BORSKI. Mr. Speaker, I yield myself such time as I may conserve.

Mr. Speaker, I am pleased to join
with the distinguished gentleman from New York (Chairman BOEHLERT) in support of this bill, H.R. 2724. As the gentleman from New York (Chairman BOEHLERT) has just suggested, this is a technical corrections bill to the water resources by partisan, non-
controversial. I urge its support.

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

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

The SPEAKER pro tempore. The question was taken; and (two-
thirds having voted in favor thereof) the rules were suspended and the Sen-
ate amendment was concurred in.

A motion to reconsider was laid on
the table.

GENERAL LEAVE

Mr. BOEHLERT. Mr. Speaker, I ask
unanimous consent that all Members may have 5 legislative days within
which to revise and extend their re-
marks and include extraneous material
on H. R. 2724.

The SPEAKER pro tempore. Is there
objection to the request of the gen-
tleman from New York?

There was no objection.

COMMEMDING THE SERVICE OF WOMEN IN WORLD WAR II

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and agree to the resolu-
tion (H. Res. 41) honoring the women who served the United States in mili-
tary capacities during World War II and recognizing that these women con-
tributed vitally to the victory of the United States and the Allies in the war, as amended.

The Clerk read as follows:

H. Res. 41

 Whereas during World War II women in the United States were recruited into the Armed Forces to perform military assignments so that men could be freed for combat duties;
 Whereas, despite social stigmas and public opinion averse to women in uniform, women applied for military service in such numbers that enrollment ceilings were reached within the first several years;
 Whereas during World War II women served in the Army in the Women's Army Auxiliary Corps (WAAC) and the Women's Army Corps (WAC);
 Whereas these women served the Army by performing a variety of duties traditionally performed by men;
 Whereas in 1943 the Army removed the auxiliary status of the WAAC units, in unspoken recognition of the value of their services;
 Whereas almost one-half of World War II WACs served in the Army Air Forces as officers and enlisted personnel, with duties including such flying jobs as radio operator, photographer, and flight clerk;
 Whereas 7,315 of these Army Air Forces WACs were serving on overseas bases in all theaters of war in January 1945;
 Whereas General Eisenhower stated, 'During the time I have had WACs under my com-
mmand they have met every test and task as-
signed to them; their contributions in effi-
ciency, skill, spirit, and determination are immeasurable';
 Whereas at the end of the war 657 women were honored for their service in the Women's Army Auxiliary Corps and the Women's Army Corps, receiving medals and citations including the Distinguished Service Medal, the Legion of Merit, the Air Medal, the Sol-
diers' Medal for heroic action, the Purple Heart, and the Bronze Star;
 Whereas in 1946 the Army requested that Congress establish the Women's Army Corps as a permanent part of the Army, perhaps the single greatest indication of the value of women in the Army to the administration.
 Whereas during World War II women served with the Army Air Forces in the Women's Auxiliary Ferrying Squadron (WAFS), the Women's Army Training Detachment (WFTD), and the Women Air Force Service Pilots (WASP);
 Whereas women serving with the Army Air Forces ferried planes from factories to airfields, performed test flights of repaired aircraft, towed targets used in live gunnery practice by male pilots, and performed a va-
riety of other duties traditionally performed by men;
 Whereas women pilots flew more than 70 types of military aircraft, from open-cockpit trainers to B-26 Mar-
raders, and B-29 Superfortresses;
 Whereas from September 10, 1942, to De-
cember 20, 1944, 1,074 WASPs flew an aggre-
gate 60,000,000 miles in service;
 Whereas, although WASPs were promised military classification, they were classified
as civilians and the 38 WASPs who died in the line of duty were buried without military honors;

Whereas WASPs did not receive official status as military veterans until March 1979 when WASP units were formally recognized as components of the Air Force;

Whereas during World War II women in the Navy had been Accepted for Volunteer Emergency Service (WAVES);

Whereas approximately 90,000 WAVES served the Navy in a variety of capacities and in 1943, it was estimated that, according to a Navy estimate, enough men were freed for combat duty to crew the ships of four major task forces, each including a battleship, two large aircraft carriers, two heavy cruisers, four light cruisers, and 15 destroyers;

Whereas WAVES who served in naval aviation taught instrument flying, aircraft recognition, celestial navigation, aircraft gunnery, radio, radar, air combat information, and air fighter administration, but were not allowed to be pilots;

Whereas, at the end of the war, Secretary of the Navy James Forrestal stated that members of the WAVES "have exceeded performance of men in certain types of work, and that, considering it to be very desirable that these important services rendered by women during the war should likewise be available in postwar years ahead";

Whereas during World War II women served in the Marine Corps in the Marine Corps Women's Reserve (MARVINs);

Whereas more than 23,000 women served at shore establishments of the Marine Corps, and by the end of the war, 85 percent of the enlisted personnel assigned to Headquarters, Marine Corps were women.

Whereas during the war women were assigned to over 200 different specialties in the Marine Corps, and by performing these duties from duty to fight;

Whereas during World War II women served in the Coast Guard in the Coast Guard Women’s Reserve (SPARs);

Whereas more than 10,000 women volunteered for service with the Coast Guard during the period from 1942 through 1946, and when the Coast Guard was at the peak of its strength and in full force, one out of every 16 members of the Coast Guard was a SPAR;

Whereas the SPARs who attended the Coast Guard’s Women’s Reserve Training School were the first women to attend a military academy, and by filling shore jobs for the Coast Guard SPARs freed men to serve elsewhere;

Whereas by the end of World War II more than 400,000 women had served the United States in military capacities;

Whereas these women, despite their merit and the recognized value and importance of their contributions to the war effort, were not given status equal to their male counterparts and struggled for years to receive the appreciation of the Congress and the people of the United States;

Whereas these women helped to catalyze the social, and economic evolutions that occurred in the 1960’s and 1970’s and continue to this day; and

Whereas these pioneering women were owed a great deal of gratitude for their service to the United States: Now, therefore, be it

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Honoring America’s Women for Their Service in World War II Resolution".

SEC. 2. COMMEMORATION AND RECOGNITION OF WOMEN WHO SERVED THE UNITED STATES IN MILITARY CAPACITIES DURING WORLD WAR II.

The House of Representatives—

(1) honors the women who served the United States in military capacities during World War II;

(2) commends these women who, through a sense of duty and willingness to defy gender stereotypes and social pressures, performed vital military assignments to aid the war effort, with the result that men were freed for combat duties;

(3) recognizes that these women, by serving with diligence and merit, not only opened up opportunities for women that had previously been reserved for men, but also contributed vitally to the victory of the United States and the Allies in World War II.

The SPEAKER pro tem. Pursuant to the rule, the gentleman from California (Mr. Mckeon) and the gentlewoman from California (Mrs. Capps) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. Mckeon).

Mr. Mckeon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 41.

The SPEAKER pro tem. Is there objection to the request of the gentleman from California?

There was none.

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

Mr. Speaker, H. Res. 41 commends the women who served in the military during World War II and their contributions to the Allied victory.

This resolution communicates a very simple statement about the importance of women who served in the United States during World War II. It is a statement that I suspect will be endorsed overwhelmingly today.

Mr. Speaker, I ask my colleagues to look beyond the simple statement contained in H. Res. 41 and examine the resolution in greater detail. I urge my colleagues to take special note of this important and overdue resolution because, if they are like me, they will learn a great deal about World War II and the contribution of military women.

Mr. Speaker, the role of women in World War II was critically important to the war effort on many levels. From Rosie the riveter to the millions of homemakers tending their victory gardens, the contributions of women were vital to the allied victory.

This resolution tells the story of a special group of women and their very, very direct contributions to the war effort. It is the story of the women who stepped forward when the Nation was at risk and volunteered to serve in uniform. Not only did women perform military duties with proficiency and skill, but often with incredible courage and at great personal sacrifice. They got the job done and, by doing so, freed men to be assigned to combat missions.

I am very proud of the support provided by Congress Women in Military Service for America Memorial that was opened at Arlington Cemetery. But if this House is to faithfully honor the historical contributions of women in the military, we must adopt this resolution.

I want to commend the gentlewoman from North Carolina (Mrs. Myrick) for introducing this resolution and bringing it to our attention.

It is vital that this House and the Nation focus our full attention on this resolution. We must never forget the contributions and sacrifices of these American heroes, the military women of World War II. The world may well be a very different place if they had chosen to ignore the call to duty. I urge my colleagues to support this resolution.

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

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

Mr. Speaker, I want to make it clear that the gentlewoman from California (Ms. Sanchez) was intending to open this part of our discussion, and she had to leave, and her statement will be entered into the Record.

Mr. Speaker, I rise today in strong support of House Resolution 41, honoring women who served in the military during World War II. Without the sacrifice of these brave women, our armed forces would never have been so efficient and effective at safeguarding freedom and democracy for the world.

During World War II, women from all over the country came forward to perform crucial military assignments so that more men would be available for combat.

These women faced countless struggles. Many were looked down upon for renouncing their traditional role in society. Yet, women enrolled in the services in record numbers. In fact, by the end of World War II, more than 400,000 women had served the United States in some sort of military capacity. Some of these women were nurses. Because I am a nurse, my heart goes out to all of them and to all who served in our armed forces in World War II.

Mr. Speaker, I want to take this opportunity to tell my colleagues about a very amazing woman from my district, Jane Masterson. In 1945, Jane left her home in Kentucky to eventually become a Seaman First Class at a naval air base out of Memphis, Tennessee. When told she was too little to become a Seaman, she replied, "I am a nurse. I can be entered into the RECORD." And Jane served her country with strength and dignity and was eventually honorably discharged due to a service-related injury.

Not content to end her service to the Nation with her World War II experience, Jane also served as the commander of the Disabled American Veterans Chapter 96 from 1985 to 1991. Jane was the only woman in this chapter. After 6 years of service in this capacity, her peers said that she was the best commander they ever had.

Mr. Speaker, tomorrow people from all over this great country of ours will gather to honor the men and women

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who willingly gave body and soul to defend this Nation and the values which make it great. At this time and in this place, it is very important that we remember the contributions of both our military men and women. For it is only through their combined efforts that we will succeed in continuing to protect democracy.

Mr. Speaker, I am very disappointed that our voting schedule does not allow us to return to our districts in time for veterans, at least some of us. I was looking forward to joining the Vietnam veterans in Santa Barbara to honor and to remember their bravery and sacrifice. Tomorrow, instead, I plan to walk from the Capitol to the Vietnam and Korean Memorials and to remember in silence the gift of these people, these veterans to this Nation.

One of these veterans I will remember tomorrow will be Jane Masterson and all of the other brave women who have served and continue to serve their country so well.

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

Mr. MCEON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

(Mrs. BIGGERT asked and was given permission to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, I rise today in support of House Resolution 41 to praise the women who have served our Nation's armed forces, and especially those that contributed to the victory of the United States in World War II.

All the women who aided in this victory deserve our praise today, but I would like to tell my colleagues about one specific woman, Mrs. Doris Pahls. Doris Pahls grew up in Chicago and, in 1941, the year the United States entered into the Second World War, she enlisted in the U.S. Army.

Mrs. Pahls became a nurse. In 1942, she was assigned to her post, a hospital in Belleville, Illinois. There she cared for soldiers who were sent home from the war, soldiers injured so severely they required hospitalization.

For 3 years, Mrs. Pahls nursed returning soldiers, giving them far more than medical care. She tended to their injuries, but she also gave them a long-awaited welcome home and listened to their experiences and stories.

When Doris was interred, her daughter received the American flag that draped her casket. Her grandchildren and her great grandchildren heard the sounds of Taps and the firing of rifles, a testament to one of the many women who stood to honor their Nation in its hour of darkest need.

Mrs. CAPPS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from California for yielding time to me. I thank the gentlewoman from North Carolina (Mrs. MYRICK). Is this not a very special occasion? I thank the gentlewoman from California (Ms. CAPPS) for, as the women in World War II filled in the line of duty, we are honoring the occasion.

We are sorry that the gentlewoman from California (Ms. SANCHEZ), who is en route to her district for meetings and ceremonies that she had to participate in, and the gentlewoman from Florida (Ms. BROWN), and many, many other women who had planned to be here to support this are moving out to their district at this time.

But I want to acknowledge a specialness of this particular resolution on H. Res. 41 honoring the American military women for their service in World War II.

Mr. Speaker, I had the opportunity to participate in this ceremony at the Arlington Cemetery honoring women in the military and, in particular, taking note of the strength of women who participated, who signed up, who volunteered for World War II.

As we look at those black and white pictures, I remember or am reminded of seeing the factories. My understanding was that, as the men went off to war, there were many women who then had to fill the plants in making military equipment.

But there was not enough focus on the number of women who volunteered for actual duty in World War II. I do not know if my colleagues realize, Mr. Speaker, that so many women volunteered for armed services duty in World War II that enrollment ceilings were reached within the first several years. Unfortunately, I do not know if many of us are aware that, even though the WASPs were promised military classification, they were classified as civilians, and the 38 WASPs who died in the line of duty were buried without military honors.

I just seeing General Eisenhower, President Eisenhower's son, yesterday, as they honored him by naming our Army Corps, the Navy Women's Auxiliary Corps, the Navy Women's Auxiliary Reserve, the Coast Guard Women's Reserve, and as Women's Air Force pilots.

Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from North Carolina (Mrs. MYRICK), author of this resolution.

Ms. MYRICK. Mr. Speaker, I rise today in support of the resolution to honor the women veterans of World War II.

Back in February, I introduced H. Res. 41 because Congress has never officially honored these trail-blazing women, and, thankfully, we are doing so now and appropriately so on the eve of Veterans' Day.

More than 400,000 women served in the military during World War II. They served as members of the Women's Army Auxiliary Corps, the Women's Army Corps, the Navy Women's Auxiliary Reserve, the Coast Guard Women's Reserve, and as Women's Air Force pilots.

Indeed, 38 women Air Force pilots died in the line of duty and were buried without military honors. These women and men in our Armed Services did not earn equal pay or status; but even so, they were certainly more than willing to do the right thing and sacrificed to serve our country.

Nevertheless, it took decades for many of them to even earn recognition as military veterans. H. Res. 41 commends those women who, through a sense of duty and willingness to defy stereotypes and political pressures, performed military assignments so that men could be freed for combat duty.

So this resolution is long overdue. On the eve of honoring our veterans, let us not forget that the veterans of World War II, filling in and rising to the occasion, are a testament to one of the many women who, through a sense of duty and willingness to defy stereotypes and political pressures, performed military assignments so that men could be freed for combat duty.

The gentleman from California for the service that they have given, because I believe that God may have given me life, but the veterans have given me the quality of life that we experience and the democracy that we enjoy in this country. So to all of the women who have served in the military, and particularly those who volunteered, some 20,000 in the Marine Corps for World War II, this is a time of praise and acknowledgment, and I congratulate each and every one.

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The gentleman from California for the service that they have given, because I believe that God may have given me life, but the veterans have given me the quality of life that we experience and the democracy that we enjoy in this country.
and thanks that is long overdue all over this country. I would like to thank again my friend, the gentleman from California (Mr. McKEON), for his leadership on this issue, and I urge all of my colleagues to support this resolution.

Mrs. CAPPS. Mr. Speaker, I yield myself such time as I may consume to briefly commend my colleague, the gentlewoman from North Carolina (Mrs. MYRICK), for her diligence and inspiration in bringing this wonderful resolution to the floor. I was very happy to be here to speak to it.

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

Mr. MCKEON. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Speaker, I want to thank the gentleman from California (Mr. McKEON), my classmate and fine Memmber of this House; and I want to particularly thank the gentlewoman from North Carolina (Mrs. MYRICK) for bringing this important issue to the floor. I commend her for her commitment to providing women veterans the recognition they so richly deserve.

I am not only pleased to have the opportunity to speak to this resolution because one of the 400,000-plus women being honored today is my own mom. I stand with my sisters, Gale, Roseann, and Judy in acknowledging and honoring our mother.

In 1944, a war was going on. My mom, Olive Christensen of New York, not yet 20 years old, wanted to do her part. She entered the Navy Women's Auxiliary Reserve, or WAVES, that year and stayed on until the war's end in 1945. She left the comforts of home and family in Brooklyn and served in the Naval Hospital at the Naval Medical Center in Bethesda, Maryland.

As a Hospital Apprentice Second Class and later a Hospital Apprentice First Class and Corpsman, she cared for the sick and wounded Marines and Naval personnel who were transferred back to the States from all fronts all around the world. While others were raising families, she was patching up the wounded. While others were living their youth, she was maturing and carrying on the responsibilities of serving in our national defense. She spent long hours in a strange city far from her home and her troops. It was the best way she could help her country in its greatest struggle.

Mr. Speaker, over 74,000 women in my home State of New York answered their Nation's call, serving in World War I, World War II, Korea, Vietnam, the Gulf, and in peacetime. Five thousand alone came from Suffolk County, where my district is located. We cannot find their contributions in many history books. Their sacrifices are not honored as they deserve to be. Their contributions and their sacrifices are often invisible.

Our mother's mothers also served in their time, and history treats their contributions in the same manner. Theirs are also invisible. Eleven thousand women served our country in the Naval Reserve during World War I and another 300 enlisted in the Marine Corps. By 1919, they were all discharged. It would take another war before we would open the door to women again.

To all the women being honored today, I have a personal request. It is this: please tell your children, your grandchildren, and even your great grandchildren how you served your country in its time of need. Do not let your experiences become invisible. Because of the path that you paved, women today make up over 13 percent of the armed forces of this great Nation. Their contributions are immense. American women have served their country, but their efforts and contributions were never given the same recognition as their male counterparts until today. Today, as we prepare to honor our Nation's veterans, I am proud to say that women are veterans too. Today, as a Member of Congress and as a son, I am proud to say to my mother and to all the thousands of other moms who served, "Thanks, Mom. Thanks for your help in keeping us free."

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume to commend the gentlewoman from North Carolina (Mrs. MYRICK) for her leadership in bringing this resolution to the floor, the gentlewoman from California (Mrs. CAPPS) for working with her on that, and all those who have spoken and those who were intending to speak and had to leave early to go back to their districts. Mr. Speaker, I urge support of this bill.

Ms. DELAURO. Mr. Speaker, I rise in strong support of the resolution offered by Representative MYRICK in honor of the more than 400,000 women who served the United States in military capacities during World War II. Tomorrow we honor all our veterans to whom our nation owes a tremendous debt. These courageous men and women sacrificed so much—whether in World War I, World War II, Korea, Vietnam, or the Gulf War—to ensure the freedom and opportunity that we so often take for granted.

Now, however, we take a moment to honor the brave women who overcame the traditional stereotypes of their place in society to play vital roles in the effort to bring victory to the United States and its Allies in World War II.

It is our responsibility to repay these courageous women for the sacrifices that they made to ensure peace and freedom for this country. We must also express our appreciation for their strength in paving the way for future generations of women in opening new career opportunities and possibilities.

We must thank the 150,000 women who risked their lives serving the Army despite the fact that they did not have the same protection as men under international POW agreements; the more than 30,000 women who served the Marines and the Coast Guard; the WAVES who ferried planes from factories over a total distance of 60 million miles to airfields; and the WAVES who taught aircraft recognition, navigation, air combat information, and other essential skills.

I urge my colleagues to honor these women for their determination and bravery and vote for this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in recognition of Veterans Day, that day on which all of us are called on to honor the sacrifices made for our country by those who serve in her armed forces and those who risked or gave their lives defending her.

It is fitting that on the day before Veterans Day, this House pays tribute to a special group of veterans who put their country before themselves in a time of great danger. H. Res. 41 recognizes our nation's women veterans for their service during World War II. Nothing we can do today can repay the debt we owe them. But we must note that debt, recognize it and make certain our children know how great it is.

In 1954, President Eisenhower pronounced November 11 “Veterans Day” to honor the veterans of all American conflicts. Previously, November 11 was known as Armistice Day, a reference to the November 11, 1918, armistice between the Allies and the Central Powers in World War I.

Unfortunately for us the war to end all wars was part of the last of the Nation's conflicts. All Americans are deeply indebted to the more than 600,000 brave men and women who paid the ultimate price for the liberty that we enjoy today.

The resolution expresses the sense of the House honoring the women who served the United States in military capacities during World War II. It commends these women who, through sense of duty and willingness to defy stereotypes and political pressures, performed military assignments. Their efforts freed men for combat duties, opened up opportunities for women that had been reserved for men, but also contributed vitally to the victory of the United States and the Allies in World War II.

Serving in obscurity women World War II veterans served in the Women Air Force Service (WASPs), the Marine Corps Women's Reserve (WAVES) and the Coast Guard Women’s Reserve (SPARs). By the end of World War II more than 400,000 women had served the United States in a variety of military capacities.

On Thursday, our nation will pause to honor our veterans who served our country with distinction. Whether through a parade, speech, or memorial service let us remember to honor all of our veterans including those women who served during World War II.

Mr. EVANS. Mr. Speaker, on the eve of Veterans Day—the day we set aside to honor our nation's veterans—I rise in support of H. Res. 41, a measure honoring women veterans and their contributions to the allied victory in World War II.

In 1941, Congresswoman Edith Nourse Rogers introduced H.R. 4906, the bill that established the Women's Army Auxiliary Corps (WAAC). Although faced with mounting opposition in the House, the bill was signed into law on May 15, 1942 as Public Law 77-554. Two months later, similar legislation was introduced and signed into law establishing the Navy Women's Reserve (WAVES) and the Marine Corps Women's Reserve. Four months...
later, the Coast Guard Women's Reserve was established.

Women answered the call to duty without hesitation. The first group of 400 white and 40 black women were selected from among 30,000 applicants. They came from every state and every part of our country. Many of them had two things in common—they had all volunteered and they had a desire to serve their nation. Just as their male counterparts, they put their lives, their goals, and their dreams—on hold to serve their country. By the end of World War II, some 400,000 women had served in the military.

There can be little doubt that these brave women performed a valuable role to the war effort during World War II. Historical documents are full of testimonials attesting to the excellence of women's contributions, disciplined character and their overall positive effect on the armed services. It is appropriate that we take this time to honor these brave women who served this nation with honor during World War II.

I also commend the sponsor of this measure, my colleague from California, LORETTA SANCHEZ. I thank and commend her for her leadership on this important measure recognizing the critically important contributions made by our nation's women veterans in World War II.

To all our veterans on the eve of the last Veterans Day of this century, I say thank you for a job well done. Mr. Speaker, I am honored to support H. Res. 41 and I urge the immediate passage of this bill.

Ms. SANCHEZ. Mr. Speaker, I rise today in strong support of H. Res. 41.

Legislation honoring the brave women who served the United States during World War II. I would also like to commend my colleagues, Representative MYRICK and my distinguished Chairman, Mr. BUYER, for all of their hardwork on this important legislation.

As we approach Veterans Day, we must thank all of our Veterans for providing us with the peace that we enjoy in our prosperous country. This century our nation has sent its sons and its daughters to war many times. And today we are here to pay tribute to a special group that has answered this call to arms, the women who served our nation proudly during WWII.

To all the remarkable servicewomen out there, thank you for your service to America. These individuals are the true pioneers who broke through the barriers and paved the way for future women serving in the military.

Women have been in our service since George Washington's troops fought for independence. Fighting and feeding our troops and binding their wounds. They were in the struggle to preserve the Union as cooks and tailors, couriers and scouts, and even as spies.

Some were so determined to fight for what they believed that they masqueraded as men and took up arms.

And more than 400,000 women served this great nation during World War II.

Yes, more than 400,000 women.

General Eisenhower is known to have stated: “During the time I have had WACs (members of the Women's Army Corps) under my command—they met every test and task assigned to them. Their contributions in efficiency, skill, spirit, and determination are immeasurable”. From Pearl Harbor to the invasion of the Philippines to the liberation of Europe, these brave women endured bombs, disease, and deprivation to support our Allied forces. But despite the sacrifice of money and accomplishment, women were treated as second class soldiers.

They could give their lives for liberty, but they couldn't give orders to men. They could heal the wounded and hold the dying, but they could not dream of holding the highest ranks.

They could take on the toughest assignments, but they could not take up arms. Still they volenteered, fighting for freedom but also fighting for the right to serve to the fullest of their potential.

Well today, we are here to finally honor these brave women for the service they gave to this great nation during the Second World War. We cherish your devotion, we admire your courage, and we thank you for your service.

Ms. JONES of Ohio. Mr. Speaker, I rise today in support of this resolution acknowledging the contributions made by the brave women of our country. By the end of WW II more that 400,000 women served the United States in military capacities and today I join over 200 of my colleagues in honoring the extraordinary accomplishments of these women.

Mr. Speaker, everyone forgets the contributions made by American women during WW II. There is never any mention of women veterans. When we hear WW II veterans everyone thinks about men only. Women, despite their valor and importance of their contributions to the war effort, were not given status equal to their male counterparts and struggled for years to receive the appreciation of the Congress and the people of the United States. In WW I women demonstrated that they could perform virtually all civilian tasks as efficiently as men. This process carried over into WW II with even greater impact. To release men for combat, women in all belligerent countries worked on assembly lines in factories and shipyards. Millions served in the Armed Forces in non-combat roles. More than 350,000 women donned military uniforms and 6 million women worked in defense plants and in offices. One of the most important issues of women in the military was the fact that men did not want to take orders from women. Women became “liberated!” They started to wear pants. On July 30, 1942, the Marine Women's Reserve was established as part of the Marine Corps Reserve. On November 10, 1943, a statue named “Mollie Marine” was dedicated to honor all women Marines. In 1948 Congress passed the Women's Armed Service Act, which opened the door for women to serve their country in peacetime. Women moved beyond the image of “Rosie the Riveter,” They established organizations such as: WAVE—Women Accepted for Volunteer Emergency Service; WAC—Women's Army Corps; WASP—Women’s Air Service Pilots; WAFS—Women's Auxiliary Ferrying Squadron; WAAC—Women's Army Auxiliary Corps; AWA—Aircraft Warning Service.

In 1977 Congress finally recognized WASP's as veterans and was awarded veteran status from the U.S. Air Force. In 1984, each was awarded the Victory Medal.

There is a memorial to the veterans in D.C. that reads: “In time of danger and not before, women were added to the Corps, with the danger over and all well righted, war is forgotten and the women slighted.”

General Eisenhower strongly recommended that women be a part of the military. General Eisenhower stated, “During the time I have had WAC's (members of the Women's Army Corps) under my command they have met every test and task assigned to them; their contributions in efficiency, skill, spirit, and determination are immeasurable. Present day servicewomen owe a lot to Eleanor Roosevelt who encouraged women to “Be all you can be”. Since then statistics of women in the Armed Forces have skyrocketed.

Mr. Speaker, women have come a long way. I express my strong support of this resolution and join my colleagues in saluting the women who have been all they could be for the United States of America.

Mr. FOWLERS. Mr. Speaker, I rise today in support of H. Res. 41, honoring the women veterans who served during World War II. These women are not only heroes because they sacrificed their lives and comfort for our country. They are also heroes in that they were the forefathers of an era that opened up a world of opportunities for generations of women to come. These courageous and dignified women became role models for the young women who grew up at their skirt hems.

Though women had served in the military as far back as the American Revolution, they were only first recruited in World War I. More than 35,000 women answered their Nation's call in that war. More than 10 times as many over 400,000 women served in the U.S. armed services during World War II. Regrettably, Mr. Speaker, more than 200 women died in action during World War II and 88 were prisoners-of-war. These brave women defied convention and donned the uniform of their Nation to fight for the freedom of other mothers and children overseas. Similarly, women served valiantly on the home front, taking the place of men who had vacated factories to occupy the front-lines of Europe and the Pacific.

Mr. Speaker, these women are our mothers, wives, friends, and colleagues. We all owe them a great debt of gratitude for the sacrifices they made on our behalf. It is fitting that we should begin the solemn celebrations for Veterans Day by passing this resolution and memorializing for generations to come the thanks of a grateful nation.

IN HONOR OF THE WOMEN WHO SERVED DURING WORLD WAR II

Ms. BIRKLEY. Mr. Speaker, I rise today in support of this House Resolution to honor all the 400,000 courageous women who served the United States during World War II. These women have made an invaluable contribution to our Nation. And today, we are proud of their accomplishments and grateful for their service. Many of these women served in the Air Force service pilots and as members of the Women's Army Corps.

These women served the Navy as members of the Volunteer Emergency Service, and they served at shore establishments of the Marine Corps.

These women were an important part of our victory in World War II and by serving with diligence and merit, they opened up new opportunities for women everywhere.
Tomorrow is Veterans Day. In ceremonies across the country, we will honor those who risked their lives to serve our country. We can not and must not forget those who sacrificed to strengthen democracy around the world and defend our freedoms.

I urge my colleagues to support this resolution and join the women who have served our country so well.

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

The SPEAKER pro tempore (Mr. BARNS) to the Speaker. The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to. A motion to reconsider was laid on the table.

**UNITED STATES MARSHALS SERVICE IMPROVEMENT ACT OF 1999**

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2336) to amend title 28, United States Code, to provide for appointment of United States marshals by the Attorney General, as amended.

The Clerk read as follows:

H.R. 2336

_Bill_ _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 "United States Marshals Service Improvement Act of 1999."

**SEC. 2. APPOINTMENTS OF MARSHALS.**

(a) In General.—Chapter 37 of title 28, United States Code, is amended—

(1) in section 561(c)—

(A) by striking ``The President shall appoint, by and with the advice and consent of the Senate'' and inserting "The Attorney General shall appoint, by and with the advice and consent of the Senate"; and

(B) by striking subsection (d) of section 561;

(2) by striking subsection (e) of section 562;

(3) by redesignating subsections (f), (g), (h), and (i) of section 561 as subsections (d), (e), (f), and (g), respectively; and

(4) by striking section 562.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 37 of title 28, United States Code, is amended by striking the item relating to section 562.

**SEC. 3. TRANSITIONAL PROVISIONS; PRESIDEN TIAL APPOINTMENT OF CERTAIN UNITED STATES MARSHALS.**

(a) Incumbent Marshals.—Notwithstanding the amendments made by this Act, each marshal appointed under chapter 37 of title 28, United States Code, before the date of the enactment of this Act shall, unless that marshal resigns or is removed by the President, continue to perform the duties of that office and shall be paid in accordance with the provisions of chapter 37, United States Code, before the date of the enactment of this Act and ending on December 31, 2001, the President shall appoint, by and with the advice and consent of the Senate, a successor to fill that vacancy for a term of 4 years. Any marshal appointed by the President under this subsection shall, unless that marshal resigns or is removed by the President, continue to perform the duties of that office after the end of the four-year term to which such marshal was appointed or until a successor is appointed.

(b) Vacancies After Enactment.—Notwithstanding the amendments made by this Act, with respect to the first vacancy which occurs in the office of United States marshal in any district during any period beginning on the date of the enactment of this Act and ending on December 31, 2001, the President shall appoint, by and with the advice and consent of the Senate, a successor to fill that vacancy for a term of 4 years. Any marshal appointed by the President under this subsection shall, unless that marshal resigns or is removed by the President, continue to perform the duties of that office after the end of the four-year term to which such marshal was appointed or until a successor is appointed.

**SEC. 4. REPORT BY THE ATTORNEY GENERAL.**

On or before January 31, 2003, the Attorney General shall report to the Committees on the Judiciary of the House and Senate the number of United States marshals appointed under section 561(c)(1) of title 28, United States Code, as amended by section 2 of this Act, as of December 31, 2002, who are people of color or women.

The Speaker pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

**GENERAL LEAVE**

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2336, the bill now under consideration.

The Speaker pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. MCEON) has the Floor.

Mr. MCEON. Mr. Speaker, I have no further requests for time, and I yield all my colleagues to support it.

I urge my colleagues to support this bill. It is the United States Marshals Service Improvement Act of 1999. It will professionalize the Marshals Service by amending the selection process for U.S. Marshals. Under this bill, all marshals would be selected by the Attorney General. I expect that most, if not all, future marshals will come from the ranks of career marshals, people who have experience dealing with the day-to-day intricacies of the Marshals Service.

The changes put forth by this bill will go into effect January 1, 2002. In the interim, all U.S. Marshals currently serving will continue to perform the duties until their term expires, unless they resign or are removed by the President. And all marshal vacancies that must be filled between the date of the enactment of this legislation and December 31, 2001, will be filled as currently done, by presidential appointment, with the advice and consent of the Senate, for a 4-year term.

The text of H.R. 2336 is identical to a bill introduced in the 105th Congress by the gentleman from Florida (Mr. MCEON), H.R. 927, the United States Marshals Service Improvement Act of 1997. That bill passed the House on the suspension calendar by a voice vote on March 18, 1997. Unfortunately, the other body did not act on that bill, and so the gentleman from Florida (Mr. MCEON) reintroduced the legislation in this Congress, and that legislation is H.R. 2336.

This legislation continues to enjoy strong bipartisan support, and I urge all my colleagues to support it.
Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the bill H.R. 2336.

Mr. Speaker, the United States Marshals Service Improvement Act of 1999 is the bill before us, and I want to thank the gentleman from Alabama for outlining the importance of the U.S. Marshals Service and the provisions in the bill.

This bill will change the selection process of the United States Marshals from that of appointment by the President, with advice and consent of the Senate, to a merit system appointment by the Attorney General. It is expected this will bring about an improvement in the level of professionalism in the U.S. Marshals Service and provide more opportunities for advancement among the professional employees of the service.

As the gentleman from Alabama mentioned, a similar bill passed the House last year but was not taken up by this committee. That bill provided for the appointment of U.S. Marshals by the U.S. Marshal. Some Members voted against that bill and expressed the concern that such an appointment procedure might dilute the progress made in assuring diversity and excellence in qualifications among the U.S. Marshals. The requirement in H.R. 2336 for the appointment by the Attorney General should ensure a broader applicant pool and a greater visibility and accountability to minority and female hiring concerns.

The bill, H.R. 2336, passed both the Subcommittee on Crime and the full Committee on the Judiciary by a unanimous vote. No opposition to the matter was expressed during committee consideration to the bill and I, therefore, urge my colleagues to support the bill.

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

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

Mr. Speaker, this legislation would depoliticize the selection process, it would address problems of patronage in the present system, and, most importantly, it would allow us to appoint more experienced U.S. Marshals, marshals not only experienced in law enforcement but, more importantly, experienced in the complexities of the U.S. Marshals' job.

Mr. Speaker, I urge passage of the legislation.

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

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 2336, as amended. There was no objection.

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

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECOGNIZING THE U.S. BORDER PATROL'S SEVENTY-FIVE YEARS OF SERVICE

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution to revise and extend their resolution recognizing the United States Border Patrol's 75 years of service since its founding.

The Clerk read as follows:

Resolved by the House of Representatives (the 106th Congress, 1st Session), Congressmen present, on the motion of Mr. BACHUS, Mr. Speaker, and on the request of the gentleman from Texas (Mr. REYES), that Congress recognizes the U.S. Border Patrol's 75 years of service to our Nation and its contributions to national security, economic growth, and law enforcement.

Pursuant to paragraph (3) of the Concurrent Resolution on the Selection of the Sergeant at Arms and Clerk of the House of Representatives (H. Res. 3), the Clerk is directed to disburse from the United States Funds the sum of $2,500 for printing purposes.

The resolution was agreed to by the Yeas and Nays:

YEAS

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

Mr. Speaker, I rise to wholeheartedly support the request of the gentleman from Texas (Mr. REYES) for the years of service that he gave in the Border Patrol command. His advocacy, his affect, his service has been much appreciated by all concerned.

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

Whereas the Border Patrol's highly trained and motivated personnel have also assisted in controlling civil disturbances, performing National security details, aided in foreign training and assessments, and responded in the aftermath of numerous natural disasters;

Whereas the founding members of this Mounted Guard included Texas Rangers, sheriffs, and deputized cowboys who patrolled the Texas frontier looking for smugglers, rustlers, and people illegally entering the United States;

Whereas the Border Patrol was established within the Bureau of Immigration, with an initial force of 450 Patrol Inspectors, a yearly budget of $1 million, and 1,300 yearly pay for each Patrol Inspector, with each patrolman furnishing his own horse;

Whereas changes regarding illegal immigration and increases of contraband alcohol traffic brought about the need for this young patrol force to have formal training in border enforcement;

Whereas during the Border Patrol's 75-year history, Border Patrol Agents have been depurized as United States Marshals on numerous occasions;

Whereas the Border Patrol's highly trained and motivated personnel have also assisted in controlling civil disturbances, performing National security details, aided in foreign training and assessments, and responded in the aftermath of numerous natural disasters;

Whereas the present force of over 8,000 agents, located in 146 stations under 21 sectors, is responsible for protecting more than 8,000 miles of international land and water boundaries;

What year is the 75th anniversary of the United States Border Patrol. Along with my colleague, the gentleman from Texas (Mr. REYES), we also introduced the Border Patrol Recruitment and Retention Act of 1999. This legislation provided incentives and support for recruiting and retaining Border Patrol agents. This legislation increased compensation for Border Patrol agents and allowed the Border Patrol agency to recruit its own agents instead of relying on the personnel office of the Department of Justice or INS.

We know for sure that the Border Patrol could, in fact, do their own business and do their own job, but we also know that because of the hard work that they perform, the incentives and pay increases that any other law enforcement organization deserved or received.

The Border Patrol Recruitment and Retention Enhancement Act moved Border Patrol agents with one year's experience from the Federal Government's GS-9 pay level, approximately $34,000 annually, to GS-11, approximately $41,000 annually next year.
Mr. Speaker, I include for the RECORD a document entitled “The History of the United States Border Patrol.”

** BORDER PATROL HISTORY **

From the time this nation was established until about 1875, there were no restrictions to immigration except the Alien Act of 1798 which provided the President with the authority to order the departure from the United States of all persons determined to be dangerous to the welfare of the country. This legislation was unpopular and it was not renewed when its two-year term expired. Between 1861 and 1865, millions of immigrants arrived in this country. The first restrictive legislation passed by Congress was the Act of March 3, 1875, which barred the immigration of women for the purpose of prostitution. This Act was followed by the Immigration Act of August 3, 1882, which barred the admission of idiots, lunatics, convicts, and persons likely to become a public charge. Also in 1882, the first Chinese exclusion law was adopted, and in 1885, the first Contract Labor Law was passed. These laws were designed to restrict the entry of certain undesirable aliens and the flood of Chinese and other large bodies of cheap labor from the United States which was flooding and depressing the labor market. As the door was closed tighter by these progressively restrictive immigration laws, large numbers of Oriental aliens and other inadmissible aliens resorted to illegal entry to gain admission, and the need for a border control force to prevent illegal entry became evident. As early as 1904, the Commissioner General of Immigration assigned a small group of mounted inspectors along the borders to prevent the smuggling across the border of illegal aliens and their contraband. Because of increased and continuous illegal entry, a separate unit of mounted inspector was organized in March of 1914, to which was assigned additional men and equipment, such as boats, where feasible, and its officers were described as military and, the officers operated without regard to district boundaries, thus avoiding any clash of authority among officers of the respective districts. It was stated, however, that the new system was not extensive enough to cope with the organized efforts of those engaged in the business of smuggling aliens, and that this contraband traffic and illegal entry of aliens could only be broken up by the formation of a border patrol that could devote all its efforts to the prevention of smuggling, harboring, concealing, and aiding and abetting illegal entry. Congress, aware that it was unrealizable to make it impractical to enter the United States illegally, passed a permanent quota act restricting immigration to approximately 150,000 quota immigrants a year. As additional restrictions were placed on immigration, more aliens resorted to illegal entry. Congress, aware that it was unrealistic to inspect applicants for admission at ports of entry, but aliens in the United States. Between Fiscal Years 1922 and 1924, the number of illegal alien entrants of European countries might descend on the United States. Because of this fear, there emerged the temporary Quota Act of 1921, which permitted the admission of 3% of the number of persons of each nationality in the United States according to the 1910 census. On May 20, 1924, Congress adopted a permanent quota act restricting immigration to approximately 150,000 quota immigrants a year.

As there was no Civil Service register for immigration inspectors, the initial force was selected from Civil Service registers and the railway police and immigration inspectors. The vastly recruited small band of officers was given the responsibility of enforcing Section 8 of the Immigration Act of February 5, 1917 (39 Stat. 874 U.S.C.), which prohibited smuggling, harboring, concealing, or assisting an alien not duly admitted by an immigrant inspector or not lawful for such alien to enter reside in the United States.

Although the infant organization was charged with the responsibility of preventing illegal entry and the highly organized and lucrative business of alien smuggling, the necessary authority to act was not provided in the Quota Act. The enforcement function was established. During the first few months of operation, officers were further handicapped in

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**NOTES**

1. The Bureau of Immigration again resumed operation and illegal entry accelerated rapidly. Congress, aware that it was impractical to make it impractical to enter the United States illegally, passed a permanent quota act restricting immigration to approximately 150,000 quota immigrants a year. As additional restrictions were placed on immigration, more aliens resorted to illegal entry. Congress, aware that it was unrealistic to inspect applicants for admission at ports of entry, but aliens in the United States.

2. Between Fiscal Years 1922 and 1924, the number of illegal alien entrants of European countries might descend on the United States. Because of this fear, there emerged the temporary Quota Act of 1921, which permitted the admission of 3% of the number of persons of each nationality in the United States according to the 1910 census.

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5. Although the infant organization was charged with the responsibility of preventing illegal entry and the highly organized and lucrative business of alien smuggling, the necessary authority to act was not provided in the Quota Act. The enforcement function was established. During the first few months of operation, officers were further handicapped in
the performance of their duties in that they were not uniformed and had nothing but their badges to distinguish them from other citizens. This situation gave smugglers, illegal entrant aliens, and others an excuse for ignoring their commands, thereby endangering the lives of the officers. This latter handicap was remedied in December 1924 when uniformed service was adopted. The Border Patrol has since been known as the uniformed enforcement division of the Immigration and Naturalization Service.

Following creation of the Border Patrol, large-scale alien smuggling from Cuba to Florida and the Gulf Coast areas continued. In order to effect a difficult goal, the 73rd Congress, in the Act of February 27, 1925 (43 Stat. 1090-1099; 8 U.S.C. 110), provided funds for a "coast and land border patrol", and, in addition, realizing that the Border Patrol officers lacked specific authority to act, authorized any designated employee of the Bureau of Immigration to execute any warrant or other process issued by any officer under any law regulating the admission, exclusion, or expulsion of aliens and, without warrant

(1) to arrest any alien who, in his presence or view, is entering or attempting to enter the United States in violation of any law or regulation made in pursuance of law regulating the admission, exclusion, or expulsion of aliens, and, likely to escape before a warrant could be obtained for his arrest,

(2) to reason believe aliens were being brought into the United States in a conveyance was no longer necessary to board and search the vehicle. However, an excuse for such an immediate examination before an immigrant inspector or other official having authority to examine aliens as to their rights to admission to the United States, and

(3) to board and search for aliens any vessel within the territorial waters of the United States, railroad car, conveyance, or vehicle, in which he believes aliens are being brought into the United States.

Officers were granted under the provisions of this Act until it was amended by the Act of August 7, 1946 (60 Stat. 865; 8 U.S.C. 110), which continued the basic authorities with the following revisions:

(1) Extended the power, without warrant, to arrest any alien in the United States in violation of any law or regulation made in pursuance of law regulating the admission, exclusion, or expulsion of aliens, and, likely to escape before a warrant could be obtained for his arrest.

(2) Reason to believe aliens were being brought into the United States in a conveyance was no longer necessary to board and search the vehicle. However, an excuse for such an immediate examination before an immigrant inspector or other official having authority to examine aliens as to their rights to admission to the United States, and

(3) to board and search for aliens any vessel within the territorial waters of the United States, railroad car, conveyance, or vehicle, in which he believes aliens are being brought into the United States.

The authorities contained in the Immigration and Nationality Act provide the basis for action by our officers today. The primary authority under which the Border Patrol operates stems from Section 103 of this Act (8 U.S.C. 1103), which states, in part, that the Attorney General shall "... have the power to arrest any alien, on the border duties and borders of the United States against the illegal entry of aliens and shall, in his discretion, appoint for that purpose such number of employees as the President shall designate to him shall appear necessary and proper".

This authority has been delegated by him to the Commissioner of Immigration and Naturalization, and the Commissioner, in turn, has delegated, under 8 CFR 103.1, to the Deputy associate Commissioner, Domestic Control, the responsibility for all the Border Patrol activities of the Service.

Further, in order to provide Border Patrol officers authority and protection when they are performing their duties incident to the performance of their normal duties, arrangements were made in 1955 for their designation as Customs Patrol Inspectors. This designation was updated on July 14, 1971, providing for delegation of authority to designate Border Patrol Agents as acting Customs Patrol Officers, without compensations.

Basic authority to act under this designation lies in Title 19 U.S.C. 1581.

The Border Patrol had an initial force of 450 officers assigned to the Florida and Gulf Coasts as of August 1925. Exhibit I shows appropriations, officer force, and numbers of deportable aliens and smugglers apprehended for each fiscal year from 1925 through 1971, inclusive. During these years, the Border Patrol apprehended 7,061,853 deportable aliens and 40,463 smugglers of aliens. In addition, the Border Patrol works closely with other agencies and, incidental to their regular duties, its officers have apprehended tens of thousands of violators of other laws and seized million of dollars in liquor, drugs, and narcotics valued at millions of dollars.

The Border Patrol has always been a flexible and mobile organization whose officers were trained to strike the grade in their organization. When first organized, the entrance-on-duty salary was $1,080 per annum, as compared to $9,069 at the present time. Initially, the Border Patrol was under the supervision of the border district directors. However, starting January 1932, in order to obtain a greater degree of coordination and uniformity in operations and supervision, it was placed under the immediate control of two directors—one located at El Paso, Texas, for the Mexican border, and the other at Detroit, Michigan, for the Canadian border. This administrative alignment was terminated on June 1, 1933, and the Border Patrol reverted to its former plan of organization. On September 20, 1939, the Border Patrol was established by an act of November 10, 1939 (53 Stat. 1305; 8 U.S.C. 1581). This act declared that the Border Patrol be charged with the duty of securing the borders between the designated ports of entry to prevent the entry of persons and merchandise over the land and water boundaries. The proposed unified Border Patrol was to replace the Customs and Immigration Service.

In January 1930, hearings were held by the Committee on Immigration and Naturalization of the House of Representatives, to consider the merging of the Immigration and Customs Border Patrols so that the execution of the customs, immigration, prohibition, and border enforcement laws in the border area might be more effective. It was proposed by the Secretary of the Treasury that the unified Border Patrol be part of the Coast Guard and be charged with the duty of guarding the borders between the designated ports of entry to prevent the entry of persons and merchandise over the land and water boundaries. The proposed unified Border Patrol was to replace the Customs and Immigration Service. In January 1930, hearings were held by the Committee on Immigration and Naturalization of the House of Representatives, to consider the merging of the Immigration and Customs Border Patrols so that the execution of the customs, immigration, prohibition, and border enforcement laws in the border area might be more effective. It was proposed by the Secretary of the Treasury that the unified Border Patrol be part of the Coast Guard and be charged with the duty of guarding the borders between the designated ports of entry to prevent the entry of persons and merchandise over the land and water boundaries. The proposed unified Border Patrol was to replace the Customs and Immigration Service.

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made available two million dollars for 712 additional Patrol officers, 57 auxiliary personnel, and the necessary equipment. This increased the force to 1,531 officers. During the war, the Exchange Stabilization Fund was used to maintain a tight control of the borders, to man alien detention camps, guard diplomats, and to assist the military to guard the East Coast of the United States against the entrance of saboteurs. A Border Patrol unit was established in Boston, Massachusetts, in 1942, to guard the coastline and perform other Border Patrol duties in that area. This unit was deactivated in 1945.

The first attempt to patrol the borders by air began in 1942. In the summer of 1941, when three autogiros were obtained from the military and transferred to the Service. The first fixed-wing airplanes were used in 1945 after three radio-coordinated air-ground operations had developed into one of the Patrol's most effective tools.

In 1942, after the beginning of World War II, the demand for labor accelerated rapidly. As farm laborers entered the military or found employment in the expanding war industry, an acute labor shortage was created in agriculture. Food production was considered vital to winning the war, and for the first time since World War I, it became necessary to recruit alien labor. An agreement with Mexico, effective August 4, 1942, provided for the immigration of Mexican agricultural workers. The first Mexican agricultural workers were admitted to El Paso, Texas, on September 27, 1942, under the Ninth Provisio of Section 3 of the Immigration Act of February 5, 1917. The continued shortage of domestic labor brought about the enactment of Public Law 45 on April 29, 1943, which provided for the importation of agricultural laborers.

This law expired December 31, 1947, and from 1948 to June 30, 1951, Mexican laborers again were imported under this Act (see Exhibit II). Upon termination of Public Law 78 on December 31, 1949, the importation of Mexican laborers diminished drastically. In calendar year 1965, 20,284 Mexican agricultural laborers were imported under this Act (see Exhibit II) of Immigration and Nationality Act. In addition, in fiscal year 1965, 15,377 British West Indians and 21,430 Canadian woodsmen and agricultural laborers were admitted under private treaties. If the Canadian and British West Indian programs were eliminated, illegal entries would increase; however, the impact would not be as great on illegal alien activity as was brought about by the termination of Public Law 78. Statistics concerning the relationship between the importation of Mexican laborers and domestic conditions located reveal that as the number of contracted Mexican laborers declined, the number of deportable aliens apprehended increased. (See Exhibits I and II)

Early in fiscal year 1950, a Border Patrol unit was established in New York, followed by the establishment of units in Philadelphia, Baltimore, and Norfolk, to perform sea-port and crewman control duties. These units were abolished in 1952 and the officers and equipment were transferred to the newly formed Investigations Division.

Starting with fiscal year 1944 and upon termination of World War II, illegal alien activity decreased, especially along the Mexican border. Apprehension of deportable aliens increased each year. During this period, the authorized force decreased from 1,637 to 1,531 officers. The large number of apprehensions each year could not be pointed at with pride. These large numbers of aliens who could be apprehended so rapidly indicated a weakness in the prevention of illegal entry. During appropriation hearings in February 1951, Service representa-

To assure that there would be a sufficient number of officers on a permanent basis to maintain control of the borders, Congress, in fiscal year 1955, authorized an increase of 400 patrol agents. To provide for a means for the dissemination of this information, an automated data retrieval system was installed to receive and process data that the Service is able to a field officer who encounters a doubtful document claim to United States

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citizenship by a subject of Mexican extraction. The Center was moved to Yuma in June 1968 to place all Border Patrol record-keeping facilities in one location. Two other offices are being operated by the Border Patrol. The Anti-Smuggling Information Center was established in 1965 to provide a centralized facility for the dissemination of smuggler recognition and surveillance information to the U.S. Customs Service, the Immigration and Naturalization Service, or any other agency or unit with similar responsibilities. The second facility is the Anti-Smuggling Information Center established at Swanton, Vermont, for information relating to alien smuggling across the U.S./Canadian border. The workload at the Canadian border facility is much less than the one on the Mexican border, but inquiries now exceed 100 per month. Beginning in 1959, there were a number of special programs of national interest that arose which resulted in the Border Patrol being called upon to furnish assistance. After Castro had succeeded Fidel in the Cuban Government, on January 1, 1959, anti-Castro Cubans and, in some cases United States citizens, used Florida ports of entry and, in fact, put hostile Cuba against Cuba, thereby causing embarrassment to this government. Under Presidential Proclamation 3004 dated January 17, 1953, the provisions of Section 215 of the Immigration and Nationality Act (66 Stat. 190) and regulations of the Secretary of State relating to 22 CFR 46 and 53, the Attorney General on November 19, 1958, was authorized to prevent the departure of persons from the United States to Cuba, including its air space, who appeared to be departing for the purpose of starting or furthering civil strife in that country. The administrator of the Federal Aviation Administration issued a regulation requiring all persons operating civil aircraft for flights to or over Cuba to file a flight plan, to notify the Immigration and Naturalization Service, and to depart from designated international airports.

The Cabinet, on February 26, 1960, assigned primary responsibility for coordinating the efforts of various agencies to enforce the policy of interdicting illegal flights or the importation and exportation of arms to Cuba with the Administrator of the Federal Aviation Administration. The responsibility for preventing departures of unauthorized flights was assigned to the Border Patrol. In order to carry out these responsibilities, the 86th Congress, as part of the appropriation for fiscal year 1961, appropriated $1,000,000 to increase the Border Patrol authorized force by 155 officers. On April 1, 1962, 33 of these positions were converted to guard positions and assigned to the Miami District. As the Cuban problem in Florida improved, the need for the additional officers diminished, and the force was further reduced by 122 positions on February 6, 1963.

In May 1961, the Department of Justice requested the detailed of, and was furnished, 349 patrolmen for additional surveillance, radio equipment, to assist U.S. marshals in quelling racial disturbances at Montgomery, Alabama. Subsequently, Patrol officers have assisted受害人 contest at at Oxford, Mississippi, Selma-Montgomery, Alabama, at the Pentagon and Resurrection City in Washington, D.C., and in numerous other operations. The Border Patrol also participated in the transfer of food and drugs in the exchange for Bay of Pigs prisoners from Cuba.

In addition, the Patrol has aided U.S. mar-
will undoubtedly become a major factor in the overall success of enforcement functions.

Barring a major economic disaster, such as a nationwide depression, the opportunity for employment may be a principal attraction to the migration of aliens to the United States. A severe shortage of unskilled agriculture labor during World War II was eased considerably by the legal, temporary admission of workers from adjacent countries. This in itself did not halt the flow of illegalaliens, however, because enforcement measures, coupled with the availability of legal farm workers, served to bring the illegal entry problem well within control of the Immigration Service. In recent years, the transition in reverse has been taking place; i.e., efforts have been directed toward replacing the alien worker with citizens and legal residents. This transitional process, which is beyond the current control of the Immigration Service, has already and will continue to have a bearing on Border Patrol operations.

During the transition, action taken by agricultural associations and individual farmers can affect the rate of progress and the future requirements for agricultural workers. Wholehearted acceptance of the local worker in lieu of imported labor will facilitate the transition. Unfortunately, some associations and farmers are still relying on illegal aliens to perform certain tasks requiring less manpower and elimination of non-essential luxury produce requiring excessive labor and care would reduce the need for labor. The conversion process, if they have been made, have had no appreciable affect on the laborers needed. Lastly, the development and utilization of mechanical devices for preparation, planting, cultivation, and harvesting will influence the future requirements for agricultural workers. Further technological advances are forthcoming, but not within the present time frame.

Other important factors that cause aliens to enter the United States in violation of law are socio-economic and political conditions in their homeland. Mexico is a prime example of the disparity in existing socio-economic conditions. Although progress has been made in commercial and agricultural development, housing, educational opportunities, social and welfare matters, a high rate of unemployment persists, particularly for the unskilled laborer. In 1970, a million increased enforcement measures, coupled with the availability of legal farm workers, served to bring the illegal entry problem well within control. In the absence of positive, predictable or controllable factors, the Border Patrol must continue to utilize its manpower and other resources as efficiently and effectively as possible to control the flow of illegal aliens into the United States.

BIBLIOGRAPHY

In citing the various stages of development in this History of the Border Patrol, a number of sources were researched. In some instances, direct quotations were lifted from the original documents and, in others, the writer has paraphrased to avoid voluminous and repetitious quotations.


Mr. Speaker, I just want to recap that it started with the Mounted Guard, which was assigned to the Immigration Service under the Department of Commerce and Labor from 1904 to 1924.

The founding members of this Mounted Guard included Texas Rangers, sheriffs, and deputized cowboys who patrolled the frontier looking for smugglers and rustlers back during that early period.

On May 28, 1924, the Border Patrol was established within the Bureau of Immigration with an initial force of 150 patrol inspectors and a yearly budget of $1 million and an average yearly salary of $1,300 for its inspectors who, incidentally, had to provide their own horse.

During the Border Patrol's 75-year history, these highly trained, dedicated, and professional officers have assisted in controlling civil disturbances, performing national security details for the President while he has traveled in our border States, aided in foreign training and assessments in countries such as Bolivia, Colombia, Cuba, Equador, Guatemala, El Salvador, and Haiti, and have responded with security and humanitarian assistance in the aftermath of numerous natural disasters, which include the massive earthquake in San Francisco in 1906 and the Mexico City earthquake of 1990.

Every year hundreds of lives are saved along our Nation's borders by Border Patrol agents that are out routinely on search-and-rescue missions. During the first airline hijacking in U.S. history, which occurred in El Paso in 1961, Border Patrol agents played an instrumental role in averting a disaster and restoring order.

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The Border Patrol is also the lead agency today tasked with drug interdiction between our ports of entry, playing a major role in keeping our neighborhoods drug free.

Mr. Speaker, I could go on and on about the accomplishments, dedication, and the role of the United States Border Patrol and the history of this country.

The present force of over 8,000 agents, located in 146 stations under 21 sectors, is responsible for protecting more than 8,000 miles of international land and water boundaries. It is this Nation's largest uniform federal law enforcement agency.

The men and women of the United States Border Patrol have the dual role of protecting this Nation's borders and enforcing immigration laws in a fair and humane, professional manner. Their job is tough and it takes a special person to perform their duties. It also takes a special person to work summers in the deserts of Arizona and West Texas or the cold winters in North Dakota and Vermont. Their agents provide a vital service to our Nation day in and day out, and I am very proud that we are passing this resolution to thank them and honor them on behalf of this House of Representatives.

The work that our Border Patrol agents perform each day is dangerous. Eighty-six agents and pilots have lost their lives in the line of duty, six last year and two this year.

Mr. Speaker, I include for the RECORD the names of each of those brave men and women who have died while serving their country:

BORDER PATROL OFFICERS KILLED IN THE LINE OF DUTY

Clarence M. Chrest, April 16, 1919.
Charles Gardiner, October 22, 1922.
James F. Mankin, September 14, 1924.
Frank N. Clark, December 12, 1924.
Joseph P. Riley, April 6, 1925.
Augustin De La Peña, August 2, 1925.
Ross A. Gardner, October 28, 1925.
William W. McKee, April 23, 1926.
Lon Parker, July 25, 1926.
Thad Pippin, April 21, 1927.
Franklin P. Wood, December 15, 1927.
Norman G. Row, February 2, 1930.
Earl A. Roberts, March 24, 1929.
Ivan E. Scottel, July 15, 1931.
Miles J. Scannell, September 9, 1929.
William D. McCalib, January 7, 1930.
Harry E. Vincent, March 25, 1930.
Robert W. Kelsay, June 25, 1930.
Frank Vidmar, Jr., March 25, 1930.
Charles F. Inch, June 26, 1932.
Philip D. Stobridge, March 7, 1933.
Don A. C. Meets, June 7, 1933.
Bert G. Wallthall, December 27, 1933.
William L. Stills, January 7, 1940.
George E. Pringle, December 28, 1940.
Robert J. Heibrand, June 25, 1941.
Ralph W. Ramsey, February 26, 1942.
Earl F. Fleckinger, June 23, 1945.
One of our pilots on a mercy flight with a burn victim. And, above all, I see that uniform standing in honor of one of our fallen officers.

I urge all of my colleagues to support H. Con. Res. 122, which recognizes the historical significance of the United States Border Patrol’s contribution over the course of the last 75 years of commitment and service to our great country.

Mr. Speaker, I include for the Record the following poem that was written by Former Chief of the U.S. Border Patrol Buck Brandemuehl, entitled “That Uniform”:

Buck Brandemuehl
January 10, 1994

That Uniform

The other day I went out to the garage to rummage about. I spied this wardrobe along the wall. I opened the door and saw that uniform. You know the one—it’s dark green, has a patch on the shoulder with a blue stripe running down the pants leg. I took that uniform out and hung it on the door, and then sat back to reminisce awhile.

I remember when I first put that uniform on. It was just out of the academy and boy was I proud. It seems just like yesterday. How time flies. Well, it took me a while to realize that uniform was a symbol and what it represented. For me it represented the men and women of a great country and the laws they enforce.

It embodied the old mounted patrol, the first ones to patrol the line. Did you know that uniform has traversed our borders for over 75 years? During prohibition when fires flied and drug smuggling. It was truly gratifying, I think, to all of us to hear the testimony of the gentleman from El Paso, TX (Mr. Reyes) talk about the dedication and dangerous work they do. Some of us may know, but I think it is worth noting that he served with the border patrol for some 22 years. He had an illustrious career with them and was a border patrol chief. It is the gentleman from Texas that introduced this resolution.

What does the resolution do? It honors the border patrol on the occasion of their 75th anniversary. How fitting that the person that introduced that resolution and the primary speaker on the floor was the gentleman from Texas. This resolution, because he introduced it and because it is such a worthy and distinguished anniversary, has bipartisan, widespread support. I would like to conclude by not only thanking the gentleman from Texas but also thanking the chairman of the Committee on Immigration and the gentleman from Texas (Mr. Smith).

In recent years, the House Committee on the Judiciary has strongly supported and greatly appreciated the superb work of the border patrol in combating both illegal immigration and drug smuggling. It was truly gratifying, I think, to all of us to hear the testimony of the gentleman from El Paso, TX (Mr. Reyes) talk about the dedication and dangerous work they do. Some of us may know, but I think it is worth noting that he served with the border patrol for some 22 years. He had an illustrious career with them and was a border patrol chief. It is the gentleman from Texas that introduced this resolution.

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Mr. SMITH of Texas. Mr. Speaker, the founding members of today's U.S. Border Patrol were Texas Rangers, sheriffs, and cowboy who patrolled the Texas frontier looking for smugglers, rustlers, and illegal aliens. From their rough beginnings they have grown into a present-day force of over 8,000 Border Patrol agents and supporting staff.

The 1996 immigration reform law, which I introduced, authorized the hiring of 5,000 additional Border Patrol agents over 5 years. So far more than 2,000 agents have been added to the force in just the past 3 years.

This significant positive effect in deterring and reducing illegal immigration and drug trafficking. However, the Clinton administration has continued to oppose increasing the size of the Border Patrol, despite widespread support and proven results.

The Border Patrol, which must guard 8,000 miles of border against drug smugglers, alien smugglers, criminals, and terrorists, still has fewer personnel than the Chicago city police department. The administration's own drug czar, General Barry McCaffrey, estimated that at least 30 Border Patrol agents are needed to control the flow of drugs into our country. And a recent academic study estimated that 16,000 agents are needed for the Southwestern border alone.

I hope this great 75th anniversary of the Border Patrol will give the administration one more opportunity to reconsider its opposition to increasing the ranks of the Border Patrol.

But the administration's foot-dragging should not obscure the central purpose of this resolution, which is to recognize the courage, dedication, professionalism of the thousands of American men and women who have worn the Border patrol uniform with pride and served their country with distinction.

At great risk and sometimes even at the cost of the lives, Border Patrol agents have guarded our frontiers for 75 years. By day and by night, in the blazing hot Southwestern desert and in Rocky Mountain snowstorms, they have fought and triumphed.

Through this resolution sponsored by my good friend and fellow Texan SILVESTRE REYES for bringing this tribute to the floor today, SILVER, you have provided a daily, living example to us in the House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Communications Satellite Competition and Privatization Act of 1999".

SEC. 2. PURPOSE.

It is the purpose of this Act to promote a fully competitive global market for satellite communication services for the benefit of consumers and providers of satellite services and equipment by privatizing the international governmental satellite organizations.

SEC. 3. REVISION OF COMMUNICATIONS SATELLITE ACT OF 1962.

The Communications Satellite Act of 1962 (47 U.S.C. 103) is amended by adding at the end the following new title:

TITLE VI—COMMUNICATIONS COMPETITION AND PRIVATIZATION

"Subtitle A—Actions To Ensure Procompetitive Privatization"

"SEC. 601. FEDERAL COMMUNICATIONS COMMISSION LICENSING."

"(a) LICENSING FOR SEPARATED ENTITIES.—"

"(1) COMPETITION TEST.—The Commission may not issue a license or construction permit to any separated entity, or renew or permit the assignment or use of any such license or permit, or authorize the use by any entity subject to United States jurisdiction of any space segment owned, leased, or operated by any separated entity, unless the Commission determines that such issuance, renewal, assignment, or use will not harm competition in the telecommunications market of the United States. If the Commission determines that the privatization of any separated entity is consistent with such criteria, the Commission may make such an authorization.

"(2) CRITERIA FOR COMPETITION TEST.—The Commission shall substantially limit, or revoke the authority for any entity subject to United States jurisdiction to use space segment owned, leased, or operated by the Commission or Inmarsat, or successor or separated entities, to provide non-core services other than through INTELSAT or Inmarsat, or successor or separated entities, at competitive rates, terms, or conditions. Such consideration shall also include whether such non-core services would require users to replace equipment at substantial cost prior to the cost savings attributable to the design life. In making its licensing decisions, the Commission shall consider competitive alternatives in individual markets and whether such licensing decisions would be foreclosed due to anticompetitive actions or agreements which are not competitive.

"(b) LICENSES FOR INTELSAT, INMARSAT, AND SUCCESSOR ENTITIES.—"

"(1) COMPETITION.—The Commission shall substantially limit, or revoke the authority for any entity subject to United States jurisdiction to use space segment owned, leased, or operated by the Commission or Inmarsat, or successor or separated entities, to provide non-core services other than through INTELSAT or Inmarsat, or successor or separated entities, at competitive rates, terms, or conditions. Such consideration shall also include whether such non-core services would require users to replace equipment at substantial cost prior to the cost savings attributable to the design life. In making its licensing decisions, the Commission shall consider competitive alternatives in individual markets and whether such licensing decisions would be foreclosed due to anticompetitive actions or agreements which are not competitive.

"(2) LICENSING FOR INTELSAT, INMARSAT, AND SUCCESSOR ENTITIES.—"

"(A) after April 1, 2001, in the case of INTELSAT and its successor entities, that INTELSAT and any successor entities have been privatized in a manner that will not harm competition in the telecommunications markets of the United States; or"
SEC. 602. INTELSAT OR INMARSAT ORBITAL LOCATIONS.

(1) Continued authorization.—The Commission may issue an authorization, license, or permit to, or renew the license or permit of, any successor entity or separated entity to provide services using INTELSAT or Inmarsat space segment, or authorize the use of such space segment, for additional services (including additional applications of existing services) or additional areas of business, subject to the requirements of this section.

(2) Additional services permitted under new contracts unless progress fails.—If the Commission makes a finding under subsection (b) that conditions required by such subsection have not been attained, the Commission shall, in accordance with the requirements of this title, permit such additional services to be provided directly or indirectly under new contracts for the use of INTELSAT or Inmarsat space segment, or authorize the use of such space segment, for additional services (including additional applications of existing services) or additional areas of business, subject to the requirements of this section.

(3) Prevention of evasion.—The Commission shall, by rule, prescribe measures reasonably designed to prevent evasions of the limitations contained in paragraph (2) by customers who did not use specific additional services as of the date of the Commission’s most recent finding under subsection (b) that the conditions of such subsection have not been obtained.

(4) Requirements for annual findings.—

(a) General requirements.—The findings required under this subsection shall be made, after notice and comment, on or before January 1, 2000, 2001, and 2002. The Commission shall, in its determination pursuant to paragraph (1), permit such additional services to be provided directly or indirectly under new contracts for the use of INTELSAT or Inmarsat space segment, or authorize the use of such space segment, for additional services (including additional applications of existing services) or additional areas of business, subject to the requirements of this section.

(b) Requirements for annual findings.—

(1) General requirements.—The findings required under subsection (b) shall be made, after notice and comment, on or before January 1, 2000, 2001, and 2002. The Commission shall, after taking into account the preceding period at a rate and manner that is probable to result in achieving pro-competitive privatizations in accordance with the requirements of this title, permit such additional services to be provided directly or indirectly under new contracts for the use of INTELSAT or Inmarsat space segment, or authorize the use of such space segment, for additional services (including additional applications of existing services) or additional areas of business, subject to the requirements of this section.

(2) First finding.—In making the finding required to be made on or before January 1, 2000, the Commission shall find that the conditions required by this subsection have been attained unless the Commission finds that—

(A) COMSAT has submitted to the INTELSAT Board of Governors a resolution calling for the pro-competitive privatization of INTELSAT in accordance with the requirements of this title;

(B) the United States has submitted such resolution at the first INTELSAT Assembly of Parties meeting that takes place after such date of enactment;

(c) Exception for services under existing contracts if progress not made.—

(1) INDEPENDENCE.—The successor entities or separated entities shall not be subject to selection or appointment by, or otherwise serve as representatives of—

(i) any signatory or former signatory that controls access to national telecommunications markets; and

(ii) any intergovernmental organization remaining after the privatization.

(3) Termination of privileges and immunities.—The preferential treatment of INTELSAT and Inmarsat shall not be extended to any successor entity or separated entity of INTELSAT or Inmarsat. Such preferential treatment includes—

(A) privileges or immunities of other countries or governments through the terms and operation of the INTELSAT Agreement and the associated Headquarters Agreement and the Inmarsat Convention;

(B) preferences or privileges of national government that are subject to the legal or regulatory processes of a national government that applies due diligence requirements intended to prevent the warehousing of orbital locations.

(4) Prevention of expansion during transition.—During the transition period prior to full privatization, INTELSAT and Inmarsat shall not be extended into additional services (including additional applications of existing services) or additional areas of business.

(5) Conversion to stock corporations.—Any successor entity or separated entity created out of INTELSAT or Inmarsat shall be a public corporation established through the execution of an initial public offering as follows:

(A) Any successor entities and separated entities shall be incorporated as private corporations subject to the laws of the nation in which incorporated.

(B) Any initial public offering of securities of any successor entity or separated entity shall be conducted no later than—

(i) April 1, 2000, for the successor entities of INTELSAT; and

(ii) April 1, 2001, for the successor entities of Inmarsat.

(C) The shares of any successor entities and separated entities shall be listed for trading on one or more major stock exchanges with transparent and effective securities regulations.

(D) A majority of the board of directors of any successor entity or separated entity shall not be subject to selection or appointment by, or otherwise serve as representatives of—

(i) any signatory or former signatory that controls access to national telecommunications markets; and

(ii) any intergovernmental organization remaining after the privatization.

(E) Any transactions or other relationships between or among any successor entity or separated entity, INTELSAT, or Inmarsat shall be conducted on an arm’s length basis.

(6) Regulatory treatment.—Any successor entity or separated entity shall not be subject to the legal or regulatory processes of a national government that applies due diligence requirements intended to prevent the warehousing of orbital locations.

(7) Competition policies in domiciliary country.—Any successor entity or separated entity shall be incorporated and headquartered in a nation or nations that—

(A) have effective laws and regulations that secure competition in telecommunications services;

(B) have treaties or agreements of the World Trade Organization Basic Telecommunications Services Agreement; and

(C) have a schedule of commitments in such Agreement that are compatible with the domestic market access to their satellite markets.

Subtitle B—Federal Communications Commission Licensing Criteria: Privatization Criteria

SEC. 621. GENERAL CRITERIA TO ENSURE A PRO- COMPETITIVE PRIVATIZATION OF INTELSAT AND INMARSAT.

The President and the Commission shall secure a pro-competitive privatization of INTELSAT and Inmarsat that meets the criteria set forth in this section and sections 622 through 624. In securing such privatizations, the following criteria shall be applied as licensing criteria for purposes of subpart A:

(a) INTESA in as soon as practicable, but no later than April 1, 2001; and

(b) Inmarsat as soon as practicable, but no later than April 1, 2002.

(2) Independence.—The successor entities and separated entities of INTELSAT and Inmarsat resulting from the privatization obtained pursuant to paragraph (1) shall—

(A) be entities that are national corporations; and

(B) have ownership and management that is independent of—

(i) any signatories or former signatories that control access to national telecommunications markets; and
"(8) RETURN OF UNUSED ORBITAL LOCATIONS.—INTELSAT, Inmarsat, and any successor entities and separated entities shall not be permitted to warehouse any orbital locations that—

(A) as of March 25, 1998, did not contain a satellite that was providing commercial services, or, subsequent to that date, ceased to contain a satellite providing commercial services; or

(B) as of March 25, 1998, was not designated in INTELSAT or Inmarsat operational plans for satellites for which construction contracts had been executed.

Any such orbital location of INTELSAT or Inmarsat and of any successor entities and separated entities shall be returned to the International Telecommunication Union for reallocation.

(9) APPRAISAL OF ASSETS.—Before any transfer of assets by INTELSAT or Inmarsat to any successor entity or separated entity, such assets shall be independently audited for purposes of appraisal, at both book and fair market value.

(10) LIMITATION ON INVESTMENT.—Notwithstanding the provisions of this title, COMSAT shall not be authorized by the Commission to acquire any shares or other securities of the Company, unless Congress authorizes such investment.

SEC. 622. SPECIFIC CRITERIA FOR INTELSAT.

"In securing the privatizations required by section 621, the following additional criteria with respect to INTELSAT privatization shall be applied as licensing criteria for purposes of subtitle A:

(1) NUMBER OF COMPETITORS.—The number of competitors in the markets served by INTELSAT, including the number of competitors created out of INTELSAT, shall be sufficient to create a fully competitive market.

(2) PREVENTION OF EXPANSION DURING TRANSITION.—

(A) IN GENERAL.—Pending privatization in accordance with the criteria in this title, INTELSAT shall not expand by receiving additional orbital locations, placing new satellites in existing locations, or procuring new or additional satellites except as permitted by subparagraph (B), and the United States shall oppose such expansion.

(ii) in INTELSAT, including at the Assembly of Parties;

(ii) in the International Telecommunication Union;

(iii) through United States instructions to COMSAT;

(iv) in the Commission, through declining to facilitate the construction of additional orbital locations or the provision of additional services (including additional applications of existing services) or additional areas of business;

(v) in other appropriate fora.

(B) EXCEPTION FOR CERTAIN REPLACEMENT SATELLITES.—The limitations in subparagraph (A) shall not apply to any replacement satellites if—

(i) such replacement satellite is used solely to provide public-switched network voice telephony or occasional-use television services, or both;

(ii) such replacement satellite is procured pursuant to a construction contract that was executed on or before March 25, 1996 and in either the United States or at one of its territories or possessions;

(iii) construction of such replacement satellite commences on or before the final date for INTELSAT privatization set forth in section 621.

(3) TECHNICAL COORDINATION AMONG SIGNATORIES.—Technical coordination shall not be used to impair competition or competitiveness, or cooperation under Article XIV(d) of the INTELSAT Agreement shall be eliminated.

SEC. 623. SPECIFIC CRITERIA FOR INTELSAT SEPARATED ENTITIES.

"In securing the privatizations required by section 623, the following criteria with respect to any INTELSAT separated entity shall be applied as licensing criteria for purposes of subtitle A:

(1) DATE OF PUBLIC OFFERING.—Within one year after any decision to create any separated entity, a public offering of the securities of such entity shall be conducted.

(2) PRIVILEGES AND IMMUNITIES.—The privileges and immunities of INTELSAT and its signatories shall be waived with respect to any transactions with any separated entity, and any liability arising under a cause of action that would otherwise generally be permitted against any separated entity shall be eliminated.

(3) INTERLOCKING DIRECTORATES OR EMPLOYEES.—None of the officers, directors, or employees of any separated entity shall be individuals who are officers, directors, or employees of INTELSAT.

(4) SPECTRUM ASSIGNMENTS.—After the initial transfer which may accompany the creation of a separated entity, the portions of the electromagnetic spectrum assigned as of the date of enactment of this title to INTELSAT shall not be transferred between INTELSAT and a separated entity.

(5) REAFFILIATION PROHIBITED.—Any merger or ownership or management ties or exclusive arrangements between a privatized INTELSAT or INTELSAT and a separated entity shall be prohibited until 15 years after the completion of INTELSAT privatization under this title.

SEC. 624. SPECIFIC CRITERIA FOR INMARSAT.

"In securing the privatizations required by section 624, the following additional criteria with respect to Inmarsat privatization shall be applied as licensing criteria for purposes of subtitle A:

(1) MULTIPLE SIGNATORIES AND DIRECT ACCESS.—Multiple signatories and direct access to Inmarsat shall be permitted.

(2) PREVENTION OF EXPANSION DURING TRANSITION.—Pending privatization in accordance with the criteria in this title, Inmarsat shall not expand by receiving additional orbital locations, placing new satellites in existing locations, or procuring new or additional satellites except for specified replacement satellites for which construction contracts have been executed as of March 25, 1998, and the United States shall oppose such expansion.

(A) in Inmarsat, including at the Council and Assembly of Parties;

(B) in the International Telecommunication Union;

(C) through United States instructions to COMSAT;

(D) in the Commission, through declining to facilitate the construction of additional orbital locations or the provision of additional services (including additional applications of existing services) or additional areas of business;

(E) in other appropriate fora.

This paragraph shall not be construed as limiting the maintenance, assistance or improvement of the GMDSS.

(3) NUMBER OF COMPETITORS.—The number of competitors in the markets served by Inmarsat, including the number of competitors created out of Inmarsat, shall be sufficient to create a fully competitive market.

(4) REAFFILIATION PROHIBITED.—Any merger or ownership or management ties or exclusive arrangements between Inmarsat and a privatized Inmarsat (or a separated entity and ICO) shall be prohibited until 15 years after the completion of Inmarsat privatization under this title.

(5) INTERLOCKING DIRECTORATES OR EMPLOYEES.—None of the officers, directors, or employees of Inmarsat or any successor entity or separated entity shall be individuals who are officers, directors, or employees of ICO.

SEC. 625. ENCOURAGING MARKET ACCESS AND PRIVATIZATION.

(a) NTIA DETERMINATION.—

(1) DETERMINATION REQUIRED.—Within 180 days after the date of enactment of this section, the Secretary of Commerce shall, through the Assistant Secretary for Communications and Information, transmit to the Congress—

(A) a list of Member countries of INTELSAT and Inmarsat that are not Members of the World Trade Organization and that impose barriers to market access for private satellite systems; and

(B) a list of national satellite systems and any privatized satellite systems that are not Members of the World Trade Organization that are not Members of the World Trade Organization and that are not supporting pro-competitive privatization of INTELSAT and Inmarsat.

(2) CONSULTATION.—The Secretary’s determinations under paragraph (1) shall be made in consultation with the Federal Communications Commission, the Secretary of Commerce, and the United States Trade Representative, and shall take into account the totality of a country’s actions in all relevant fora, including the Assemblies of Parties of INTELSAT and Inmarsat.

(b) IMPOSITION OF COST-BASED SETTLEMENT RATE.—Notwithstanding—

(1) any higher settlement rate that an overseas carrier charges any United States carrier to originate or terminate international message telephone services; and

(2) any transition period that would otherwise apply, the Commission may by rule prohibit United States carriers from paying an amount in excess of a cost-based settlement rate to overseas carriers in countries listed by the Commission pursuant to subsection (a).

(c) SETTLEMENTS POLICY.—The Commission shall, in exercising its authority to establish settlements rates for United States international common carriers, seek to advance United States policy in favor of cost-based settlements and shall make available on an international common carrier basis, and in consultation with parties and signatories of INTELSAT and Inmarsat.

Subtitle C—Deregulation and Other Statutory Changes

SEC. 641. ACCESS TO INTELSAT.

(a) ACCESS PERMITTED.—Beginning on the date of enactment of this title, users or providers of INTELSAT telecommunications services shall be permitted to obtain direct access to INTELSAT telecommunications services and space segment capacity through purchases of such capacity or services from, or through investment in, INTELSAT.

(b) RULEMAKING.—Within 180 days after the date of enactment of this title, the Commission shall complete, in consultation with notice and opportunity for submission of comment by interested persons, to determine
if users or providers of telecommunications services have sufficient opportunity to access INTELSAT space segment capacity directly from INTELSAT to meet their service or capacity needs. If the Commission determines that such opportunity to access does not exist, the Commission shall take appropriate action to facilitate such direct access as may be necessary to its authority under this Act and the Communications Act of 1934. The Commission shall take such steps as may be necessary to prevent the circumvention of the requirement of this section.

"(C) CONTRACT PRESERVATION.—Nothing in this section shall be construed to permit the abrogation or modification of any contract.

"SEC. 642. SIGNATORY REQUIREMENTS.

(a) LIMITATIONS ON SIGNATORIES.—

(1) NATIONAL SECURITY LIMITATIONS.—The Federal Communications Commission, after a public interest determination, in consultation with the executive branch, may restrict foreign ownership of a United States signatory if the Commission determines that not to do so would constitute a threat to national security.

(2) NO SIGNATORIES REQUIRED.—The United States Government shall not require signatory status in the United States for INTELSAT or Inmarsat or in any successor entities after a pro-competitive privatization is achieved consistent with sections 621, 622, and 624.

(b) CLARIFICATION OF PRIVILEGES AND IMMUNITIES OF COMSAT.—

(1) GENERALLY NOT IMMUNIZED.—Notwithstanding any other law or executive agreement, COMSAT shall not be entitled to any privileges or immunities under the laws of the United States or any State on the basis of its status as a signatory of INTELSAT or Inmarsat.

(2) LIMITED IMMUNITY.—COMSAT and any other company functioning as United States signatory in INTELSAT or Inmarsat shall not be liable for action taken by it in carrying out the specific, written instruction of the United States issued in connection with its relationships and activities with foreign governments, international entities, and the intergovernmental satellite organizations.

(c) LIMITATIONS ON SIGNATORIES.—

(1) DATE OF ENACTMENT OF THIS TITLE: Sections 101 and 102; paragraphs (1), (5) and (6) of section 203(a); section 301; section 303; section 502; and paragraphs (2) and (4) of section 504.

(2) ON THE EFFECTIVE DATE OF THE COMMISSION'S ORDER THAT ESTABLISHES DIRECT ACCESS TO INTELSAT SPACE SEGMENT: Paragraphs (1), (3) through (6) of section 503(c); and section 304.

(3) ON THE EFFECTIVE DATE OF THE COMMISSION'S ORDER THAT ESTABLISHES DIRECT ACCESS TO INMARSAT SPACE SEGMENT: Subsections (a) through (d) of section 503.

(4) ON THE EFFECTIVE DATE OF A COMMISSION ORDER DETERMINING UNDER SECTION 601(b)(2) THAT INTELSAT PRIVATIZATION IS CONSISTENT WITH CRITERIA IN SECTIONS 621 AND 624: Paragraphs (2) and (4) of section 203(a); section 203(c)(2); subsection (a) of section 403, and section 404.

"SEC. 646. REPORTS TO CONGRESS.

(a) ANNUAL REPORTS.—The President and the Commission shall report to the Committees on Commerce, Science, and Transportation of the House of Representatives and the Committees on Commerce, Science, and Transportation of the Senate within 90 calendar days of the enactment of this title, and not less than annually thereafter, on the progress made to achieve the objectives and carry out the purposes and provisions of this title. Such reports shall be made available immediately to the public.

(b) CONTENTS OF REPORTS.—The reports submitted pursuant to subsection (a) shall include the following:

(1) Progress with respect to each objective since the recent preceding report.

(2) Views of the Parties with respect to privatization.

(3) Views of industry and consumers on privatization.

(4) Impact privatization has had on United States industry, United States jobs, and United States industry’s access to the global marketplace.

"SEC. 647. CONSULTATION WITH CONGRESS.

The President’s designees and the Commission shall consult with the Committees on Commerce, Science, and Transportation of the House of Representatives and the Committees on Commerce, Science, and Transportation of the Senate within 90 calendar days of the entry into force of this Act, or the entry into force of this Act, and the International Telecommunication Union.

"SEC. 648. SATELLITE AUCTIONS.

"SEC. 649. EXCLUSIVITY ARRANGEMENTS.

(a) IN GENERAL.—No satellite operator shall be entitled to any exclusive right of handling telecommunications to or from the United States, its territories or possessions, and any other country or territory by reason of any auction, concession, contract, understanding, or working arrangement to which the satellite operator or any persons or companies controlling or controlled by the operator are parties.

(b) EXCEPTION.—In enforcing the provisions of this section, the Commission shall not require the abrogation of existing satellite telecommunications services under contract with, or tariff commitment to, such satellite operator; but shall require the abrogation of new services only to the country that has provided the exclusive right to handle telecommunications, if the Commission determines the public interest, convenience, and necessity so requires.

"Subtitle D—Negotiations To Pursue Privatization

"SEC. 661. METHODS TO PURSUE PRIVATIZATION.

The President shall secure the pro-competitive privatizations required by this title in a manner that meets the criteria in subtitle B.

"Subtitle E—Definitions

"SEC. 681. DEFINITIONS.

(a) IN GENERAL.—As used in this title:

(1) INTESLT.—The term 'INTESLT' means the International Telecommunications Satellite Organization established pursuant to the Agreement Relating to the International Telecommunications Satellite Organization (INTELSAT).

(2) INMARSAT.—The term 'Inmarsat' means the International Maritime Organization established pursuant to the Convention on the International Maritime Organization.

(b) SIGNATORIES.—The term 'signatories'—

(A) in the case of INTELSAT or INTELSAT successors or separated entities, means a Party, or the telecommunications entity designated by a Party, that has signed the Operating Agreement and for which such Agreement has entered into force or to which such Agreement has been provisionally applied; and

(B) in the case of Inmarsat, or Inmarsat successors or separated entities, means either a Party to, or an entity that has been designated by a Party to sign, the Operating Agreement.

"(4) PARTY.—The term ‘Party’—

(A) in the case of INTELSAT, means a national entity in which the INTELSAT agreement has entered into force or been provisionally applied; and

(B) in the case of Inmarsat, means a national entity in which the Inmarsat convention has entered into force.

"(5) COMMISSION.—The term ‘Commission’ means the Federal Communications Commission.

"(6) INTERNATIONAL TELECOMMUNICATION UNION.—The term ‘International Telecommunication Union’ means the intergovernmental organization that is a specialized agency of the United Nations in which member countries cooperate for the development of telecommunications, including adoption of international regulations governing terrestrial and space uses of the frequency spectrum as well as use of the geostationary satellite orbit.

"(7) SUCCESSION ENTITY.—The term ‘successor entity’—

(A) means any privatized entity created from the privatization of INTELSAT or Inmarsat from the assets of INTELSAT or Inmarsat; and

(B) does not include any entity that is a separated entity.

"(8) SEPARATED ENTITY.—The term ‘separated entity’ means a privatized entity to whom a portion of the assets owned by INTELSAT or Inmarsat are transferred prior to privatization to INTELSAT or Inmarsat, including in particular the entity whose structure was under discussion by
INTELSAT as of March 25, 1998, but excluding ICO.

``(9) ORBITAL LOCATION.ÑThe term `orbital location' means the location for placement of a satellite within the Earth's gravitational and orbital arc as defined in the International Telecommunication Union Radio Regulations.

``(10) SPACE SEGMENT.ÑThe term `space segment' means the satellites, satellite tracking, telemetry, command, control, monitoring and related facilities and equipment used to support the operation of satellites owned or leased by INTELSAT, Inmarsat, or a separated entity or successor entity.

``(11) NON-CORE SERVICES.ÑThe term `non-core services' means, with respect to INTELSAT, services other than public-switched network voice telephony and occasional-use television, and with respect to INMARSAT provision, services other than global maritime distress and safety services or other existing maritime or aeronautical services for which there are not alternative providers.

``(12) ADDITIONAL SERVICES.ÑThe term `additional services' means Internet services, high-speed data, interactive services, non-maritime or non-aeronautical mobile services, Direct To Home (DTH) or Direct Broadcast Satellite (DBS) video services, or Ka-band services.

``(13) INTELSAT AGREEMENT.ÑThe term `INTELSAT Agreement' means the Agreement Relating to the International Telecommunications Satellite Organization (`INTELSAT'), including all its annexes (TIAS 7522, 23 UST 3817).


``(15) OPERATING AGREEMENT.ÑThe term `Operating Agreement' means--

``(A) INTELSAT, the case of INTELSAT, the agreement, including its annex but excluding all titles of articles, opened for signature at Washington on August 20, 1971, by Governments or telecommunications entities designated by Governments in accordance with the provisions of the Agreement; and

``(B) in the case of INMARSAT, the Operating Agreement between the International Maritime Satellite Organization, including its annexes.


``(17) NATIONAL CORPORATION.ÑThe term `national corporation' means a corporation the ownership of which is held through public- or privately traded securities, and that is incorporated under, subject to, or licensed by a national or federal governmental authority.

``(18) COMSAT.ÑThe term COMSAT means the corporation established pursuant to title III of the Communications Satellite Act of 1962 (47 U.S.C. 731 et seq.).

``(19) ICO.ÑThe term `ICO' means the company known, as of the date of enactment of this title, as ICO Global Communications, Inc.

``(20) REPLACEMENT SATELLITE.ÑThe term `replacement satellite' means a satellite that replaces a satellite that fails prior to the end of the duration of contracts for services provided over such satellite and that takes the place of a satellite designated for the provision of public-switched network and occasional-use satellite services under contracts executed prior to March 25, 1998 (but not including K-TV or similar satellites). A satellite is only considered a replacement satellite if such contract is equal to or less than the design life of the satellite.
Mr. Speaker, I reserve the balance of my time.

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

I begin by praising the chairman of the full committee, the gentleman from Virginia, for his work on this bill and for the excellent work of the subcommittee chairman for bringing this new version of the legislation out to the floor at this time. As the gentleman from Louisiana pointed out, throughout the last several years with the gentleman from Virginia to fashion legislation in this area. While we were able to pass it through the House of Representatives last year with more than 400 votes, we were unsuccessful in reaching final resolution with the Senate. This is an effort, working with the gentleman from Louisiana now, with his refinements, to move the bill ultimately to the President's desk. I think that what we are doing here tonight is going to make it much more likely that we are going to see that end result. Working in tandem with the gentleman from Michigan (Mr. DINGELL) and with all the other members of the Committee on Commerce, I think we have got that goal in total sight.

Back in 1962 when COMSAT was created, the telecommunications sector around the globe was dominated by monopolies. In the United States, we only had one company, AT&T. It had 1.2 million employees. As a result, the construct of COMSAT and INTELSAT reflected the nature of the telecommunications industry at that point in time back in 1962. It is not surprising that the act reflected that period in time. It was immediately post-Sputnik. There was a paranoia that gripped the free world. There was a sense that we were slipping behind. There was a real understanding that the only way in which we could catch up is by government that was not only the government of our country but the governments of all of the free nations of the world banded together to launch satellites that would make it possible for us to catch up and surpass the Soviet Union and their allies in the space race. Back then, it took national efforts to build, to launch and to maintain satellites in orbit.

But much has changed in the last 35 years, since President Kennedy signed the original COMSAT bill into law in 1962, ever since INTELSAT and subsequently Inmarsat were made a part of the international telecommunications infrastructure. Today, we have private individuals with their own money willing to build and to launch satellites into space. America leads in these satellite technologies, by cobbling together these international alliances which made the inevitable defeat of the Soviet Union, reflecting the internal contradictions of their system all the more obvious as we surrounded them with democratic institutions.

Today, largely because of the Federal Government, largely because of the antitrust actions taken by the Reagan administration's breakup of AT&T in 1982, we now have robust, competitive communications markets all across our country. Ironically, it is now a Federal district judge appointed by Ronald Reagan who is now calling for the dissolution of the monopoly control which Microsoft has over the computer industry. This has been a bipartisan effort over the years, moving from this original period of monopoly to this new era of competition across all lines. It has been done, thank God, on a bipartisan basis, liberal versus conservative, left wing; Louisiana and Massachusetts, working together.

Mr. Speaker, that 1962 model is no longer sustainable. In fact, it is counterproductive and has been abandoned today. It is time to update the INTELSAT and Inmarsat law, two international governmental organizations who are not going to compete against U.S. satellite companies on even ground, or even space, to put it more accurately, simply because we ask them to do so politely. They will not give it up politely. No monopoly gives up anything politely. Sometimes it takes an antitrust case brought by the Reagan administration against AT&T and Microsoft. Sometimes it takes legislation. That is what we are doing here this evening, the legislative route.

And, Mr. Speaker, while the U.S. State Department has failed repeatedly to secure effective pro-competitive commitments in international meetings, all we are left with are weak commitments, vague promises or worse.

As part of our previous policy discussions over the years, other U.S. companies were repeatedly told that we could not have private sector companies in America have direct access to the INTELSAT system. In other words, no other American company could bypass the exclusive resale role that policy-makers bequeathed to COMSAT 37 years ago. We were told to ignore the fact that almost half of the world had already liberalized such access to INTELSAT in their home countries. Finally, the E-8 Act, which the FCC took an initial step in making access to INTELSAT more competitive by permitting a minimum level of direct access, so-called Level 3 direct access.

Now we are being told that private sector companies in the United States should be prohibited from going to Level 4 direct access. That is, allowing other U.S. companies in addition to COMSAT to make private investments in INTELSAT. With our market do we have when private companies are prevented from risking their own money in investments? Are we to ignore the United Kingdom, Argentina and about two dozen other countries that have already demonized and demoralized their market opportunities in this fashion? It is time for us to fully embrace the free market in international satellite communications, and this bill will help us to do just that.

Level three access only partially achieves the objectives of full and fair competition. Level three access would give others the ability to obtain INTELSAT capacity at the wholesale level, but would leave COMSAT free to subsidize its rate with the 18 percent return it receives on its investment in the INTELSAT system as one of the shareholders in the consortium or the exclusive U.S. shareholder. Level four access, on the other hand, would eliminate the incentive for COMSAT to cross-subsidize by enabling COMSAT's competitors the opportunity to secure the same 18 percent return.

Now, level four access is already available in the United Kingdom and Argentina and Chile and France and New Zealand and Sweden and Denmark, in Ireland and Singapore and China, Ecuador, Jordan, Sri Lanka, Kazakhstan, and over a dozen other countries now modeling their telecommunications systems increasingly on us, and here we have this last bastion of monopoly. It is essential that the United States, having led the way, now join these other countries in a commitment to the free market.

Mr. Speaker, our goal for COMSAT, the U.S. signatory, is that it evolve into a commercial company like any other American commercial company, without any special status or advantages, but also without any special obligations. In a new competitive environment, we have high hopes that COMSAT will succeed and that its corporate future is bright.

We believe that the additional changes made by the gentleman from Louisiana (Mr. TAUNZ) to the legislation moves us very close to a final resolution. I think his suggestions were wise and they are now incorporated in this legislation.

In summary, I am looking forward to meeting with the Senate so that we can have additional discussions on this historic legislation and so that we can move forward along with our local satellite bill, our E-signature legislation in making the kinds of historic changes that it possible for the private sector to be innovative, for the private sector to create the jobs, to be able to create the wealth which will be, ultimately, the
real peace dividend for Americans and ultimately exporting these concepts across the globe.

I thank the gentleman for all of his great work. I stand, as usual, in admiration for his usual leadership.

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

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume just briefly, and then I have requests for time that I will honor.

Let me first thank my friend from Massachusetts for those very eloquent and kind words. It occurred to me as he was addressing the topic that the United States decision to create these international bodies along with countries around the world led, in fact, to the launching of communications satellites that are now serving the entire globe.

To a large measure, it was those satellites beaming real information, the truth, across a wall in Berlin to citizens who were locked inside of a totalitarian system that could survive only by continuing to lie to them about how bad things were in the West and how bad democracies were and how awful free market systems were. It was those satellites that looked across that wall and into grocery stores full of food in Houston, Texas and Massachusetts and Louisiana and gave a lie to all of those old messages that the Soviet Union had unfortunately piled upon their own citizens, convincing them that their system was somehow better. When they turned around and went to grocery stores in Moscow and could not buy cabbage, could not buy potatoes, it suddenly dawned on them that the lie would not hold anymore, and the wall, indeed, had to come down.

The irony is that the satellite system that our governments helped construct, ending up creating freedom, of breaking down walls like the Berlin Wall around the world, and democracies and free markets now are beginning to flourish across the globe as the old systems have crumbled, the old systems of totalitarianism, communism and, in fact, controlled markets that simply did not work.

So satellites gave and are giving the world freedom. And now, we in the House of Representatives are making another historic decision, that now it is time to free up the satellite system, to make this incredible, what it is like it has helped to free up the competitive juices of the economies of the world and to give people freedom across the world.

It is a kind of an ironic twist that now, the good work of these satellites and of our government decisions are now leading us to a place in time when we can free up satellites now to be just as competitive as the forces they themselves helped to unleash across the globe. This is indeed an irony that today we meet today on this satellite freedom bill right after we passed SHVA, the Satellite Home Viewers Act, which was also a bill designed to free up competition and the delivery of telephone services here in America.

Mr. Speaker, I want to say a special word to the gentleman from Massachusetts (Mr. MARKES) before I yield to the gentleman from Florida. Mr. Speaker, when we took on this battle together years and years ago, long before we joined hands on the floor of the House in 1992 in that historic battle to create direct access to programming for the satellite community it has taken to provide revision for millions of Americans and that may, indeed, be the first real competition to monopoly cable across America. Again today we are joining hands in an effort, along with the gentleman from Virginia (Mr. BILLEY) and others, to free up satellite communications to competition across the world.

It has been an extraordinary pleasure for me, coming from the Bayou country of Louisiana, to know and to work with the likes of the gentleman from Massachusetts and to share with him his intelligence, his wisdom, his wit and his leadership. I thank the gentleman so much for that privilege, and it is indeed an honor to join the gentleman tonight in another great historic effort.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I want to commend the distinguished chairman of the Subcommittee on Telecommunications and the distinguished ranking member for bringing this important legislation to the House floor today. Obviously, I think all of us agree it is a very good first step for more competition and more openness in the global satellite telecommunications market. I just want to bring some concern to the Members, my colleagues, that I am hoping will be worked out in the conference report with the Senate.

This bill imposes I think a condition on lifting the outdated ownership cap of COMSAT. One of the key elements to reforming and normalizing the operation of COMSAT is allowing its acquisition by Lockheed Martin. The satellite reform bill contains language that appears to allow the Lockheed Martin-COMSAT acquisition to be complete, but it attaches some conditions to implementing an FCC order on market access to lifting these caps. There is some concern of mine that it is not clear whether the September 15, 1999 direct access order must be implemented or another future FCC direct access action must be taken. Either way, this is somewhat of a concern of mine.

I think it is some type of restriction on the ability of Lockheed Martin and COMSAT to complete their merger, and of course this merger has already been approved by the Department of Justice. I think these two American companies have waited for over a year for the Federal Government to provide the needed regulatory and legislative approval for their transaction, but I wanted to express this concern.

Mr. Speaker, the bill is excellent. This is just a concern I am voicing, of course. I want to thank the chairman and the ranking member for their efforts in this bill, and when it moves to the Senate, that the restrictions on the Lockheed Martin-COMSAT merger will be effective.

Mr. MARKES. Mr. Speaker, I yield myself such time as I may consume to the gentleman from Florida (Mr. BILLEY).

Mr. Speaker, the bill is excellent. This is just a concern I am voicing, of course. I want to thank the chairman and the ranking member for their efforts in this bill, and when it moves to the Senate, that the restrictions on the Lockheed Martin-COMSAT merger will be effective.

Mr. Speaker, the bill is excellent. This is just a concern I am voicing, of course. I want to thank the chairman and the ranking member for their efforts in this bill, and when it moves to the Senate, that the restrictions on the Lockheed Martin-COMSAT merger will be effective.
Mr. Speaker, I am hopeful that through negotiations with the Senate, which already has unanimously approved a more reasonable bill to achieve privatization of Intelsat, we ultimately will enact a truly pro-competitive, pro-consumer solution.

Mr. Speaker, I rise today in support of H.R. 3261, the Communications Satellite Competition and Privatization Act. This legislation is designed to promote the privatization of Intelsat and open foreign markets to U.S. companies. Once enacted, this bill will facilitate the negotiation of a successor company when fair competition is achieved at the Intelsat level because of the advantages bestowed by privatizing the intergovernmental satellite organizations—called Intelsat and Inmarsat—that dominate international commercial satellite communications. These organizations operate as a cartel-like structure comprised of the national telephone monopolies and dominant companies of their member organizations.

Today, private companies such as PanAmSat, GE Americom, Teledesic and Motorola have the ability to offer high-quality international satellite communications services. But these companies cannot compete with Intelsat because of the advantages bestowed upon this organization.

Mr. Speaker, I want to thank Chairman Tom Biley of the Commerce Committee for his leadership in bringing this important bill to the floor. I also would like to thank Congressman Billy Tauzin and Edward Markey for their work in crafting this pro-trade, pro-consumer legislation.

The promotion of a competitive satellite communications marketplace is a goal we should all support and I urge my colleagues to support this bill.

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

The SPEAKER pro tempore. The question is, the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 3261.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of the Senate bill (S. 376) to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications. I ask for other purposes, and ask for its immediate consideration in the House. The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 376

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 "Open-market Reorganization for the Betterment of International Telecommunications Act".

SECTION 2. PURPOSE. It is the purpose of this Act to promote a fully competitive domestic and international market for satellite communications services for the benefit of providers of satellite services by fully encouraging the privatization of the intergovernmental satellite organizations, INTELSAT and INMARSAT, and reforming the regulatory framework of the COMSAT Corporation.

SECTION 3. FINDINGS. (1) International satellite communications services constitute a critical component of global voice, video and data services, play a vital role in the integration of all nations into the global economy and contribute toward the ability of developing countries to achieve sustainable development.

(2) The United States played a pivotal role in stimulating the development of international satellite communications services by enactment of the Communications Satellite Act of 1962 (47 U.S.C. 751-757), and by critical contributions, as signatory, to the COMSAT Corporation, in the establishment of INTELSAT, which has successfully established global satellite networks to provide member countries with worldwide access to telecommunications services, including critical lifeline services to the developing world.

(3) The United States played a pivotal role in stimulating the development of international satellite communications services by enactment of the International Maritime Satellite Telecommunications Act (47 U.S.C. 751-757), and by its critical contributions, through its signatory, COMSAT, in the establishment of INMARSAT, which enabled member countries to provide services such as international maritime and global maritime distress and safety services to include other satellite services, such as land mobile and aeronautical communications services.

(4) By statute, COMSAT, a publicly traded corporation, is the sole United States signatory to INTELSAT and, as such, is responsible for carrying out United States commitments under the INTELSAT Agreement and the INTELSAT Operating Agreement. Pursuant to a binding Headquarters Agreement, the United States, as a party to INTELSAT, has satisfied many of its obligations under the INTELSAT Agreement.

(5) In the 37 years since enactment of the Communications Satellite Act of 1962, satellite technology has advanced dramatically,
large-scale financing options have improved immensely and international telecommunication policies have shifted from those of natural monopolies to those based on market forces, resulting in a plethora of private commercial companies around the world providing, or preparing to provide, the domestic, regional, and global satellite telecommunications services. Only INTELSAT and Inmarsat had previously had the capabilities to offer:

(6) Private commercial satellite communications systems now offer the latest telecommunications services to more and more countries of the world with declining costs, making satellite communications an attractive alternative as well as an alternative to terrestrial communications systems, particularly in lesser developed countries.

(7) To enable consumers to realize optimum benefits from international satellite telecommunications services, and to enable these systems to be competitive with other intercontinental telecommunications systems, such as fiber optic cable, the global trade and regulatory environment must support vigorous and robust competition.

In particular, all satellite systems should have access to the markets that they are capable of serving, and the ability to compete in a fair and meaningful way.

(8) Transforming INTELSAT and Inmarsat from intergovernmental organizations into conventional satellite services companies is a key challenge. Herein lies the importance of the privatization (other than the United States signatory) or former signatories or any direct owner or any member of a direct owner in any satellite communications service or space segment capacity to any foreign signatory, or affiliate thereof, and no carrier, other than the United States signatory, or any end user, shall be permitted to invest directly in INTELSAT.

(9) Permitted INTELSAT’s privatization, the Commission shall ensure that the United States signatory is compensated by direct access users for the costs it incurs in fulfilling its obligations under this Act.

(10) The provisions of subsections (b) and (c) shall remain in effect only until INTELSAT achieves a pro-competitive privatization pursuant to section 730 (a) if privatization occurs earlier.

(11) The Communications Satellite Act of 1962 (47 U.S.C. 701) is amended by adding at the end of such section the following:

"SEC. 602. ROLE OF ComSAT.

(a) ADVOCACY. - As the United States signatory and the Commission shall act as an aggressive advocate of pro-competitive privatization of INTELSAT. With respect to the consideration within INTELSAT of any matter related to its privatization, ComSAT shall fully consult with the United States Government prior to exercising its voting rights and shall exercise its voting rights in accordance with any instructions issued. In the event that the United States signatory to INTELSAT is acquired after enactment of this section, the President and the Commission shall assure that the institutional process safeguards against conflicts of interest.

(b) ANNUAL REPORTS. - The President and the Commission shall report annually to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the United States of America, regarding the privatization of INTELSAT and Inmarsat to privatize and complete privatization in a pro-competitive manner.

"SEC. 603. RESTRICTIONS PENDING PRIVATIZATION.

(a) INTELSAT shall be prohibited from entering the United States market directly to provide any satellite communications services or space segment capacity to carriers (other than the United States signatory) or end users in the United States until July 1, 2002. INTELSAT shall achieve a pro-competitive privatization pursuant to section 613 (a) if privatization occurs earlier.

(b) Notwithstanding subsection (a), INTELSAT shall be permitted to enter the United States market directly to provide any satellite communications services or space segment capacity to any foreign signatory, or affiliate thereof, and no carrier, other than the United States signatory, or any end user, shall be permitted to invest directly in INTELSAT.

(c) Permitted INTELSAT’s privatization, the Commission shall ensure that the United States signatory is compensated by direct access users for the costs it incurs in fulfilling its obligations under this Act.

(d) The provisions of subsections (b) and (c) shall remain in effect only until INTELSAT achieves a pro-competitive privatization pursuant to section 613 (a).

"SUBTITLE B - ACTIONS TO ENSURE PRO-COMPETITIVE SATELLITE SERVICES

"SEC. 613. PRIVATIZATION.

(a) IN GENERAL. - The President shall seek a pro-competitive privatization of INTELSAT as soon as practicable, but no later than January 1, 2002. Such privatization shall be confirmed by a final decision of the INTELSAT Assembly of Parties and shall be followed by a timely initial public offering taking into account relative market conditions.

(b) ENSURE CONTINUATION OF PRIVATIZATION. - The President and the Commission shall seek to ensure that the privatization of INTELSAT continues in a pro-competitive manner.

"SEC. 612. PROVISIONS OF THE UNITED STATES BY PRIVATIZED AF- FILIATE OF INTERGOVERNMENTAL SATELLITE ORGANIZATIONS.

(a) IN GENERAL. - With respect to any application for a satellite earth station or space segment capacity to any direct owner of a privatized INTELSAT or privatized INMARSAT into the United States market, the United States market by an IGO affiliate that raises the potential for competitive harm or risk under subsection (a)(2), the Commission shall determine whether any potential anti-competitive or market distorting consequences of continued relationships or connections exist between an IGO and its affiliate:

(1) whether the IGO affiliate is structured to prevent anti-competitive practices such as restrictive behavior or cross-subsidization;

(2) the degree of affiliation between the IGO and its affiliate;

(3) whether the IGO affiliate can directly or indirectly benefit from IGO privileges and immunities;

(4) the ownership structure of the affiliate and the effect of IGO and other Signatory ownership and whether the affiliate is independent of IGO signatories who control telecommunications market access in their home territories;

(5) the existence of clearly defined arm’s-length conditions concerning the affiliate-IGO relationship including separate officers, directors, employees, and accounting systems;

(6) the existence of fair market valuing for permissible business transactions between an IGO and its affiliate that is verifiable by an independent audit and consistent with normal commercial practice and generally accepted accounting principles;

(7) the existence of common marketing;

(8) the availability of recourse to IGO assets, credit, or capital;

(9) whether IGO registers or coordinates spectrum or orbital locations on behalf of its affiliate; and

(10) whether the IGO affiliate has corporate charter provisions prohibiting re-affiliation with the IGO after privatization.

(c) SUNSET. - The provisions of subsection (b) shall cease to have effect upon approval of the application pursuant to section 613.
“(b) PURPOSE OF PRIVATIZATION CRITERIA.—The criteria provided in subsection (c) shall be used as—

(1) the negotiation objectives for achieving the privatization of INTELSAT no later than January 1, 2002, and also for Inmarsat;

(2) the standard for measuring, pursuant to subsection (a), whether negotiations have resulted in an acceptable framework for achieving the pro-competitive privatization of INTELSAT and Inmarsat; and

(3) licensing criteria by the Commission in making its independent determination of whether the certified framework for achieving the pro-competitive privatization of INTELSAT and Inmarsat has been properly implemented by the privatized INTELSAT and Inmarsat.

(c) PRIVATIZATION CRITERIA.—A pro-competitive privatization of INTELSAT or Inmarsat—

(1) has no privileges or immunities limiting legal accountability, commercial transparency, or taxation and does not unfairly benefit from ownership by former signatories who control telecommunications market access to their home territories;

(2) is submitted to the jurisdiction of competition and independent regulatory authorities of a nation that is a signatory to the World Trade Organization Agreement on Basic Telecommunications and that has implemented or accepted the agreement’s reference paper on regulatory principles;

(3) can offer assurance of an arm’s-length relationship in all respects between itself and any IGO affiliate;

(4) has given due consideration to the international connectivity requirements of thin route countries;

(5) can demonstrate that the valuation of assets to be transferred post-privatization is in accordance with generally accepted accounting principles;

(6) has access to orbital locations and associated spectrum post-privatization in accordance with the same regulatory processes and fees applicable to other commercial satellite systems;

(7) conducts technical coordination post-privatization under normal, established ITU procedures;

(8) has an ownership structure in the form of a stock corporation or other similar and accepted commercial mechanism, and a commitment to an initial public offering where such an offering has been established for the sale or purchase of company shares;

(9) shall not acquire or enjoy any agreements which secure exclusive access to any national telecommunications markets; and

(10) will have accomplished a privatization consistent with the criteria listed in this subsection at the earliest possible date, but not later than January 1, 2002, for INTELSAT and Inmarsat.

(d) CC INDEPENDENT DETERMINATION ON IMPLEMENTATION.—After the President has made a report to Congress pursuant to subsection (b)(1) of the Communications Act of 1934 (47 U.S.C. 303 et seq.) or any report required by any law or regulation of the United States, its territories or possessions, and any other law or regulation governing the privatization of telecommunications services, for the betterment of international telecommunications services.

(1) Nothing in this Act shall be construed as restricting the types of contracts which can be executed or services which may be provided by COMSAT or any other entity to the International Telecommunications Satellite Organization.

(2) Nothing in this Act shall be construed as precluding COMSAT from investing in or owning satellites or other facilities independent from INTELSAT, or from providing services through reselling capacity over the facilities of satellite systems independent from INTELSAT. This section shall not be applied to contracts with entities different from INTELSAT which can be executed or services which may be provided by COMSAT over the independent satellites or facilities described in this section.

(3) Nothing in this Act shall be construed as restricting the types of contracts which can be executed or services which may be provided by COMSAT or any other entity to the International Telecommunications Satellite Organization.
SEC. 502. GLOBAL SATELLITE SAFETY SERVICES AFTER PRIVATIZATION OF BUSINESS OPERATIONS OF INMARSAT.

In order to ensure the continued provision of global maritime distress and safety satellite telecommunications services after privatization of the business operations of Inmarsat, the President may maintain membership in the International Mobile Satellite Organization on behalf of the United States.

MOOTION OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Speaker, I offer a motion.

The Clerk read as follows:
Mr. TAUZIN moves that the House strike all after the enacting clause of a Senate bill, S. 396, and insert the text of the bill, H.R. 3261, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.
A similar House bill (H.R. 3261) was laid on the table.

APPOINTMENT OF CONFEREES

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that the House insist on its amendment and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana? The Chair hears none and, without objection, appoints the following conferees: Messrs. BILLEY, TAUZIN, OXLEY, DINGELL, and MARKEY.

There was no objection.
over, the amendment expands the original Executive order to include attempts to contribute to foreign proliferation activities, as well as actual contributions, and broadens the range of potential penalties to expressly include potential penalties under the Executive order for violations of the original Executive order to include attempts to contribute to foreign proliferation activities, as well as actual contributions, and broadens the range of potential penalties to expressly include potential penalties under the Executive order for violations of the original Executive order.

The following report is made pursuant to section 204(a) of the International Nuclear Energy Act (50 U.S.C. 7103(c)) and section 401(c) of the National Emergency Economic Powers Act (50 U.S.C. 1701(c),) concerning atomic tests. The report is made pursuant to the provisions of the National Emergency. Additional information on nuclear, missile, and/or chemical and biological weapons (CBW) nonproliferation efforts is contained in the most recent annual report on the Proliferation of Missiles and Essential Components of Nuclear, Biological and Chemical Weapons, provided to the Congress pursuant to section 1097 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-150), also known as the "Nunn Amendment." The most recent annual report provided to the Congress pursuant to section 308 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (Public Law 102-182), also known as the "CBW Report." On July 28, 1998, in Executive Order 13094, I amended section 4 of Executive Order 12938 so that the United States Government could more effectively respond to the worldwide threat of weapons of mass destruction proliferation activities. The amendment strengthens Executive Order 12938 in several significant ways. The amendment broadens the type of proliferation activity that can subject entities to potential penalties under the Executive order. The original Executive order provided for penalties for contributions to the efforts of any foreign country, project or entity to use, acquire, design, produce, or stockpile chemical or biological weapons or for missiles capable of delivering weapons of mass destruction. More-
part of a process that also includes the supply of two light water reactors to North Korea. United States experts remain on-site in North Korea working to complete clean-up operations after largely finishing the canning of spent fuel from the North's 5-megawatt nuclear reactor.

The Nuclear Non-Proliferation Treaty (NPT) is the cornerstone on the global nuclear nonproliferation regime. In May 1999, member states met in New York to complete preparations for the 2000 NPT Review Conference. The United States is working with others to ensure that the 2000 NPT Review Conference reaffirms the NPT as a strong and viable part of the global security system.

The United States signed the Comprehensive Nuclear-Test Ban Treaty on September 24, 1996. So far, 154 countries have signed and 51 have ratified the CTBT. During 1999, CTBT signatories conducted numerous meetings of the Preparatory Commission (PrepCom) in Vienna, seeking to promote rapid completion of the International Monitoring System (IMS) established by the Treaty. In October 1999, a conference was held pursuant to Article XIV of the CTBT, to discuss ways to accelerate the entry into force of the Treaty. The United States attended that conference as an observer.

On September 22, 1997, I transmitted the CTBT to the Senate, requesting prompt advice and consent to ratification. I deeply regret the Senate's decision on October 13, 1999, to refuse its consent to ratify the CTBT. The CTBT will serve several U.S. national security interests by prohibiting all nuclear explosions. It will constrain the development and qualitative improvement of nuclear weapons; end the development of advanced new types of weapons; contribute to the prevention of nuclear proliferation and the process of nuclear disarmament; and strengthen international peace and security. The CTBT marks a historic milestone in our drive to reduce the nuclear threat and to build a safer world. For these reasons, that is an appropriate time, and the Senate will re-consider this treaty in a manner that will ensure a fair and thorough hearing process and will allow for more thoughtful debate.

With 35 member states, the Nuclear Suppliers Group (NSG) is a widely accepted, mature, and effective export control arrangement. It consists of the Conference of NSG members with the NSG Guidelines by the implementation of controls over nuclear-related dual-use equipment and technology.

During the last 6-months, we reviewed intelligence and other reports of trade in nuclear-related material and technology that might be relevant to nuclear-related sanctions provisions in the Iran-Iraq Arms Non-Proliferation Act of 1995 amended by the Export-Import Bank Act of 1945, as amended; and the Nuclear Proliferation Prevention Act of 1994. No statutory sanctions determinations were reached during this period. The administration measures impose against ten Russian entities for their nuclear- and/or missile-related cooperation with Iran remain in effect.

Chemical and Biological Weapons

The export control regulations issued under the Enhanced Proliferation Control Initiative (EPCI) remain fully in force and continue to be applied by the Department of Commerce, in consultation with the NSG, to control the export of items with potential use in chemical or biological weapons or unmanned delivery systems for weapons of mass destruction. Chemical plants and facilities continue to pose a very serious threat to our security and that of our allies. On April 29, 1997, the Convention on the Prohibition of the Development, Production, Stockpiling, Storage and Use of Chemical Weapons and on Their Destruction (the Chemical Weapons Convention or CWC) entered into force with 87 of the CWS's 165 Signatories as original States Parties. The United States was among their number, having ratified the CWC on April 25, 1997. Russia ratified the CWC on November 5, 1997, and became a State Party on December 8, 1997. To date, 126 countries (including Iran, India, and Ukraine) have become States Parties.

The implementing body for the CWC—the Organization for the Prohibition of Chemical Weapons (OPCW)—was established at entry-into-force (EIF) of the Convention on April 29, 1997. The OPCW, located in The Hague, Netherlands, has primary responsibility (along with 29 States Parties) for implementing the CWC. It consists of the Conference of the States Parties, the Executive Council (EC), and the Technical Secretariat (TS). The TS carries out the verification provisions of the CWC, and presently has a staff of approximately 500, including about 200 inspectors trained and equipped to inspect military and industrial facilities throughout the world. To date, the OPCW has conducted over 500 routine inspections in 29 countries. Twenty-three challenge inspections have yet taken place. To date, nearly 170 inspections have been conducted at military facilities in the United States. The OPCW maintains a permanent inspector presence at operational U.S. CW destruction facilities in Texas and Louisiana.

The United States is determined to seek full implementation of the concrete measures in the CWC designed to raise the costs and risks for any state or terrorist attempting to engage in chemical weapons-related activities. The CWC's declaration requirements improve our knowledge of possible chemical weapons activities. Its inspection provisions provide for access to declared and undeclared facilities and locations, thus making clandestine chemical weapons production and stockpiling more difficult, more risky, and more expensive.

The Chemical Weapons Convention Implementation Act of 1998 was enacted into U.S. law in October 1998, as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act for Fiscal Year 1999 (Public Law 105-277). My Administration published an Executive order on June 25, 1999, to facilitate implementation of the Act and is working to publish regulations regarding industrial declarations and inspections of industrial facilities. Submission of these declarations to the OPCW, and subsequent inspections, will enable the United States to be fully compliant with the CWC. United States noncompliance to date has, among other things, undermined U.S. leadership in the organization as well as our ability to encourage other States Parties to make complete, accurate, and timely declarations.

Countries that refuse to join the CWC will be politically isolated and prohibited from trading with
States Parties in certain key chemicals. The relevant treaty provisions are specifically designed to penalize countries that refuse to join the rest of the world in eliminating the threat of chemical weapons.

The United States also continues to play a leading role in the international effort to reduce the threat from biological weapons (BW). We participate actively in the Ad Hoc Group (AHG) of States Parties striving to complete a legally binding protocol to strengthen and enhance compliance with the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (the Biological Weapons Convention or BWC). This Ad Hoc Group was mandated by the September 1994 BWC Special Conference. The Fourth BWC Review Conference, held in November/December 1996, urged the AHG to complete the protocol as soon as possible but not later than the next Review Conference to be held in 2001. Work is progressing on a draft rolling text through insertion of national views and clarification of existing text. Five AHG sessions are scheduled for 1999. The United States is working toward completion of the substance of a strong Protocol next year.

On January 27, 1998, during the State of the Union address, I announced that the United States will take an active role in the effort to erect stronger international barriers against the proliferation and use of BW by strengthening the BWC with a new international system to detect and deter cheating. The United States is working closely with U.S. industry representatives to obtain technical input relevant to the development of U.S. negotiating positions and then to reach international agreement on data declarations and on-site investigations.

The United States continues to be a leading participant in the 30-member Australia Group (AG) chemical and biological weapons nonproliferation regime. The United States attended the most recent annual AG Plenary Session on October 4-8, 1999, during which the Group reaffirmed the members’ continued collective belief in the Group’s viability, importance, and compatibility with the CWC and BWC. Members continue to agree that full adherence to CWC and BWC guidelines by all countries will be the only way to achieve a permanent global ban on chemical and biological weapons, and that all states adhering to these Conventions must take steps to ensure that their national activities support rather than thwart these goals. At the 1999 Plenary, the Group continued to focus on strengthening AG export controls and sharing information to address the threat of CBW terrorism. The AG also reaffirmed its commitment to continue its active outreach program of briefings to AG countries, and to promote regional consultations on export controls and non-proliferation to further awareness and understanding of national policies in these areas. The AG discussed ways to be more proactive in stemming attacks on the AG in the CWC and BWC contexts.

During the last 6 months, we continued to examine closely intelligence and other reports of trade in CBW-related material and technology that might be relevant to sanctions provisions under the Chemical and Biological Weapons Control and Warfare Elimination Act of 1994 (CWCW Act). Determinations were reached during this reporting period. The United States also continues to cooperate with its AG partners and other countries in stopping shipments of proliferation concern.

The United States continues carefully to control exports that could contribute to unmanned delivery systems control systems. This construction, and closely to monitor activities of potential missile proliferation concern. We also continued to implement U.S. missile sanctions laws. In March 1999, we imposed missile sanctions against three Middle Eastern entities for transfers involving Category II Missile Technology Control Regime (MTCR) Annex items. Category I missile sanctions imposed in April 1998 against North Korea and Pakistan entities for the transfer from North Korea to Pakistan of equipment and technology related to the Ghauri missile remain in effect.

During this reporting period, MTCR Partners continued to share information about proliferation problems with each other and with other potential supplier, consumer, and transshipment states. Partners also emphasized the need for implementing effective export controls, and this effort has resulted in the interception of missile-related materials intended for use in missile programs of concern. In June the United States participated in the First forced Point of Contact Meeting (RPoC). At the RPoC, MTCR Partners held in-depth discussions of regional missile proliferation concerns, focusing in particular on Iran, North Korea, and South Asia. They also discussed steps Partners can take to further increase outreach to nonmembers. The Partners agreed to continue their discussion of this important topic at the October 1999 Noordwijk MTCR Plenary. Also in June, the United States participated in a German-hosted MTCR workshop at which Partners and nonpartners discussed ways to address the proliferation potential inherent in in-tangible technology transfers. The Group confirmed its intent to develop a greater understanding of the intangible technology issue (i.e., how proliferators misuse the internet, scientific conferences, student exchange programs, and higher education to acquire sensitive technology), and to begin to identify steps governments can take to address this problem.

In July 1999, the Partners completed a reformulation of the MTCR Annex. The newly reformatted Annex is intended to improve clarity and uniformity of implementation of MTCR controls while maintaining the confidentiality of the previous version of the MTCR Annex.

The MTCR held its Fourteenth Plenary Meeting in Noordwijk, The Netherlands, on October 11-15. At the Plenary, the Partners shared information about activities of missile proliferation concern worldwide. They focused in particular on the threat to international security and stability posed by missile proliferation in key regions and considered what practical steps they could take, individually and collectively, to address ongoing missile-related activities of concern. During their discussions, Partners gave special attention to DPRK missile activities and also discussed the threat posed by missile-related activities of China, Pakistan, and North East Asia and the Middle East.

During this reporting period, the United States continued to work unilaterally and in coordination with its MTCR Partners to combat missile proliferation. We support our international partners to export responsibly and to adhere to the MTCR Guidelines. To encourage international focus on missile proliferation issues, the USG also placed the issue on the agenda for the G8 Cologne Summit, resulting in an undertaking to examine further individual and collective means of addressing this problem and reaffirming commitment to the objectives of the MTCR. Since my last report, we continued our missile nonproliferation actions. We explored the prospect of using the ACCA, the Global Non Proliferation Process, and China (interrupted after the accidental bombing of China’s Belgrade Embassy), India, the Republic of Korea (ROK), North Korea (DPRK), and Pakistan. In the course of normal diplomatic relations we also have pursued discussions with other countries in Central Europe, South Asia, and the Middle East.

In March 1999, the United States and the DPRK held a round of missile talks to underscore our strong opposition to North Korea’s destabilizing missile development and export activities and press for tight constraints on DPRK missile development, testing, and exports. We also affirmed that the United States viewed further launches of long-range missiles or technology for such missiles as direct threats of U.S. allies and ultimately to the United States itself. We subsequently have reiterated that message at every available opportunity. In particular, we have reminded the DPRK of the consequences of another rocket launch and encouraged it not to take such action. We also have urged the DPRK to take steps towards building a constructive bilateral relationship with the United States. These efforts have resulted in an important first step. Since September 1999, it has been our understanding...
that the DPRK will refrain from testing
long-range missiles of any kind and
from re-activating its nuclear programs.

In recognition of this DPRK
step, the United States has announced
the easing of certain sanctions related
to the DPRK's export and import of many
caliber guns and ammunition.

In response to reports of continuing
Iranian efforts to acquire sensitive
items from Russia, the United States
began working with Iran and Russia to
engage in nuclear cooperation with Iran beyond
the Bushehr reactor project.

The United States national export
controls—both those implemented pursuant
to multilateral nonproliferation
regimes and those implemented unilaterally—play an important part in
impeding the proliferation of WMD and
missiles. (As used here, "export controls"
refer to controls for certain specified
items on a case-by-case review of certain
exports, or limitations on exports of particular items of
proliferation concern to certain
destinations, rather than broad embargoes
or economic sanctions that also affect
development of new missile and nuclear
technologies.) As noted in this report, how-
ever, export controls are only one of
a number of tools the United States uses
to achieve its nonproliferation objectives.

Global nonproliferation norms,
informal multilateral nonproliferation
regimes, and prohibiting shipments of pro-
liferation concern, sanctions, export
control assistance, redirection and
elimination efforts, and robust U.S.
security cooperation programs. Congres-
sional support for this initiative would
enable the engagement of a broad
range of programs under the Depart-
ments of State, Energy, and Defense.

EXPENSES

Pursuant to section 401(c) of the National
Emergencies Act (50 U.S.C. 1621
(c) 1983), I report that there were no specific
expense directly attributable to the ex-
ercise of authorities conferred by the
declaration of the national emergency
in Executive Order 12938, as amended,
during the period from May 15, 1999,
through November 10, 1999.


SPECIAL ORDERS

The SPEAKER pro tempore (Mr.
BARRETT of Nebraska) reported that 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 (Mr.
BARRETT of Nebraska). 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 Michigan (Mr. EHLERS) is recognized for 5 minutes. (Mr. EHLERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. UDALL) is recognized for 5 minutes. (Mr. UDALL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. SAXTON) is recognized for 5 minutes. (Mr. SAXTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GOSS) is recognized for 5 minutes. (Mr. GOSS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO OUR NATION'S VETERANS

November 10, 1999

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes. (Mr. FOLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes. (Mr. FOLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. BROWN) is recognized for 5 minutes. (Ms. BROWN of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes. (Mr. RAMSTAD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. UDALL) is recognized for 5 minutes. (Mr. UDALL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE COMING REVOLUTION IN AMERICA WITH HIGH-SPEED BROAD BAND INTERNET SERVICES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Louisiana (Mr. TAUZIN) is recognized for 60 minutes as the designee of the majority leader. (Mr. TAUZIN addressed the House.)

Just recently one of the groups here in Washington, Legg-Mason, did a study to indicate how fast would this new broad band high-speed Internet be deployed in our great country, how soon would citizens have access to this amazing new system by which we will not only conduct our business, but entertain one another and learn from one another, and eventually even deliver medical services to one another? Legg-Mason indicated that 3 years from now they anticipate that approximately half of Americans will have access to high-speed broad band Internet
services. At the same time, they indicate that half of America will have access through two, three, or even four or more different providers.

Then they look at the other half of America. The other half of America they foresee from current projections, our estimate will only have access to a single provider, in some cases, and for a full fourth of Americans, there will be no provider of Internet high-speed broadband services.

Who does this mean in a real sense? It means that for one-fourth of America there will be no chance to access high-speed digital broadband Internet services. It means that for that one-fourth of America, they will be left out of this high-speed electronic commerce revolution. It means for that one-fourth of America, that children will grow up in an educationally and informationally deprived society.

It means that new high-speed electronic commerce services will not be available to these businesses. It means that citizens will not have access to all of the long-distance learning and telemedicine that the high-speed broadband services will bring.

In short, it means that, as this incredible technology evolves, half of America’s population will, in many cases, lose out as this fast, high-speed train leaves the station, that some Americans are going to be left in its dust, and will have no access to the incredible opportunities the new millennium will bring in the digital age.

Who are those one-quarter of Americans who will have no access? Members probably can guess who they are. They are going to be the citizens in the most poverty-ridden sectors of our country, the minority centers of our country, the poor rural minority and poor rural sectors of America, the poorest and most sparsely populated parts of the West, and some parts of the South.

A good way to see that one-quarter of America is to look at a map that shows where the high-speed hubs are, where the backbones for these new systems are currently deployed.

We will see, for example, that California has 177 of these high-speed hubs, and in Louisiana we have two. We have one in Baton Rouge and one in New Orleans. California has more of these high-speed hubs, in fact, than does 31 other States combined. Most of the States of the West and the rural parts of our country have no such high-speed hubs. This is where we will find that part of America that is going to get left behind in this incredible information revolution.

Look to the inner cities, look to the poverty, the minority centers of our country, and we will again see a lack of high-speed deployment of broadband services. We will see again a sector of our country that will be left out.

For a full quarter of America who will have at least one Internet broadband service, we will see a part of America that unfortunately will have to deal with a monopoly, a single provider of these immense services. So for one-half of our country 3 years from now, Americans will either have none of these services or, unfortunately, have a service that is provided by a single monopoly player.

Yesterday this House took dramatic action to provide a new form of law to give America’s small businesses new rights to compete against the monopoly cable companies in our communities. That is pretty important. A monopoly cable company can charge what it wants, can lump as much programming into a package as they want, and we have no choice. When the satellite company can offer a full component of packaged products that includes local signals as well as cable broadcasting programming, all of a sudden consumers have a choice. All of a sudden television services become much better for consumers. As choice and competition comes to the marketplace, better prices, better terms, better conditions.

The gentleman from Massachusetts (Mr. MARKET) and I just talked about another bill to free up international satellite communications in order to create competition, lower prices, choice for consumers, not only here in America but across the world.

What I am speaking of tonight is a situation that is about to develop in this incredible world of Internet services where television, telephones, data will all combine in a digital stream that will arrive at our homes or not arrive in our homes, depending upon whether or not we are connected to broadband and to broadband networks.

Let me just give an idea of about how important this is. In just 5 years, since the first introduction of the World Wide Web, the Internet economy, which is now $300 billion, already rivals old economy sectors like energy, at $223 billion, and autos, at $350 billion, and Telecom at $270 billion. It is already, in 5 years, as big as some of these century-old economy sectors that took hundreds of years, literally, to get as big as they are.

The Internet spread to 25 percent of our population in just 7 years. By contrast, electricity reached 25 percent of Americans in 46 years. Telephone took 35 years.

Television took 26 years. The Internet took 7 years to reach a quarter of America. Commercial activity on the Internet is expected to be $100 billion by the end of 1999, and double that in the year 2000. By 2002, on-line business-to-business transactions will total a projected $31 billion. MCI/WorldCom, for example, said that net income nearly tripled to $1 billion for the third quarter in 1999, and 40 percent of their company revenues are now in Internet and data services.

What I am speaking of tonight is that the Internet has arrived. It created 1.2 million jobs in the U.S. in 1998. Ten percent of the United States adults, 19.7 million persons, are now telecommuters. They work from home and they save employers $10,000 per employee because they telecommute, reducing absenteeism, lowering job retention costs. I could go on and on, I think my colleagues get my drift.

Mr. Speaker, the Internet is upon us, but if my colleagues think this old slow Internet has made a difference in this economy and is currently making a huge difference in the success of the American economy and freeing up economies across the world, they ain’t seen nothing yet. Wait until they see high-speed broadband.

People have asked what is the difference? Internet has to be turned on. One has to dial it up, have to wait for it to warm up and heat up and compete with more and more traffic on the slow system. Sometimes the traffic gets so heavy as new customers come on line that it is difficult to get service.

High-speed Internet is like that refrigerator. It is always chilled, always ready to go and it is hot and it is fast and it is full of information. It will contain real-time video. High-speed broadband digital services means on television direct telephone calls where we can see one another. It means television Internet commerce services which are growing and growing in the economic sectors of America. Business-to-consumer commerce totaled $8 billion. That is huge. Business-to-business commerce totaled $43 billion last year, and we are told by 2003 it will become $1.3 trillion.

Mr. Speaker, all of that business happening on high-speed networks, but some people will be left out. In this coming year, we will begin debating whether or not it is time in America for this House, this Congress, to declare broadband Internet policy. To make sure, as we have tried to do with cable, as we have tried to do with satellites, as we have tried to do with many of our economic sectors, that no longer will some people be left out, caught on the wrong side of the wire, caught in this great digital divide, left out as this fast, high-speed train leaves the station. Deprived and depressed and left behind in a faster and faster world, or whether we will have a policy in America that says to broadband Internet providers, “Here is your chance to serve every American.” And every American is entitled to a choice from different providers, so that every American has a chance to be on that system.

I recently had a high-tech conference in Baton Rouge, Louisiana, where we explored that whole set of issues in my home State of Louisiana. We were recently ranked in Louisiana and 47th in the Nation in terms of Internet connection. That is not good. That is awful. We need to be way up there.

Why? Because Louisiana has a huge problem of across the education system that cannot seem to cure it. We have one of the highest uninsured populations in America per capita. We need some help. High-speed,
broadband Internet can solve so many of those problems.

We learned at that conference that there are children in my home State who start first grade with a 50-word vocabulary. Who go to school in the first grade with a tomato dictionary like, but not knowing the word "tomato." Who know what a wagon does, but "wagon" is not in their vocabulary. Imagine those children connected to the Internet at home and all the sudden exposed to a worldwide view of information and learning. Connected to their teachers' website at night to get help with homework and enlarge that vocabulary and give themselves a chance in the world.

Imagine if we do connect and we get high-speed services to a State like Louisiana what a difference it can make for the people of our State. And yet, those children today start with a 50-word vocabulary. Most children in America start with at least a 500-word vocabulary. Imagine if my State, or many parts of it, are left out of this high-speed digital revolution. Imagine if our children still start with that 50-word vocabulary and other kids in America connected to the broadband start with a 5,000-word vocabulary or 10,000-word vocabulary. Imagine how much further behind those kids become.

Imagine a small business in a rural town that is told because they do not have broadband Internet connectivity to the rest of the economy that their customers will not do business with them anymore. They are out of business unless they move to a high-speed Internet center somewhere. Imagine what it does to rural America, to poverty America, to minority centers in this country when they are told businesses cannot operate here because they are not connected and Washington never created a policy to ensure that they would be connected.

Imagine our company, our town, our school, our city, our hospital connected to a single monopoly provider unregulated by government. Imagine those conditions. We are not much better off than the one who is not connected at all. That is the world Legg Mason predicted for America in 3 years if we do not soon declare a new broadband policy for this country.

Mr. Speaker, when we come back to session early next year, I will be joined by the gentleman from Michigan (Mr. Dingell), former chairman of the Committee on Commerce and now ranking minority member. I will be joined by the gentleman from Virginia (Mr. Goodlatte), and the gentleman from Virginia (Mr. Boucher). The gentleman from Virginia (Mr. Boucher) who serves on both the Committee on the Judiciary and the Committee on Commerce and the gentleman from Virginia (Mr. Goodlatte) who is an esteemed member of the Committee on the Judiciary.

We will be joined on the floor by many other Members who will begin talking about this issue and begin trying to elicit the help of Americans in creating interest here in Congress toward building a broadband Internet policy for this country that says no child will be left out, no one will be caught outside the digital divide, no one will be leaving the high-speed train leaves the station.

Recently, a book was published by a fellow named Tom Friedman called "The Lexus and the Olive Tree." In it he says in this new millennium there will not be First World and Third World anymore. There will not be First World economies and Third World economies anymore. There will either be a fast world, part of this incredible high-speed electronic commerce world where we all are connected and we all can reach each other and communicate and teach and learn and commerce with one another, or the slow world, left out, left behind.

Mr. Speaker, I am trying to say tonight that we will try to say next year in special order after special order, that America could not and should not let that happen to any citizen of our country. We cannot have half of America left behind. We cannot have a fourth of America totally locked out of this digital revolution. We cannot say that this is the land of opportunity for some but not for others.

Mr. Speaker, I will be back on the floor with my colleagues when we come back in January and we will burden you night after night because we will be on this floor talking about this digital divide, talking about the necessity to have real competition and real delivery of services to every citizen of this country in broadband Internet digital commerce, teaching, learning, medicine, and all the wonderful opportunities that those systems will bring.

THE PROBLEM OF ILLEGAL DRUG USE IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. Mica) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I come to the floor again tonight to talk about a subject that I have talked about many times on the floor of the House of Representatives, even last night until almost 3 o'clock this morning again tonight. But it is a topic of great personal concern to me and also one of my obligations as chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the House Committee on Commerce.

That is the problem of illegal narcotics and drug trafficking in the United States.

I left off last night talking about the problem that we are facing with illegal narcotics. If I may tonight continue some of that discussion, and would like to spend about half of the time that is devoted to me tonight to talking about another project that I have been involved in and that is the United States Capitol Visitors' Center, a little bit different topic.

But first I would like to complete some of the information that I dealt with last night. That is again a continuation of my report on the status of both our efforts to curtail drugs coming into the United States and eradicate drugs at their source.

I have cited many times the scope of the problem that we face. It is monumental indeed for the Congress. The cost is a quarter of a trillion dollars a year to our economy. We have 1.8 million Americans behind bars and 70 percent of them are there because of drug-related offenses.

What is sad about the situation that we have, not only the tragedy and deaths, and I have reported the most recent statistics are that 15,973 deaths were reported in 1997. And that is compared to 11,703 in 1992. We have seen a dramatic increase in deaths due to illegal narcotics in our country. And, unfortunately, a lot of those statistics, the death statistics are disproportionate among our young people. Taking the best of our young citizens and destroying their lives. It is a very tragic situation.

Headlines in our local newspaper recently blurted out that heroin overdose and drug deaths now exceed homicides in central Florida, a very sad commentary and one unfortunately that is being repeated across the United States.

One of those, and I will cite the impact of illegal narcotics but actually one of the groups in our society that suffers most are minorities. They bear an incredible brunt of the tenacity that is caused by drug abuse on them. And I have some recent statistics that just came out from the National Household Survey on Drug Abuse. Drug use increased 5.8 percent in 1993 to 8.2 percent in 1998 among young African-Americans. So if we want to talk about the impact of illegal narcotics, the death and destruction I will describe, it starts, unfortunately, among some of those who can least afford that impact. And here with the African-American youth, drug abuse use has dramatically increased.

The 1998 National Household Survey on Drug Abuse also indicated drug use increased from 4.4 percent in 1993 to 6.1 percent in 1998 among young Hispanics. I also read some recent statistics about the dropout rates and those who drop out the highest from our schools, the recent information we have received show, of course, minorities, particularly black and Hispanics.
Then if we look at their history of drug use, whether it is marijuana, cocaine, or other drugs, they have unusually high percentages of drug use. So we see double tragedy. What is also interesting is, not only the use, but also the traffic of traffickers. I have a recent report just out last week, and this is in the Dallas Morning News. It says, arrests of traffickers under age 18 are expected to climb to 512 this year, up 58 percent since 1997, according to the United States Customs.

So, not only do we have increased use, not only do we have increased deaths, but our traffickers now under the age of 18, this is a shocking statistic, are up 58 percent in 1 year, according to the United States Customs.

Now, one of the things that I have tried to do in helping to coordinate our national drug policy is to look at where illegal narcotics are coming from. We see if we can stop those illegal narcotics from coming into the United States. I have cited before that the war on drugs basically closed down in 1993 with the taking of office of President Clinton. Most of his efforts and resources on treatment, treatment expenditure, and dollars increased almost 40 percent from 1993 to current levels. Even in the new majority, we have increased treatment during the past several years of our majority.

But what happened again in 1993 is the Drug Czar’s office was slashed from 120 to some 20 individuals working there. We now have that back up. It is probably in the 150 range.

I might say that, when I came into office in 1993, with the taking of office of President Clinton, most of these efforts were focused on the United States Customs. But basically, when one cuts interdiction, use of the military, use of the Coast Guard by some 50 percent in just a few years, which the Democrat majority did, when one cuts the source country programs that effectively stop the production and growth of drugs in their source, one has a serious problem when one sends the wrong message by appointing a national health officer like Joycelyn Elders, and one can almost trace the increase in drug use among our youth from those appointments and from those bad decisions.

Last night, I went through the history of some of the problems that we have had. I have done that before. I have also used this chart before. This chart shows, again, if one just wants to look at it, where illegal narcotics are coming from. They start in Colombia. Some 60 to 70 percent of the heroin and cocaine that enter the United States, if one looked at 1992, 1993, most of the cocaine was produced in Peru and Bolivia. It is now coming from Colombia. It is actually being produced there.

In fact, the programs that have been initiated and the new majority has undertaken in Peru and Bolivia show about 60 percent decrease in coca production, cocaine production in Peru, and about 50 percent in Bolivia, and both of them making great strides to eradicate.

But the problem we have had is the policy of stopping information flowing to Colombia, stopping arms and assistance to the national police, who have undertaken the war on drugs there. In a period of a few years, which the Democrat majority did, when one cuts the source time has left the production fields wide open.

Now since 1993, the country of Colombia has the distinction of, not only being the largest cocaine producer, and it was not on the charts some 6 or 7 years ago, hardly any opium was grown there, poppies grown there or opium produced, and now is producing some 65 to 70 percent of the heroin coming into the United States. We know that for a fact because we can trace it just almost as accurately as DNA practically to the fields where it is grown.

So this is the traffic pattern. Heroin and cocaine are being produced now in Colombia, coming through Mexico. In Colombia, these cartels, fact, the same cartels, Medellin and others that we had in the past, are now operating with Mexican officials.

I will talk a little bit about the high level contact group that we had this morning in Washington with officials, high officials of Mexico. I think this was the seventh meeting. We had the Attorney General of Mexico and the foreign minister of Mexico and other high ranking officials of Mexico meet with Members of Congress. I will get into that.

But this is basically our trafficking pattern. So we know that the two biggest sources of hard illegal narcotics, and I have talked about heroin and cocaine, cocaine, relief in the United States, Mexico also has the distinction of giving us another gift which is an incredible amount of methamphetamine. We have conducted hearings, and I cited this this morning to the visiting ministers that, indeed, showed that methamphetamine is coming from Mexico and entering our heartland.

We have had sheriffs and local law enforcement officials from Minnesota, Iowa, California, other areas that they commented that the numbers of methamphetamine, which is now epidemic in some of those areas right back to Mexican dealers. But this is the traffic pattern. This is what we have to deal with.

First, I might say that, when I came into office in 1993, from 1993 to 1995, there was one hearing done on national drug policy, one hearing in the first 2 years of the Clinton administration when the other side controlled the House, the Senate and the Presidency, exactly one hearing. That was only conducted after I circulated a letter and I believe we had 130 Members of the House, Republicans and Democrats, requesting that we review the drug policy. That policy since that time, as I said, was a disaster, as adopted by the Congress again controlled by the other side, and was a disaster as far as the execution by the administration which
cut off assistance, resources going to Colombia, which has now turned into our major big problem.

But I do not want the American people or the Congress to think the new majority has not had their hand on the ball and working on the issue. Here is part of that.

In addition to hearings, we did put our money where our mouth is. I said this $321 million. Thirty million dollars was a regular appropriation that we would have given in that regular fiscal year. Additionally, there was a supplemental of $232 million. I want these figures that we have reached, for the Record, stated properly, $232 million in a supplemental appropriation.

We knew the problem was coming. We were trying to stop it and cut it off at the pass. We also knew that aid had been kept by the administration from Colombia, and the problem was festering.

Of the $232 million, in our closed door hearings, we found that we have, in fact, expended some $40 million of those dollars, $42 million to be exact, to Peru and Bolivia. If one subtracts $42 million from $232 million, we are down to $190 million.

Now, again, this is from a $321 million appropriation. Of the $190 million that was to go to Colombia, our closed door meeting with the State Department and Department of Defense revealed that less than half of the money has actually gotten to the source. Now, so we are down to $190 million. We may be somewhere in the range of $90 million to $95 million in equipment that actually got to Colombia.

Now, for years, we have known that Colombia was becoming a producer of heroin, a producer of cocaine. They were actually growing it. It was not just a transit country where this stuff was produced somewhere else.

And we know that the most effective way to get the coca, which grows in higher altitudes, and poppies, was with helicopters and to spray that or to go after the narcotraffickers who circle and protect in Colombia the growth of these illegal crops.

It is unbelievable, but to date we still do not have in Colombia but three of the Blackhawk helicopters of the six that Congress authorized. And the funding for those helicopters, and these helicopters are about $16 million apiece, assumed most of the $90-some million, the three of six that were delivered. Now, this is unbelievable, but they confirmed to us yesterday that the three helicopters, the Blackhaws that have been delivered, basically cannot be used. They are not equipped with armor, and they do not have ammunition.

Of course, part of the $90 million, and we are down from $300 million that was supposed to get to Colombia, part of that was for ammunition. Helicopters are needed to fight and to eradicate; and these helicopters, of course, need ammunition. We have been begging, we have pleaded, we have sent letters, we have tried to get ammunition to the Colombian National Police who are engaged in fighting the narcotraffickers and the illegal narcotics producers. It is absolutely unbelievable to report to the House of Representatives and the Congress and the American people that the ammunition and the many guns that we requested years ago, I am told, were delivered November 1. Today is November 10. Yesterday morning no one could confirm either from the State Department or the Department of Defense if the ammunition had arrived.

So we have, again, less than half of this smaller amount being made available to Colombia. In addition, we have other obligations, where we have requested helping in the rebuilding of narco bases, narcotrafficker bases, where we launch operations from, or where we launch operations from. We still do not have contracts complete for construction of some of these bases, money that has been appropriated now for well over a year, money in the budget.

In fact, we went back to see if equipment which had been promised to the Colombians out of our surplus accounts had been delivered. In 1998, about 90 percent has gotten to Colombia, 10 percent had not. In 1999, the President has made a commitment to provide what is called Section 506. I believe it is, which is surplus equipment to Colombia. And we found that, with great fanfare, the administration was giving millions in surplus goods to Colombia to fight the war on drugs; yet to date, nothing has been delivered. And that is as of the end of the fiscal year which ended the end of September. We are now into the fiscal year 1999-2000.

This is a remarkable record of non-accomplishment. I know now why the administration has not formally brought a $1.5 billion, somewhere between a $1 billion and $2 billion package to the Congress. First, I am sure they did not want to be embarrassed with this information being made public; that indeed they have missed the opportunity to get this situation under control with the resources that have already been allocated. So we have millions in resources that have been expended, and we have money that has been expended down there with equipment that is not capable of being utilized.

It is a very sad situation, a sad commentary on the ability of bureaucracy to move. I do not think it is purposeful at this point. I know it was purposeful in the past to block equipment and resources to Colombia, but the results are incredible. Over a million people have been displaced; 300,000 people have been displaced, more than in Kosovo and more than in Bosnia. Three hundred thousand in one year, a million there, over 30,000 dead, over 4,000 Colombian police, members of congress, members of their supreme court, and officials that have been slaughtered in the meantime. And the equipment still is not there. It is a very sad commentary.

The money that Congress appropriated and the House asked for these programs, again, involvement of U.S. military other than training, we have not provided what we said we were going to provide. And the situation continues to mushroom out of control, with this entire region being destabilized now, with incursions into Panama. As a result, this region of South America produces approximately 20 percent of our daily oil supplies.

When the administration wants to get our military equipment somewhere and they make their minds up to do it, it does not take them long. According to the Department of Defense, it took the Clinton administration 45 days to move 24 helicopters to Albania for an undeclared war. According to the Department of Defense, also, it has taken the Clinton administration 3 years to get three Blackhawk helicopters to Colombia in a war we have all declared on drugs. And what is incredible is those three helicopters, which consumed most of the money that we have given to Colombia, those three helicopters are basically inoperable. They do not have protective armor, and they do not have the ammunition to engage in any type of counter narcotics activity, and they cannot confirm when that ammunition will arrive.

The Blackhawk helicopters were promised to the Colombian National Police in 1996, and they finally arrived in Colombia November of 1999. It is sort of a sad commentary, and this has had a dramatic impact on our society. Remember the 15,700 deaths in 1 year in the drug related, and there are thousands of others, tens of thousands of others, but those are the hard deaths we can attribute. From 1992 to 1999 we have lost between 80 and 100,000 Americans in an undeclared war on our people with narcotics coming from this region.

So that is a little bit of an update on the Colombian situation. There is a brighter figure just released yesterday, and I must applaud President Pastrana, because even though he has had a very difficult time in the peace process and also trying to bring this situation which he inherited last year as the new president of Colombia under control, he is trying to put words into action. I understand that their Senate has just added, they have released, 33 to extradite one Jaime Orlando Lara, who is a major drug kingpin figure. He will be extradited to the United States, and I understand there may be another one to follow. So Colombia, even though it is under siege, is taking initiatives.

And it was unfortunate for them, of course, that many of their people have almost lost their country; but, indeed, they are taking continued action to bring this situation under control.
Some of my colleagues may have read that as many as 10 million Colombians took to the streets in the last few weeks to express their outrage about this war and the havoc that has reigned upon Colombia, and it is in our national interest because of the impact of the illegal narcotics, the death and destruction to our society, and also as an ally in this hemisphere to help. It is unfortunate, though, and it is almost unbelievable that the actions that have been taken in a positive fashion to assist this country have been real-

ly stymied by bureaucracy, by inaction, by lack of will on the part of this administration.

So I guess it is fitting in this budget ending here, as we try to provide fund-
ing for all of our programs, that the administration sort of hides in a corner and does not bring this issue forth. I can see why. I can see it being very em-

barrassing for them to come in and ask for a billion dollars of taxpayer money and then have been a good stew-
dard and returned the $321 million that was appropriated to get this situation under control. So it is sad indeed that we face this sit-

uation. Hopefully, through the hearing process, through Members on both sides of the aisle trying to prod the admin-

istration, we can get resources to turn this situation around.

I mentioned yesterday that this morning I would be attending a high-

level working group of United States and Mexican officials. And as I said, this is about the seventh of these meet-
ings. I took our subcommittee down to Mexico City; and we met, I believe it was in January or February, after tak-
ing the position of chair of the Sub-

committee on Criminal Justice, Drug Policy and Human Resources, and we met with some of these same officials in Mexico. I said at that meeting with the Mexican officials in Mexico City that I was very disappointed with the action that had been taken last year and speaking about the previous year, 1998, and a decrease in the seizures of heroin, a decrease in the seizures of cocaine, a lack of action on the signing of a maritime agreement, a lack of action on extraditing Mexican drug kingpins, a lack of action in allowing our DEA agents, a limited number, in protecting themselves in their country, and a lack of action in enforcing some of the laws that had been passed by the Mexican officials.

We had a rather testy meeting, and I must say that I asked them how they could sit idly by and watch their country be lost to drug traffickers and not do anything. I did not use exactly those words but, undoubtedly, that was what was behind closed doors. But I let them know our concern about the lack of action on those issues. And at the request of the Congress, we had passed resolutions asking for their as-

sistance specifically on all of those items.

I must report again that this morn-
ing I did have a little bit more com-

plimentary attitude toward Mexican officials. They have begun the process of getting some of their act together, going after drug traffickers, coop-

erating more with U.S. officials. It is not a level of cooperation that I would like to see, but the seizures are up this year, and we must give credit where credit is due. Heroin seizures have been good neighbors, and we have, I think, through our trade policy, ex-


tended incredible generosity with NAFTA, which has taken jobs out of the American market and provided jobs opportunities for Mexi-


can citizens. When Mexico was in in-
credible financial shape we also helped Mexico, backing them up with loans, their country; and we backed them in international finance organizations.

So some progress has been made. I expressed concern in two areas this morn-

ing in our meetings. Several of those areas are as follows:

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First of all, the latest information I have from our Drug Enforcement Agen-

cy is that heroin production, and we have had a problem of course with pro-
duction in Colombia, the other country that we have a problem with produ-
ction, very limited production back into the 1980s, black tar heroin coming out of Mexico, which several years ago was at 14 percent of all the heroin seized in the United States we now know that came from Mexico. So I ask their cooperation and will reiterate requesting their cooperation in going after the production of heroin.

So we know that several years ago we had 1 in 100 seizures containing heroin in this signature heroin program we can do an analysis of the heroin and tell us almost to the field in the country where it came from.

We have had a problem of course with production in Colombia, the other country that we have a problem with production, very limited production back into the 1980s, black tar heroin coming out of Mexico, which several years ago was at 14 percent of all the heroin seized in the United States we now know came from Mexico. So I ask their cooperation and will reiterate requesting their cooperation in going after the production of heroin.

The other thing that we see of course is methamphetamine, methamphet-
amines that are in our country. And we have done that through our hearings and investigations right to Mexico. Mexico is now the leading producer of methamphetamines coming into the United States. We need their coopera-
tion in getting these to other countries.

The other area in addition to those two big problems areas is the corruption of officials and cracking down on money laundering. If you can trace the money in illegal narcotics, you can find out who is involved.

Unfortunately, some know because of the information we have received is absolutely startling and I have cited on the House floor and we had in our subcommittee testimony from one former Customs agent that one Mexican general was attempting to use the United States $1 billion in American dollars. And we know that is from drug profits.

We know that corruption has really destroyed families, officials in Mexico.

Former President Salinas and his brother Raoul Salinas were heavily in-

volved, hundreds of millions of dollars transferred to banks. We know that money came from their complicity with and cooperation with drug lords.

So I must report that this morn-
ing I did have a little bit more com-

plimentary attitude toward Mexican officials. They have begun the process of getting some of their act together, going after drug traffickers, coop-

erating more with U.S. officials. It is not a level of cooperation that I would like to see, but the seizures are up this year, and we must give credit where credit is due. Heroin seizures have been good neighbors, and we have, I think, through our trade policy, ex-


tended incredible generosity with NAFTA, which has taken jobs out of the American market and provided jobs opportunities for Mexi-


can citizens. When Mexico was in in-
credible financial shape we also helped Mexico, backing them up with loans, their country; and we backed them in international finance organizations.

Some of that has changed. But until Mexico makes up its mind that it is going to get this situation under control, enforces laws that their national legislature has passed, they passed some good laws, but not enforced them, and not go after corruption,

I heard Senator Sessions from Alabama speak this morning. He was a former prosecutor and he said, "I put in jail local officials and judges and others in the United States who dealt in narcotics who were profiting from them," and he asked Mexican leaders to do the same. And until they get that corruption under control, we will con-
tinue to have that problem.

And still Mexico is the source of 50 to 60 percent of the cocaine coming into the United States, almost 300 metric tons of cocaine consumed in the United States. Fifty to 60 percent of that, as we know, comes from Mexico. We know now that Mexico is the source of 17 per-
cent of the heroin seized last year by law enforcement. We know that Mexico is the leading smuggler of meth-
amphetamine and also the base ingre-
dient of methamphetamine, as well as marijuana.

As recently, as I said, in 1988 her-

oin seizures were down some 56 per-
cent, cocaine seizures were down 35 percent. But the latest statistics we have, the information is that those sei-
zures are up due to cooperation with the United States officials.

So we still have lacking a maritime agreement, no progress on a maritime agreement, although some more co-

operation with our maritime officials. But Mexico continues to be the source of more of the illegal narcotics com-
ing into the United States and the cen-
ter of corruption.

The former DEA administrator came before our subcommittee and also had testified and stated publicly something that I think bears repeating tonight, and that is Tom Constantine. He has since left that office and been replaced just recently by Donny Marshall, a very capable assistant in the DEA office and I think a very good appoint-
ment who will do a good job in trying to follow in the footsteps of Tom Con-
stantine.

But Tom Constantine, speaking about Mexico, said this, and let me
quote the former DEA administrator. “In my lifetime, I’ve never witnessed any group of criminals that has had such a terrible impact on so many individuals and communities in our nation.”

He said that, despite promises by Mexico to wage “total war” on drug smugglers, no major drug traffickers had been indicted, drug seizures had dropped significantly, and the total number of arrests declined.

He noted part of the problems. To date, Mexico still has not extradited one major Mexican national drug kingpin. He cited what Colombia has done in the last few hours leading the way. Mexico needs to follow and show their drug traffickers what they fear the most, and that is extradition to face justice in the United States.

One of the issues that has come up in the high-level working group and concerns me is the question of replacing the United States certification process as part of the certification program.

Having been involved with Senator Hawkins and others in the development of this law back in the mid-1990s, and I have a copy of it here, the law is a simple law. It basically says that each year the President and the Department of State must certify what countries are doing to assist the United States in stopping in their own country and stopping the production and also the trafficking of illegal narcotics.

A certification must be made to the Congress that those actions are taking place, those cooperative actions. That is done to make those countries eligible for benefits of the United States.

It started out as foreign aid. If a country was in the cooperating, they were not to get foreign aid. And it seems natural to get a benefit if the United States foreign assistance, cash, that there should be some level of cooperation, especially when the inaction or lack of action by an ally’s part or country’s part results in death, destruction, devastation in the United States. A simple law, not very complicated.

We even provided a waiver such as in countries like Colombia where the administration had concerns about human rights, about other activities to grant a waiver.

Unfortunately, the administration has not properly applied this law. They should have decertified Mexico last year when they had a decrease in seizures, when they had a lack of cooperation, when they threatened to arrest our Customs officials. And they certified Mexico. They should have been decertified and granted a waiver in national interest.

In addition to foreign aid, these countries also get financial assistance, backing in international organizations. The law is quite clear that it says, under the law if they are decertified, the executive director of each multilateral development bank will vote after March 1 of each year against any loan or utilization of funds.

Now, Mexico does not receive any foreign aid per se, but they receive tremendous trade and financial benefits by the United States. And it is unfortunate that now there is a move to destroy the certification process. And I was concerned and still am concerned that even if this administration would like to transfer that certification for being eligible for benefits of the United States to some third party or international group.

I will fight that with every breath here. Change, a little update on that issue, again, a little update on that issue, I have a November 6 Reuters report about what death and destruction Mexico has experienced with this horrible situation that they have allowed to really get out of control. It said, this past week a lawyer for Mexico’s most notorious drug cartel was shot to death by two gunmen who riddled his body in the northwestern border town of Tijuana. This particular article says that Baez, I believe is his name, Mr. Baez became murder victim number 552 in Tijuana this year and that authorities believe that 65 percent of the killings have been drug related. This particular individual, Mr. Baez, became the third member of his family to be executed in the past 2 years following his sister, Yolanda Baez, and his nephew, Efren Baez.

If Mexico does not get this situation under control in addition to losing the Baja Peninsula, the Yucatan Peninsula, they will lose their country and their sovereignty. I just ask anyone in Colombia who has seen the death, devastation, destruction, and displacement of people in that country, and now the situation with the United States and others trying to bail them out of their situation.

Mr. Speaker, from the subject of illegal narcotics which does not often put a smile on my face to the final 10 minutes, I wanted to first just pay a moment of tribute to veterans. I will not be in the District in time for veterans celebration, but every American should pay particular attention and honor tomorrow, Veterans Day. Veterans Day started out, I believe, at the end of World War I, on the 11th hour, the 11th day; and in my home communities from Daytona to Orlando, we will have a series of wonderful ceremonies to honor veterans, at Woodlawn Cemetery in Orlando. David Christianon, the most decorated Vietnam hero, will be the featured speaker, but there are young high school groups there will be having a flag retirement ceremony. In DeLand, a beautiful community, tomorrow afternoon at 3, they will be having a parade through the community to honor our veterans and so on throughout central Florida.

I would like to spend a moment to pay tribute to our veterans to whom we owe so much. I spent Monday on my way back to Washington visiting the Memorial Wall on the Mall and went around and talked to each of the veterans that was there on an unannounced visit to see how their care was and how they were being taken care of as far as patients in the veterans hospital. I am almost certain all of them were very satisfied with the care.

I pay also particular tribute to those who do care for our veterans in our hospitals and clinics throughout the country. The most important responsibility under this Constitution is indeed our national security. The reason for which this country came together was for national security. We must pay honor and tribute and respect to those veterans who are among us and also who are not with us who we remember on Memorial Day, but tomorrow we remember those who again have served this Nation. So we salute all of our veterans, not only in Florida’s Seventh Congressional District from Orlando to Daytona Beach, but across this great land. That is one little tribute that I wanted to pay.

The other item that I wanted to conclude with is some good news for the House of Representatives and the American people. Finally, after more than a decade, we have completed the first step in making a reality a visitors center for the American people when they visit our great Capitol. The Capitol has a rich history. It goes back to when it was located in 1790 by an act of Congress. Congress was sort of vaga-bond before that, met in Philadelphia, New York, Annapolis, Harrisburg and a dozen different locations. Finally, in 1790, they decided to come here.

They decided to begin construction in 1793 of the Capitol and it was to be two wings, the Senate wing here, actually sort of turned out like most government projects, it was running behind schedule and overbudget; and they spread out just to Washington which is the north wing towards Union Station. To get that done and to get the Congress here by 1800, which will be 200 years, they worked feverishly and
Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 3061. To amend the Immigration and Nationality Act to extend for an additional 2 years the period for admission of an alien as a nonimmigrant under section 101(a)(15)(S) of such Act, and to authorize appropriations for the refugee assistance program under chapter 2 of title IV of the Immigration and Nationality Act.

H.R. 915. To authorize a cost of living adjustment in the pay of administrative law judges.

H.R. 348. An act to authorize the construction of a monument to honor those who have served the Nation's civil defense and emergency management programs.

H.R. 3051. An act to amend the Immigration and Nationality Act to extend for an additional 2 years the period for admission of an alien as a nonimmigrant under section 101(a)(15)(S) of such Act, and to authorize appropriations for the refugee assistance program under chapter 2 of title IV of the Immigration and Nationality Act.

H.J. Res. 76. Joint resolution waiving certain enrollment requirements for the remainder of the first session of the One Hundred Sixth Congress with respect to any bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2000.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

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

The motion was agreed to; accordingly (at 8 o'clock and 25 minutes p.m.) under its previous order, the House adjourned until tomorrow, Thursday, November 11, 1999, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

5285. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation; Coordinated Acquisition Procedures Update (DFARS Case 99-D022) received November 8,
1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

528. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Weighted Guidelines and Performance-Based Payments [DFARS Case 99-D003] received November 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

529. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Competitive Acquisition and Audit Services [DFARS Cases 96-D003, 99-D004, and 99-D100] received November 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.


531. A letter from the Administrator, National Aeronautics and Space Administration, transmitting NASA's 1999 Commercial Activities Inventory as of June 30, 1999; to the Committee on Government Reform.

532. A letter from the Chairman, National Credit Union Administration, transmitting the Administration's Commercial Activities Inventory for FY 1999; to the Committee on Government Reform.

533. A letter from the Director, Office of Personnel Management, transmitting the Commercial Activities Inventory of NASA's civil service positions; to the Committee on Government Reform.

534. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's final rule—Fraud and Deception Crimes and Misdemeanors Act; to the Committee on Government Reform.

535. A letter from the Senior Liaison Officer, Office of Government Liaison, the John F. Kennedy Center for the Performing Arts, transmitting the commercial activity inventory; to the Committee on Government Reform.

536. A letter from the Budget and Fiscal Officer, The Woodrow Wilson Center, transmitting the inventory for the “Federal Activities Inventory Reform Act of 1998”; to the Committee on Government Reform.

537. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the “Status of Fisheries of the United States”; to the Committee on Resources.

538. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; and American Samoa; [FR Doc. 99-37791] received November 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

539. A letter from the Secretary, Commission of Fine Arts, transmitting the Commercial Activities Inventory Statement of 1999; to the Committee on Government Reform.

540. A letter from the Staff Director, Commission of Fine Arts, transmitting the Commercial Activities Inventory Report; to the Committee on Government Reform.

541. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Agency's FY 1999 Commercial Activities Inventory; to the Committee on Government Reform.


543. A letter from the Director, Office of Resource Management, Federal Housing Finance Board, transmitting the Commercial Activities Inventory; to the Committee on Government Reform.

544. A letter from the Executive Director, Holocaust Memorial Museum, transmitting the initial inventory and classification of commercial activities; to the Committee on Government Reform.

545. A letter from the Director, Office of Administration, International Trade Commission, transmitting inventory of commercial activities for FY 1999; to the Committee on Government Reform.
H.R. 3313. A bill to amend section 119 of the Federal Water Pollution Control Act to reauthorize the program for Long Island Sound, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. JONES of North Carolina:

H.R. 3344. A bill to clarify certain boundaries on maps relating to the Coastal Barrier Resources System; to the Committee on Resources.

By Mrs. KELLY (for herself, Mrs. MORELLA, Mrs. MALONEY of New York, Mrs. JOHNSON of Connecticut, Mrs. BIGGERT, and Mrs. EMERSON):

H.R. 3347. A bill to prohibit the effects of witnessing or experiencing violence on children; to the Committee on Education and the Workforce, and in addition to the Committees on the Judiciary, 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 Mrs. MORELLA:

H.R. 3316. A bill to deauthorize a portion of the project for navigation, New Port Harbor, Rhode Island; to the Committee on Transportation and Infrastructure.

By Mrs. LOWEY (for herself and Mrs. MORELLA):

H.R. 3317. A bill to provide grants to strengthen State and local health care systems' response to domestic violence by building the capacity of health care professionals and staff to identify, address, and prevent domestic violence; to the Committee on Education and the Workforce.

By Mrs. LOWEY:

H.R. 3318. A bill to establish a program to provide child care through public-private partnerships; to the Committee on Education and the Workforce.

By Mrs. LOWEY (for herself, Mr. PALLONE, Mr. MORAN of Kansas, Mr. BARTIC, Mr. DEFAZIO, Mr. PAYNE, Mr. LAFALCE, Ms. MILLER-MCDONALD, Mr. INSLEE, Mr. MURTHA, Mr. KLINK, Mr. RUSH, Mr. ANDREWS, Mr. WYNN, Mr. SANDERS, Ms. JACKSON-LEE of Texas, Mr. TIERNEY, Mr. TRAFICANT, Mr. MALONEY of New York, Mr. MERCY, Mr. FROST, Mrs. MORELLA, and Mr. HILLIARD):

H.R. 3319. A bill to ensure equitable treatment in health care coverage of prescription drugs under group health plans, health insurance coverage, Medicare and Medicaid managed care, Medigap insurance, and health plans under the Federal employees' health benefits program (FEHBP); to the Committee on Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, and Government Reform, 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. BARRETT (for himself, Mr. BONITORE of Texas, Mr. DINGELL, Mr. CAMPBELL, Mr. LUTHER, Mr. WAXMAN, Mr. KUCINICH, Mr. HINCHY, Ms. ESHOO, Ms. LEE, Ms. RIVERS, Mr. SCHAKOWSKY, Ms. BALDWIN, Mr. ROYBAL-ALLARD, Mr. LEWIS of Georgia, Mr. TIERNEY, Mr. KILDEE, Mr. OBEY, Mrs. MECK of Florida, Mr. EVANS, Mr. JACOBSON of Illinois, and Ms. WOOLFSEY):

H.R. 3320. A bill to amend the privacy provisions of the Gramm-Leach-Bliley Act; to the Committee on Banking and Financial Services, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself and Mr. LUTHER):

H.R. 3321. A bill to prevent unfair and deceptive acts and practices and use of personal information, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Banking and Financial Services, Transportation and Infrastructure, and Agriculture, 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. MCKEON:

H.R. 3322. A bill to amend the Reclamation Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the Castaic Lake Water Agency, California; to the Committee on Resources.

By Mr. MEEKS of New York (for himself, Mr. WATTS of Oklahoma, Mr. ENGEL, Mr. RANGEL, Mr. DIXON, Mr. MCNULTY, Mrs. MECK of Florida, Mr. LIPINSKI, Mr. MCDERMOTT, Mr. HINCHY, Mr. FOST, Mr. JACKSON of Illinois, Mr. KING, Mr. JONES of Ohio, Mr. FRADALE, Mr. MASSACHUSETTS, Mr. WATT of North Carolina, Mr. OWENS, Mr. TRAFICANT, Mr. WEBER, Mr. CLAY, Mr. CAPUANO, Mr. MCGUINNESS, Mr. TIERNEY, Mr. DOMBOSCOT OF MISSISSIPPI, Mr. BEREUTER, Mr. TALENT, Mr. COYNE, Mrs. CHISTENSEN, Mr. SOUDER, Mrs. MALONEY of New York, Mr. FORBES, Mr. NADLER, Mrs. MALONEY of New York, Ms. VELAZQUEZ, Mr. QUINN, Mr. CROWLEY, Mr. TOWNS, Mr. SERRANO, Mr. SWEENEY, Mr. FOSSELLA, Ms. MCCARTHY of New York, Mr. GILMAN, Mr. WALSH, and Mr. REYNOLDS):

H.R. 3323. A bill to designate the Federal building located at 130-13 Liberty Avenue in Jamaica, Queens, New York, as the "Floyd H. Flake Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. MINGE:

H.R. 3324. A bill to amend the Packers and Stockyards Act to make it unlawful for a packer to own, feed, or control swine in any manner to cause or contribute to the death or suffering of swine; to the Committee on Agriculture.

By Mrs. MORELLA:

H.R. 3325. A bill to amend title XIX of the Social Security Act to permit a State waiver of the requirement that the State option to use managed care; to the Committee on Education and the Workforce.

By Mr. NADLER (for himself, Mr. FORBES, Mr. PALLONE, Mr. CUMMINGS, Ms. DELAURO, Mr. SERRANO, Mr. OLVER, Ms. VELAZQUEZ, Mr. WEBER, Mr. CROWLEY, Mrs. MALONEY of New York, Mr. ACKERMAN, Mr. MEeks of New York, and Mr. KUCINICH):

H.R. 3326. A bill to amend the Clean Air Act to prohibit the issuing of grants for transportation projects to any person who purchases diesel-fueled buses for use in certain nonattainment areas, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, 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. CUTT:

H.R. 3327. A bill to provide for the return of fair and reasonable fees to the Federal Government for the use and occupancy of National Forest System land under the recreation residence program, and for other purposes; to the Committee on Resources.

By Mr. RIVEST:

H.R. 3328. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Federal Water Pollution Control Act to require that group and individual health insurance coverage and group health plans provide coverage for hair prostheses for individuals with scalp hair loss as a result of cancer; 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. ROTHMAN:

H.R. 3329. A bill to amend the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 to require that, in order to determine that a democratically elected government in Cuba exists, the government extradite to the United States convicted felon John J. Anne Chamier and all other individuals who are living in Cuba in order to escape prosecution or confinement for criminal offenses committed in the United States; to the Committee on International Relations.

H.R. 3330. A bill to provide that certain sanctions against Pakistan cannot be waived until the President certifies that Pakistan has discontinued all nuclear weapons-related activities; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, 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. SAXTON:

H.R. 3331. A bill to conserve Atlantic highly migratory species of fish, and for other purposes; to the Committee on Resources.

By Mr. STRICKLAND (for himself and Ms. DEGETTE):

H.R. 3332. A bill to amend title XIX of the Social Security Act to clarify the exemption of certain children with special needs from State option to use managed care; to the Committee on Education and the Workforce.

By Mr. UDALL of New Mexico (for himself and Mr. GEORGE MILLER of California):

H.R. 3333. A bill to provide technical and legal assistance to tribal justice systems and members of Indian tribes, and for other purposes; to the Committee on Resources, 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.

H.R. 3334. A bill to amend title 23, United States Code, to authorize the use of funds to install or improve pedestrian safety features; to the Committee on Transportation and Infrastructure.

By Mrs. WILSON:

H.R. 3335. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Albuquerque, New Mexico, metropolitan area; to the Committee on Veterans' Affairs.

By Ms. HOOLEY of Oregon (for herself, Mr. GIBBONS, Mr. HOLT, Mr. EVANS, Mr. FILNER, Mr. DAVIS OF Florida, Ms. BERKLEY of California, Mr. PETERSON OF MINNESOTA, Mr. REYES, Mr. CLEMENT, Mr. HILL OF Indiana, Mr. BOYD, Mr. KIND, Mr. BOSWELL, Mr. POMEROY, Mr. KLECKA, Mr. GONZALEZ, Ms. JONES OF Ohio, Mr. CAPUANO, Mr. FORBES, Mr. ENGEL, Mr. RANGEL, Mr. DIXON, Mr. MCNULTY, Mrs. MECK OF Florida, Mr. LIPINSKI, Mr. MCDERMOTT, Mr. HINCHY, Mr. FOST, Mr. JACKSON OF Illinois, Mr. KING, Mr. JONES OF Ohio, Mr. FRADALE, Mr. MASSACHUSETTS, Mr. WATT OF North Carolina, Mr. OWENS, Mr. TRAFICANT, Mr. WEBER, Mr. CLAY, Mr. CAPUANO, Mr. MCGUINNESS, Mr. TIERNEY, Mr. DOMBOSCOT OF MISSISSIPPI, Mr. BEREUTER, Mr. TALENT, Mr. COYNE, Mrs. CHISTENSEN, Mr. SOUDER, Mrs. MALONEY OF New York, Mr. FORBES, Mr. NADLER, Mrs. MALONEY OF New York, Ms. VELAZQUEZ, Mr. QUINN, Mr. CROWLEY, Mr. TOWNS, Mr. SERRANO, Mr. SWEENEY, Mr. FOSSELLA, Ms. MCCARTHY OF New York, Mr. GILMAN, Mr. WALSH, and Mr. REYNOLDS):
PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. CARSON:
H.R. 3336. A bill for the relief of Adela T., and Darryl Bailor, to the Committee on the Judiciary.

By Mr. HAYWORTH:
H.R. 3367. A bill to provide for correction of an administrative error in the computation of the retired pay of Commander Carl D. Rogers.

By Mr. HINCHNEY:
H.R. 3318. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastal trade vessel under the Small Business Act; to the Committee on Transportation and Infrastructure.

By Mr. OWENS:
H.R. 3339. A bill for the relief of Genia Adams; to the Committee on the Judiciary.
H.R. 3340. A bill for the relief of Yolande Baptiste-Raymond; to the Committee on the Judiciary.
H.R. 3341. A bill for the relief of Marlene Chauvannes-Cabrea; to the Committee on the Judiciary.
H.R. 3342. A bill for the relief of Marie S. Hilaire; to the Committee on the Judiciary.
H.R. 3343. A bill for the relief of Yolande Baptiste-Raymond; to the Committee on the Judiciary.
H.R. 3344. A bill for the relief of Dukens Baptiste-Raymond; to the Committee on the Judiciary.
H.R. 3346. A bill for the relief of Eric Philip Charles; to the Committee on the Judiciary.
H.R. 3347. A bill for the relief of Leon A. Couley; to the Committee on the Judiciary.
H.R. 3348. A bill for the relief of Pierre Paul Elia; to the Committee on the Judiciary.
H.R. 3349. A bill for the relief of Gladstone Hamilton; to the Committee on the Judiciary.
H.R. 3351. A bill for the relief of Joseph Frantz Mellon; to the Committee on the Judiciary.
H.R. 3352. A bill for the relief of Gerald Cheese; to the Committee on the Judiciary.
H.R. 3353. A bill for the relief of Richard Pierre; to the Committee on the Judiciary.
H.R. 3354. A bill for the relief of Enrique Sedic Gabart Pierre; to the Committee on the Judiciary.
H.R. 3355. A bill for the relief of Fabien Oniel Prerdost; to the Committee on the Judiciary.
H.R. 3356. A bill for the relief of Unice Grace Prerdost; to the Committee on the Judiciary.
H.R. 3357. A bill for the relief of Judith Regine Santil; to the Committee on the Judiciary.
H.R. 3358. A bill for the relief of Martine Jacques; to the Committee on the Judiciary.
H.R. 3359. A bill for the relief of Yves Rodney Jacques; to the Committee on the Judiciary.
H.R. 3362. A bill for the relief of Valerie Santil; to the Committee on the Judiciary.
H.R. 3363. A bill for the relief of Akal Security, Incorporated; to the Committee on the Judiciary.

H.R. 3364. A bill for the relief of Yves Rodney Jacques; to the Committee on the Judiciary.

H.R. 3365. A bill for the relief of Marcia Emmanuelle Huyzen; to the Committee on the Judiciary.

H.R. 3366. A bill for the relief of Mrs. Lowey; to the Committee on the Judiciary.
H.R. 3367. A bill for the relief of Mrs. M. Morella; to the Committee on the Judiciary.
H.R. 3368. A bill for the relief of Mrs. Henry Pomero; to the Committee on the Judiciary.
H.R. 3369. A bill for the relief of Mrs. Condit; to the Committee on the Judiciary.
H.R. 3370. A bill for the relief of Mrs. Bonj; to the Committee on the Judiciary.
H.R. 3371. A bill for the relief of Mrs. Boyd; to the Committee on the Judiciary.
H.R. 3372. A bill for the relief of Mrs. Osa; to the Committee on the Judiciary.
H.R. 3373. A bill for the relief of Mrs. Emerson; to the Committee on the Judiciary.
H.R. 3374. A bill for the relief of Jackson of Illinois and Mrs. Rogers; to the Committee on the Judiciary.
H.R. 3375. A bill for the relief of L. Lants; to the Committee on the Judiciary.
H.R. 3376. A bill for the relief of M. Doyle; to the Committee on the Judiciary.
H.R. 3377. A bill for the relief of M. LaHood; to the Committee on the Judiciary.
H.R. 3378. A bill for the relief of M. Baldwin; to the Committee on the Judiciary.
H.R. 3380. A bill for the relief of M. Picking; to the Committee on the Judiciary.
H.R. 3381. A bill for the relief of M. Bohler; to the Committee on the Judiciary.

H.R. 3382. A bill for the relief of M. Watkins, Mr. Payne, Mr. Smith of Washington, Ms. Sanchez, Mr. Packard, Mr. Hefley, Mr. McGovern, Mr. Rogan, Mr. Deal of Georgia, Mr. Bartlett of Maryland, Mr. Cunningham, Mr. Doolittle, and Ms. Brown of Florida; to the Committee on the Judiciary.
H.R. 3383. A bill for the relief of M. Hoeffel, Mr. Udall of Colorado, Mr. Bilbray, and Ms. Sanchez; to the Committee on the Judiciary.
H.R. 3384. A bill for the relief of M. Bass; to the Committee on the Judiciary.
H.R. 3385. A bill for the relief of M. Rogers; to the Committee on the Judiciary.
H.R. 3386. A bill for the relief of M. Lantos; to the Committee on the Judiciary.
H.R. 3387. A bill for the relief of M. Meekan; to the Committee on the Judiciary.
H.R. 3388. A bill for the relief of M. Brown of Ohio; to the Committee on the Judiciary.
H.R. 3389. A bill for the relief of M. DeLauro; to the Committee on the Judiciary.
H.R. 3390. A bill for the relief of M. Capuano; to the Committee on the Judiciary.
H.R. 3391. A bill for the relief of M. Metcalfe; to the Committee on the Judiciary.
H.R. 3392. A bill for the relief of M. Young of Alaska; to the Committee on the Judiciary.
H.R. 3393. A bill for the relief of M. Cannon; to the Committee on the Judiciary.
H.R. 3394. A bill for the relief of M. Curbin; to the Committee on the Judiciary.
H.R. 3395. A bill for the relief of M. Radanovich, Mrs. Chenoweth-Hage; to the Committee on the Judiciary.
H.R. 3396. A bill for the relief of M. Hayes; to the Committee on the Judiciary.
H.R. 3397. A bill for the relief of M. Sherwood; to the Committee on the Judiciary.
H.R. 3398. A bill for the relief of M. Fedley; to the Committee on the Judiciary.
H.R. 3399. A bill for the relief of M. Simpson; to the Committee on the Judiciary.
H.R. 3400. A bill for the relief of M. Avenett; to the Committee on the Judiciary.
H.R. 3401. A bill for the relief of M. Velazquez; to the Committee on the Judiciary.
H.R. 3402. A bill for the relief of M. Padalos, Mr. Degette, and Mr. Dixon; to the Committee on the Judiciary.
H.R. 3403. A bill for the relief of M. Condit and Mr. Lewis of California; to the Committee on the Judiciary.
H.R. 3404. A bill for the relief of M. English, Mr. McHugh, Mr. Pitts, Mrs. Lowey; to the Committee on the Judiciary.
H.R. 3405. A bill for the relief of M. Smith of Texas, Mr. Smith of Washington; to the Committee on the Judiciary.
H.R. 3406. A bill for the relief of M. Sanders, Mr. Kind, Mr. Vitter; to the Committee on the Judiciary.
H.R. 3407. A bill for the relief of M. Baldacci; to the Committee on the Judiciary.
H.R. 3408. A bill for the relief of M. Schaffer and Mr. Sessions; to the Committee on the Judiciary.

H.R. 3409. A bill for the relief of M. McKee; to the Committee on the Judiciary.
H.R. 3008: Mr. George Miller of California, Mr. McGovern, and Mr. Stupak.
H.R. 3010: Mrs. Morella.
H.R. 3011: Mrs. Northup.
H.R. 3058: Mr. Waxman, Mr. Rogan, Mr. Doyle, and Mr. Thompson of Mississippi.
H.R. 3071: Mr. Weiner, Ms. Carson, and Mr. Hinchey.
H.R. 3103: Mr. Gonzalez.
H.R. 3121: Mr. Paul.
H.R. 3139: Mr. Owens and Mr. George Miller of California.
H.R. 3144: Mr. Clay, Mr. Dingell, and Mr. Evans.
H.R. 3151: Mr. Lucas of Kentucky.
H.R. 3154: Ms. Kilpatrick.
H.R. 3156: Mr. Borski, Ms. Millender-McDonald, and Mr. Kucinich.
H.R. 3161: Mr. Kucinich.
H.R. 3174: Mr. Largent, Mr. Gillmor, Mr. Foley, Mr. Linder, Mr. Isakson, Mr. Shadegg, and Mr. Salmon.
H.R. 3192: Mr. Larson.
H.R. 3218: Mr. Fossella, Mr. Quinn, and Mr. Doyle.
H.R. 3222: Mr. Peterson of Pennsylvania, Mr. George Miller of California, and Mr. Weldon of Pennsylvania.
H.R. 3242: Mr. Chambliss and Mr. Paul.
H.R. 3257: Mr. Cook and Ms. Pryce of Ohio.
H.R. 3261: Mrs. Wilson, Mr. Bryant, Mr. Metcalf, Mr. Cox, and Mr. Foley.
H.J. Res. 77: Mr. Taylor of North Carolina.
H. Con. Res. 62: Mr. LaHood.
H. Con. Res. 77: Mr. Bryant, Mr. Andrews, and Mr. John.
H. Con. Res. 100: Mr. Hall of Ohio.
H. Con. Res. 115: Mr. Capuano, Mr. McNulty, and Mr. Klink.
H. Con. Res. 218: Mr. Diaz-Balart, Mrs. Morella, Mr. Lewis of Georgia, Mr. Price of North Carolina, Mr. Bentsen, and Mr. Wexler.
H. Con. Res. 163: Mr. Kucinich, Mr. Kennedy of Rhode Island, Ms. Norton, Mrs. Roukema, and Mrs. Lowey.
H. Con. Res. 238: Mr. Pallone, Mr. Stupak, Mr. Greenwood, and Mr. Bachus.
H. Con. Res. 320: Mr. Manzullo.
H. Con. Res. 357: Mr. Clay, Mr. Deutch, Ms. Eshoo, Mr. Ford, Mr. Levin, Ms. Woolsey, Mr. Wu, and Mr. McNulty.
The Senate met at 9:30 a.m. and was called to order by the Honorable Susan M. Collins, a Senator from the State of Maine.

REVISED NOTICE

If the 106th Congress, 1st Session, adjourns sine die on or before November 17, 1999, a final issue of the Congressional Record for the 106th Congress, 1st Session, will be published on December 2, 1999, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through December 1. The final issue will be dated December 2, 1999, and will be delivered on Friday, December 3, 1999.

If the 106th Congress does not adjourn until a later date in 1999, the final issue will be printed at a date to be announced.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators’ statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at “Records@Reporters”.

Members of the House of Representatives’ statements may also be submitted electronically by e-mail or disk, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerkhouse.house.gov. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, signed manuscript. Deliver statements (and template formatted disks, in lieu of e-mail) to the Official Reporters in Room HT–60.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Congressional Printing Management Division, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:30 p.m. daily.

By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, Chairman.

NOTICE

Effective January 1, 2000, the subscription price of the Congressional Record will be $357 per year, or $179 for 6 months. Individual issues may be purchased for $3.00 per copy. The cost for the microfiche edition will remain $141 per year; single copies will remain $1.50 per issue. This price increase is necessary based upon the cost of printing and distribution.

MICHAEL F. DiMARIO, Public Printer.

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, we thank You for the impact of women on American history. We praise You for our founding Pilgrim Foremothers and the role they had in establishing our Nation, for the strategic role of women in the battle for our independence, for the incredible courage of women who helped push back the frontier, for the suffragettes who fought for the right to vote and the place of women in our society, for the dynamic women who have given crucial leadership in each period of our history.

Today, Gracious God, we give You thanks for the women who serve here in the Senate: for the outstanding women Senators, for women who serve as officers of the Senate, for women who serve in strategic positions in the ongoing work of the Senate, and for the many women throughout the Senate family who glorify You in their loyalty and in their excellence.

Our prayer today, Gracious Lord, is that the role of women in the Senate would exemplify to the American people the importance of the leadership of women in every level of our society. Thank You, Gracious God. In Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The bill clerk read the following letter:

U.S. SENATE
PRESIDENT PRO TEMPORE

TO THE SENATE: Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Susan M. Collins, a Senator from the State of Maine, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Ms. COLLINS thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

WOMEN IN THE SENATE

Mr. LOTT. Madam President, perhaps my colleagues have already noticed that the Senate seems to be extraordinarily well organized and effective today and there is a reason for that. With apologies from the Chaplain and the majority leader, I think we should note that a significant milestone in the 210-year course of the Senate's history is taking place. Now, before a team composed entirely of women Members and staff opened the day's proceedings. Today's remarkable occasion reminds Members how much the Senate's collective face has changed and improved over the years.

The Senate has benefited from the service of 27 female Senators since the Honorable Rebecca Felton of Georgia first held that position on November 21, 1922, and particularly since 1932, when Hattie Caraway of Arkansas became the first woman elected to the Senate. While Senator Felton served only 2 days, Ms. Caraway's service continued until 1945, and she became the first woman to chair a Senate Committee.

Another pioneering woman Senator was Margaret Chase Smith of Maine, and the President Officer today, Senator COLLINS, also hails from that State of Maine. Mrs. Smith joined the Senate in 1941 and served until 1973. During her distinguished career, she openly criticized the tactics of fellow Senator Joseph McCarthy in a 1950 speech entitled "A Declaration of Conscience," and became a Presidential candidate in 1952. I believe, because of that famous speech.

Following in these formidable steps was Nancy Landon Kassebaum, now the wife of former Senator and majority leader, Howard Baker of Tennessee. Her nearly 20-year career in the Senate became a model for many women to come. My first few months as majority leader involved a lot of issues but one of them is the now famous Kassebaum-Kennedy bill with regard to portable emergency health care. I should point out that before she left the Senate she was going to leave an indelible mark, and she did for many reasons but for that piece of legislation in particular.

In January 1993 as the Senators of the 103rd Congress took the oath of office, an unprecedented six women assumed their place on the floor. Since that time, the number of women Senators has grown to nine.

In recent years, the role of women officers has led to growth, as well. In 1985, Jo-Anne Coe became the first woman to serve as Secretary of the Senate. In 1991, Martha Pope became the first female Sergeant at Arms. In 1993, Elizabeth Letchworth became the first Secretary of the majority for the Republicans and presently still holds that position. Currently, women serve as: Assistant Secretary (Sharon Zelaska), Deputy Sergeant at Arms (Loretta Symms), Assistant Parliamentary (Elizabeth Letchworth), Assistant Journal Clerk (Myra Baran), Assistant Legislative Clerk (Kathie Alvarez), Bill Clerk (Mary Anne Clarkson), Assistant Secretary for the Minority (Lula Davis), and Republican Floor Assistant (Laura Martin). They all do a fantastic job, and we appreciate their service so much. They have been involved in a lot of activities in the last year, some of it they would just as soon have been able to miss, but they did do a great job every time they have been called upon.

Over the years, the Senate has changed as an ever-increasing number of women ran for and were elected to public office. Since the end of World War II there has been a steady increase in the number of women serving this institution as legislative clerks and other appointed officials. This is a historic day and a long time in coming—too long. I am proud it happened under my watch.

To the women in the Chamber today and all of those who serve elsewhere in the Senate, let me take a moment to say thank you and extend my personal best wishes to all of our leaders, officers, and staff of this Senate, and remind people just how much we appreciate their hard work and dedication.

SCHEDULE

Mr. LOTT, Madam President, today the Senate will resume consideration of the bankruptcy reform legislation with up to 4 hours of debate on the Hatch amendment No. 2771 regarding women. I must say, you know, this bill is moving very slowly. The Democratic leader and I, TOM DASCHLE, have agreed we would let the amendments go forward and let the Members have an opportunity to work their will, but we also want to get this important legislation passed; our intent is to get it done today. As with other bills, we are going to stick with this. If I have to file cloture to bring it to conclusion, I will do that. I have avoided doing that because I want to show good faith and that Senators will stick to the issue and find a way to complete the legislation. We cannot leave it on the sidetrack indefinitely or have it tie up the Senate's time much longer because we have a number of bills we need to pass today, tonight, Friday, or whenever we are going to wrap up this session.

Following the use or yielding back of that debate time on amendment No. 2771, the Senate will proceed to at least three stacked rollovers beginning with the Hatch amendment, to be followed with votes on the nominations of Carol Moseley-Braun and Linda Morgan. Those votes are expected to occur between 12 and 1 p.m. at the latest. I hope it can be earlier, too. I want to show that we have some conflicts of which we are trying to be cognizant.

Senators who have amendments pending to the bill or amendments they expect to offer are encouraged to work with the bill's managers so those amendments can be disposed of in a timely manner. I hope a large number of them will be accepted or withdrawn. Senators can expect votes to occur...
November 10, 1999

CONGRESSIONAL RECORD – SENATE

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

BANKRUPTCY REFORM ACT OF 1999

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 625 which the clerk will report.

The bill clerk read as follows:

A bill (S. 625) to amend title 11, United States Code, and for other purposes.

Title
Pendency
Kohl amendment No. 2518, to limit the value of certain real or personal property a debtor may elect to exempt under State or local law.

Sessions amendment No. 2518 (to amendment No. 2518), to limit the value of certain real or personal property a debtor may elect to exempt under State or local law.

Feingold amendment No. 2522, to provide for the expenses of long term care.

Hatch/Torricelli amendment No. 1729, to provide for domestic support obligations.

Leahy amendment No. 2529, to save United States taxpayers $24,000,000 by eliminating the blanket mandate relating to the filing of tax returns.

Wellstone amendment No. 2537, to disallow claims of certain insured depository institutions.

Wellstone amendment No. 2538, with respect to the disallowance of certain claims and to prohibit certain coercive debt collection practices.

Feinstein amendment No. 1696, to limit the amount of credit extended under an open end consumer credit plan to persons under the age of 21.

Feinstein amendment No. 2755, to discourage indiscriminate extensions of credit and resulting consumer insolvency.

Schumer/Durbin amendment No. 2762, to modify the means test relating to safe harbor provisions.

Schumer amendment No. 2763, to ensure that debts incurred as a result of clinic violence are nondischargeable.

Schumer amendment No. 2764, to provide for greater accuracy in certain means testing.

Schumer amendment No. 2765, to include certain displaced workers' expenses in the debtor's monthly expenses.

Dodds amendment No. 2531, to protect certain education savings.

Dodd/Mertig amendment No. 2532, to provide for greater protection of children.

Dodd amendment No. 2753, to amend the Truth in Lending Act to provide for enhanced information regarding credit card balance payment terms and conditions, and to provide for enhanced reporting of credit card solicitations to the Board of Governors of the Federal Reserve System and to Congress.

Hatch/Dodd/Gregg amendment No. 2536, to protect certain education savings.

Feingold amendment No. 2748, to provide for an exception to automatic stay under section 362(b) of title 11, United States Code, relating to evictions and similar proceedings to provide for the payment of rent that becomes due after the petition of a debtor is filed.

Schumer/Santorum amendment No. 2761, to improve disclosure of the annual percentage rate for purchases applicable to credit card accounts.

Durbin amendment No. 2659, to modify certain provisions relating to pre-bankruptcy financial counseling.

Durbin amendment No. 2666, to establish parameters for presuming that the filing of a case under chapter 7 of title 11, United States Code, does not constitute an abuse of that chapter.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Iowa, Mr. GRASSLEY, is recognized to call up amendment No. 2771 on which there shall be 4 hours of debate equally divided.

The ACTING PRESIDENT pro tempore. Who seeks recognition?

Mr. ASHCROFT addressed the Chair.

Mr. ASHCROFT. Madam President, I rise today to speak in support of the amendment offered by Senator HATCH, Senator ABRAHAM, and myself.

Mr. ASHCROFT. Madam President, this amendment contains the text of S. 486—

AMENDMENT NO. 2771
(Purpose: Relating to methamphetamine and other dangerous chemicals)

The ACTING PRESIDENT pro tempore. If the Senator will suspend, the amendment needs to be offered and the time is under the control of the Senator from Iowa.

Mr. GRASSLEY. Madam President, I ask unanimous consent that I may have 5 seconds for a unanimous consent request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The text of the amendment is printed in the RECORD of Friday, November 5, 1999, under “Amendments Submitted.”

Mr. GRASSLEY. Madam President, I would like to have the Senator from Minnesota have the floor to make a unanimous consent request.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. WELSTONE. Madam President, I thank my colleague from Iowa. I ask unanimous consent that the votes, we move to the Kohl amendment, but if there is not agreement to do so, we then move to my amendment No. 2752 which deals with a merger moratorium.

The ACTING PRESIDENT pro tempore. Is there objection to the request? Without objection, it is so ordered.

Mr. WELSTONE. I thank my colleague from Iowa.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. ASHCROFT. I thank the Chair.

I am pleased to have this opportunity to speak in support of an amendment offered by Senator HATCH and by Senator ABRAHAM and by me. This amendment contains the text of S. 486, the Methamphetamine Antiproliferation Act of 1999. It is a comprehensive antimethamphetamine bill that I believe will make it much harder for kids to get dangerous chemicals that are literally reaching from sea to sea.

The reason for the level of bipartisan effort, of course, in crafting this bill is the recognition by all involved that it is needed to combat one of the fastest growing threats to America, the explosive problem of methamphetamine. When I say explosive, I do not just refer to the fact that those cooking or producing methamphetamines are using dangerous chemicals that often result in explosions and house fires. It has exploded in terms of growth across our culture, and we need to curtail it.
Today we are blessed and privileged to live in a period of great national prosperity, but with prosperity sometimes comes apathy or complacency. Unfortunately, this is the perfect breeding ground for drug abuse. Worse still, drug use has increased even more, fostering drug abuse, they hammer our society’s ability to combat drug abuse and other social ills. We have not been combating drug abuse effectively enough as a culture, and for that reason we have been working on this measure to make the ED Act more effective against this most dangerous of drugs.

As I have noted many times before, under this administration we have been backsliding in the war against drugs. Marijuana use by 8th graders has increased 176 percent since 1992, and cocaine and heroin use among 10th graders has more than doubled in the last 7 years. And now we need to add to these failings the burgeoning epidemic of methamphetamine.

Methamphetamine has had their roots on the west coast and for a long time in other parts of the country, but the epidemic has now exploded in middle America. Meth in the 1990s is what cocaine was in the 1980s and heroin was in the 1970s. It is currently the largest drug threat we face in my home State of Missouri. Unfortunately, it may be coming soon to a city or town near you. If you wanted to design a drug to have the worst possible effect on your community, you would probably design methamphetamine. It is highly addictive, highly destructive, cheap, and it is easy to manufacture.

To give you an idea of the scope of the problem, in 1992 law enforcement seized 2 clandestine meth labs in my home State of Missouri; by 1994, there were 14 seizures; by 1998, there were 679 clandestine meth lab seizures in the State of Missouri alone. When we talk about a clandestine meth lab, we are talking about a place where people are making or manufacturing methamphetamines. Based on the figures collected so far this year, however, the number will jump again this year to over 800 meth labs to be seized in the State of Missouri.

Let us put that in perspective: 2 in 1992, 800 in 1999. By any definition, this is a problem that commands our attention. And with this growth we have come all kinds of social problems. As meth use has increased, domestic abuse, child abuse, burglaries, and meth-related murders have also increased. From 1992 to 1998, meth-related emergency room incidents increased 63 percent.

What is most unacceptable is that meth is ensnaring our children. In 1997, the percentage of 12th graders who used meth was double the 1992 level. In recent conversations I have had with local law enforcement officers in Missouri, they estimate that as many as 10 percent of high school students know the recipe for methamphetamines. In fact, one need only log onto the Internet to find scores of web sites giving detailed instructions about how to set up your own meth lab or production facility. This is unacceptable.

This amendment provides the necessary weapons to fight the growing meth problem in this country, including the authorization of $9.5 million for DEA programs in State and local law enforcement in techniques used in meth investigation. There is $5 million for new Drug Enforcement Administration agents to assist State and local law enforcement in small and midsized communities. There is $15 million for school and community-based meth abuse and addiction prevention programs; $10 million for the treatment of meth addicts; and $15 million to the Office of the National Drug Control Policy to combat trafficking in meth in designated high-intensity drug trafficking areas which have had great success in Missouri and the Midwest in bringing attention to, focus upon, and eradication of the methamphetamine problem.

This bill also amends the sentencing guidelines by increasing the mandatory minimum sentences for manufacturing meth and significantly increasing mandatory minimum sentences if the offense creates a threat to the life of a minor or an incompetent. As I have traveled across my own State of Missouri, I have learned about cases where methamphetamines were being produced in the presence of children—children contaminated chemically by the processes and the byproducts of meth production. It is time we make a clear statement that we will not sacrifice our children on the altar of methamphetamine production. We must have serious increased, mandatory minimum sentences for putting at risk the life of a child in the creation and development of methamphetamines.

Furthermore, the amendment includes meth paraphernalia in the Federal list of illegal paraphernalia.

By focusing on reducing the supply through interdiction and punishment, we will make some progress, but that progress is not enough. The amendment authorizes substantial resources for education and prevention targeted specifically at the problem of meth. As I said earlier, law enforcement in Missouri tells me 10 percent of the high school students know the recipe for meth. I want 100 percent of the high school students to know that meth is the recipe for disaster.

Meth presents us with a formidable challenge. We have faced other challenges in the past, and we can face this challenge as well. In fact, the history of America is one of meeting challenges and surpassing people's highest expectations. Meth is no exception. All it will take is that we marshal our will and we channel the great, indomitable American spirit. If we focus our energy on this problem, we can add substantive to the safety and health of our young people and to the future and opportunities for our young people. Through legislative efforts like this amendment, we will meet this new meth challenge and defeat it. I urge Members of this body to work together to make this effort to defeat meth becomes a part of the law.

I yield the floor.

The PRESIDING OFFICER (Mr. AL-LABBAD). The Senator from Utah.

Mr. WELLSTONE. If my colleague will yield for 1 second, I ask unanimous consent that following the Senator from Utah and the Senator from Vermont, I may then speak on this amendment.

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

Mr. HATCH. Mr. President, I rise to offer an amendment on behalf of myself, Senators ASHCROFT, ABRAM, HUTCHINSON, HELMS, GRAMS, and AL-LABD that contains new and responsible measures aimed primarily at curbing the manufacturing, trafficking, and abuse of methamphetamine, a destructive drug that is sweeping across our country.

I hope that the administration will take advantage of this legislation and finally begin, in its seventh year, to take serious steps to enforce our drug laws. Sadly, the Clinton-Gore administration has failed miserably at keeping drugs away from our youth. The Administration recently boasted that reported illicit drug use by children 12 to 17 years of age is down this year. What the administration is trying to conceal, however, is that, since it took office, drug use among this same group of children has more than doubled. Even with the current dip, the rate is still nearly twice what it was when President Clinton and Vice-President Gore took office. America’s history of fighting illegal drugs has been long and tiring, but specifically at the problem of methamphetamine, I believe it is time we dedicate more resources to stopping this scourge once and for all. So that is why I am so committed to passing S. 486, the Methamphetamine Anti-proliferation Act of 1999, as part of this bill.

What the administration has failed to do is pay serious attention to methamphetamine. Based on the figures collected so far this year, however, the number will jump again this year to over 800 meth labs to be seized in the State of Missouri.

Let us put that in perspective: 2 in 1992, 800 in 1999. By any definition, this is a problem that commands our attention. And with this growth we have come all kinds of social problems. As meth use has increased, domestic abuse, child abuse, burglaries, and meth-related murders have also increased. From 1992 to 1998, meth-related emergency room incidents increased 63 percent.

What is most unacceptable is that meth is ensnaring our children. In 1997, the percentage of 12th graders who used meth was double the 1992 level. In recent conversations I have had with local law enforcement officers in Missouri, they estimate that as many as 10 percent of high school students know the recipe for methamphetamines. In fact, one need only log onto the Internet to find scores of web sites giving detailed instructions about how to set up your own meth lab or production facility. This is unacceptable.

In the Congress have taken these indicators seriously. In the past two years we have appropriated $11 million and then $24.5 million for the drug enforcement administration to train local law enforcement officials in the interdiction, finding, discovering, and then cleaning up of methamphetamine labs. Despite these appropriations, the meth problem continues to grow. I believe it is time we dedicate more resources to stopping this scourge once and for all. So that is why I am so committed to passing S. 486, the Methamphetamine Anti-proliferation Act of 1999, as part of this bill.

This amendment provides the necessary weapons to fight the growing meth problem in this country, including the authorization of $9.5 million for DEA programs in State and local law enforcement in techniques used in meth investigation. There is $5 million for new Drug Enforcement Administration agents to assist State and local law enforcement in small and midsized communities. There is $15 million for school and community-based meth abuse and addiction prevention programs; $10 million for the treatment of meth addicts; and $15 million to the Office of the National Drug Control Policy to combat trafficking in meth in designated high-intensity drug trafficking areas which have had great success in Missouri and the Midwest in bringing attention to, focus upon, and eradication of the methamphetamine problem.

This bill also amends the sentencing guidelines by increasing the mandatory minimum sentences for manufacturing meth and significantly increasing mandatory minimum sentences if the offense creates a threat to the life of a minor or an incompetent. As I have traveled across my own State of Missouri, I have learned about cases where methamphetamines were being produced in the presence of children—children contaminated chemically by the processes and the byproducts of meth production. It is time we make a clear statement that we will not sacrifice our children on the altar of methamphetamine production. We must have serious increased, mandatory minimum sentences for putting at risk the life of a child in the creation and development of methamphetamines.

Furthermore, the amendment includes meth paraphernalia in the Federal list of illegal paraphernalia.

For a long time, drug paraphernalia relating to other serious drug scourges has been outlawed. The maintenance or development of, and the utilization of paraphernalia in these other serious drug situations has been inappropriate and unwanted. Now we are going to add meth paraphernalia to that Federal list of illegal paraphernalia.

I yield the floor.
This amendment will provide law enforcement with several effective tools, including proven prevention and treatment programs, that will help us turn the tide of proliferation of methamphetamine use. A significant portion of the evidence reflects language that was passed unanimously in the Judiciary Committee earlier this year. This language, which enjoyed the sponsorship of Senators Leahy, Ashcroft, Feinstein, DeWine, Biden, Grassley, Thurmond, and Kennedy, represented a bipartisan effort to combat methamphetamine manufacturing and trafficking in America.

Methamphetamine, also known on the streets as "meth," "speed," "crank," "ice," and "crystal meth," is a highly toxic and addictive stimulant that severely affects the central nervous system, induces uncontrollable, violent behavior and extreme psychiatric and psychological symptoms, and eventually leads some of its abusers to suicide. Methamphetamine, first popularized by outlaw biker gangs in the late 1970's, is now being manufactured in makeshift laboratories across the country by criminals who are determined to undermine our drug laws and profit from the addiction of others.

So what can we do about the problem? Three years ago, I authored, and Congress passed, the Methamphetamine Control Act of 1996. This legislation, which also enjoyed bipartisan support, aimed at curbing the diversion of commonly used precursor chemicals and mandated strict reporting requirements on their sale. This law has allowed the DEA, along with the help of industry, to stop large quantities of precursor chemicals from being purchased in the United States and being used to manufacture methamphetamine. But, as the methamphetamine problem continues to grow, more can and should be done to keep law enforcement uncover, arrest, and hold accountable those who produce this drug.

The methamphetamine threat differs in kind from the threat of other illegal drugs because methamphetamine can be made from readily available, legal chemicals, and because it poses serious dangers to both human life and the environment. According to a report prepared by the Community Epidemiology Work Group, which is part of the Nation's Institute on Drug Abuse, methamphetamine abuse levels "remain high... and there is strong evidence to suggest this drug will continue to be a problem in west coast areas and to spread to other areas of the United States." The reasons given for this ominous prediction are that methamphetamine can be produced easily in small, clandestine laboratories, and that the chemicals used to make methamphetamine are readily available.

This threat is real and immediate, and the numbers are telling. According to the Drug Enforcement Administration—DEA, the number of labs cleaned up by the administration has almost doubled each year since 1995. Last year, more than 5,500 amphetamine and methamphetamine labs were seized by DEA and State and local law enforcement officials, and millions of dollars were spent on cleaning up the pollution and toxins created and left behind by operators of these labs. In Utah alone, there were 266 lab seizures last year, a number which elevated Utah to the unenviable position of being ranked third in the Nation for highest per capita clandestine lab seizures.

The problem with the high number of manufacturing labs is compounded by the fact that the chemicals and substances utilized in the manufacturing process are unstable, volatile, and highly combustible. The smallest amounts of these chemicals, when mixed improperly, can cause explosions and fires. And of course, most of those operating methamphetamine labs are not scientists, but rather unskilled individuals who have no knowledge of the apocalyptic to the destruction that is inherent in the manufacturing process. It is even more frightening when you consider that many of these labs are found in residences, motels, trailers, and even automobiles. Many of these labs are operated in the presence of children.

I will never forget the tragedy of the three young children who were burned to death when a methamphetamine lab, operated by their mother in a trailer home in California, exploded and caught fire, as reported in an article:


I honestly do not know which is worse: using methamphetamine or manufacturing it. Either way, methamphetamine is killing our kids.

Another problem we face is that it doesn't take a lot of ingenuity or resources to manufacture methamphetamine. As mentioned earlier, there are hundreds of sites on the Internet that provide detailed instructions that describe how to manufacture methamphetamine. These step-by-step instructions will be illegal under this bill if the person posting the information or the person receiving the information intends to engage in activity that violates our drug laws.

In 1992, Congress passed a law that made it illegal for anyone to sell or offer for sale drug paraphernalia. This law resulted in the closing of numerous "head shops," or drug paraphernalia stores. Unfortunately, now some merchants sell illegal drug paraphernalia on the Internet. This bill will amend the anti-drug paraphernalia statute to clarify that the ban includes Internet advertising for the sale of controlled substances and drug paraphernalia. The provision will also prohibit a web site that does not sell drug paraphernalia from allowing other sites that do from advertising on its web site.

This amendment contains many references to the drug amphetamine, a lesser-known, but no-less dangerous drug. Other than for a slight difference in potency, amphetamine is manufactured, sold, and used in the same manner as methamphetamine. And, amphetamine labs pose the same dangers as methamphetamine labs. Indeed, every law enforcement officer with whom I have spoken agreed that the penalties for amphetamine should be equalized.

This amendment also seeks to keep the so-called "head shops," or drug paraphernalia stores, from offering for sale drug paraphernalia. This provision will help prevent the manufacture of methamphetamine.

Another important section of the bill will help prevent the manufacture of methamphetamine by prohibiting the dissemination of drug recipes on the Internet. As mentioned earlier, there are hundreds of sites on the Internet that describe how to manufacture methamphetamine. These step-by-step instructions will be illegal under this bill if the person posting the information or the person receiving the information intends to engage in activity that violates our drug laws.

This amendment also seeks to keep all drugs away from children and to punish severely those who prey on our children, especially while at school away from their parents. Indeed, studies indicate that drug use goes hand in hand with poor academic performance. To this end, this amendment would increase the penalties for distributing illegal drugs to minors and for distributing illegal drugs near schools and other educational locations.
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Mr. LEAHY. Of course.

Mr. HATCH. Will the Senator yield for a moment?

Mr. LEAHY. Of course.

Mr. HATCH. Mr. President, I ask unanimous consent that Senators Hutchison, Helsm, Allard, and Grams be added as original cosponsors of the Hatch-Ashcroft-Abraham drug amendment.

This action is in the public interest.

The PRESIDING OFFICER (Mr. Grams). The Senator from Vermont.

Mr. HATCH. Will the Senator yield for a moment?

Mr. LEAHY. Of course.

Mr. HATCH. Mr. President, I ask unanimous consent that Senators Hutchinson, Helsm, Allard, and Grams be added as original cosponsors of the Hatch-Ashcroft-Abraham drug amendment.

The PRESIDING OFFICER (Mr. Grams). The Senator from Utah and the distinguished Senator from Iowa here, I ask unanimous consent to be able to proceed not on the amendment but on the bill for certainly not to exceed 12 minutes, just to let everybody know where we are.

Mr. LEAHY. Without objection, it is so ordered.

Mr. HATCH. With the distinguished Senator from Utah and the distinguished Senator from Iowa here, I ask unanimous consent to be able to proceed not on the amendment but on the bill for certainly not to exceed 12 minutes, just to let everybody know where we are.

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

Mr. LEAHY. I understand this time is not coming out of the time of either side, just so people understand.

Mr. President, yesterday we made some progress on the bill and were able to clear 22 amendments to improve it. Those were amendments offered by both Democrats and Republicans. Senator Torricelli, the ranking member of the appropriate subcommittee, and I have been working in good faith with Senator Grassley, the chairman of the appropriate subcommittee, and Senator Hatch, the chairman of the full committee, to clear amendments. We will try to make some more progress on amendments today.

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I thank the Senator from Iowa and the Senator from Utah for their willingness to accept my amendment to provide that the expenses needed to protect debtors and their families from domestic violence is properly considered an emergency and, therefore, that the bankruptcy proceeding would be stayed. Domestic violence represents a serious problem in our society. We need to do all we can to protect victims and potential victims of domestic violence.

Some of the other amendments we accepted are also quite important. For example, the Senator from Iowa accepted an amendment offered by Senators Grassley, Torricelli, Specter, Feingold, and Biden, giving bankruptcy judges the discretion to waive the $175 filing fee for chapter 7 cases for debtors whose annual income is less than 125 percent of the poverty level. Bankruptcy is the only civil proceeding that in forma pauperis filing status is not permitted. This amendment corrects that anomaly.

We also accepted a Feingold-Specter amendment which improves the bill by striking the requirement that a debtor’s attorney must pay a trustee’s attorney’s fees if the debtor is not “substantially justified” in filing for chapter 7. The bill’s current requirement that a debtor’s attorney must pay a trustee’s attorney’s fees could chill eligible debtors from filing chapter 7 because they could fear they would have to pay future attorney’s fees. This is something we had tried to correct when the committee considered the bill. I am glad we have finally done so.

I commend Senators who came to the floor on Friday and Monday and yesterday to offer their amendments. Despite only 4 hours of debate on Friday, and 4 hours on Monday, and, of course, yesterday we had our party caucuses, and we had extended debate on two nongermane, nonrelevant amendments on other matters, Senators from both sides of the aisle have offered 49 amendments to improve the bill. And we disposed of 27 of those so far in this debate.

I hope all Senators with amendments will continue to come to the floor today to offer their relevant amendments.

But unfortunately, while we continue to make progress on the underlying bill in some regards, the Senate’s two votes rejecting important amendments offered by Senator Durbin and Dodd were missed opportunities to improve the bill.

Senator Durbin’s amendment would have allowed us to confront predatory lending practices. Senator Dodd’s would have provided some restraints on the virtually unrestrained solicitation of young people by the credit card industry.

I spoke earlier about the Austin Powers credit card campaign. Kids going into the theater to see “Austin Powers” were given a chance to get a credit card with a long credit line and get a free Coke, too, if they wanted. But they could also end up with 10, 25, and almost 30-percent interest payments. I think many who got that suddenly found it was the most expensive soft drink they ever got at a movie.

These are the practices on which we ought to put some limits. It does not help when credit card companies come here crying crocodile tears that these children they have given credit cards to suddenly actually used them and have run up huge debts, or the people who have been given unrestrictable credit cards actually use them and have run up huge debts.

I commend Senators Durbin and Dodd for their amendments. We actually should have accepted both of them.

Most importantly, yesterday the Senate took several actions that will make it much harder to enact bankruptcy reform legislation. The Senate rejected the Kennedy amendment to provide a real minimum-wage increase and, on a virtually party-line vote, chose to adopt an amendment that increased tax breaks that are not paid for, under the guise of being a real increase in the minimum wage, when in fact it is not.

The President has now promised to veto the bill if it reaches his desk in its present form.

The Republican majority has used its amendment “as a cynical tool to advance special interest tax breaks,” which it was.

The Senate’s actions yesterday in these regards were both unfortunate and unnecessary.

I ask unanimous consent that this morning’s editorial from the Washington Post about the bankruptcy bill and the Senate’s action yesterday be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Post, November 10, 1999]

**WHAT BANKRUPTCY BILL?**

The Senate spent much of yesterday debating amendments on the minimum wage and tax cuts. It intended then to debate propositions having to do with school aid, agribusiness, drug policy, and the future of East Timor. Under an agreement between the parties, the results of these deliberations were to be attached as amendments or political ornaments, take your pick, to the underlying bill that would significantly tighten bankruptcy law. But very little debate seemed likely on the bill itself, and that is wrong. Aside perhaps from the minimum wage, the House bill is as significant as the minimum-wage act of 1938. Its provisions are an act of economic policy, not an ornament.

The question of bankruptcy law is always the same: how to achieve a balance between society’s interests in seeing that people pay their debts and the need to protect debtors from being permanently ruined by them. The strong economy in recent years, together with competition in the credit card industry, has produced a sharp increase in consumer credit. Rates of related credit, now perhaps subsidizing, in bankruptcies. The bill seeks to make sure that people don’t take undue advantage of the bankruptcy laws—the goal of someone who is reasonably expected to pay at least a part of their debts aren’t excused entirely. That’s plainly fair, and there seems to be broad agreement that the law need some toughening. But critics, including the administration and a number of civil rights groups, believe the legislation tilts too far.

There are multiple issues, but basically the administration would make it easier for people at or below the median income to qualify for the kind of bankruptcy in which most debts are excused, and harder for creditors to dislodge them. The administration would also like to impose additional disclosure and other requirements on credit card companies, whose blandishments it believes are partly responsible for the current problem.

The Senate yesterday voted along party lines for a slower minimum wage increase than the president wants, together with a costly bankruptcy tax cut. So he’ll veto a bankruptcy bill to which those are attached, as, at least in the case of the tax cut, he should. What he’ll do if eventually the bankruptcy bill is sent to him separately is unclear.

What Congress should do, before it sends him the bill, is make sure that in the name of financial responsibility, it would not unduly squeeze people who, because of job loss, family breakup, medical bills, etc., can’t help themselves. It isn’t clear that in the episodic legislative process thus far that balance has been achieved.

Mr. LEAHY. In addition to those provisions adopted yesterday, I want to raise again the question of the costs and the burdens of this bill. We have talked here about the costs of this bill. But according to the Congressional Budget Office—and this is what everybody watching who is interested in this debate ought to stop and ask themselves: Is this an improvement in our bankruptcy laws? Or are the taxpayers going to pay for it?

According to the Congressional Budget Office, the bill reported by the Judiciary Committee will cost hundreds of millions of dollars. The cost to the Federal Government, estimated by CBO, is at least $21 billion over the next 5 years.

Much of the cost will be borne by our bankruptcy and Federal courts without any provision to assist them in fulfilling the mandates of this bill. Dockets are already overcrowded in our bankruptcy courts. We are not providing new judges. We are now suddenly telling those bankruptcy judges and Federal judges to carry an even heavier burden, but not give them additional resources. As a practical matter, somebody is going to have to pay. We are going to have to pay because the courts will get so clogged, the reaction will be to improve that, and we will have to pay for that.

We have to ask, who are the principal beneficiaries? Right now, they are the companies that make up the credit industry. I searched high and low in the debate about the “Auston Powers” campaign. These companies are asked to pay for these mandates that benefit them or even contribute to the costs and burdens of the bill, a bill that they support. If
they are getting these huge benefits, are they required to pay anything for them? They are not. I can find no provisions by which credit card companies and others who expect to receive a multibillion-dollar windfall from this bill will have to pay the added costs of this measure.

Investing a couple hundred million dollars of taxpayers' money to make several billion dollars for the credit card industry might seem to be a good business investment, but not if the taxpayers have to pick up the bill to hand over a multibillion-dollar benefit to the credit card companies.

In addition to these costs to the Federal Government, there are the additional mandates imposed on the private sector. We keep saying how we want to keep Government off the back of the private sector. In fact, CBO estimates the private sector mandates imposed by just two sections of the bill will result in annual increased costs of between $280 million and $940 million a year. Are we willing to tell the private sector that with this bill we are, in effect, putting a tax on them of $280 million to $940 million a year, which over 5 years will amount to between $1.4 billion to $4.7 billion to be borne by the private sector? If we vote for this bill, are we going to tell them we just gave up a couple hundred million of the pool of funds available to creditors? You pay at the beginning or you pay in the end, but you are going to pay.

So all in all, this amounts to a bill of an estimated cost over 5 years of $5 billion to be borne by taxpayers and debtors so the credit industry can pocket another $5 billion. Not a bad day's work by the credit industry lobbyists but not a good result for the American people. The American family the proponents of the 26- and 27-percent interest rates ought to be happy if any savings from this bill will be passed on to them. The authors say this is going to benefit the American public ought to be more specific. CBO doesn't see it that way. They see a great transfer from the American public to one industry. For all that I can see, any savings generated by this bill will be gobbled up in windfall profits for the credit industry, without any guarantee of benefitting anyone else. What happen to taxpayers, and with a $1 billion per year out-of-pocket cost to taxpayers and those in the bankruptcy system?

Mr. President, I understand time will now go back on the amendment. I think we had a consent request at this point that when we went back on the bill, the Senator from Minnesota was going to be recognized.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I understand my colleague from Michigan has wanted to propound a unanimous consent request.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, apparently a UC had been entered into which had set in order speakers through Senator WELLSTONE. I know Senator ALLARD and I hope to be here for some time. I noticed Senator KENNEDY has joined us. We were hoping that we might come up with another UC which would ensure continuing order in terms of the speakers; ideally, the order in which we have been here. If that is possible, I would appreciate it. Therefore, that leads me to propose that following the speech of Senator WELLSTONE, if we might then proceed in an order in which I would be allowed to speak next, followed by Senator ALLARD, followed by Senator KENNEDY, if that is possible. If it is not, we would be open to adjusting that. I am not sure how.

Mr. KENNEDY. Reserving the right to object, I prefer not.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. What was the general time? I was just trying to conclude. I was going to be probably 10 or 15 minutes. If I thought that the two Senators will be finished shortly after 11, that is fine.

Mr. ABRAHAM. Mr. President, I have no idea how long the Senator from Minnesota will be speaking. I will be speaking approximately 15 minutes.

Mr. ALLARD. I anticipate somewhere around 7 or 8 minutes for my remarks.

Mr. KENNEDY. That would be fine.

The PRESIDING OFFICER. Is there objection to the request?

Mr. LEAHY. Reserving the right to object, and I shall not, I want to make sure I understand. Senator WELLSTONE, Senator ABRAHAM, Senator ALLARD, and then Senator KENNEDY, and then, perhaps after that, we would go back and forth. The Senator from Vermont is going to want to speak on the amendments too.

The PRESIDING OFFICER. Does the Senator from Vermont wish to add himself to the sequence?

Mr. LEAHY. Why don't I add myself after the Senator from Massachusetts. I assure the Senator from Iowa, if he wishes to speak at that point, I will yield first to him.

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

Mr. ABRAHAM. I have no objection to that.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I have listened to my colleagues discuss this amendment. I want to zero in on what is the poison pill provision of this amendment—no pun intended.

The cocaine provision in the Republican drug amendment to the bankruptcy bill would raise powder cocaine penalties to unacceptably high levels, forcing jail overcrowding without offering any concrete solutions to drug addiction. That is the fundamental problem. In short, as much affection as I have for my colleague from Michigan and others, I think this provision is a disaster.

The authors say they want to fix racial disparities in crack sentencing by establishing tougher sentences for lower-level crack offenders. Its practice, this is going to make the disparities worse. That is the problem. This provision capitalizes on the common misperception that powder cocaine is principally a "white drug." It seeks to neutralize the complaints in the national sentencing Commission's mandate will reestablish tougher sentences for low-level offenses, it will simply do the same for nonviolent low-level crack offenses. In reality, this provision will only worsen the problem of gross overrepresentation of minorities in prison for drug offenses. To the existing flood of young minority males serving draconian sentences for nonviolent low-level crack offenses, it will simply do the same for minor powder cocaine offenses.

Only low-end cocaine defendants will have their sentences changed under the Republican proposal. The sentence for a participant in a 50 gram powder transaction will more than double from 27 months to 5 years. Further, the Sentencing Commission's mandate will require it to make comparable increases for lesser quantities. Yet the Commission has documented that as with crack, such low-level street dealers—and these are the ones who are going to be affected by this—of powder cocaine have a familiarity with poor youth—generally under the age of 18. And overall, minorities constitute over three-quarters of all current powder defendants. They also found that over half of the Federal powder defendants are couriers or mules of "white"—categories with the lowest income and lowest culpability and the highest representation of minorities. This amendment doesn't go after the kingpins. This amendment, again, is going to have a disproportionate impact on minorities.
students at Yale or Harvard who suffer from substance abuse or sell cocaine out of their dorm rooms will not go to jail under this provision. I have no doubt about that. Instead, the vast majority will once again be low-income African American and Hispanic males.

I want to read from a statement before the Senate Judiciary Committee—this is not my argument—from 27 former U.S. attorneys who now sit as judges on the Federal bench:

Having regularly reviewed presentence reports in cases involving powder and crack cocaine, we can attest to the fact that there is generally no consistent information in the record about the individuals involved. At the lower levels, the steers, lookouts, and street-sellers are generally impoverished individuals with limited education whose involvement with crack rather than powder cocaine is more a result of demand than a conscious choice to sell one type of drug rather than the other. Indeed, in some cases, a person who is selling crack one day is selling powder cocaine the next.

By raising powder cocaine penalties, the amendment reduces the gulf in sentencing between the two drugs, but it doesn't address the underlying disparity. The real problem is that crack penalties are way out of proportion to those of other drugs. You are basically trying to argue that two wrongs make a right, and they don't. Reducing the trigger quantity for a 5-year mandatory minimum sentence for powder cocaine makes the penalties for both forms of cocaine disproportionately severe compared to other drugs. The same U.S. attorneys say they "dismay" dealing with those who suggest that the disparity in treatment of powder and crack cocaine should be remedied by altering penalties relating to powder cocaine.

I emphasize this in the former U.S. attorneys' quote:

The penalties for powder cocaine... are severe and should not be increased.

Mr. President, we need to stop and ask ourselves, what are we doing here? If the trigger quantity for powder cocaine is lowered, almost 10,000 addicts and small-time drug users will be added to the prison population over the next 10 years. That is what we are doing with this amendment. The Bureau of Prisons will have to build six new prisons just to house these people. This will be at a cost to taxpayers of approximately $2 billion. In the next 20 years, the cost will escalate to over $5 billion, and in 30 years it will be $30.6 billion.

Have we yet that jails and prisons are not the sole answer? There are more than 1.5 million people incarcerated in State and Federal prisons and local jails around the country. Another 100,000 young people are confined in juvenile institutions. These numbers have tripled in the past two decades. On any given day, one out of every three African American men in their twenties is either in prison, in jail, on probation, or on parole. I remember reading somewhere that there are more African American men in their twenties—far more—in the State of California in prison than are in college.

We have one of the largest prison populations in the world. If more prisons were the sole solution to the problems of drugs and crime, then we should be among the least addicted, safest countries on Earth. "Being "tough on crime," makes for a great stump speech, but we also ought to be smart, and we need to be smart. A landmark study of cocaine markets by the conservative Rand Corporation found that, dollar for dollar, providing treatment for drug users is 10 times more effective than drug interdiction schemes. A recent study by the Substance Abuse and Mental Health Services Administration, SAMHSA, has indicated that 48 percent of the need for drug treatment, not including alcohol abuse, is unmet in the United States—48 percent of the need is unmet. Surely, if we can find an endless supply of funding for housing offenders and building new prisons, then we must be able to rectify this shortsighted lack of treatment.

Let me simply talk a moment about this disease of alcohol and drug addiction which costs our Nation $246 billion annually—almost $1,000 for every man, woman, and child. There is so much good education, so much good science work, and we are so far behind the curve. Why aren't we looking at the evidence, the data, the research, and the work that is being done? This disease is treatable. Yet our legislation has created a drug treatment gap that is 50 percent nationally, 60 percent for women, and 80 percent for youth.

Are you ready for this? Since we are now going to throw yet even more of these kids—primarily Hispanic and African American—in jail and prison, access to youth drug treatment is particularly low, with only one in five adolescents able to access drug or alcohol treatment services. We don't provide the funding for these services or for the treatment, and now we have an amendment that basically will assure that even more of these kids will be locked up—without even dealing with the root of the problem.

I have a piece of legislation—and Congressman Ramstad from Minnesota has the same legislation on the House side—which says that, at the very minimum, we ought to stop this discrimination and say to the insurance companies that when we are treating this disease the same way we treat other physical illnesses because right now, in all too many of these policies, if you are struggling with addiction, you don't get any treatment. We are just saying we are not even mandating it. We are just saying, for goodness sake, please stop the discrimination, deal with this brain disease, provide some coverage for treatment.

There are all these men and women in the recovery community who can testify about how, when they had access to treatment, they were able to rebuild their lives. They are now members of the recovery community; they work: they are successful; they contribute to their families, and they contribute to their communities.

What do we have here? We have an amendment that does nothing more than imprison more of these kids and doesn't do a darn thing about getting to the root of the problem. It does nothing about the lack of treatment for these kids. This is a huge mistake.

There is one other provision that is now part of this amendment, which is quite unbelievable, at least in my view. As a part of this amendment, my colleagues on the other side of the aisle have included a provision that says if a child attends a title I school and becomes a victim of violence on school grounds, the district may use the Federal education funds, including IDEA, title I, and other money, to provide the child with a voucher to attend a private school or to provide transfer costs for the child to attend another public school.

Well, now, look, I don't know exactly when this provision was even put in the amendment. It is of the original amendment I had a chance to see earlier. But I am a little bit skeptical. I think what my colleagues have done is taken a reality—and, God knows, I wish this reality didn't exist in our country, which is too much violence in children's lives, including too much violence in their schools—and then used that as a reason to once again get authorization and funding for vouchers.

If for some of these children you were able to transfer money to private schools, what about the 90 percent of children in America who attend public schools, not to mention the fact that the amount of money these kids get to transfer to a private school wouldn't cover anywhere the cost of the private school? And the vast majority of these children are low income. What about the rest of our kids in our schools?

I say this by way of conclusion. I will be especially brief because I don't believe my colleagues on the other side of the aisle want to hear this, and I don't even think they want to debate it.

Have you expanded funding for Safe and Drug-Free Schools? No.

Are you willing to support essential and sensible gun control, and drug treatment, and drug prevention programs? No.

Were you willing—I have this amendment—to dramatically expand the number of counselors in our schools to provide help and support to kids? No.

Were you willing to support legislation that would deal with the reality of children who have witnessed violence in their homes? They have seen their mother beaten up over and over again, have trouble in school, sometimes themselves overly aggressive, some of them come in just a problem. That amendment passed the Senate. It was taken out in conference committee by the Republicans. Do you support that? No.
Are you willing to dramatically increase funding for afterschool programs? Law enforcement communities tell us it is so important in getting to a lot of kids who are at risk and who might commit some of this violence or might demean themselves by being victims of this violence. Have you been willing? No.

Have you been willing to invest in rebuilding rotting schools? A lot of kids who live in tough neighborhoods who go to tough schools, when they walk into the schools and they see how decrepit they are, they say to themselves, you know what, this country doesn't give a damn about us. They devalue themselves and they get into trouble. Have we made any investment here? No.

Have you been willing to increase the amount of funding we put into title I? In my State of Minnesota, in the cities of St. Paul and Minneapolis, after you get to schools that are 60 percent low-income schools, then you go to schools that get 50 or 55 percent, and they don't have these funds anymore, they have run out of money and because the title I money reaches, at best, about 30 percent of the kids in the country who need additional help. No.

I have to say to my colleagues on the other side of the aisle that I would love to debate somebody on this. It strikes me that this is disingenuous at best.

You talk about the violence kids experience in our schools. And then you say, therefore, we will now use this as an excuse to try to push through a voucher plan. Yet on 10 different things that you could support that would reduce the violence in children's lives in our public schools, you are not willing to invest one more cent. It is a weak argument you make.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, I appreciate having the opportunity to speak on this amendment. I yield myself such time as I might require at this point. I believe it will probably be 15 minutes.

Mr. President, I rise in support of this amendment which, in my judgment, will help protect our children and our neighborhoods from the scourge of drugs and drug-related violence.

This amendment contains a number of provisions that are critical to our war on drugs. It includes a package of provisions aimed at fighting the production and distribution of methamphetamines.

Authorised by Senator's ASHCROFT, HATCH, and GRASSLEY, these provisions include additional money to hire additional personnel, including almost $10 million for additional DEA agents to assist state and local law enforcement. Also included is a provision raising penalties for offenses involving methamphetamine, including production of methamphetamine precursors. And the amendment includes additional funding for prevention and treatment programs.

Contrary to some of the positions and assertions made, in fact, this amendment includes significant increases in those funding proposals.

The amendment also enhances penalties for drug distribution to minors and individuals who pose a threat to our schools, the amendment provides incentives for schools to develop policies expelling students who bring drugs on school grounds and school choice for victims of school violence.

Mr. President, I want to focus in particular on the amendment's provisions concerning sentences for powder cocaine dealers. These provisions are drawn from legislation I introduced earlier this year along with Senator ALLARD and quite a few other Senators. As the father of three young children, I am deeply disturbed by the trend for almost all of the last 7 years in teenage drug use. This represents a reversal, really, of the decade long progress we had been making in the war on drugs.

In 1997, 9.4 percent of 12th graders reported the recent use of marijuana, up 18 percent from 1992. The percentage of teens using cocaine tripled during those same years. And most disturbing of all, the greatest increases took place among our youngest teens. For example, the percentage of 12 and 13 year olds using cocaine increased 100 percent from 1992 to 1996, compared with a 58 percent increase among 17- and 18-year-olds. This spells trouble for our children. Increased drug use means an increased danger of even social pathology we know.

This trend may finally have been arrested for most drugs. In 1998, the Monitoring the Future Study, prepared annually by the University of Michigan, showed improvements—although very modest ones—in levels of teenage drug use. All three grades—8th, 10th, and 12th—showed some decline in the proportion of students reporting any illegal drug use in the previous 12 months. Equally important, use by 8th graders, who started the upward trend in use at the beginning of this decade, declined for the second year in a row.

We also are finding heartening news in our war on violent crime. The FBI now reports that, since 1991, the number of homicides committed in the United States has dropped by 31 percent. Also since 1991, the number of robberies has fallen 32 percent. According to the Bureau of Justice Statistics, robberies fell a stunning 17 percent in 1997 alone.

This is good news, Mr. President. And there is widespread agreement among experts in the field that the principal cause of this decline in violent crime is our success in curbing the crack cocaine epidemic and the violent gang activities that accompany that epidemic.

The New York Times recently reported on a conference of criminologists held in New Orleans. Experts at that conference agreed that the rise and fall in violent crime during the 1980s and 1990s closely paralleled the rise and fall of the crack epidemic. At the same time, there is a warning signal here. The most recent "Monitoring the Future" Study also showed an increase in the use of cocaine in all three grades studied. Use of both crack and powder cocaine within the past 30 days likewise rose in all three grades except for powder cocaine in the 12th grade, where it did not fall but at least held steady. This is in contrast to the study's finding that the use of other drugs by kids may finally be leveling off, albeit at unacceptable levels.

Yet surprisingly, despite these developments, in last year's Ten-Year Plan for a National Drug Control Strategy, the administration proposed making sentences for crack dealers 5 times more lenient than they are today.

We have already heard the case made by the preceding speaker—and I suspect successive speakers on the other side of the aisle will be likewise making the case—that by somehow making crack sentences more lenient, notwithstanding the clear evidence that as we have gotten tough on crack cocaine dealers, the spread of crack cocaine and incidental crime related to crack cocaine addiction has been going down. This is a strikingly bad idea, and one that this Congress should emphatically reject.

The President's principal explanation for the proposal to lower crack sentences is that the move was recommended by the U.S. Sentencing Commission to address the disparity in treatment between crack and powder dealers. I agree we should reduce this disparity, which produces the unjust result that people higher on the drug chain get lighter sentences than those at the bottom. But going easier on crack peddlers—the dealers who infest our school yards and playgrounds—is not the solution. Crack is cheap and highly addictive. Tough crack sentences have encouraged many dealers to turn in their superiors in exchange for leniency. Lowering these sentences will likely make our prosecutors, making them less effective at protecting our children and our neighborhoods.

No, there is a better way to bring crack and powder cocaine sentences more in line. Instead of lowering sentences for crack dealers, we should instead raise sentences for powder dealers. Doing so will accomplish every legitimate policy objective that can be advanced by the President's proposal—except greater leniency for these individuals, which in my view is not a legitimate policy objective. Raising sentences for powder dealers is accordingly what this amendment proposes to do. Specifically, it changes the quantity of powder cocaine necessary to trigger a mandatory 5-year minimum sentence from 500 grams to 50 grams, and makes a similar change in the amount necessary to trigger a mandatory 10-year sentence. In all three of these, raising sentences substantially for those who deal in powder cocaine, a change that I think is entirely justified.
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CONGRESSIONAL RECORD – SENATE

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Even without taking into account the differential treatment of crack, powder sentences are currently too low. Powder is the raw material for crack. Yet sentences for powder dealers were set before the crack epidemic, with a lower sentence for powder than the low-level crack dealer who re-sold some powder in crack form simply because the powder dealer took the precaution of selling his product only in powder form. That is plainly an unjust result and one that our legal system should not countenance.

By making the changes in the quantity triggers for mandatory minimums I have described, our amendment will reduce the differential between the amount of powder and crack required to trigger the quantity trigger from 100 to 1, the current differential, to 10 to 1. That is the exact same ratio proposed by the administration in their proposal. But our proposal in this amendment will accomplish that without making crack dealers' sentences more lenient but, rather, by toughening sentences for powder cocaine dealers.

Now the administration has changed—have we heard a lot of this on the floor today; I suspect we will hear more—that the proposal we are offering is nevertheless the wrong way to proceed on account of its alleged racial disparate impact. In my judgment, if the sentencing structure being proposed is in fact defensible on its merits, that is a dubious basis on which to evaluate the merits of this proposal or, for that matter, the administration's.

Since the administration has made this argument, I think it is important to understand it is not true. In fact, if our proposal is enacted, overall the percentage of cocaine dealers sentenced to tough, mandatory minimum sentences should be less disproportionately African American than it is under current law. This is because under current law and under the administration's proposal, persons convicted of dealing between 100 and 250 grams of powder are not subject to mandatory sentences. Under the proposal, they are contained in our amendment.

According to the Sentencing Commission statistics in the most recent year for which they were collected, for fiscal year 1996 the percentage of non-Hispanic whites in that group, 39.9 percent, was higher than the percentage of members in any other racial category. Therefore, imposing mandatory minimum sentences on this group of people would accordingly reduce the racially disparate impact of current law. Thus, the sentencing structure under our proposal should have a less racially disparate impact than the current proposal which is in place now.

By contrast, the administration's proposal to change the triggers for mandatory minimums for crack dealers is highly likely to increase the percentage of individuals sentenced to mandatory minimums for dealing cocaine. Had the administration's proposal been in effect during fiscal year 1996, the proportion of individuals sentenced to a mandatory 5-year minimum sentence who are African American would have increased from 45.5 percent to 48.6 percent—up from 8.1 percent to 8.5 percent. Thus, contrary to the administration's charge, the proposal contained in this amendment will actually decrease the racially disparate effect of mandatory sentences on crack dealers.

On the other hand, what is not true of our proposal and is true of the administration's proposal is to change the quantity trigger for crack dealers. Their proposal will increase the racially disparate impact of mandatory minimum sentences for cocaine dealing compared to current law.

All that being said, I would like to get away from that and talk about some of the contacts I have had with people in my State who are the victims of these drug dealers. Despite the disparity reduction justification given for the President's proposal, I have not found anyone in my State—any parents, regardless of their race, whose children have been touched by a crack cocaine dealer—who don't want to see the person responsible suffer serious consequences, no matter who the dealer is or who their families are already suffering consequences; their schoolyards are suffering consequences; their neighborhoods are suffering consequences. They believe that the people behind it, whether it is the peddler in the schoolyard or the kingpin selling the powder cocaine, ought to suffer the consequences, as well.

Reverend Eugene F. Rivers II, co-chair of the National Ten Point Leadership Foundation in inner city Boston, says:

"To confuse the concerns of crack dealers with the broader interests of the black community is at best insane and at worst immoral. Those who are straining to live in inner-city neighborhoods that are mostly adversely affected by the plight of crack and who witness crack's consequences first hand want crack dealers taken off the streets for the longest period of time possible."

We owe it to the thousands upon thousands of families struggling to protect their children from the scourge of drugs, that means staying tough on those who peddle drugs and sending a clear message to our young people that we will not tolerate crack dealers in our neighborhoods or powder dealers who supply the crack dealers.

President Clinton had it right 3 years ago when he agreed with this Congress in rejecting an earlier Sentencing Commission plan to lower sentences for crack dealers. Back then, President Clinton said:

"We have to send a constant message to our children that drugs are illegal, drugs are dangerous, drugs may cost your life, and the penalties for drug dealing are severe."

Unfortunately, President Clinton's new plan to reduce sentences for crack dealers does not live up to that obligation. It sends our kids exactly the wrong message. Had the administration's proposal been in effect during fiscal year 1996, the percentage of individuals sentenced to a mandatory 5-year minimum sentence who are African American would have increased from 45.5 percent to 48.6 percent—up from 8.1 percent to 8.5 percent. Thus, contrary to the administration's charge, the proposal contained in this amendment will actually decrease the racially disparate effect of mandatory minimum sentences for powder cocaine dealers.

At this crucial time, we may be making real progress in winning the war on drugs and violent crime in part because we have sent the message that crack gang membership is no way to live and that society will come down very hard on those spreading this pernicious drug. By adopting this amendment, we can reduce sentences for crack dealers.

In light of these two trends, it would be my opinion that it would be to any drug dealer think that the cost of doing business is going down. This is especially no time for lowering sentences for dealing in crack, a pernicious drug that brought our cities great danger, violence, and grief. It will be nearly impossible, in my judgment, to succeed in discouraging our kids from using drugs if they hear we are lowering sentences for any category of drug dealers.

At this time, may I say this amendment, we can send our kids the right message: We will not tolerate crack dealers in our neighborhoods, and we will make the sentences on powdered cocaine dealers a lot tougher. Success in the war drug war depends on all of us: parents, the schools, the police, the community leaders. There is no doubt about that. They are doing a great job, and we must do what we can to reinforce the message that drugs aren't acceptable and that drug dealers belong in prison for a long time. Our kids deserve no less. That is why I urge my colleagues to support this amendment.

To address a couple of the points that were made by previous speakers, first, we have to concern ourselves not just with costs that are attendant to incarcerating crack cocaine dealers but with the costs that are brought about when those crack cocaine dealers are running wild in our communities. The notion that there are no costs involved when these folks remain on the streets, dragging neighborhood layabouts, drug dealers, driving gang membership is no way to live and that society will come down very hard on those spreading this pernicious drug.

The costs of addiction are significant. What exactly are the targets of the addiction? Very often, they are, themselves, members of minority communities. I don't think we are doing a
favor to the minority communities of this country if we allow the schoolyards in those communities to be infested with crack cocaine dealers. The key is, Do we want to rid our communities of drug dealers? In my judgment, that is what we ought to be an objective. That is what we have tried to do in this amendment, not just with the sections relating to powder cocaine sentences, for the dealers of powder cocaine, but the other provisions of the legislation. I am proud to be a cosponsor.

I hope my colleagues understand when they cast their vote on this issue, the question is very simple: Do you think it is time for powder cocaine dealers to serve tougher sentences for drug offenses to go to jail for a longer time or don't you? That is what is at stake. If you believe in tougher sentences for powder cocaine dealers, we ask for your support for this amendment. If you believe in getting tougher on marijuana, we ask for your support for this amendment. If you believe we should devote more resources to drug treatment programs, then you should vote for this amendment. But don't be fooled by claims that somehow or other we are being unfair to the one percent of the population who use powder cocaine. I yield the floor to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I rise today to discuss the section of this amendment that addresses mandatory sentencing guidelines for handling powder cocaine. I thank my colleague from Michigan, Senator ABRAHAM, for his leadership on this particular issue. We have been working on this for over 2 years. I know it is important to him. It is extremely important to me. I think he made a great statement, great argument for why we need to toughen penalties on drug dealers.

One of our colleagues who spoke earlier suggested perhaps we were not spending enough money on prevention and education and treatment. I have, in the meantime, pulled out a chart that shows how much money we have spent over the last 10 years in drug treatment and prevention and research. I would like to go over that for a moment for Members of the Senate.

Over the last 10 years, we have spent more than $20 billion on drug abuse treatment. We have spent more than $15 billion on drug abuse prevention. And we have spent, in addition to that, more than $1 billion in prevention research and more than $1.5 billion in treatment research.

We certainly have not been ignoring the treatment and prevention of drug addiction. The fact is, it is complicated. It needs to be part of the formula, as far as I am concerned. But if we do not recognize loopholes we have in the current law that allows drug dealers to continue to carry on their business at an extreme cost to society, I think we are ignoring our responsibilities, trying to address part of the drug problem. And if you believe we have to have tougher penalties.

Currently, there is a vast discrepancy between minimum sentencing guidelines for those caught dealing cocaine in the form of crack and those dealing it in the form of powder. Under current law, a dealer can be sentenced to 5 years for peddling 5 grams of crack cocaine. If you look on the chart, we have symbolized the amount of 5 grams of crack cocaine. In order to receive a similar sentence, a dealer would have to be caught with 500 grams of powder cocaine. That creates a tremendous loophole. What happens with our drug dealers is they will bring in powder cocaine and just before they put it on the street for consumption by individuals, they will convert it to crack cocaine. That loophole encourages drug dealers to then import more powder cocaine. That is why I think it is so important we pass this particular portion of the amendment.

I have met with many different law enforcement organizations to look into this discrepancy. One effect of this discrepancy is what statistics show to be a racial bias in the sentencing guidelines. Mr. President, 90 percent of those convicted for dealing crack are African Americans. The majority of dealers caught with powder cocaine are white—58 percent of powder users are white. It is ridiculous that those who dabble with powder cocaine for all intents and purposes are protected by our sentencing parameters. Drug smugglers and drug dealers know about this caveat in sentencing and they do everything they can to take advantage of it.

Cocaine is largely transported in powder form and only converted to crack at the time of sale. This loophole in the current law actually reduces the long-term risks to dealers and smugglers. Drug enforcement detectives I have met with have confirmed the going price for 5 grams of powder and 5 grams of crack are typically equal now on the street. That varies considerably, but that apparently is the price right now. Why should we continue to support this disparity when we can solve it today? I believe one way to effectively decrease crime in America is to punish criminals through more rigorous sentencing, particularly when we are providing the amount of dollars we are today for drug prevention and drug treatment and research on drug prevention and research on drug treatment.

In order to receive a minimum sentence of 5 years, a criminal would only need to be caught with 50 grams of powder cocaine, instead of the current 500. This amendment also stiffens the penalty for carrying a large quantity of powder cocaine. To receive a minimum sentence of 10 years, a criminal would only have to be caught with 500 grams of powder cocaine, instead of the current standard of 5 kilograms.

Henry Salano, the former U.S. Attorney for the District of Colorado, has endorsed this effort saying:

...the strong rationale for equalizing the powder cocaine penalties and the crack cocaine penalties. The law enforcement community learned years ago the strong sentences meted out to crack cocaine dealers had a significant deterrent effect on the production and distribution of crack. [These] proposed penalties for powder cocaine will likewise restrict the flow of powder cocaine in this country.

This comes from an individual who in the past has been on the front line, has been on the firing line, has been dealing with this from a hands-on position because of his position with law enforcement.

We must show criminals that any activity involving illegal drugs will not be tolerated. There is a direct correlation between drug use and crime. Cocaine plays a major role in this connection. A Department of Justice study in 1998 discovered the drug most commonly detected among arrestees, from 1990 to 1998, was cocaine. Cocaine use poses a direct threat to the safety of our society. Let's stop treating those who use and deal powder cocaine as if they were special criminals. I ask my colleagues to join me and end this inequality in cocaine spending.

I ask my colleagues to consider the issues in this particular amendment. I think we are taking the right steps in addressing our drug problem. Obviously, we are not doing it just on penalties, but we are doing it in all areas—treatment and prevention. This is an important loophole we must close. I ask my colleagues to join me in voting for this amendment and supporting this effort.

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

The PRESIDING OFFICER. The clerk will count the roll.

Mr. KENNEDY. 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. KENNEDY. Mr. President, there has been focus on different provisions of the amendment before us. I want to address two of those in my remarks.

One of those provisions is if a child attends a title I school and becomes the victim of a violent criminal offense, including drug-related violence, while in or on the public school grounds the school district may use the title I funds or any other Federal funds, including IDEA funds, to provide a voucher for a child to attend a private or religious school or pay the cost to transfer the child to another public school.

In title I, we are basically talking about $500. I do not know how one expects to pay tuition to a school for about $500. A variety of technical
issues and questions are raised. It, obviously, is creating a sense of expecta-
tion by those who put this proposal for-
ward.

Nonetheless, on the issue of the value of the measure, even if it did have suf-
ficient funds to do what it intends, it will not make the schools any safer and will not improve student achieve-
ment. We should support violence and crime prevention programs in and around public schools, not divert pre-
cious resources to private schools. There is not further need to fund programs such as the Safe and Drug-
Free Schools and Communities Act, afterschool programs, community crime prevention activities, encourage parent and community involvement, and help communities and schools en-
sure that all children are safe all the time.

We all know that juvenile delinquent crime peaks in the hours between 3 and 8 p.m. A recent study of gang crimes by juveniles and the County Commission shows that 60 percent of all juvenile gang crimes occur on schooldays and peaks immediately after school dismissal. We know afterschool programs reduce crime.

The Baltimore City Police Depart-
ment saw a 44 percent drop in the risk of children becoming victims of crime after opening an afterschool program in a high-crime area. A study of the Goodnow Police Athletic League Center in northeast Baltimore found juve-
nile arrests dropped by 10 percent, the number of armed robberies dropped from 14 to 7, assault with handguns were eliminated, and other assaults decreased from 32 to 20 from 1995 to 1998.

This demonstrates how we can deal with the problems of violence in com-
munities, violence around schools, even violence within the schools. We ought to be focusing on what works and sup-
porting those efforts, rather than hav-
ing another unproven, untested program that shows on the face of it very little dif-
ference in safety and security for chil-
dren in schools.

In addition to improved youth behav-
or and safety, quality afterschool pro-
grams also lead to better academic achievement by students. At the Beech Street School in Manchester, NH, the afterschool program has helped improve reading and math scores of stu-
dents. In reading, the percentage of students scoring at or above the basic level increased from 4 percent in 1994 to one-third in 1997. In math, the percent-
age of students scoring at the basic level increased from 29 percent to 60 percent. In addition, Manchester saved an estimated $37,000 over 3 years be-
cause students participating in the afterschool program avoided being re-
tained in grades or being placed in spe-
cial education.

This kind of investment will help keep children safe and help them achieve, and that is the right direction for education.

There are precious few public funds available, and those public funds should not be funneled to private and religious schools. Public tax dollars should be spent on public schools which educate 90 percent of the Nation’s chil-
dren, and the funds should not go to private schools when public schools have grants. We should be doing all we can to help improve public schools, academically as well as from a security point of view. We should not undermine the ef-
forts taking place in those public schools.

This amendment will allow any Fed-
eral education funds to be used for pri-
ivate school vouchers, including the title I, IDEA, and Eisenhower Professional Development Program. The Eisenhower Professional Development Program is targeted to enhance math and science. Rather than enhancing math, science, and academic achieve-
ment for children in the public schools, we are drawing down on those funds to permit some children to go to other schools. It makes absolutely no sense.

Federal funds should not go to schools that can exclude children. There is no requirement for schools re-
cieving vouchers except that students with limited English proficiency, homeless students, or students with disciplinary problems. Precious funds should be earmarked for public schools which do not have the luxury of closing their doors to students who pose a problem.

The challenges the schools are facing today are much more complex, much more complicated than they were even a few short years ago. I was with the head mistress of the Revere School in the last week. I said: I remember vis-
itng the school 2 years ago and they had nine different languages.

She said: How about 29 different lan-
guages now with different cultures and traditions?

They are facing more complexity in dealing with children, and it is nec-
essary to give them support and not de-
plete scarce resources. They obviously should have accountability in how ef-
fectively those resources are being used, but when you talk about under-
mining the Eisenhower training pro-
grams for math and science or IDEA, which is funding needs for special edu-
cation, and even the title I program for disadvantaged children, it makes no sense whatsoever.

Our goal is to reform the public schools, not abandon them. Instead of dra
ing away needed resources from public schools, we should create condi-
tions for improvement and reform, not in a few schools but in all schools, not in a few students but in all students. Effectively, what we would be doing is abandoning a great majority of stu-
dents. That is wrong.

I ask unanimous consent to have printed in the Record a list of the vari-
ous organizations representing parents and teachers and students who are strongly opposed to the provisions.

There being no objection, the mate-
rial was ordered to be printed in the Record, as follows:

**ORGANIZATIONS THAT OPPOSE THE VOUCHER PROVISION IN THE DRUG AMENDMENT**

American Association for Marriage and Family Therapy

American Association of University Women

American Counseling Association

American Federation of School Administra-
tors

American Federation of Teachers

Council for Exceptional Children

Council of Chief State School Officers

Federal Advocacy for California Education

International Reading Association

National Association for Bilingual Edu-
cation

National Association of Elementary School Principals

National Association of Federally Impacted Schools

National Association of School Psycholo-
gists

National Association of Secondary School Principals

National Association of State Boards of Edu-
cation

National Association of State Title I Direc-
tors

National Education Association

National PTA

National Science Teachers Association

New York City Board of Education

New York State Education Department

People of the American Way

Mr. KENNEDY. Mr. President, drug abuse in our Nation is a menace that threatens the security, health, and pro-
ductivity of all of our citizens. Every reputable authority who has examined the problem of drug addition knows that there is no army large enough to keep all drugs from our bor-
ders and no nation powerful enough to imprison all pushers and suppliers. We must use all the constitutional en-
forcement tools at our command to make the criminals who would profit from the degradation of our fellow citi-
zens pay the price of their crimes.

An effective fight against drug abuse must take three approaches: law en-
forcement, prevention and treatment. Each of these three approaches is vital; and if we are not successful unless it in-
volves them all.

The widespread use of illegal drugs is one of the most pressing problems fac-
ing our society. Illegal drugs are kill-
ing children and destroying families. Vast profits from the sale of illegal drugs have created a new criminal un-
derworld which promotes violence and feeds on death.

However, this amendment does not go about this problem in the right way.

By imposing powder cocaine penalties, the amendment reduces the current 100 to 1 ratio between the two drugs, but it does not solve the underlying problem. The real problems is that crack pen-
alities are out of proportion to the pen-
alities for other drugs. Increasing the penalty for powder cocaine makes the penalties for both forms of cocaine dis-proportionately severe compared to other drugs.

Twenty-seven former U.S. attorneys who are now Federal judges say they “disagree with those who suggest that the disparity in treatment of power and crack cocaine should be remedied by altering the penalties relating to
power cocaine. The penalties for powder cocaine, both mandatory minimum and guideline sentences, are severe and should not be increased."

Clearly Congress is right to be concerned about excessively lenient sentencing for these offenses, but the sentencing guideline system in place today is the most effective way to limit judicial discretion. In 1984, Senator Thurmond, Senator Biden, and others, worked together to pass bipartisan sentencing reform legislation. A key role in this legislation was the creation of the Sentencing Commission, to achieve greater fairness and uniformity in sentencing. Since its creation, the Commission has developed sentencing guidelines that have eliminated the worst disparities in the sentencing process, without seriously reducing judicial discretion.

Unfortunately, actions by Congress continue to undermine the Commission's work. The guidelines system was designed to achieve greater uniformity and fairness, while retaining necessary judicial flexibility. Instead, Congress has enacted a steady stream of mandatory minimum sentences that override the guidelines and create the very disparities that the guidelines are designed to end.

A recent study by the Rand Corporation shows that "mandatory minimums reduce cocaine consumption less than does spending the same amount on law enforcement." On the issue of controlling drug use, drug spending, and drug-related crime, the same study found that "treatment is more than twice as cost-effective as mandatory minimums."

One of the important goals of sentencing is general deterrence. We should allow the Commission to do its job, and weigh the Commission's recommendations more carefully before acting to override them.

In 1995, the Sentencing Commission issued a formal recommendation to Congress to change the crack ratio to 1 at the current level of powder cocaine. Congress rejected the Sentencing Commission's recommendation in a House vote and told the Commission to come up with another solution.

Two years later, in 1997, the Sentencing Commission issued a second recommendation to Congress to lower crack penalties and raise powder cocaine sentences. Again, the Department of Justice and the drug czar's office agreed with this recommendation. Yet, the Commission's recommendation continues to be rejected by Congress. Crack cocaine penalties were enacted over a decade ago without the benefit of research, hearings, or prison impact assessments. Today, we have the advantage of scientific evidence about cocaine in both forms and about the impact of crack sentencing policies.

Shame on Congress for ignoring the experts it put in place to address these issues in an informed manner. The Sentencing Commission's conclusion is clear—crack penalties are out of line, not powder cocaine penalties. Two wrongs don't make a right.

The Sentencing Commission reports that more than half of current powder cocaine defendants are at the lowest levels of the drug trade, and 86 percent of the worst penalties will add almost 10,000 addicts and small-time drug users to the prison population in the next 10 years, at a cost to taxpayers of approximately $2 billion. In the next 20 years, that cost will escalate to $19 billion, and in 30 years it will be $10.6 billion.

This amendment will also increase the disproportionate representation of minorities in federal prison, because 68 percent of the people sentenced federally for powder cocaine offenses are non-white. Of those, 40 percent are Hispanic.

Enacting this legislation will worsen current imbalances in drug policy at significant cost. The new powder cocaine sentences will be far above those for many other more serious and violent offenses.

We know that merely talking tough is not enough when crime has been declared again and again—and it has been lost over and over. It is clear that we will never succeed in defeating crime if we try to do it on the cheap. We can support our State and local police without turning any locality into a police state, and without destroying the fundamental civil liberties and constitutional guarantees that make this Nation truly free.

To combat the drug menace we need local law enforcement programs that work. It is increasingly clear that stronger law enforcement at the local level can be successful when coupled with enhanced drug treatment and education opportunities. One of the most important things we can do against drugs is Federal assistance to increase the number of these successful local law enforcement programs, not locking up more low-level drug dealers and throwing away the key.

Mr. President, I yield the floor. The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I consume. First of all, on the issue of the Hatch-Abraham-Ashcroft amendment on drugs that is now before the Senate, I am very pleased that this action is being taken on this bill by the Senate because the Hatch-Almquist amendment to stiffen the laws against drug use, to discourage drug use, or anything else connected with the horrors of drug use and abuse in America is a very important thing for the Senate to be working on because drug abuse is a serious problem now.

I believe the methamphetamine antiproliferation amendment that is before us will assist Federal, State, and local law enforcement officials, treatment professionals, prevention groups, and others who are on front line of the drug fight. So I will take a few minutes to highlight some important sections of this amendment.

In particular, I am happy to see additional resources in this legislation for training programs for State and local law enforcement officials. That is because methamphetamine is a new challenge for law enforcement. Of course, this meth in the United States is spreading across America. It may just be a California and Midwest issue right now, but it will not be long before it will be an issue all over the United States because, unlike other drugs that have to be imported, meth can be produced here in the United States with recipes available off the Internet. It can be made from chemicals available at your local drugstore.

These home-grown laboratories contain chemicals and chemical combinations that are hazardous both to the environment and to the people. They are potentially explosive. Even in my State of Iowa, some people have been injured in the process of making drugs. Most importantly, when it comes to law enforcement, one dual threat who is violating the law by making methamphetamine, the disposal of this laboratory requires specialized handling.

We have all heard these horror stories about the dangers methamphetamine labs pose to both the manufacturers and to the people in the neighborhood. Because of the smell associated with it, you find a lot of this going on in the really rural parts of our country. So this is a concern for local law enforcement or an individual who is violating the law by making methamphetamines, the disposal of this laboratory requires specialized handling.

In addition, this amendment provides for additional training opportunities for State and local law enforcement in techniques used in meth investigations. It supports training in handling meth manufacturing chemicals and chemical waste from meth production.

In addition, this amendment provides for additional DEA agents to assist State and local law enforcement in small and midsize communities in all phases of drug investigations, including foreign language assistance, investigative assistance, and drug prevention assistance. I am pleased to see the proposal Representative MATT SALMON and I have worked on to encourage Government web sites to include anti-drug information in this legislation. The second section of this bill about which I am very happy. Positive antidrug messages are an affordable and creative way to especially reach the young audience. Funding is needed for research to discover chemical agents that can be added to anhydrous ammonia to make it useless for the manufacture. This is a long-term solution that has the potential to be very beneficial. The authorized funding provided for in this bill will allow continued and expanded research to find an appropriate additive to ensure anhydrous ammonia can not be misused.

In the agricultural regions of the United States, a nitrogen additive to
the soil is used to get a greater amount of productivity. That is involved with the raising of corn in the Midwest, as an example. Anhydrous ammonia is a source of nitrogen that farmers knife into the ground. We have seen these clandestine methamphetamine laboratories steal the anhydrous ammonia to use it in manufacturing methamphetamine. It is very dangerous to steal anhydrous ammonia. We have even had people hurt by that. But it is a cheap way to get some of the ingredients for this product.

So what we want to do, through this research—and Iowa State University is involved in this research—is to have a chemical agent that can be added to anhydrous ammonia so if a person steals it from the tanks that are around the countryside during the period of time when farmers are putting it on in the spring of the year, it won’t do the manufacturer of methamphetamine any good because it would not be able to be used at that time. If such a chemical additive can be made.

A vital part of this bill, then, is the growing problem of this theft of anhydrous ammonia. States have even adopted laws to combat the theft of anhydrous ammonia. But because these are separate State laws—the laws are not uniform—this has encouraged thieves to steal anhydrous in one State and transport it to an adjoining State with lesser penalties which is used for the manufacture of methamphetamine. A Federal statute, as provided for in this amendment, will provide a strong deterrent to thieves who cross State lines to avoid stiffer penalties back home.

Last night, the Senator from Connecticut, Mr. Dodd, and the Senator from Louisiana, Ms. Landrieu, came to the floor to offer an amendment which would essentially gut this entire bill. In the process, they made some statements about the bill which, with all due respect to my very capable colleagues, are very inaccurate statements and analyses of this legislation. I would like to clear the air today on some points they made. I will hit three points they made. First, their analysis of my means test in this bankruptcy reform legislation; second, what is the proper definition of household goods; and, third, their judgment of the anti-fraud provisions, which would prohibit loading up on debt right before bankruptcy. I will respond to each of these points. This will not take me long, for those colleagues who are waiting to speak.

First, the means test we now have in this bill is very flexible. Some of my colleagues would say it is too flexible. The means test says if a debtor in chapter 7 can pay $15,000 or 25 percent of his or her debts over a 5-year period after deducting living expenses and certain other types of expenses, such as child support, then that debtor in bankruptcy may have to repay some portion of the debts owed. Paying some portion of debts owed is very legiti-

mate because the signal we are trying to send in this bill is, no longer will anybody get off scot-free if they have the ability to pay. If a bankrupt is in some sort of unique or special situation, the means test in this bill allows the judge to explain his or her situation to the judge or to the trustee and actually get out of paying these debts.

Again, a lot of my colleagues say, why would you have a provision like that in this bill? If somebody has special circumstances or not, if they owe, they ought to pay. Well, it is an attempt to make changes that are dramatically different, even with these compromises, than what we have had as a law of the land since 1978. If there are these special expenses which are both reasonable and necessary, and this reduces repayment ability, then, as I said, the debtor doesn’t have to repay his or her debt. That is a simple process that everyone can understand. Somehow that has been interpreted by some people in this body as not actually doing what the bill says, or they are reading the bill a different way. I want to clear this up. The way we determine living expenses in the bill is to use a very simple template established by the Internal Revenue Service for repayment plans involved in back taxes.

I am going to read from a chart. This is from the General Accounting Office. It noted, in this June 1999 report to Congress about bankruptcy reform, that the template we use as a basis for this legislation, to allow the debtor to declare necessary living expenses, does include child care expenses, dependent care expenses, health care expenses, and other expenses which are necessary living expenses.

Right here is where it says: Other necessary expenses I want this very clear. It says, in this chart, as you can see, child care, dependent care, health care, payroll deductions, on and on, life insurance. Let anybody tell me on the floor of this body that this is not a flexible test to accommodate very extraordinary circumstances or very regular circumstances.

So the suggestion last night that the bill is unfair because it doesn’t allow for child care expenses or these other expenses associated with raising children is as nonsensical as any. To the General Accounting Office, the Internal Revenue Service living standards—and these standards are the basis for the court to decide the ability to repay—in the bill now provide that any necessary expenses can be taken into account. So, again, how much more flexible can we get? The only living expenses not allowed under our bill are very unnecessary and unreasonable expenses. The only people who oppose the means test, as current, are the very people that want deadbeats looking to stiff their creditors to dine on fancy meals or live in extravagant homes and take posh vaca-

tions. And there is no reason why we have a $40 billion bankruptcy problem in this country, and that honest people in this country, a family of four are paying $400 a year more in additional costs for the goods and services they think they need. And if they aren’t paying, and that we have to put up with still other people who have the capability of paying to live high on the hog.

I think what is really behind the effort is the desire to have a means test that doesn’t do anything. Why have the bill at all? We could continue to go on under the 1978 law, where we doubled the number of bankruptcies in the last 6 or 7 years, from 700,000 to 1.4 million—an irresponsible public policy. Before I ever introduced this bill, I made numerous compromises to make the means test flexible, as I have said—more flexible, in fact. Some of the changes have even been suggested by this Democrat administration. They were suggested at the end of the last Congress when a bill that passed here 97-1 didn’t get through. This bill has incorporated all of those. It is a compromise bill. I have taken heat from my side of the aisle on that.

Mr. LEAHY. Will the Senator yield before he goes on to his next point?

Mr. GRASSLEY. Yes.

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senator from Alabama, Mr. Sessions, be recognized after the Senator from Iowa is finished, and then the Senator from Nebraska, Mr. Kerrey, and then the Senator from New Jersey, Mr. Torricelli, and that I be recognized at a later time.

Mr. GRASSLEY. Reserving the right to object, and I won’t.

Mr. LEAHY. It will be on my time.

Mr. GRASSLEY. Is this within the timeframes we already have under the agreement?

Mr. LEAHY. Yes. The Senator from Alabama, the Senator from Nebraska, and the Senator from New Jersey will be recognized.

Mr. TORRICELLI. If the Senator will yield, what is the time agreement already?

Mr. GRASSLEY. Two hours equally divided. Would the Chair please tell us how much time is left?

The PRESIDING OFFICER. The agreement was for 4 hours equally divided. The Senator from Iowa has 48 minutes 47 seconds. The Senator from Vermont has 89 minutes 45 seconds.

Mr. TORRICELLI. That seems more than adequate to me.

Mr. LEAHY. I ask my colleagues to give a little bit of time for the Senator from Vermont who is going to want to speak somewhere in there.

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

Mr. GRASSLEY. Mr. President, before I make my final point, and then yield the floor—hopefully, the Senator from Vermont will hear this—I hope we can get some agreement on both sides.
to yield back some time when the present speakers are done speaking.

The issue of household goods is where I left off when the Senator from Vermont asked me to yield for a minute. On this next statement, I might mention my amendment to exclude from household goods that I do somewhat agree with what was said last night. Under the bankruptcy code, household goods can't be seized by creditors. The point, as I understand it, from the Senator from Connecticut, is that the definition of household goods in the bill now could be loosened up so creditors can't get certain essential household items. I do see merit in this point. If the Senator from Connecticut were to modify his amendment just to deal with household goods, I would be pleased to work with him on that to get the bill accepted. But right now, the amendment of the Senator from Connecticut does much more than just deal with the household goods issue. I simply can't accept the other changes he has suggested.

Finally, last night, the Senator from Louisiana raised some criticism of the provision of the bill that fights fraud. Here is the problem we must address in doing bankruptcy reform: Some people load up on debts on the eve of declaring bankruptcy and then, of course, what they try to do is to wipe those debts away by getting a discharge. Obviously, this is a type of fraud that Congress needs to address. And I support the honest consumers who are paying that additional $400 per year. The bill now says debts for luxury items purchased within 90 days of bankruptcy in excess of $250 and also cash advances on credit cards made within 70 days in excess of $750 are presumed to be nondischargeable.

Now, again, this is very flexible on its face. Under the bill now, you can't buy $249 worth of luxury items such as caviar the day before you declare bankruptcy and then walk away scot-free. Under the bill now, you can get $474 worth of cash advances minutes before you declare bankruptcy and still walk away scot-free.

The question we have to answer is, How much more fraud do we want to tolerate in this bill? Haven't we tolerated enough in this bipartisan compromise, which I thank the Senator from New Jersey for working so hard with me on to get it put together? So we got an amendment offered last night. This would allow $1,000 worth of fraud. In my view, that is way off base. So if you want to crack down on out and out fraud, you should support this bill Senator TERRICELLI and I have introduced. If you want to make it easier for crooks to game the bankruptcy system and to get a free ride at everybody else's expense, then you should support the amendment that was offered last night.

Well, obviously, unless the Senator from Connecticut would modify his amendment to limit it to household goods, I oppose that amendment, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Under the unanimous consent agreement, I am to speak at this time; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. SESSIONS. Mr. President, I thank Senator GRASSLEY for his leadership in the effort against drugs. I am a strong believer that this legislation that focuses on methamphetamine is focusing on critical issues that are important to America. We do have a spreading of methamphetamine around the country, and I am inclined to believe that increased penalties, and certainly a lot of other things involved in that legislation, is good. It has also been a part of this legislation— efforts to change the current law with regard to crack cocaine and powder cocaine.

Complaints have been made that crack cocaine penalties are 100 times more tough than powder sentences, and that this is, in fact, not fair—a point with which I tend to agree. I prosecuted drug cases for 15 years. Every year since the sentencing guidelines were imposed, I prosecuted hundreds of drug cases. I understand how it plays out in a courtroom. The proposal that is made by a part of Senator GRASSLEY's amendment is the Hatch-Ashcroft-Abraham drug amendment, I guess it is. That proposal is designed to narrow the gap, saying that crack cocaine ought not to have 100 times more severe penalty than powder cocaine.

An argument has been made that crack cocaine is more utilized in the African American community and, therefore, there is a disparity and a racial impact, and that we ought to look at this. Few would doubt that crack is a more dangerous drug than powder cocaine. It is smoked, it goes directly into the blood system, and directly to the brain.

There are intense highs achieved at once. Some people, they say, are addicted the first time they try crack cocaine. It is a dangerous drug. Powder is normally sniffed through the nose. It is easy to receive through the nostrils, into the membranes, into the blood system, and it is not quite as intense as crack. It does not cause addiction nearly so quickly. So there is a difference.

The idea of a 10-to-1 ratio is a movement in the right direction.

But my reluctance at this point with this legislation is simply this: I believe it is time for us to look at the drug guidelines and the penalties we are imposing. This legislation would have no impact on the current crack guidelines but would raise the powder guidelines. We are talking about 50 grams of powder cocaine which you could virtually sell. We had the 50 grams of powder cocaine, 5 years without parole; 5 grams of crack, which could easily be held in one hand, is 5 years without parole in the Federal system. That is what we are talking about—Federal law, Federal penalties, not States which can have their own sentences in any way they want.

I say to the Chair that, as a prosecutor, I took the enforcement of law seriously. We had the highest average sentences in the United States. I think one year we had the highest average sentence imposed in the United States in drug cases. We were honest in how we presented the case: This is the way it worked; this is what the law is. We charge an individual dealing crack cocaine, and normally the case doesn't just go down on the fact that he is caught with 25, 30, or 40 grams. Normally, you are prosecuting in Federal court an organization of drug dealers. You would bring in the underling who worked for that leader. You would ask him how long he had been out on this street corner or selling from this crack house. Then they say a year. How much has he sold over that year? The amount goes upward to kilograms, 1,000 grams, multikilograms of crack have been distributed, and that person is looking at literally 30 years, 20 years, or life without parole.

I have seen sentences in Federal court. I took quite a number of men to life without parole, and others 30 years, 25 years, or 20 years without parole. I believe strong sentences are effective. I believe they allow the law enforcement community to do their job the back of an illegal ring such as a drug ring.

I don't want to go into any significant reduction in sentences, but I think it is time for us to evaluate whether or not we are approaching the drug penalties in the appropriate way. The judges are concerned. Judges think this minimum mandatory which has the effect of driving up all of the sentencing guidelines is too tough.

General Barry McCaffrey has questions about the crack cocaine laws as proposed in this amendment. He believes there is a better approach to it. I think it is time for us to consider that. I believe we have had these guidelines in effect for quite some time now—well over a decade. I believe we ought to look at it, have some hearings, and study it.

I didn't want to, by voting for this amendment, suggest I was comfortable with these guidelines. In fact, my inclination would be to vote for the amendment for that reason.

I simply think the best way to reduce drug trafficking by law enforcement is to have more prosecutions. It is less important—I did this as a prosecutor for 17 years. I chaired the U.S. Attorneys Committee for the United States here in Washington on drug abuse and drug issues. I am a full and total believer in the sentencing guidelines, the tough Federal laws that are out there. My view is, once you go to a Federal case, it is I would prefer to have 10 people caught and sentenced to 7 years in jail rather than 5 people caught and sentenced to 14 years in jail. The best way
for us to improve our pressure from the law enforcement end on drug trafficking in America is to increase prosecutions and investigations. Whether they serve 7 years, 9 years, 12 years, or 6 years is less important than people who are out dealing drugs who know they are going to get caught and they are going to have a big time sentence to serve, and it is without parole.

Make no mistake about it, in State systems they normally serve a third of the time. In this Congress a number of years ago, in a great piece of legislation, passed honesty in sentencing that says you serve what the judge gives you; and not only that, but you have to serve the sentence that the sentencing guidelines call for.

Based on the amount of drugs literally when the case hits a judge's sentencing docket and the judge looks at it, it may be the difference between 18 and 21 years. If he likes a defendant and feels sorry for him, he gives him 18 years. If he disapproves of the defendant, he gives him 21 years. That is about all the discretion he has.

I am not sure we ought not to take time now to reevaluate that to make sure we are properly sentencing and we are not using resources of incarceration wisely. What is it, $20,000 a year, to keep somebody in prison? Wouldn't it be better to drive down drug use by intensive prosecutions across the board, letting the drug dealer know he is going to be caught and will serve a significant amount of time, than just taking a few people and sending them off for 30 years without parole? I believe that would be a better policy. I am prepared to consider that.

I am prepared to work with General McCaffrey and Attorney General Reno and others in an open and fair way. I do not believe we ought to eliminate the sentencing guidelines. I do not believe we ought to eliminate mandatory sentences for certain amounts of drugs. I believe that is appropriate. I don't believe we ought to retreat from a tough law enforcement presence with regard to illegal drug use.

Just this morning, Senator Coverdell hosted with General McCaffrey a breakfast for the Attorney General of Mexico. I was able to sit at his table and share thoughts about what we can do as two nations to improve our war against drugs. Mexico is in a crisis period; perhaps bigger than they realize. As the power of that illegal drug empire grows, the harder and harder it is for that country to contain it. They have to, not because we pressure them, out of their own self-interest save that country from being corrupted and destabilized by a powerful, wealthy drug empire. I hope we can encourage that and work together to assist with that.

We in the United States need to continue our efforts to get our DEA agents on the ground to do drug education, attendance prevention treatment, prosecution, and incarceration of drug dealers. If we continue that effort and the interdiction effort, I believe we can bring drug use down. Everybody in this country will benefit from that.

I wanted to share my thoughts on this. I hope to be able to vote for this amendment. But I am not sure I can. I believe we should evaluate the effectiveness of the sentencing guidelines and the mandatory sentences for drug use in America to make sure they are rational, that they are effectuating our effort as much as they possibly can to reduce drug use and illegal distribution of drugs in America.

I thank the Chair.

Mr. KERREY. Mr. President, I rise to speak in favor of the bankruptcy bill. I have supported a number of amendments to it. I believe this bill does have achieved a balance between society's interest of people paying their debts and preventing debtors from being permanently ruined.

Senator GRASSLEY and Senator TORRICELLI have made a good-faith effort to strike that balance. I am an original cosponsor of the bill. I supported some reasonable changes that will improve the bill. If those changes are adopted by a majority of the Senate, I intend to support final passage of what will be, I am sure, an important piece of legislation that will make certain people don’t take undue advantage of the bankruptcy laws, especially those who can reasonably be expected to pay at least part of their debts. These individuals are not excused entirely. That is, in essence, what Senator Grassley and Senator Torricelli have attempted to do. I believe they have struck a fair balance and gotten that done.

I understand this is the last legislative vehicle heading, hopefully, toward the President's signature.

I want to speak about the methamphetamine amendment that has been offered that we will vote on relatively soon. Staff has advised me I should vote for it, that I should not be seen as being weak on fighting the battle against methamphetamines. I have come to the floor and I wish the author of this amendment were on the floor to ask him, why shouldn’t I be angry that this amendment has been converted from a good piece of legislation that would provide additional resources, that would give additional resources to our DEA agents to enable law enforcement to fight in Nebraska the battle against methamphetamines? I have come to the floor and I wish the author of this amendment were on the floor to ask him, why shouldn’t I be angry that this amendment has been converted from a good piece of legislation that would provide additional resources, that would give additional resources to our DEA agents to enable law enforcement to fight in Nebraska the battle against methamphetamines? That is what we are trying to do.

I have worked with almost every single sheriff, almost every single law enforcement officer—whether chief of police or the head of our highway patrol—trying to win this battle, and we are not winning it. We have the juvenile justice bill tied up in conference; why don’t we pass it? Because we can’t reach agreement on how to regulate gun ownership. It provides additional resources to enable us to win this battle. Has it caused us to say we are doing all we can to keep our kids safe against a drug that will destroy their lives.

What do we have before the Senate? An amendment that has a school voucher proposal in it. I hear from my judges, from my law enforcement officers, that the net effect of the changes in the penalties on crack and powder cocaine will cause us to have a number of the mandatory minimum sentences for cocaine, will be we divert more resources from fighting the battle on dealers and high-level drug usage to fighting the battle against those individuals using cocaine occasionally or on a one-time basis. We will be setting college kids in jail. That is what we will be doing.

I am angry we have interfered with a good faith effort. The underlying provisions of this methamphetamine bill I find to be attractive with the urgency of this problem. In Nebraska, we started this 5 or 6 years ago when the problem of methamphetamine first came to light. We devoted more resources as part of the HDTA—High Intensity Drug Trafficking Area—effort, part of the multiagency effort. Law enforcement people say they are starting to get this under control; they are making more arrests; they are putting people away. The tougher penalties in here that we need to have are not tougher penalties in place. They say they are getting the job done, but all of a sudden we are playing politics with it again.

I favor the underlying methamphetamine effort that is in this amendment. But to attach a school voucher proposal to it and additional mandatory minimums that will redirect resources away from the real serious problems in my community is offensive to me personally. Not only will I vote against it, I intend to write a letter to every law enforcement officer in Nebraska and say to them, they also should be angry. We haven’t passed the juvenile justice Act. We are not providing resources necessary to solve this problem, and we are playing politics, worst of all, trying to seek advantage, trying to put an amendment up that is difficult to vote against.

It won’t be difficult for me to vote against this amendment. I am sad that is what I have to do because we are playing politics rather than trying to actually provide our law enforcement officers with the resources they need to solve what has become in Nebraska one of my most difficult law enforcement problems to solve.

I yield the floor.

Mr. KERRY. Mr. President, I am opposed to amendment No. 2771 to S. 625, the bankruptcy bill, because it contains a provision allowing school districts to use funds from any federal education program to provide a school voucher to any student attending a Title I school that has been the victim of a violent crime on school grounds. I believe that providing vouchers to students for education because we need private or parochial schools is a wrong-headed policy notion that would do nothing to improve the education system that 90% American
children depend upon. Further, the Hatch amendment attempts to relieve only those students against whom a violent crime has been committed, but does nothing to improve school safety for students remaining in the public schools.

Federal funding must be focused on improving educational excellence in our nation’s public schools. Money provided by the federal government to state and local education agencies is critical to increasing student achievement and improving teacher quality. A disservice to the public school system is done with this money is directed to private or parochial schools. School reform should not translate into an abandonment of our nation’s public schools.

I agree with Mr. HATCH in that there is a crisis of violence and disruption undermining too many classrooms. Last year 6,000 children were expelled from public schools and there were 4,000 sexual assaults reported. Parents, students, and educators know that serious school reform will only succeed in a safe and orderly learning environment. But Mr. President, my solution for stemming the tide of violence is radically different from that of Mr. HATCH. Instead of abandoning the public schools, the legislation that Mr. SMITH of Oregon and I introduced would establish a competitive grant program for school districts to create “Second Chance Schools.” In order to receive the funds, school districts would need to have in place district-wide discipline codes which use clear language with specific examples of behaviors that will result in disciplinary action and have every student and parent sign the code. Additionally, schools could use the funds to promote effective classroom management; provide training for school staff and administrators in enforcement of the code; implement programs to modify student behavior including hiring school counselors; and establish high quality alternative placements for chronically disruptive and violent students that include a continuum of alternatives from meeting with behavior management specialists, to short-term in-school crisis centers, to medium duration in-school suspension rooms, to off-campus alternatives. Schools could implement a range of interventions including short-term in-school crisis centers, long-term in-school suspension rooms, and off-campus alternatives. Mr. President, I advocate a solution to the problem of violence in our schools that would help troubled students and ensure those students do not act out again, in their schools, in their homes, or in their communities.

Mr. President, I also oppose this amendment because it would require local school officials to determine whether a student has committed a drug violation in school property. Administrators and educators in this country’s public schools are not trained or well-suited to perform the job of law enforcement officers. Their job is to establish policies regulating drugs, alcohol, and tobacco on school grounds, but the business of suspected drug felons should clearly be handled by law enforcement officers. Mr. GRAMS, Mr. President, I rise today in support of the amendment offered by Senators HATCH and ASHCROFT that will help to reduce drug abuse and illegal narcotics trafficking throughout the United States. I am proud to be a cosponsor of this important legislation.

I am very concerned about the rate of illegal drug abuse across the nation. According to the Office of National Drug Control Policy, there are over 13 million current users of any illicit drug among those aged 12 or over, and 4 million chronic drug users in America.

These national statistics are similar to drug abuse patterns in my home state of Minnesota. The 1998 Minnesota Student Survey conducted by the Minnesota Department of Human Services, Families and Learning and the Minnesota Department of Human Services revealed increased marijuana use in each age group studied—sixth graders, ninth graders, and high school seniors—over the past three years. In 1998, 30 percent of Minnesota sophomores and seniors reported using marijuana in the previous year.

In addition, the high volume of illegal methamphetamine trafficking and production in Minnesota has placed enormous strain upon the resources of federal, state and local law enforcement agencies investigating the abuse of this deadly substance. In recent years, the number of methamphetamine treatment admissions to treatment centers and “meth” arrests of juveniles and adults has increased dramatically throughout our communities. Methamphetamine has become the drug of choice throughout Minnesota and is closely associated with increased crime and gang violence. Mr. President, I am also troubled by the large number of national drug trafficking organizations that have established operations in Minnesota. The alarming rate of meth production and trafficking in my state has been caused by independent organizations that run clandestine laboratories in apartment complexes, farms, motel rooms and residences with inexpensive, over-the-counter materials. The secretive nature of the manufacturing process involves the by-products of the manufacturing process if a person knows that this product is being used in the illegal manufacture of methamphetamine.

Importantly, this amendment makes it illegal to steal anhydrous ammonia across state lines if a person knows that this product will be used to illegally manufacture a controlled substance such as methamphetamine.

As someone working to secure High Intensity Drug Trafficking Area designation for the State of Minnesota, I am very pleased that this proposal provides additional resources to investigate and prosecute meth production and trafficking in HIDTA regions throughout the country. The grant program administered by the nation’s drug czar is a critical component of our federal drug control strategy.

The Hatch-Ashcroft amendment also toughens federal policy toward powder cocaine dealers, building upon the “Powder Cocaine Sentencing Act of 1999” which I have supported throughout this Congress. As my colleagues know, the current law provides that a defendant must distribute 500 grams of powder cocaine to qualify for a 5-year mandatory minimum prison sentence, and distribute 5 grams of crack cocaine to qualify for that offense. These sentencing guidelines result in a 100-to-1 quantity ratio between powder and more severe crack cocaine distribution sentences.

The Hatch-Ashcroft amendment represents a fair and effective approach toward federal cocaine sentencing policy. Rather than increase crack cocaine sentences more lenient, this amendment would reduce from 500 to 50 grams the amount of powder cocaine a person must be convicted of distributing before receiving a mandatory five-year sentence. This legislation would adjust the current 100-to-1 quantity ratio to 10-to-1 by toughening powder cocaine sentences with reducing crack cocaine sentences.

The concept of parents and families regarding the violence which is occurring at an alarming rate at our nation’s schools. Our children should be provided with the opportunity to learn in a safe and drug-free environment. We should begrams that drug offenders will not be allowed to prey upon the innocence of young people and students.

In my view, the Hatch-Ashcroft amendment will help local school districts stop the flow of illegal drugs into our classrooms. Specifically, this proposal increases the mandatory minimum penalties for distribution of local law enforcement agencies to investigate and prosecute meth trafficking, implement community-based methamphetamine treatment and prevention programs, and safely cleanup illegal meth labs.
drugs to minors and for distribution of illegal drugs near schools and other locations frequented by juveniles. The amendment also requires school districts that receive federal funds to have expulsion policies for students who bring larger quantities of illegal drugs to school grounds. This is consistent with the current law which requires similar policies for students who bring firearms to school.

I understand the concerns expressed by some Members of Congress, federal judges, and the public regarding the fairness of mandatory minimum sentences. However, I believe mandatory minimum sentences for certain drug offenses is an important part of our national drug control policy and contributes to safer schools, work places, and communities.

Mr. President, the sale, manufacture and distribution of illegal drugs is one of the most difficult challenges facing our country. Drug abuse is a daily threat to the lives of young people and the health and safety of our communities. I believe a strong national anti-drug message should include the proposals contained within this amendment. Passage of this proposal will provide greater protection to Americans from drug offenders, and drug-related crime and violence.

Mr. BINGAMAN. Mr. President, I rise today to express my deep disappointment concerning amendment 2771 to the Bankruptcy bill that we are discussing on today. Earlier this year, I was an original cosponsor of S. 562, the methamphetamine bill introduced by Senator HARKIN, to implement a coordinated effort to combat methamphetamine abuse. I am very concerned about the abuse of methamphetamine in my home state of New Mexico, and I am very concerned about the rise in meth labs in my state. That is why I wholeheartedly supported the provisions:

1. Combating the spread of methamphetamine;
2. Treating abusers of meth;
3. Developing prevention programs; and
4. Researching meth.

I was glad to see that Senator HATCH accepted the treatment, prevention and research provisions that were in S. 562 when drafting this amendment.

Meth is a highly addictive drug and I have supported efforts to stop the spread of meth in our rural communities. I support tougher penalties for meth lab operators and traffickers. I support resources to law enforcement to cover the cost of dismantling toxic meth labs.

However, because of the provision added to this amendment at the last minute, concerning school vouchers, I am unable to vote for an otherwise good meth bill. I regret that the drafters of this amendment felt it necessary to politicize this bill with issues like school vouchers that are unrelated to the methamphetamine issue. The attempts to undermine the bipartisan support for this meth bill are unfortunate.

While I support providing resources to law enforcement to battle the methamphetamine epidemic and have been a strong advocate for ways to improve school security, I cannot support the use of federal funds to send students to private or parochial schools under a legislative provision riddled with problems.

The provision allowing schools to use federal funds to send a student to a private school, including a religious one, if a school is able to maintain or reduce violent crime on school grounds, will do nothing to make our schools safer and will only divert crucial funding from our public school system. In addition, the language is overly broad. If a student is injured on school grounds, at any time, the student will be entitled to attend the school of his or her choice anywhere in the state. This provision would allow the child who gets into a fight following a weekend basketball game to enroll in a private school for the remainder of the school year. The amendment would even allow federal funds to be used to transport the student to the private schools, even though federal funds could not be used to transport a student to a public school within the student's district.

Instead of pushing an overly broad voucher proposal which will damage our schools rather than improve them, we should focus on supporting violence and crime prevention programs for our youth. We should support community crime prevention activities that encourage parent and community involvement, and help communities and schools ensure that all children are safe all the time. For example, the juvenile crime bill—that has been sitting in Conference since this summer—properly addresses school safety in a comprehensive manner. My Republican colleagues have blocked final passage of that bill.

In addition, we should invest in initiatives such as the Safe and Drug-Free Schools and after-school programs, since we know that most juvenile crimes occur between 3:00 and 8:00 p.m. As my colleague Senator HARKIN pointed out, the Republican leadership passed a bill that allocates only 50% of the amount that the President requested for this purpose.

Instead of draining much-needed resources from public schools, we should support community crime and drug reform—not in a few schools, but in all schools; not for a few students, but for all students.

By attaching these voucher provisions and issues unrelated to meth and the underlying bankruptcy bill, this entire amendment has been poisoned. If the Majority Leader was serious about passing a meth bill to aid law enforcement and reduce meth abuse, he could have offered a meth bill as a free-standing bill. However, by offering it as an amendment to the bankruptcy bill, this meth bill has little chance of surviving a bankruptcy conference committee and is a shallow attempt to help the groups fighting the spread of drugs in our states. Like many of my colleagues here today, I am angry that the poison pill, added to this meth bill at the final hour, converted a good piece of legislation into a bill I cannot support.

Mr. DODD. Mr. President, I rise today to express my strong concerns about the provision of this amendment which authorizes vouchers for private schools.

Throughout all year we have had an ongoing debate over education. We have discussed funding, flexibility, accountability and numerous other issues. And each side has claimed they were on the side of the angels—the children and the schools—in these debates.

But in these last few weeks the masks have finally slipped off—Halloween is over and today we can see what direction my colleagues on the other side want to take education in this country. In appropriations, they are fighting hard, very hard, against a national commitment to reduce class size. We all, even my colleagues on the other side, know, through research and from the voices of teachers and parents all across the country, that class size is a key barrier to achievement particularly in the early grades. Too many children in a class overwhelm even the best teacher—discipline issues, control, noise and lack of focus define these classrooms. Classes of 25-30 children. But no, the Republicans claim they just will not accept a continued federal focus in this area.

On this bill, they will offer one amendment to block grant teacher training and professional development programs and reduce accountability in the critical area of improving teacher quality.

And they have slipped into this “drug” amendment a major voucher provision for private schools.

Vouchers, block grants, and no class size— their position on education is clear.

They are not for improving public schools for all children. They are not for parents or students or teachers. They instead are for their own special interests—they are for private schools, not neighborhood schools; for state revenue sharing, not a focus on class size; for revenue sharing, not accountability. A program for private schools, rather than all of our children is no where more clear than in the provision before us authorizing private vouchers.

Our universal system of public education is one of the very cornerstones of our nation, our democracy and our culture.

In every community, public schools are where America comes together in its rich diversity. For generations, educating the rich, poor, black, white, first-generation, immigrants, we have in American classrooms—English, Japanese or Mexican-Americans—and all Americans has been the charge and challenge of our public schools. It is clearly not the
Vouchers will not come close to coddling with low test scores, with dis
will pick and choose students, as they
educational opportunities to low-in
argue that vouchers will open up new
the public schools.

Our dollars are limited. We
private school vouchers will divert
educate 90 percent of all students in
hand in these critical efforts, not with-
all our schools are models of excel-
continues to decline.

School safety programs, violence
education initiatives are making real
tem. School safety programs, violence
these problems to offer real hope and
these problems—even with limited re-
tions.

And our schools are not ignoring
problems—even with limited re-

Many are digging themselves out of
these problems to offer real hope and opport
students and parents.

Comer in Connecticut has led a revolu-
in public schools across the coun-
try by supporting parents and improv-
ing education through community in-
volvement and reinvestment in the schools.

And these reform efforts are begin-
ing to show results. Our schools are
getting better. Student achievement is
up in math, science and reading. The
reach of technology has spread to near-
lly all of our schools. The dropout rate
continues to decline.

We clearly have a ways to go before
all our schools are models of excel-
ence, but our goal must be to lend a
hand in these critical efforts, not with-
draw our support for the schools that
educate 90 percent of all students in
America—public schools.

And there is no question about it,
private school vouchers will divert
much needed dollars away from public
schools. Our dollars are limited. We
must focus them on improving oppor-
tunities for all children by improving
the system that serves all children—
the public schools.

Proponents of private school choice
argue that vouchers will open up new
educational opportunities to low-in-
come families and their children. In
fact, vouchers offer private schools, not
parent’s choice. The private schools
will pick and choose students, as they
do now. Few will choose to serve stu-
dents with low test scores, with dis-
abilities or with discipline problems.
Vouchers will not come close to cov-
ering the cost of tuition at the vast
majority of private schools.

There are also important account-
ability issues. Private institutions can
fold in mid-year as nearly half a dozen
have done in Milwaukee leaving tax-
payers to pick up these pieces—only the
pieces are children’s lives and edu-
cations.

Our public schools are not just about
any one child; they are about all chil-
dren and care for all children, but I pay property taxes and do so happily to support the education of the children I am counting on to be tomorrow’s workers, thinkers, leaders, teachers and taxpayers.

Our future is dependent on nurturing and developing the potential of every child to its fullest. Investing in our public schools is the best way to reach this goal.

I urge my colleagues to join me in de-
fating this amendment.

Mr. MCCONNELL. Mr. President, the
scourge of illegal drugs is one of the
greatest problems facing our nation
today. We have all heard stories about the wreckage that drug abuse leaves in its wake. Tragically, after years of steady progress in the war on drugs we have seen a reversal in hopeful trend lines under the current administration. I be-
lieve that the Ashcroft-Hatch-Abraham
amendment can be an important step
towards reducing the trend of increased
meth lab seizures and putting our nation back on the road to victory in the war on
drugs.

I am pleased that this legislation
takes special aim at metham-
phetamines. In recent years, “meth” as
it is called, has emerged as the leading
illegal drug of choice, replacing co-
caïne as the most popularly used drug.

It is cheap, easy to produce, highly addictive, and it kills. This drug is proving especially dev-
astating in rural America. In my State of
Kentucky, methamphetamine use has been
sprouting up like a deadly cancer in
our communities. The metham-
phetamines produced in these labs are
addicting adults and children at an
alarming rate. We need to do some-
thing to combat this threat to our fam-
ilies and communities.

This antidrug legislation contains
some important provisions to strength-
en the war on drugs. The increased sen-
tences for methamphetamine related
crimes will send a clear message to
dealers, producers, and users that we
will not tolerate the problems they are
bringing to our communities. This leg-
islation also directs the DEA to mount a
comprehensive offensive against this
dangerous drug. Funding additional
resources for hard hit areas—especially those in rural America—that are strug-
ning with the rising tide of “meth” produc-
tion and use. The legislation will help these areas combat meth-
amphetamine use and implement abuse prevention efforts.

Mr. President, methamphetamine
production and use has become a very
serious problem in our country. It is
time that Congress took aim at this
issue. I support this legislation and
urge all of my colleagues to do like-
wise.

Mr. KYL. Mr. President, I rise in sup-
sport of the Republican crime amend-
ment (#2771) to the Bankruptcy Reform
Act of 1999. This amendment takes a
multi-faceted approach to combating the
problem of drugs. However, I am
particularly pleased with the meth-
amphetamine component of this amend-
ment, which will help my own state of
Arizona combat a veritable meth epi-
demic.

Arizona law enforcement continues to seize a record number of meth labs. Meth lab seizures are up to 30 percent
over last year, with over 400 labs pro-
tected to be dismantled by the end of
this fiscal year. An average of 26 labs
per month are seized—that’s almost one
lab per day.

I am pleased that this legislation
provides a well-balanced approach to tackling meth by not only increasing penalties for cer-
tain meth-related crimes but also pro-
viding money to law enforcement (DEA and HIDTAs) for training, personnel, and meth lab cleanup, and providing
money for prevention. The amendment
also pays special attention to the anti-
meth needs of rural communities by
providing funding so the DEA can as-
sist rural law enforcement in meth in-
vestigations. Many counties in my state
cannot afford the latest and safest equip-
ment, so they use old and unsafe equip-
ment. Limited personnel and expansive
terrain hinder meth lab seizures. For exam-
ple, Mohave County law enforcement
seized one lab per week last year and could have seized double that if they had the re-
sources.

Because of Arizona’s meth problem, I have sought for additional funding for
Arizona law enforcement. Last year, I
secured $1 million for Arizona law en-
forcement to use for equipment, per-
sonnel, and training in order to combat
meth. This was in direct response to a
full-fledged Arizona meth lab seizure
highlighting the problem of meth and
meth labs. During the hearing I heard from urban and rural law enforcement
on the dangers posed by meth labs as well
as their drain on resources.

I support this amendment because it
will give law enforcement the re-
sources needed to combat the problem of
meth in my state.
Mr. HUTCHINSON. Mr. President, I rise in support of Senate amendment 2771 to S. 625 because it will provide additional federal resources to combat the dramatic increase in the production, use and distribution of methamphetamine which I believe must be stopped. 

Methamphetamine is particularly insidious because it is highly addictive, cheap, easy to produce and distribute, popular with youth, and tends to make its users paranoid and violent. Thus, crimes like burglaries, theft, shoplifting, robberies, and murder can be traced to methamphetamine use. In fact, the prosecuting attorney of my home county, Benton County, Arkansas, estimates that 70% of the felony court docket is directly or indirectly related to methamphetamine use. Another, often-forgotten but tragic problem which accompanies methamphetamine use is child abuse. Children of methamphetamine users have specific problems with their parents' drug addictions: medical, environmental, and educational neglect; malnutrition; and sometimes physical abuse. According to child welfare workers, parents who use meth are more likely to abuse their children than parents who use other drugs.

Methamphetamine is a serious and growing problem in my home state of Arkansas because the state of Arkansas possesses many of the characteristics which allow drug trafficking to flourish: it is sparsely populated with remote areas; it suffers from a high rate of poverty and joblessness and a low per capita income; it has a large population of illegal immigrants; and it has two major interstate highways which facilitate the transportation of drugs to Oklahoma City, Kansas City, Memphis, St. Louis, and throughout the rest of the nation. 

The rapid increase and magnitude of the methamphetamine problem is illustrated in my home state's experience. In 1995, the Arkansas State Police seized 24 methamphetamine labs; in 1996, the number of labs seized more than tripled to 76, then more than tripled again to 242 in 1997, and doubled again to 434 labs in 1998. Recently, the DEA identified Arkansas as one of the top three methamphetamine-producing states in the nation, based on per-capita figures. The growth of the methamphetamine problem in my state is also seen by the increase in the amount spent to clean up clandestine lab sites, which is one of the most dangerous activities law enforcement officers must undertake. In 1998, $567,000 was spent on clandestine lab cleanups associated with federal agencies in Arkansas whereas five years before, only $71,000 was expended.

I support this amendment because it provides an additional $15 million a year among HIDTAs. The National Drug Control Policy to facilitate the hiring of federal, state, and local enforcement personnel to combat methamphetamine trafficking in designated HIDTAs. It is my hope that such an increase will result in the designation of additional HIDTAs in areas, like my home state, where the greatest increase in the methamphetamine problem is occurring. I also support this amendment because an additional $9.5 million it provides to enable the DEA to hire new agents to help state and local enforcement officials in the small and mid-sized towns with limited resources where methamphetamine is a threat. I also support this amendment because it provides additional money for methamphetamine investigations. This amendment also will provide an additional $5.5 million for the DEA to train state and local law enforcement officials in one of their most dangerous duties, the cleanup of methamphetamine labs.

Finally, I wish to commend and thank Senators HATCH, ASHCROFT, GRASSLEY, and my other colleagues who have worked so tirelessly on this bill and to address the methamphetamine problem and urge my colleagues to pass this amendment.

Mr. FEINGOLD. Mr. President, I rise today to oppose the drug amendment to the bankruptcy reform bill introduced by my distinguished colleague from Utah, Senator HATCH. S. 486, the Methamphetamine Anti-Proliferation Act of 1999, has been drastically altered to give us the amendment we are now debating. I was a proud cosponsor of that bipartisan bill. It would provide needed law enforcement training and resources to combat meth, as well as prevention and treatment resources for meth users, to my state, Wisconsin, and all states in the Midwest that have been overrun by this horrible drug. The judiciary committee explored the extent of the meth problem and the urgent need for federal resources and support to fight the spread of meth. Hearings and a mark-up of the methamphetamine anti-proliferation act was reported out of the judiciary committee only after extensive negotiations between members from both sides of the aisle.

Now, as we debate bankruptcy reform, I am greatly troubled to see that this well-crafted bill has been contorted into a bill with all sorts of provisions that have nothing to do with methamphetamine and are bad policy, pure and simple. First, the bill has been saddled with the Powder Cocaine Sentencing Act. The powder cocaine bill is objectionable because it raises powder cocaine penalties to extremely high levels—ensuring further prison overcrowding without offering any concrete effort to promote the cocaine use prevention and treatment. The powder cocaine bill has been attached to the amendment, even though it has not been considered by the judiciary committee. The committee hasn't even had a hearing on the powder cocaine sentencing act. Second, the drug amendment is bad policy because it includes a voucher provision that would provide federal funding for some children to attend private school at taxpayer expense, without providing any resources to improve the overall quality of education for the children who remain in our public schools.

As a result, I cannot support the drug amendment to the bankruptcy reform bill. I want to be clear, I am committed to fighting the spread of meth in Wisconsin and across the country. But I cannot support an amendment that will do harm to our nation's schools and to our effort to punish cocaine offenders fairly. If the drug amendment passed, I urge the conference on this bill to remove the troubling provisions relating to powder cocaine and school vouchers.

I yield the floor.
previously offered by Senator SCHUMER, Senator REED, Senator HATCH, and Senator GRAMM. That is why it is all inclusive and why it is balanced. There has been a great deal of attention on the rise of consumer bankruptcy. The debt burden of bankruptcy filers has quadrupled. Twenty percent of families earning less than $10,000 have consumer debt that is more than 40 percent of their income. As this chart indicates, consumer bankruptcies and consumer credit debt are nearly identically tracking each other. One cannot separate the rise in bankruptcies from the level of consumer debt. They are one and the same problem.

Therefore, as certainly as we deal with other reasons for the abuse of bankruptcies, we must at least deal in part with this issue of availability of credit and whether consumers are fully informed.

In 1975, total household debt was 24 percent of aggregate household income. Today, the number is more than 100 percent. That bears repeating: Households have debt that is now matched each other in an extraordinary and dangerous statistic. Certainly, one of the factors that has led to this radical rise in household debt is the amount of solicitation of consumer credit card debt, which include both aggressive and dubious solicitation techniques.

In 1998, the credit industry sent out more than 3.5 billion solicitations. That is 41 mailings for every American. That is 41 mailings for every American. In 1998, the credit industry sent out more than 3.5 billion solicitations. That is 41 mailings for every American.

No. 5. We require prominent disclosure of the date on which a late fee will be charged and the amount of the fee. If people are subjecting themselves to late fees, that fact and what the fee would be must be disclosed in the amendment Senator GRASSLEY and I are offering. This, as well, is based on something Senator SCHUMER has done in the past, and we are very grateful for his valuable contribution to it.

Mr. SESSIONS. I ask unanimous consent to call up amendment No. 2650 proposed by Senator REED and myself, and I send a modification to the desk.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS. I ask unanimous consent to call up amendment No. 2650 proposed by Senator REED and myself, and I send a modification to the desk.

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

Mr. SESSIONS. I ask unanimous consent to call up amendment No. 2650 proposed by Senator REED and myself, and I send a modification to the desk.
November 10, 1999
CONGRESSIONAL RECORD – SENATE
S14459

(a) IN GENERAL.—Section 524 of title 11, United States Code, as amended by section 202 of this Act, is amended—

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

"(2) the debtor received the disclosures described in subsection (i) at or before the time the debtor signed the agreement;"

(2) by striking at the end of the section the following—

"(ii) if, at the time the petition is filed, the debt is closed end credit as defined pursuant to the Truth in Lending Act, title 15 United States Code section 1601 et seq., then there is an annual percentage rate as it is determined pursuant to section 1638(a)(4) as disclosed to the debtor in the most recent disclosure statement given the debtor; or if the debtor has signed an agreement, with respect to the debt, or, if no such disclosure statement was provided the debtor, the annual percentage rate as it would have been so disclosed at the time the disclosure statement is given the debtor; or to the extent this annual percentage rate is not readily available or not applicable, then the "Annual Percentage Rate" must be used where indicated; "Annual Percentage Rate" shall be disclosed more conspicuously than other terms, data or information provided in connection with this disclosure, except that the phrases "Before agreeing to reaffirm a debt, review these important disclosures"; and "Summary of Reaffirmation Agreement" may be equally conspicuous. Disclosures may be made in a different format or in a different manner than that described in paragraphs (2) through (7), except that the terms "Amount Reaffirmed" and "Annual Percentage Rate" shall be disclosed more conspicuously than other terms.

(3) The disclosure statement required under this paragraph shall consist of the following—

(A) The statement: "Part A: Before agreeing to reaffirm a debt, review these important disclosures:"

(B) Under the heading "Summary of Reaffirmation Agreement", the statement: "This Summary is made pursuant to the requirements of the Bankruptcy Code";

(C) The "Amount Reaffirmed", using that term, which shall be the total amount which the debtor agrees to reaffirm, and the total of any other fees or cost accrued as of the date of the reaffirmation agreement;

(D) In conjunction with the disclosure of the "Amount Reaffirmed", the statements—

(i) "The amount of debt you have agreed to reaffirm is $_________;

(ii) "Your credit agreement may obligate you to pay additional amounts which may come due after the date of this disclosure."

(2) Subject to paragraph (6) of this section, to the extent this annual percentage rate is not readily available or not applicable, then the "Annual Percentage Rate" shall be disclosed more conspicuously than other terms, data or information provided in connection with this disclosure, except that the phrases "Before agreeing to reaffirm a debt, review these important disclosures"; and "Summary of Reaffirmation Agreement" may be equally conspicuous. Disclosures may be made in a different format or in a different manner than that described in paragraphs (2) through (7), except that the terms "Amount Reaffirmed" and "Annual Percentage Rate" shall be disclosed more conspicuously than other terms.

(3) The disclosure statement required under this paragraph shall consist of the following—

(A) The statement: "Part A: Before agreeing to reaffirm a debt, review these important disclosures:"

(B) Under the heading "Summary of Reaffirmation Agreement", the statement: "This Summary is made pursuant to the requirements of the Bankruptcy Code";

(C) The "Amount Reaffirmed", using that term, which shall be the total amount which the debtor agrees to reaffirm, and the total of any other fees or cost accrued as of the date of the reaffirmation agreement;

(D) In conjunction with the disclosure of the "Amount Reaffirmed", the statements—

(i) "The amount of debt you have agreed to reaffirm is $_________;

(ii) "Your credit agreement may obligate you to pay additional amounts which may come due after the date of this disclosure."

"The interest rate on your loan may be a variable rate and may change over time. Your right to rescind a reaffirmation agreement by any law? No, you are not required to enter into a reaffirmation agreement by any law. The interest rate you are paying will not change without your consent, except that no court approval is required if the agreement is for a consumer debt secured by a lien on real estate. A "lien" is often referred to as a security interest or lien? Your bankruptcy discharge does not eliminate any lien on your property. A "lien" is often referred to as a security interest, deed of trust, mortgage or security agreement, the attorney must sign the certificate in Part C.

(3) You are not required to enter into a reaffirmation agreement by any law. The interest rate you are paying will not change without your consent, except that no court approval is required if the agreement is for a consumer debt secured by a lien on real estate. A "lien" is often referred to as a security interest, deed of trust, mortgage or security agreement, the attorney must sign the certificate in Part C.

(4) If you were not represented by an attorney during the negotiation of the reaffirmation agreement, your reaffirmation agreement, you must complete and sign Part E.

(5) The original of this Disclosure must be filed with the court by you or your creditor. If a separate reaffirmation agreement (other than the one in Part B) has been signed, it must be attached.
state's law or in certain other circumstances, you may redeem the item rather than reaffirm the debt. To redeem, you make a single payment to the creditor equal to the current value of the security property, as agreed by the parties or determined by the court."

"(4) The form of reaffirmation agreement required to effect this paragraph shall consist of the following—

"Part B: Reaffirmation Agreement. I agree to reaffirm the obligations arising under the credit agreement described below.

Brief description of credit agreement:

Description of any changes to the credit agreement made as part of this reaffirmation agreement:

Signature:

Date:

Borrower:

Co-borrower, if also reaffirming:

Accepted by creditor:

Date of creditor acceptance:

"(3) I declare the following to be true and correct:

"Part C: Certification by Debtor's Attorney.

(1) I hereby certify that (1) this agreement represents a fully informed and voluntary agreement by the debtor(s); (2) this agreement does not impose an undue hardship on any dependent of the debtor; and (3) I have fully advised the debtor of the legal effect and consequences of this agreement and any default under this agreement.

Signature of Debtor's Attorney:

Date:

"(ii) In the case of reaffirmations in which a presumption of undue hardship has been established, the certification shall state that in the opinion of the attorney, the debtor is able to make the payment.

"(6) The statement in support of reaffirmation agreement, which the debtor shall sign and date prior to filing with the court, shall consist of the following:

"Part D: Debtor's Statement in Support of Reaffirmation Agreement.

1. I believe this agreement will not impose an undue hardship on my dependents or me.

2. I received a copy of the Reaffirmation Disclosure Statement in Part A and a completed reaffirmation agreement.

"(7) The motion, which may be used if approval of the agreement by the court is required, and the order are effective and shall be signed and dated by the moving party, shall consist of the following—

"Part E: Motion for Court Approval (To be completed only when debtor is not represented by attorney).

Affirm the following to be true and correct:

"I am not represented by an attorney in connection with this reaffirmation agreement.

I believe this agreement is in my best interest based on the income and expenses I have disclosed in my Statement in Support of a reaffirmation agreement. and because (provide any additional relevant reasons the court should consider):

"Therefore, I ask the court for an order approving this reaffirmation agreement.

"(8) The court order, which may be used to approve a reaffirmation, shall consist of the following—

"Court Order: The court grants the debtor's motion and approves the reaffirmation agreement described above.

"(i) Notwithstanding any other provision of this title—

"(1) A creditor may accept payments from a debtor before and after the filing of a reaffirmation agreement with the court.

"(2) A creditor may accept payments from a debtor under a reaffirmation agreement in which the creditor believes in good faith to be effective.

"(3) The requirements of subsections (c) and (i) shall be satisfied if disclosures required under those subsections are given in good faith.

"(k) Until 60 days after a reaffirmation agreement is filed with the court (or such additional period as the court, after notice and hearing and for cause, orders before the expiration of such period), it shall be presumed that the reaffirmation agreement is an undue hardship to the debtor and the court shall order the debtor to pay any remaining monthly income less the debtor's monthly expenses as shown on the debtor's completed and signed statement in support of the reaffirmation agreement referred to under subsection (i)(b) of this section is less than the scheduled payments on the reaffirmed debt. This presumption must be reviewed by the court.

"(l) The court order, which may be used to approve a reaffirmation agreement, includes an explanation which identifies additional sources of funds to make the payments required under the terms of the reaffirmation agreement. If the presumption is not rebutted to the satisfaction of the court, the court may disapprove the agreement. However, the court shall disapprove a reaffirmation agreement without notice and hearing to the debtor and creditor and such hearing must be concluded before the entry of the debtor's discharge.

SEC. 2. JUDICIAL EDUCATION.

Add at the appropriate place the following:

"1) JUDICIAL EDUCATION. The Director of the Administrative Office of the United States Courts, in consultation with the Director of the Executive Office for United States Trustees, shall develop materials and conduct programs that are designed to assist those courts in implementing the act, including the requirements relating to the 705(b) means test and reaffirmations."

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll. Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum would be suspended.

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

AMENDMENT NO. 2771

Mr. LEAHY. Mr. President, how much time is remaining under the control of the Senator from Vermont?

The PRESIDING OFFICER. Seventy minutes 28 seconds.

Mr. LEAHY. Seven-zero?

The PRESIDING OFFICER. Seven-zero.

Mr. LEAHY. I thank the Chair and my good friend from Montana.

Mr. President, I compliment the distinguished Senator from Alabama for his comments and others who have spoken on this. He and I belong to that great fraternity which I have always considered the best fraternity—former prosecutors. I have sometimes said the best job I ever had was as a prosecutor, although I must admit, when I told the U.S. attorney of our State, Charles Toomer, who was co-counsel to me, I often wanted to trade with him, he said: "Yeah, sure you do." In my view, it is one of the best positions one can have in government, also one that requires the most concern for the public. I am both a prosecutor and assistant attorney general and also as a former prosecutor in opposing this amendment. I am not opposing the motivation of Senators who want to stop what has become a scourge of drug use in our country. When I think of the young people in this country whose lives are damaged by drugs, when I think of families who are damaged, when I think of the people who are victims of crime from those seeking money to buy drugs, I fully appreciate what a scourge it is.

Right on Capitol Hill, one of the most beautiful parts of our Nation, we have seen people suffer burglaries, muggings, thefts, and assaults by people trying to get money for drugs. It is a scourge on our community and probably more than any other country, has to face because we are the wealthiest nation on Earth and we, as a nation, fuel the drug trade because of all the money we put into it.

It is ironic, in a way, that we send in troops and helicopters and chemicals to countries to stem the drug production and trade from their country, when the answer, of course, is within our borders. If we worked harder stopping the demand for drugs in the United States, that drug traffic would dry up. If you could turn off the drug production in a country in Central America and could somehow hermetically seal that country, as long as there are tens of billions, hundreds of billions, dollars willingly spent by U.S. citizens for drugs, drug production will just take place somewhere else. It is the ultimate example of supply and demand. The supply is always going to be there. We do far too little to stop the demand.

We are not going to stop the demand by this amendment because it takes the wrong approach to combating illegal drug use in this country. The amendment would dramatically increase mandatory minimum penalties for cocaine trafficking. It would throw the principle of federalism out the window by telling local schools and school districts how they must deal with illegal drug use by students. Frankly, how may States of Vermont may want to deal with this may be far different than the State of Montana, the State of Alabama, or any other State. I have to think we know our people the best within our States and they are capable of making those decisions.

The amendment attempts to solve the unfair discrepancy between sentences for powder and crack cocaine.
There is an unfair discrepancy, and I do not think people are that far off when they say that discrepancy may have racist overtones. We should all agree the discrepancy is unfair. In solving that discrepancy between powder and crack penalties, this amendment is going about it in precisely the wrong way by increasing the use of mandatory minimums for those who manufacture, distribute, dispense, or possess with intent to distribute powder cocaine.

Under the current law—and this is how we get into the improper and unfair discrepancy—the quantity threshold to trigger mandatory minimum penalties is for far less powder than for powder cocaine offenders. Let me put this in a different way.

If you have an offender charged with a 5-gram-crack-cocaine offense, they would be subject to the same 5-year minimum sentence that would apply to somebody who was caught with 500 grams of powder cocaine. These harsher crack sentences have resulted in a disparate impact on the African American community. African Americans constitute 12 percent of the American population but account for 40 percent of our prison population. Anybody looking at those numbers knows something has gone astray. Eighty-eight percent of those convicted of crack offenses are black and, of course, crack offenses always carry the higher penalties. In 1993, the number of African American men under the control of the criminal justice system was greater than the number of African American men enrolled in college. Something has gone dramatically astray in our country.

While it is true that Federal courts have held the disparate impact caused by the crack and powder cocaine mandatory sentencing thresholds does not violate constitutional protections, the fact existing laws fall within the judicially determined boundaries of constitutionality does not resolve Congress of its ongoing responsibility to implement the most just and effective ways to combat drugs in America.

Just because an act of Congress may be constitutionally acceptable does not mean it makes sense. On national highways we could probably constitutionally set a $500 fine for somebody driving 5 miles an hour over the speed limit, but nobody would be upheld constitutionally, but do we have any constituents who would say it made sense? Of course not.

I have repeatedly stated my objections to the short-sighted use of mandatory minimums in the battle against illegal drugs because of the way they are applied. My objections are all the more grave when an attempt is made to increase the use of mandatory minimums through provisions placed in the mandatory minimums in the bankruptcy bill. An amendment to a bankruptcy bill offered as the adjournment bells are almost ringing at the end of the session.

We can debate whether mandatory minimums are an appropriate tool in our critically important national fight against illegal drugs. I believe they have not made that much difference. Others would believe otherwise. In my view, simply imposing or increasing mandatory minimums and even subverts the more considered process Congress set up with the Sentencing Commission.

The Federal sentencing guidelines already provide a comprehensive mechanism to mete out fair sentences. They allow judges the discretion they need to give appropriate weight to individual circumstances. In other words, sentencing guidelines allow judges to do their jobs.

The Sentencing Commission goes through an extensive and thoughtful process to set sentence levels. For example, pursuant to our 1996 anti-methamphetamine law, the Sentencing Commission increased meth penalties after an analysis of sentencing data, especially recent sentencing data. They studied the offenses. They had information from the Drug Enforcement Agency on trafficking levels, dosage unit size, price, quantities that they use, and they looked at all of those matters into consideration. Simply increasing arbitrarily, in the middle of a bankruptcy bill, mandatory minimums goes far too far in taking discretion away from judges.

Would it make any more sense if we set this amendment aside, and at the Judiciary Committee, which certainly has jurisdiction over this issue, have real hearings and have people discuss whether it is a good idea or bad idea? Bring in drug enforcement people, bring in local authorities, bring in everybody else involved, and have a real hearing. If we simply do it because it sounds good at the moment, I think we make a mistake.

That is why I have repeatedly expressed my concerns about creating new mandatory minimum penalties, including as recently as in August, when the methamphetamine bill that has contributed many of this bill’s provisions was considered by the Judiciary Committee.

The meth bill, which was reported by the Judiciary Committee, is contained in this amendment to the bankruptcy bill. It contains a provision directing the Sentencing Commission to amend the guidelines to make penalties for amphetamine offenses comparable to the offense levels for methamphetamine.

Congress recently increased mandatory minimum sentences for methamphetamine. Stiff mandatory minimum penalties were slipped into last year’s omnibus appropriations bill. As a result, now methamphetamine penalties are the same as crack penalties. This amendment to the bankruptcy bill would impose the Sentencing Commission to increase penalties for amphetamine crimes by a number of base offense levels so the same penalties apply to both meth and amphetamine offenses.

So what do we get for a result? Even without the question of mandatory minimums, you are going to have dramatic increases in the penalties for amphetamine offenses.

We ought to first pass a resolution saying, we are all against illegal drug use. We live in neighborhoods. We are parents or grandparents. We walk the streets of America. We have seen the dangers of illegal use—all Senators, Republican and Democrat. We are all against it. That should be a given. But do we need to stand up here, the 100 of us who are supposed to represent a quarter of a billion Americans, and prove over and over again that we are against illegal drug usage by imposing harsher and harsher penalties, without any regard to whether spending more taxpayer money on more prisons and more prison guards is really the most cost-effective way to address this problem?

In many parts of this country we spend far more money building new prisons than we do building new schools. We spend far more money increasing the number of prison guards on their pensions and everything else that goes for them, than we do in hiring new science teachers or math teachers or language teachers. We ought to ask ourselves: Does this picture make that much sense?

I agree with the distinguished Senator from Alabama, Mr. Sessions, that we have put a misplaced emphasis on long mandatory minimum penalties as the primary tool we use to fight illegal drug trafficking. When I was a prosecutor, I must admit, there were many times I asked for a stiff penalty, when the case called for it. But I also knew enough to know that stiffer penalties by themselves are not the whole answer. There are a lot of other things involved. For one thing, a lot of people committing a crime do not get too concerned about the penalty if they think they are not going to get caught.

So the example I have used before is, you have two warehouses side by side. One has all kinds of alarm systems and security personnel. The other has a rusted old padlock, no lights, and nobody around it. They both are filled with, say, television sets. The penalties for breaking into one go for breaking into the other. The TV sets are the same, whether you break into the warehouse that has its security system, the lights, and the guards, or if you break into the one with the rusty old padlock with no guards and no lights. It does not take a criminologist to know which one is going to get broken into. Why would somebody break into one where they might not be caught when they can go into the one where they assume they will not get caught? The penalties are the same, so the penalty is not the deterrent.

We have to make drug dealers feel vulnerable and make drug dealing a risky business. We do this by making effective ways to combat drugs in America.
Mr. LEAHY. We are going to see the effects of this amendment much earlier than people from now. Most of us won't be here 30 years from now to answer for it; some may be. We have to look at this and ask, do these costs justify what we wanted to do?

We also will be focusing a lot more Federal resources on lower-level drug dealers. We will have to hire a whole lot of new drug enforcement officers right off the bat, but we are going to be refocusing them on lower-level drug dealers. I do not believe this is the most cost-effective allocation of Federal resources.

In addition to being costly, another consequence of lowering the powder cocaine threshold is that more Federal resources will be focused on lower-level drug dealers. We must ask whether this is the most cost-effective allocation of Federal resources. In adopting the federal sentencing scheme, Congress intended state and local drug enforcement personnel to investigate and prosecute small-time offenders, while...
the federal government was to use its more sophisticated law enforcement weapons to investigate and prosecute higher-level drug traffickers. Recently, Congress has made great strides toward balancing the federal budget and has opted to devote many federal programs to states in the belief that certain programs can be more efficiently administered by state and local governments. Likewise, Congress should be wary of assuming the costs associated with national programs into the traditional domain of the states in prosecuting criminal offenses. Ill-considered expansion of the federal criminal justice system has recently come under fire from Chief Justice Rehnquist, who criticized the Congress for federalizing the criminal justice system during a period in which the Senate has failed even to keep the federal bench adequately filled.

A 50-gram powder cocaine offense is a serious criminal charge. No one is debating whether a 50-gram powder cocaine dealer should be subject to the possibility of incarceration. What is being debated is whether a 50-gram powder cocaine offender is the type of high-level dealer that should be dealt with harshly by federal rather than state authorities. It is inevitable that the possibility of harsh federal sentences will encourage more federal prosecutions. The question is whether a 50-gram powder cocaine dealer is the type of sophisticated drug trafficker that requires the expense of federal technical expertise. If not, it should be looking very seriously at more cost-effective ways of distributing law enforcement, prosecution, and incarceration obligations between the federal and state governments in order to maximize the efficiency of our nation's drug control strategy. By re-structuring the federal sentencing scheme, we can ensure that state and local governments can assume greater responsibility for the investigation and prosecution of local level drug offenses are of particular local concern. Federal resources can then be freed to pursue traffickers higher in the distribution chain.

Other aspects of this amendment also turn principles of federalism on their head. For example, the amendment contains a federal mandate for the disciplinary policies of local schools. It would require local schools to adopt certain specific policies on illegal drug use by the students. After the period of mandatory reporting of students to law enforcement and mandatory expulsion for at least one year of students who possess illegal drugs on school property. This turns on its head our traditional idea that local and state governments should have the primary responsibility for education, even though that idea is one that is constantly put forward by my colleagues on the other side of the aisle, and indeed is currently being used to justify their opposition to the President's plan to provide funding for schools to hire additional teachers and reduce class size. I am particularly concerned about this one-size-fits-all mandate on the expulsion of students. Expulsion is an option that schools need to have so they can deal with particularly intrac-etable behavior problems among their students. But only local teachers and principals who know which students who violate policies or laws should be expelled, and which deserve a different punishment.

I can just see the school principal in Tunbridge, VT getting a directive from the Federal Government, based on something we passed in a bankruptcy bill, telling them how they are going to run disciplinary procedures in Tunbridge. We may find ourselves back to the days when Vermont decided they wanted to be a republic.

I am not willing to tell thousands of school principals and administrators around the country, the U.S. Congress will tell you when to expel your students. If I did that, I would almost expect a recall petition and expulsion petition from the people of my State. Finally, I object to the provision in this amendment that authorizes the use of public funds to pay tuition for any private schools, including parochial schools where injured by violent criminal offenses on public school grounds. Such a provision obviously raises serious Establishment Clause questions that deserve a fuller airing than is possible in an end-of-season debate. It also gives rise to the numerous policy questions surrounding the issue of school vouchers, which could cause significant damage to our public school system. As a practical matter, this provision also raises the very real possibility of fraud and collusion to manufacture injuries in order to attend a private school at the taxpayers' expense.

I do believe that there are good things contained in the parts of this amendment that we overwhelmingly voted, that we overwhelmingly voted, that we overwhelmingly voted, that we overwhelmingly voted, that we overwhelmingly voted, that we overwhelmingly voted. I think it is important that we reflect on how we got to where we are today. There has been for some time, as reflected in actions of the U.S. Sentencing Commission, concern about the disparity between the mandatory minimum sentences for crack cocaine triggers 5-year mandatory minimums for the dealing of 5 grams, the mandatory minimums for powder cocaine, which are 100 times greater with the 5-year mandatory minimum trigger at 500 grams and the 10-year trigger at 1,000.

Investigating narcotics, I am not willing to tell thousands of school principals and administrators around the country, Mr. ABRAHAM. I appreciate the opportunity to speak on this amendment offered by the Senator from Utah, Mr. HATCH, Senator ASHCROFT, and myself. I believe unanimously voted, to say no to the proposal of addressing this disparity by simply changing the powder cocaine thresholds to the same as crack cocaine. We thought it was a big mistake to make the cost of doing business go down. The President signed that legislation into law, making the very same statement, that the message we would be sending to young people, to drug dealers, is that we're not going to take action to address this message if we made crack cocaine sentences more lenient.

The Sentencing Commission has tried on a couple occasions to address this issue. The first time they tried this we were forced to take action as a Congress to stop their proposal from going into effect. I remind my colleagues that we overwhelmingly voted. I believe unanimously voted, to say no to the proposal of addressing this disparity by simply changing the powder cocaine thresholds to the same as crack cocaine. We thought it was a big mistake to make the cost of doing business go down. The President signed that legislation into law, making the very same statement, that the message we would be sending to young people, to drug dealers, is that we're not going to take action to address this message if we made crack cocaine sentences more lenient.

The Sentencing Commission came back with a second proposal—that was a proposal actually in response to a study we requested—that we would si-multaneously make the crack cocaine mandatory minimum sentences more lenient while making powder tougher. The Sentencing Commission decided that a ratio of a 10-to-1 difference in the terms of their proposal. The difference was the appropriate ratio. A number of us found this second suggestion also unacceptable because,
once again, it would require making the sentences for crack cocaine dealers more lenient. I speak for myself, but I think others who cosponsored this legislation share the view that we should not be making drug sentences more lenient, particularly for crack cocaine dealers.

I want to talk about why we should not do that because the only way to change the disparity between powder cocaine mandatory minimums and crack cocaine mandatory minimums is either make the mandatory minimums for crack cocaine more lenient and the mandatory minimums for powder cocaine tougher or do a little of each.

I think anything that changes the crack cocaine mandatory minimum threshold is a mistake, for several reasons. First, the current mandatory minimum with respect to crack cocaine, the 5-gram threshold, to trigger a 5-year mandatory, has been a very effective device in terms of getting the lower end of the drug chain off the street. So if people are on the other side of a 5-gram threshold as significantly as has been proposed by the Sentencing Commission, if you make the thresholds more lenient, you are not going to find anybody carrying around or being apprehended with sufficient levels of crack cocaine to be pursued under the mandatory minimum structure.

Fourth, if we make the sentences for crack cocaine more lenient, we are going to be sending a terrible message as well as providing incentive for people to pursue crack dealing in greater amounts. Do we really want to send the message to young people that we are getting easier on crack dealers? Do we want to send the message to crack dealers that the cost of doing business just got cheaper? Do we want to tell the families that we want to, in fact, make it harder to pursue, prosecute, and ultimately confine and incarcerate crack cocaine dealers who are in their neighborhoods, their schoolyards and playgrounds, selling dope to their kids? Is that the message we want to send? I hope not.

Finally, of course, as we know, crack is both cheaper and more addictive than cocaine in powder form. That is the reason there is a disparity to begin with, much the same as between heroin and opium.

For all these reasons, it does not make a lot of sense to make the mandatory minimum threshold for 5-year or 10-year sentences for dealing in crack cocaine more lenient. If you rule out the notion of making crack cocaine sentences more lenient, then the only other way to address the disparity between powder and crack cocaine is to make the powder cocaine sentences tougher.

So if people are on the other side of this issue and want to simultaneously make the disparity between crack and powder closer, lower that disparity, and oppose this amendment, then the only thing they can be saying is they want to make sentences for crack cocaine dealers more lenient. I can't be convinced that this is the way we want to do that. That is the only option we have. That is why we have pursued an option that will reduce the disparity by making sentences for powder cocaine dealers tougher.

What we have done in setting the standard we have chosen in this amendment is to use the ratio that was agreed upon by the Sentencing Commission in their proposal, and by the administration, of a 10-to-1 ratio between powder cocaine and crack cocaine sentences. We have reduced the disparity from 100-to-1 to 10-to-1 by making tougher sentences for powder cocaine dealers—the change in our proposal.

I want to address two or three other points that were made in some of the earlier speeches. First, we have heard talk about the cost of incarceration. I addressed this earlier in my first speech. I am concerned when I hear people talking about how much it costs to keep crack dealers and drug dealers out of the playgrounds and neighborhoods of our communities. The impression is that the only cost on which we should focus is exclusively the cost of incarceration. But what is the cost to us as a society and of having larger numbers of children becoming addicted to crack cocaine, having these people not in prison but in our communities, neighborhoods? What are these costs? Can we possibly equate the cost of someone who dies as a result of their drug addiction or kills somebody in pursuit of the resources to be able to meet their drug addiction? What are the costs of that?

So I think it is a little bit unfair to only add up the costs on one side of this equation. I think we should also be talking about the costs to our communities of allowing larger numbers of drug dealers to avoid sentencing and to stay in business.

The other point I make, as I did earlier today, is that we have seen a dramatic reduction in the past few years in both the number of murders and robberies and other violent crimes across the board in our country, in city after city. Those with expertise on this issue have consistently cited that the reason for these declines in the murder rates, the rates of armed robbery, and the variety of violent crimes with which we are finally beginning to address the crack cocaine epidemic in America.

So, Mr. President, the notion that we would do anything that would reverse the trend of that, I believe if we accomplish both objectives, we will make a greater impact on our fight against drugs in this country. But our colleagues should make no mistake about the fact that if we don't take this approach and want to reduce this disparity, their only option is to make the sentences for crack dealers lighter and more lenient. I don't believe the Members of this Chamber want to go on record as saying they want to move in that direction. So we have crafted an amendment that constructively addresses the disparity without making crack sentences more lenient.

I think the other components of this amendment are also good—those that deal with methamphetamine, the increased amount of support for drug treatment programs, and the variety of other components of this amendment.

I say, finally, with respect to the question of why it should be in the bankruptcy legislation, the other issues that were agreed upon when we moved to the bankruptcy legislation that were going to be included in the debate here, the so-called non-
amendments, ranging from amendments dealing with East Timor, to agriculture, and so on, and this amendment as well. Perhaps this isn’t the ideal spot for this debate. I only say that was the agreement that was reached by 100 Senators, that we would have amendments that were not specifically germane to bankruptcy as part of the final bill we will deal with on the floor this year.

I hope those who argue somehow that we should beymmetric with this issue will be equally vocal in complaining about the insertion of other less germane issues in the bankruptcy debate because clearly we are going to hear it argued from both sides that some of the issues are inappropriate in this context. The fact is, I think the American people want us to take a tough stand on drugs and want us to take a tough stand in favor of tough drug sentences. Our amendment accomplishes that. I sincerely hope our colleagues will join us in supporting its passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey?

Mr. LAUTENBERG. Mr. President, how is the time apportioned?

The PRESIDING OFFICER. The Senator from New Jersey has 45 minutes, and the other side has 16 minutes.

Mr. LAUTENBERG. I thank the Chair. I will try to save some time for my friend from Iowa.

Mr. President, I raise my voice in opposition to this amendment because I think it is a wrong-headed distraction from the issues that parents all over this country care about—the epidemic of gun violence in our society at large and especially in our schools.

This amendment would allow Federal education funding to be shifted from special education, computer technology, bilingual education, and other key programs to provide vouchers to students who are victims of school violence.

In a way, I have to tell you that I think this amendment has a cruel twist to it because we all want to be of help wherever we can be to those who are victimized by violence. But look at the way the program is designed.

Vouchers to schools? It doesn’t, in my view, really make a lot of sense when in fact, if we could keep guns away from our schools, we would not have to be thinking about vouchers but, rather, about how we educate our children. We bring the teachers into the schoolrooms, as the President would like to have us do—100,000 teachers. Perhaps the workloads of many would be able to be confined to a serious review of the educational requirements.

This amendment is disturbing on many levels—so many that I am not sure where we begin.

Is this the answer to school violence—ignore the causes, do nothing to remedy the school ship certain kids out of public schools?

Does the Republican majority really believe schools should cut special education and computer funding in public schools to fund voucher programs?

We are approaching the 21st century. Everyone knows that whatever the 20th century brought by way of technology, computers, et cetera, is likely to be the 21st century. The 21st century starts with a computer base. Why we would want to take funds away from those programs is really hard to understand. It is not what America’s parents want. They want answers. We had one of the answers on the floor this morning. It pointed this to the people. They want to see a juvenile justice bill passed, but the majority has buried this legislation in conference and declared it dead for the year. It is hardly a way to respond to the anguished calls we hear all over this country.

It includes, yes, stricter punishments for those who would violate the rules of behavior in our society. But it also closed a gun show loophole that took the ammunition out of the equation. It reduced the possibility that anyone who is on the 10 Most Wanted List of the FBI could walk into a gun show and buy a gun. As outrageous as that sounds, that is the truth.

I don’t know if Congress is going to catch up with the American people. The American people are so far ahead of Congress that it is embarrassing. Poll after poll after poll pleads with the Senate and pleads with the House to take away the availability of guns. At least, if you are not going to take it away, make sure that those who buy guns are qualified; that they know what to do; that they are mature; that they are not likely to use them for a violent ending.

The public is demanding an end to the gun violence. It has reached epidemic proportions. The events of last week prove no one is safe from maniacs who mass arsenals of deadly weapons and unleash them to gun down whole groups of people—people from Hawaii to Seattle, from Colorado to Texas to Kentucky.

I just think about it. Schoolchildren, high school children at Columbine—everyone remembers that and will never, ever, forget the picture of that child hanging out the window pleading for help before he fell to the ground. Then the next one is office workers running away from a gunman in Atlanta, GA; the next, a picture of youngsters gathering together, cut down and wounded by a gunman and running for their lives.

We have to do something to stop this insanity. We have to do something about a system that makes it easier for someone to buy a gun than to get a driver’s license.

We are about at the end of this legislative session. One thing is clear—we have given in to the extremists, to the gun lobby, the NRA that opposed even the most commonsense proposal to stop gun violence. If I were their adviser, or counselor, I would say: Listen, guys and women. Let’s give in on this one. It doesn’t hurt us a darned bit, and it makes us look as if we are in touch with the American people. But no; the extremists went out, and they have their hand in this place. They have their hand in the House, and they turned our programs away from public opinion and public demand.

Most Americans assumed that the horrific shootings in Columbine would be enough—the ultimate outrage. Most Americans thought that the vision of 2 high school students systematically killing classmates and wounding 23 others would finally spur Congress to action, would finally say “that is enough,” “that is enough.”

After that terrible incident, 89 percent in one poll and 91 percent in another poll asked for the elimination of the gun show loophole. But it was ignored here. The public ought to look at why it was ignored.

The reason I think it was ignored is that campaign contributions overwhelm the good judgment and the demand of the American people—campaign contributions. Get elected; that is what counts. There is more to it than that.

It was 7 months ago when that happened. Congress hasn’t acted even while the body count rises. Just last week, nine more people were shot and killed in rampages by two gunmen. One of these gunmen owned 17 handguns.

In May of this year, the Senate—with Vice President Gore’s help—passed my gun show loophole amendment as part of the juvenile justice bill. The gun show loophole amendment said that where gun shows, where so many guns are bought, traded, and sold, had a place for nonlicensed gun dealers, non-Federally-licensed gun dealers, anyone—it didn’t matter who you were—could walk up to one of those gun dealers and say, “Give me 20 guns, and here is the money.” There would be no questions asked. Where do you live? What do you do for a living? Have you been in jail? Have you been a drug addict? Have you been an alcoholic? Have you been known to have bursts of temper, outrage, beaten your wife, your children? Not one question. It is outrageous—not one question. We tried to close that loophole. It was a commonsense measure that would have stopped lawbreakers, under age children, and the mentally unstable from walking into a gun show and finding out what they were.

We passed it 51 to 50. But as soon as the Senate passed my amendment, the NRA sounded its alarm and its allies went out to work to defeat the proposal in the House.

The gun lobby spent millions on radio and TV ads, but, of course, those ads didn’t mention the gun massacres that followed Columbine. They didn’t mention that. In the first week of July, a black man was shot in the face, a white racist went on a shooting rampage in Illinois and Indiana killing two people and injuring nine. Or that a few weeks later, a deranged day trader in Atlanta shot 9 people to death in an
office and wounded 13. Or that in August, a man with a .44-caliber Glock gun killed three coworkers in Alabama.

No State is safe. There is no group of people that is safe—no ethnic group, religious group, or otherwise.

Five days after that, a white supremacist killed a Filipino postal worker at a Jewish day-care center. Who will forget that scene—those little kids, like my grandchildren, being led by policemen out of the schoolhouse, where they went to learn and have fun, running away? Where’s my family, my well-armed maniac walked into the Baptist Church in Ft. Worth, TX, and killed seven young people who were at a prayer gathering.

Day by day, the death toll mounts. Our family, children, friends, and neighbors are being gunned down in our schools, in our houses of worship, where we work and live.

More than 34,000 people are killed by guns every year, more than lost during the Korean war. Additionally, we wind up shooting 334,000 gunshot wounds, and the cost to the country is over $2 billion; taxpayers pay almost half of that.

While the NRA may be on the Republican side, law enforcement is on our side. I worked with law enforcement drafting my gun show amendment, and I received numerous letters from law enforcement organizations supporting that amendment and other gun safety measures the Senate passed.

I ask unanimous consent copies of those letters be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Hon. Orrin G. Hatch, Chairman, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

Dear Chairman Hatch: The International Brotherhood of the Police, a registered labor organization, is an affiliate of the Service Employees International Union, AFL-CIO. The IBPO is the largest police union in the AFL-CIO.

On behalf of the entire membership of the IBPO I wish to express our strong support of the gun-related provisions adopted by the Senate as part of S. 254. The IBPO knows that passage of this legislation would require the performance of background checks prior to the sale or transfer of weapons at gun shows, as well as extending the requirements of the Brady Act to cover juvenile acts of crime.

The IBPO has always viewed the Brady Act as a vitally important comprehensive crime control effort. Since its enactment, the Brady Act has prevented more than 400,000 felons, fugitives and others prohibited from owning firearms from purchasing firearms. However, the efficacy of the Brady Act is undermined by oversights in the law which allow those individuals prohibited from owning firearms at events such as gun shows, without undergoing a background check. The IBPO believes that it is vitally important that Congress act swiftly to close these loopholes and preserve the effectiveness of the Brady Act.

No gun should be sold at a gun show without a background check before they sell a firearm. The IBPO applauds the focus on prevention, and we stand ready to do our part to engage America’s youth.

In addition, you may be asked to consider the following amendments that I support.

Four ways to close loopholes giving kids access to firearms:

1. The Child Access Loophole. Adults are prohibited from transferring firearms to juveniles, but are not required to store guns so that kids cannot access them. This Child Access Protection Act (CAP) proposal would require parents to keep loaded firearms out of the reach of children and would hold gun owners criminally responsible if a child gains access to an unsecured firearm and uses it to injure themselves or someone else.

2. The Gun Show Loophole. So-called “private collectors” can sell guns without background checks at gun shows and flea markets thereby skirting the Brady Law which requires that federally licensed gun dealers initiate and complete a background check.

3. The Internet Loophole. Many sales on the Internet are preformed with no background check, allowing criminals and other prohibited purchasers to acquire firearms. No one should be able to sell guns over the Internet without complying with the Brady background check requirements.

4. The Violent Juveniles Purchase Loophole. Under current law, anyone convicted of a felony in an adult court is barred from owning a weapon. However, juveniles convicted of violent crimes in a juvenile court can purchase a gun on their 21st birthday. Juveniles who commit violent felony offenses when they are young should be prohibited from buying guns as adults.

The National Sheriffs Association and I welcome passage of this legislation. We look forward to working with you to ensure swift enactment of S. 254.

Respectfully,

Ronald S. Neubauer, President.
November 10, 1999

CONGRESSIONAL RECORD – SENATE

S14467

Sheriff, Chairman, Congressional Af-

fairs Committee and Member, Executive
Committee of the Board of Directors, NSA.

NATIONAL ASSOCIATION
OF
SCHOOL RESOURCE OFFICERS,

Boytont Beach, FL, September 16, 1999.

Chairman HATCH,

Senate Judiciary Committee,

Dirksen Senate Office Building,
Washington, DC.

Director, NAPOLI:
The National Asso-
ciation of School Resource Officers (NARSO) is a national organization that represents over 5,000 school based police officers from municipal police departments, county sheriffs, and school districts, as well as state police departments and school district police forces.

On behalf of our entire membership nation-
wide, I am writing today in strong support of the gun-related provisions adopted by the Senate as part of S. 254. These measures are crucial in reducing child and criminal access to guns.

As you and other conferees meet to craft
juvenile justice legislation, NARSO urges you to focus on an important issue to law enforce-
ment—the need for at least three business days to conduct background checks at gun shows. This is the same period of time currently allowed when a firearm is pur-
chased from a licensed gun dealer.

As law enforcement officials we know from experience that it is critical to have at least three business days to do a thorough back-
ground check. Law enforcement officials need time to access records that may not be available on the National Instant Check Background System (NICS) such as a person's history of mental illness, domestic violence or recent arrests. What is important to law enforcement is not how fast a back-
ground check can be done but how thorough it is conducted. Without a minimum of three business days, this will increase the risk that criminals will be able to purchase guns.

NARSO is concerned that 72 or 24 hours is not an adequate amount of time for law en-
forcement to do an effective background check. The FBI analyzed all NICS back-
ground check data in the last six months and estimated that—if the law had required all background checks to be completed in 72 hours—9,000 people found to be disqualified would have been able to obtain a firearm. If the time limit for checks had been set for 24 hours, 17,000 prohibited purchasers would have gotten guns in just the last half year. The FBI also found that a gun buyer who could not be cleared by the NICS system in under two hours was 20 times more likely to be a prohibited purchaser than other gun buyers.

It is impossible to tell precisely how many lives will be saved by applying the same background check system that now applies to gun stores sales to gun shows. We know, however, that without such equivalent treat-
ment gun shows will continue to be the pur-
chase points of choice for murderers, armed robbers and other violent criminals like Hank Earl Carr, who was a frequent gun show buyer despite being a multiple con-
 victed felon. Carr's crimes didn't stop until 1998, when he shot his stepson and three po-
lice officers before turning a gun on himself.

On June 23, 1999 a Colorado man shot and killed his three daughters, ages 7, 8 and 10 just before taking a gun show and selling it to a lis-
censed dealer. The dealer completed a NICS check, but the check failed to reveal that the man had a domestic abuse restraining order against him. Law enforcement had consulted local and state records using both computerized and non-computerized data

bases than the man probably would have never been able to purchase the gun.

The other Senate passed provisions NARSO supports include: requiring that child safety
locks be provided with all handguns sold; banning all violent juveniles from buying guns when they turn 18; banning juvenile possession of assault rifles; enhancing pen-
alties for transferring a firearm to a juve-
nile; and banning the importation of high cap-
acity ammunition magazines.

It is important to note that NICS passed gun-related provisions in order to protect the safety of our families and our commu-
nities. The police officer on the street under-
stands that the time limit for background checks to be completed in 72 business days, this will increase the risk that criminals will be able to purchase guns.

I am writing today in strong support of the gun-related provisions adopted by the Senate as part of S. 254. These measures are crucial in reducing child and criminal access to guns.

HISPANIC AMERICAN POLICE
COMMAND OFFICERS ASSOCIATION,

Chairman HATCH,

Senate Judiciary Committee, Washington, DC.

DEAR CHAIRMAN HATCH:
The Hispanic American Police Command Officers Associa-
tion (HAPCOA) represents over 3,900 command level law enforcement officers and affiliates from municipal police departments, county sheriffs, and state and federal agencies including the FBI, U.S. Marshals, U.S. Secret Service, and the U.S. Park Police.

On behalf of our entire membership nationwide, I am writing today in strong support of the gun-related provisions adopted by the Senate as part of S. 254. These measures are crucial in reducing child and criminal access to guns.

As you and other conferees meet to craft
juvenile justice legislation, HAPCOA urges you to focus on an important issue to law enforce-
ment—the need for at least three business days to conduct background checks at gun shows. This is the same period of time currently allowed when a firearm is pur-
chased from a licensed dealer.

As law enforcement officials we know from experience that it is critical to have at least three business days to do a thorough back-
ground check. Law enforcement officials need time to access records that may not be available on the Federal National Instant Check Background System (NICS) such as a person's history of mental illness, domestic violence or recent arrests. What is important to law enforcement is not how fast a back-
ground check can be done but how thorough it is conducted. Without a minimum of three business days this will increase the risk that criminals will be able to purchase guns.

HAPCOA is concerned that 24 hours is not an adequate amount of time for law enforce-
ment to do an effective background check. The FBI analyzed all National Instant Check Background System (NICS) data in the last six months and estimated that— if the law had required all background checks to be completed in 72 hours—9,000 people found to be disqualified would have been able to obtain a weapon. If the time limit for checks had been set for 24 hours, 17,000 prohibited purchasers would have gotten guns in just the last half year. The FBI also found that a gun buyer who could not be cleared by the NICS system in under two hours was 20 times more likely to be a prohibited purchaser than other gun buyers.

It is impossible to tell precisely how many lives will be saved by applying the same background check system that now applies to gun store sales to gun shows. We know, however, that without such equivalent treat-
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bases than the man probably would have never been able to purchase the gun.

The other Senate passed provisions HAPCOA supports include: requiring that child safety
locks be provided with all handguns sold; banning all violent juveniles from buying guns when they turn 18; banning juvenile possession of assault rifles; enhancing pen-
alties for transferring a firearm to a juve-
nile; and banning the importation of high cap-
acity ammunition magazines.

It is important to note that NICS passed gun-related provisions in order to protect the safety of our families and our communities. The police officer on the street understands that this legislation is needed to help keep guns out of the hands of children and violent criminals.

Sincerely,

ROBERT L. STEWART,
Executive Director.
PERF supports strong, enforceable “Child Access Prevention” laws. Once again, we have seen results: that children have access to firearms. PERF has supported child access prevention bills in the past because we have seen firsthand the horror that occurs when angry and disturbed kids have access to guns.

We must do more to keep America’s children safe. As recent events have shown, but because of the shootings, accidents and suicide attempts we see with frightening regularity, it is important to adopt the Senate-passed gun-related provisions in order to protect our families and our communities. The police officer on the street understands that this legislation is needed to help keep guns out of the hands of children and violent criminals. Thank you for considering the views of law enforcement. We applaud your efforts to help make our communities safer places to live.

Sincerely,

CHUCK WEXLER,
Executive Director.

Mr. LAUTENBERG. Mr. President, some of my colleagues around here believe that former President George Bush resigned from the NRA because the organization referred to law enforcement people as “jack-booted thugs.” What a twist to refer to our law enforcement people courageously out there risking their lives to save others and refer to them as “jack-booted thugs.” I saluted President Bush for that one.

We ought to be skeptical when the NRA says it supports law enforcement. It is not. It is still the sentimental view when they use the second amendment to promote extremist views. What does the second amendment say?

A well-regulated Militia being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

It doesn’t say one ought to be able to buy it without a license. It doesn’t say if someone is crazy, they ought to be able to buy a gun. It doesn’t say if one is 12 years old, they ought to be able to buy a gun. It doesn’t say one ought to be able to buy as many guns as they want. No matter how broadly one interprets that, there is nothing that says one shouldn’t have to have a license to buy a gun.

The interpretation of the amendment has been broadened and the courts don’t hold or support that. That is the kind of gobbledygook that accompanies that. It is like saying guns don’t kill; people kill. Who pulls the trigger? Animals. I guess maybe in some ways they are.

We never hear the NRA talk about the first 13 words in that amendment:

A well-regulated Militia, being necessary to the security of a free State:

They only cite the last 14 words when they argue that the amendment creates an unlimited right for individuals to bear arms.

Nonsense. The NRA knows the history of the second amendment doesn’t support the organization’s radical views. When the Constitution was being debated, each State had its own militia. Most adult males were required to enlist and to supply their own equipment, including their own guns. The second amendment was written in response to concerns that excessive Federal power might lead to the Federal Government passing laws to disarm those State militias.

The United States changed a great deal since then. We no longer have State militias where citizens are required to provide their own arms. Thank goodness we have a National Guard—a State-organized military force—that is not unlimited and depends on government-issued weapons. They are there to respond to protecting the public.

If my colleagues are interested in reading more about reality and the myths surrounding the second amendment, I urge them to read some recent scholarly articles written by independent historians whose research has not been funded by the NRA. These include articles by Saul Cornell, a historian of Emory University; an editorial by Garry Wills, a Pulitzer Prize-winning history professor at Northwestern University; and an article by historian Mike Bellesiles of Emory University.

I hope my colleagues consent these articles be printed in the RECORD.

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

[From the New York Times, June 24, 1999]

REAL AND IMAGINED

By Saul Cornell

Three words are routinely invoked by opponents of gun control: the Second Amendment. So it was during the debate last week in this House.

In reality, however, the amendment was never meant to ban virtually all efforts to regulate firearms. Indeed, the Founding Fathers viewed regulation as not only legal but also absolutely necessary, and colonial America enacted all sorts of regulatory legislation governing the storage of arms and gun sales.

The mythology of the Second Amendment, however, has turned history on its head. Herewith, the truth about the Second Amendment and its place in history:

Myth: The right to bear arms has always been an individual right.

Reality: States retained the right to disarm law-abiding citizens when the good of the community required such action.

In Pennsylvania, as much as 40 percent of the adult white male population was deemed to lack the requisite virtue to own guns.

Myth: The armed citizen militia was essential to the cause of American independence.

Reality: If Americans had relied on their militia to achieve independence, we would still be part of the British empire. There were never enough guns in the hands of citizens to pose a threat to a well-equipped army. The Continental Army, not the militia, won the American Revolution.

Myth: The militia included all able-bodied citizens.

Reality: The list of groups excluded from the militia in Massachusetts ran to two pages.

Myth: The militia was an agent of revolution.

Reality: While the militia became a powerful tool of political organization, it was invariably used by states to repress rebellions by citizens and slaves.
Richard Henry Lee, one of the signers of America’s Declaration of Independence, wrote that “to preserve liberty, it is essential that the whole body of the people always be armed.” And, he added, all men should be armed, “especially when young, how to use them.” This association between guns and liberty seems hard-wired into the American consciousness. It is not surprising then that it has passed down from one generation of people to another. It has made national heroes of the armed frontiersman, the cowboy and Teddy Roosevelt, the president who carried a big stick and a big gun. Dick Cheney has even openly acknowledged such a powerful cult of the gun that whether you glorify it, fear it or accept it as a necessity you accept its basis in fact. Have guns really been an essential part of American life for 400 years? At first glance it seems absurd to doubt it. From the time of the earliest settlement on the James River, the English colonies required every Freeman to own a gun for self-defense. More than a century and a half later, the notion of the citizen-soldier was enshrined in the Constitution. “A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.” Yet in ordinary life people were not armed to the teeth a couple of centuries ago. Wills and probate records make a different picture. Probate records that list the belongings passed on to heirs often give valuable insights into everyday activities and possessions. Michael Bellesiles, a professor at Emory University in Atlanta, has trawled through more than 1,000 probate records dating from 1765 to 1850 by looking in detail at the firearms owned by a person, the same number as were caused by ax attacks and fewer than those caused by knives. The loss of a violent death was being beaten or strangled (twice as many died that way as by shooting or stabbing). So much for the NRA argument that guns were a prevalent means of defense. Guns were used out of necessity. People certainly will kill, but the rate just as certainly would drop. When is the last time you heard of a drive-by strangle, or the case of a school where a dozen children were mowed down with an ax? that is why the murder rate is so low in the countries that do have gun control.

Another myth that Bellesiles demolishes is that of the militias. Most militias did not have guns, or powder, or the training to use what they had. They were made up of the whole male citizenry—who could have been, when no more than 10 percent of the citizens had guns. Militias usually met at short notice to handle emergencies from the unemployed, the drifting or those too poor to buy substitutes for their service. One of the few exceptions to this condition is in the South where the black slaves were kept in fighting condition in order to patrol the slaves. So far from being a great bastion of freedom, the militias were a support of slavery.

When Bellesiles’ findings are put together with Robert Dykstra’s study of the cowboy legend (which included Tombstone and Dodge City) and gun control laws, so that only 1.5 deaths occurred annually during the cattle drives of their most famous years) and with Osha Gray Davidson history of the NRA (which did not oppose gun control) until the 1960s, there is nothing left standing to vindicate the myth that individually owned guns were a source of American freedom and greatness.
stage a shooting display inside the courtroom to demonstrate the superiority of the new revolver over the axe as a murder weapon. Using these publicity skills, and displaying overwhelming evidence of lobbying ability (he gave President Andrew Jackson a handgun and pioneered the practice of winning and dining members of Congress), Colt made this middle-class public."
of this amendment provide critical resources to law enforcement and communities to battle the methamphetamine epidemic. This started as a strong measure, one I wholeheartedly endorsed and have cosponsored. We have the Midwest, the West; we have the Southwest, a major problem with this dangerous and highly addictive drug. We need additional resources to stop the spread of meth in our rural communities and urban centers.

I am a cosponsor of the bill authored by Senator HATCH and Mr. ASHCROFT, including provisions to help law enforcement investigate and clean up highly toxic meth labs. It includes $15 million for meth prevention and education, $10 million for meth treatment, and authorizes funding for needed research on the treatment of meth. It also includes tougher penalties for meth lab operators and traffickers. Many of these provisions, about a third of them, are taken from the bill I introduced earlier this year called the Comprehensive Methamphetamine Abuse Reduction Act.

Over the past 3 years, I have worked very hard to increase the resources for law enforcement and communities to reduce the supply and demand of these illegal drugs through millions of dollars in grants for law enforcement, prevention, treatment, and research. So the methamphetamine bill is a good bill. It has strong bipartisan support.

The methamphetamine amendment is a good amendment—until last-minute additions were included to undermine the bipartisan support. We now have a couple of poison pills added to it.

The first is a school voucher program, private school vouchers that will divert Federal education dollars from public schools to private schools. It says for a victim of a crime at a school—a situation that no one con- dones—that Federal education funds could be used to send that student to a private school anywhere in the State. That sounds good, but it doesn’t do anything to make schools safer. Plus there is a big loophole in that amendment. Aside from that, that is not the way to address violence in schools. We should, instead, support violence and crime prevention programs in and around public schools, not divert resources from public to private schools. We should invest in initiatives such as Safe and Drug-Free Schools Act and after-school programs, since we know most juvenile crimes occur between 3 p.m. and 8 p.m.

I am on the Appropriations Committee for education. As soon as I finish my statement, I am going downstairs to continue negotiations. The President wanted $600 million for after-school programs to keep these kids off the streets and put them into after-school programs. The Republican leadership knocked that down in half, to $300 million. That is where we ought to be putting our money, not talking money out of public schools and put them in vouchers. Let’s do what the President wanted to do: Put $600 million in after-school programs so these kids will be safe.

We also need more counselors in schools, especially in our elementary schools, to prevent problems before they start. Public tax dollars should be spent on public schools which educate 90 percent of our Nation’s children. Taxpayers’ money should not go to vouchers when public schools have great needs, including providing a safe environment.

Again, there is another part of this that is a poison pill, and that is the mandatory minimum provisions which were put in the amendment. The Department of Justice, all of the U.S. attorneys, including the two U.S. attorneys from the State of Iowa, oppose this provision. It does not fix the problem. Our prisons are already full. We are building new prisons. In fact, the most rapidly growing part of public housing today is our building of prison cells. That is not the answer. Building more prisons, making mandatory minimum sentences, getting young people who may be first-time abusers into these prisons, is not the answer. We need more education; we need more prevention; we need more treatment; and we need more counseling for kids in elementary and secondary schools.

With the two poison pills, I do not see how anyone could support this. The methamphetamine part was a good part when it started out. Then the majority decided to add some poison pills in a political maneuver. I understand the politics of it, but the politics does not mean we have to shield our eyes and cast a blind vote.

I am hopeful that sometime—probably not this year—next year we will be able to bring up again a targeted methamphetamine program that gets to, yes, penalties but also gets to education, prevention, treatment, and research, and put this package together in an antimethamphetamine drug bill that we can bring up and pass without all these riders and poison pills. I yield the remainder of the time on this side.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. We also yield the remainder of the time on this side. I assume we can go to a vote.

The PRESIDING OFFICER. All time has been yielded back. Has someone requested the yeas and nays?

Mr. GRASSLEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays were ordered. The PRESIDING OFFICER. The question is on agreeing to amendment No. 271. The yeas and nays were ordered. The clerk will call the roll.

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 360 Leg.]

YEAS—50

Abraham
Allard
Bennett
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Coaching
Cochran
Corker
Coverdell
DeWine
Domenici
Enzi
Fitzgerald
McConnell

NAYS—49

Akaka
Baucus
Bayh
Biden
Bilbray
Boxer
Breaux
Bryan
Chafee, L.
Collins
Craig
Crapo
Daschle
Dodd
Durbin

Edward
Graham
Gorton
Hagel
Hatch
Helms
Hutchison
Hutchison
Infante
Kyl
Lieberman
Lott
Lugar
Mack
McConnel

Levin
Lincoln
Mikulski
Moynihan
Murray
Reed
Robb
Rockefeller
Sanburn
Schumer
Specter
Sarbanes
Schumer
Specter
Torricele
Wellstone
Wyden

NOT VOTING—1

McCain

The amendment (No. 271) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. ASHCROFT. I move to lay that on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE. Mr. President, today I voted against the Hatch “drug” amendment. I voted against this amendment with some regret because I very much wanted to support one provision in this amendment—Senator HATCH’s Methamphetamine Anti-Proliferation Act of 1999.
Senator HATCH's Methamphetamine Anti-Proliferation Act of 1999 is a bipartisan bill that would go a long way toward attacking the proliferation of methamphetamine trafficking and abuse that particularly plagues the Midwest. I know my friend Senator HARKIN and others have worked tirelessly with Senator HATCH to improve the bill and to ensure that prevention and treatment programs targeted at young people tempted by or addicted to methamphetamine are included in an effective solution to this problem. Because I feel strongly about this issue, I co-sponsored Senator HARKIN's bill the ``Comprehensive Methamphetamine Abuse Reduction Act,'' and many of the provisions of Senator HARKIN's bill are now included in this amendment.

We have a serious problem in South Dakota with the production, trafficking and use of methamphetamine. I have met with many members of South Dakota's law enforcement community about this problem, and I know that cracking down on meth traffickers and users has become more and more difficult as this highly addictive drug has increased in popularity, particularly among our young people. The number of meth arrests, court cases, and confiscation of labs continues to escalate. In the Midwest alone, the number of clandestine methamphetamine labs confiscated and destroyed in 1998 was nearly triple the number confiscated and destroyed in 1997.

It has become evident that methamphetamine is fast becoming the leading illegal drug in our region, and efforts to combat its spread are complicated by the fact that the drug does not discriminate. Its users range from teenage girls who use the drug to decrease their appetite in an effort to lose weight, to middle class men looking for a cheap high. This highly addictive drug leads to devastating drug consequences for its users, and far too often methamphetamine use has been a major factor in a number of violent crime cases. In recent years, the Drug Enforcement Agency has registered an increase in the percentage of arrests due to methamphetamine in South Dakota from around 20% of the total arrest rate to 70%, and several high profile crimes, including murders, in South Dakota have been attributed to methamphetamine.

Mr. MOYNIHAN. Mr. President, I rise now to echo the sentiment of my friend and colleague from Michigan, Senator LEVIN, that the passage of the Republican drug amendment marks a bitter-sweet moment. I, too, regret that I had to vote against this amendment today, because it contains a provision allowing school districts to use federal funds to provide vouchers to students who have been victims of violent crime on school grounds. This provision, which is supported by the Republicans, would be used to help public schools improve technology, to develop charter schools, or to provide for special education students, could be used on vouchers for private schools. The amendment does nothing to make schools safer for children and will do nothing to increase student achievement.

Mr. President, we all know that the education provisions in this amendment will necessitate that this amendment be dropped in conference. Thus, this is not a meaningful vote. I will continue to work to enact legislation to provide law enforcement officials the tools they need to combat the methamphetamine problem in this country. But I don't want to be part of an effort that may, jeopardize the Bankruptcy Reform Act of 1999—a bill that is aimed, rightly, at reducing the abuses of the bankruptcy system. We should be focused on enacting meaningful bankruptcy reform, and not encumbering this bill with divisive partisan measures. I urge my colleagues to consider this provision a poison pill and to support the Hatch amendment, which is, in that respect, a back-door attempt to take federal funds to provide vouchers. I will vote against this amendment. I will do so because it will not make our schools safer and it will not invest in our students and education programs, including IDEA funds, technology funds and others, to provide vouchers. I will vote against this amendment. I strongly support the provision of the amendment which is, in fact, legislation which I co-authored and introduced with Senator HATCH, Senator MORDANIAN and Senator BIDEN in the Judiciary Committee of the Anti-Proliferation Act of 1999. It addresses a long-time crusade of mine—that of speeding the development and delivery of anti-addiction medications that block the craving for illicit drugs. We have a long way to go in which we can fight and win the war on drugs—by blocking the craving for illegal substances. The Drug Addiction Treatment Act is aimed at achieving this goal. It was originally reported out of the Judiciary Committee as Sec. 18 of the Methamphetamine Anti-Proliferation Act of 1999, and provides for qualified physicians to prescribe schedule IV and V anti-addiction medications in their offices, under certain strict conditions. I was pleased to be included in S.224 by the distinguished colleagues. I regret that this vital legislation, which can be a tool for fighting and winning the war on drugs, is included in an amendment that I cannot support.
1999 (S. 324), in Subtitle B, Chapter 2, of the Republican drug amendment, marks a milestone in the treatment of opiate dependence. The Drug Addiction Treatment Act increases access to new medications, such as buprenorphine, to treat certain drugs, such as heroin. I thank my colleague Senator Levin, Senator Hatch, and Senator Biden for their leadership and dedication in developing this Act, and regardless of the outcome of the Bankruptcy Reform Act, one way or another, the record shows that seeing the Drug Addiction Treatment Act of 1999 become law.

Determining how to deal with the problem of addiction is not a new topic. Just over a decade ago when we passed the Anti-Drug Abuse Act of 1988, I was assigned by our then-Leader Robert Byrd, with Sam Nunn, to co-chair a working group to develop a proposal for drug control legislation. We worked together with a similar Republican task force, headed, as I recall, by Senator spectacles to New York—"the French Connection"—but we knew the minute that happened, another route would spring up to make up for the loss. We needed demand reduction; that was short-lived. What we needed was demand reduction, a focus on the user. And we still do.

Demoralization requires science and it requires doctors. I see the science continues to develop, and The Drug Addiction Treatment Act of 1999 will allow doctors and patients to make use of it.

Congress and the public continue to fixate on supply interdiction and harsher punishment of drug traffickers as the "solution" to our drug problems, and adamantly refuse to acknowledge what various experts now know and are telling us: that addiction is a chronic, relapsing disease; that is, the brain undergoes molecular, cellular, and physiological changes which may not be reversible.

What we are talking about is not simply a law enforcement problem, to cut the supply; it is a public health problem, to treat a condition that is so entrenched, that it requires doctors. I see the public health community has come to recognize that addiction is a treatable disease, like heart disease. It is not simply a law enforcement problem, or a problem of supply interdiction. It requires doctors. I see the public health community has come to recognize that it is a treatable disease, like heart disease. It is not simply a law enforcement problem, or a problem of supply interdiction. It requires doctors.

Mr. LOTTON, Mr. President, I ask unanimous consent that the remaining votes be limited to 10 minutes in each.

The PRESIDING OFFICER (Mr. Voinovich). Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF CAROL MOSELEY-BRAUN TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NEW ZEALAND AND SAMOA

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Carol Moseley-Braun, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand and Samoa.

Mr. BIDEN, Mr. President. I am pleased that today the Senate is voting on the nomination of our friend and former colleague Carol Moseley-Braun to be U.S. Ambassador to New Zealand, as well as Ambassador to Samoa.

I am confident that Senator Moseley-Braun will be an excellent ambassador. She has all the requisite skills—political savvy, personal charm, and street smarts—to represent the United States in the finest tradition of American diplomacy.

I would like to make a few comments about the remarks made yesterday by the chairman of the Foreign Relations Committee, the senior senator from North Carolina.

During yesterday's session, the chairman spoke on the floor about this nomination. While he essentially conceded that Senator Moseley-Braun will be confirmed by the Senate, he proceeded to make several arguments which I believe deserve a response.

First, the chairman stated that there had been a "successful coverup" of serious ethical wrongdoing. I believe such a loaded accusation should be supported by facts, yet the chairman offered not a shred of evidence that anyone has covered up anything.

On the contrary, during the consideration of the nomination, the Committee on Foreign Relations was provided with several thousand pages of documents requested by the Chairman, documents which were produced in a very short period of time. Included in these materials were several internal memoranda from the Department of Justice and the Internal Revenue Service; Committee staff members were even permitted to read the decision memos related to the IRS request to empanel a grand jury.

Second, the chairman suggested that Senator Moseley-Braun has "been hiding behind Mr. Kgosie Matthews," her former fiancé, who, the chairman charged, is now "conveniently a missing man." Mr. Matthews, it should be emphasized, is Senator Moseley-Braun's former fiancé, and it is ludicrous to suggest that she is somehow responsible for his whereabouts or activities.

Third, the chairman suggested that the request of the Internal Revenue Service for a grand jury to investigate the Senator was blocked by political appointees in the Justice Department, "no doubt on instructions from the White House" and that it was somehow odd that the request was blocked.

Here are the facts: in 1995 and 1996, the Chicago field office of the Internal Revenue Service sought authorization to empanel a grand jury to investigate allegations that Senator Moseley-Braun committed criminal violations of the tax code by converting campaign funds to personal use (which, if true, would be reportable personal income).

The IRS request was based almost exclusively on some FEC documents. When the first request was made in 1995, the Department of Justice urged the IRS to do more investigative work to corroborate the information that was alleged in the request. When the request was resubmitted in early 1996, it had not added any significant information to the request. In other words, it did not provide the corroborative information that the Justice Department had requested.

The decision to deny the request for authorization of the grand jury was made in the Tax Division, after consultation with senior officials in the Public Integrity Section.

Although it is not that common for grand jury requests to be refused, the Department of Justice is hardly a rubber stamp—for the IRS or anyone other agency. It is guided by the standard of the United States Attorney's Manual, which requires that there be "articulable facts supporting a reasonable belief that a tax crime is being or has been committed." (U.S. Attorney's Manual, 6-4.211B). The committee staff was permitted to review, but not retain, the internal memos in the Tax Division rejecting the IRS request. From the trial attorney up to the Assistant Attorney General for the Tax Division—four levels of review—all agreed there were not the "articulable facts" necessary for empaneling the grand jury.

There is no evidence—none—that this decision was influenced by political considerations or outside forces.

Last year, when the story became public that Senator Moseley-Braun had been investigated by the IRS—and that the request for a grand jury had been denied—the Office of Professional Responsibility at the Department of Justice opened its own inquiry. They investigated not Sen. Moseley-Braun, but...
the handling of the case within the Department of Justice. Their inquiry concluded that there was no improper political influence on the process. So, far from the "Clinton White House blocking the grand jury," all the proper procedures were followed and there is no evidence of White House intervention in the case. Equally important, the Office of Professional Responsibility review concluded that the decision on the merits was appropriate.

Next, Chair Fitzgerald suggested that the decision to reject the grand jury request was somehow tainted because the senior official at the Justice Department who made the decision, Lorettta Argrett, "was a Moseley-Braun supporter, who had made a modest contribution" to Senator Moseley-Braun's campaign, "who had a picture of Ms. Moseley-Braun on her office wall" and that the Senator had "even presided over Ms. Argrett's confirmation in 1993."

Here are the facts: Ms. Argrett, the Assistant Attorney General for the Tax Division, was the senior official at Justice who approved the decision not to authorize the grand jury request. It is true that Ms. Argrett gave money to the Senator's campaign: the grand sum of $25. It is also true that the Senator chaired Ms. Argrett's hearing, a hearing in which several other nominees also testified. I chaired the Judiciary Committee at that time. I routinely asked the members of the Committee to chair nomination hearings, just as Senator Thomas chaired last week's hearing on Senator Moseley-Braun. Finally, it is also true that Ms. Argrett had a photograph of her and the Senator hanging in her office—a photo taken at that confirmation hearing.

All of these facts were disclosed to the Deputy Attorney General at the time, Jamie Gorelick, for a determination as to whether Ms. Argrett should be included in the list of candidates. As Assistant Attorney General Argrett disclosed these facts to the Deputy Attorney General and concluded that, based on the minimal contact she had with the Senator, she believed she could act impartially in this case. Deputy Attorney General Gorelick, one of the most capable public officials I have known in my years in the Senate—approved Ms. Argrett's continued participation in the case.

Mr. President, I will not delay the Senate any further. The Committee did its job and gathered the available evidence. There is no evidence in the record that disqualifies Senator Moseley-Braun.

She will be an excellent ambassador, just as she was an excellent senator. We are lucky that she still wants to continue in public service. I urge my colleagues to vote to confirm Senator Carol Moseley-Braun.

Mr. President, I submit this statement in opposition to the nomination of former Senator Carol Moseley-Braun as Ambassador of the United States to the governments of New Zealand and Samoa. The people of Illinois are intimately familiar with Senator Moseley-Braun's public career, as am I. Based on my extensive knowledge of her record, I cannot in good conscience support her nomination. While her record demonstrates a lack of judgment, there is a significant number of controversies, many of which are troubling, her secret visits to, and relations with, the late General Sani Abacha and his regime are themselves a disqualifier for any kind of position involving representing the United States in a foreign land. They demonstrate a lack of judgment and discretion that should be required of any ambassadorial nominee.

According to her written responses provided to the Senate Foreign Relations Committee on November 6, 1999, the Senate traveled to Nigeria in December, 1992; July, 1995; and August, 1996. According to the same documents, Senator Moseley-Braun met with Sani Abacha during all three trips. Abacha was one of the world's most brutal and corrupt dictators, an international pariah, widely reviled. After taking power in 1993, he jailed Nigeria's elected president, reportedly imprisoned as many as 7,000 political opponents,itchensed journalists, deported thousands of the Kebbi Saro-Wiwa and eight other activists and allegedly stole more than $1 billion in oil revenues while presiding over the nation's economic collapse.

During her appearance before the East Asian and Pacific Affairs subcommittee of the Senate Foreign Relations Committee, Senator Moseley-Braun likened her meetings with General Abacha to meetings between other senators and Members of Congress with leaders of countries accused of violating human rights. This analogy is inappropriate; her visits were of a chilling and distinctly different nature. Senator Moseley-Braun's visits with Abacha were secret encounters, conducted at the Department of Justice, hidden not just from the government but even from her own staff. Moreover, her former fiancé, Mr. Kgosie Matthews, was at one time a registered agent for the Nigerian government. Mr. Matthews accompanied her to Nigeria, although it is not clear how many times he did so. In response to written questions, Senator Moseley-Braun stated that she was "unaware of whether . . . Mr. Matthews 'directly or indirectly received any monetary value' from the Nigerian government." 'To secretly visit a corrupt despot like Abacha, remaining unaware of whether a fiancée, a one-time agent of the regime, is profiting in any way from Abacha or the Nigerian government, demonstrates a profound lack of judgment."

The confirmation hearing briefly touched upon areas of concern other than Senator Moseley-Braun's relations with Abacha during her tenure. The Internal Revenue Service requested a grand jury investigation of Senator Moseley-Braun, suggesting a number of areas of inquiry. In her written responses to questions posed by the Foreign Relations Committee, the nominee stated that "I was unaware that I was the subject of any criminal investigation by the Internal Revenue Service prior to the July, 1998 WBBM report."

The WBBM-TV report, to which Senator Moseley-Braun referred, disclosed that the IRS twice sought to convene a grand jury to explore allegations concerning the personal use of campaign funds as well as allegations relating to possible bank fraud, bribery and other federal crimes. The committee record established that the Department of Justice rejected the requests for grand juries, citing a lack of sufficient evidence, thus halting the ability of the IRS to proceed with the very subpoena power necessary to acquire sufficient evidence. The circularity of this process—the IRS requests for grand juries and Department of Justice refusals—as well as the inability of these concerns to be probed to conclusion, leaves a host of unanswered questions.

Second, it is unclear to what extent the FEC investigated the personal use of campaign funds. There are countless ways a diversion of campaign funds for personal use could occur. Discussion in the confirmation hearing centered on last campaign, Section I.D. of the FEC audit report does not mention the diversion of campaign funds as being within the scope of the audit, but instead lists, in specific detail, eight other areas of inquiry. On the other hand, the last page of the audit report indicates that the FEC audited the activity of the campaign credit cards. FEC working papers provided to the Senate further indicate that the FEC found that the cards were used to pay $6,258.14 of Mr. Matthews' personal expenses, but that, after deducting sums which the campaign argued it owed him, these personal expenses totaled only $311.28. It is unclear whether the FEC probed the possible diversion of campaign funds by other, less blunt, more oblique means, such as by cash purchases or by cashier's checks purchased with cash, or by other mechanisms.

The best of our knowledge, major allegations of diversion, such as those discussed in the hearing, continue to arise until after the FEC audit was completed.

Third, the FEC itself pointedly said that no inferences should be drawn...
from its failure to resolve its examination of Senator Moseley-Braun's campaign fund. According to a Chicago Tribune article dated April 8, 1997, FEC spokeswoman Sharon Snyder mentioned "a lack of manpower, a lack of time, and the pending expiration of the statute of limitations."

She went on to say: "There's no statement here: no exoneration, no Good Housekeeping seal of approval, just no action."

Thus, with respect to the FEC investigation, as with the IRS requests for grand juries, many questions remain unresolved. However, the visits with General Sani Abacha are undisputed and, in their context, they are so unusual and bizarre as to alone disqualify her as an ambassador.

Mr. President, I recognize the Senate must fulfill its constitutional obligation. This body has given Senator Carol Moseley-Braun a select responsibility. While I cannot in good conscience support her nomination, I wish her well in her new post.

Mr. KENNEDY. Mr. President, I strongly support our distinguished former colleague, Senator Carol Moseley-Braun, and I urge the Senate to confirm her nomination to be Ambassador to New Zealand. Senator Carol Moseley-Braun served the people of Illinois with great distinction during her six years in the Senate. She fought hard for the citizens of Illinois and for working men and women everywhere, and it was a privilege to serve with her. In her years in the Senate, she was a leader on many important issues that affect millions of Americans, especially in the areas of education and civil rights. She worked skillfully and effectively to bring people together with her unique energetic and inspiring commitment to America's best ideals.

Senator Moseley-Braun has been breaking down barriers all her life. She became the first African-American woman to serve in this body. Her leadership was especially impressive in advancing the rights of women and minorities in our society. As a respected former Senator, she will bring great stature and visibility to the position of Ambassador to New Zealand. That nation is an important ally of the United States, and it is gratifying that we will be sending an Ambassador with her experience and the President's confidence.

Mrs. FEINSTEIN. Mr. President, I rise today to express my strong support for the nomination of my friend and former colleague, Carol Moseley-Braun, to be Ambassador to New Zealand.

I had the pleasure of serving with Senator Moseley-Braun for six years and I know her to be a dedicated, caring, intelligent, and hard-working public servant. I am confident she will carry these qualities to her new post in New Zealand.

Prior to her service in the United States Senate, Senator Moseley-Braun distinguished herself as a member of the Illinois Legislature and as the Recorder of Deeds for Cook County, Illinois. From 1973 to 1977 she also served as Assistant District Attorney in the Northern District of Illinois.

In 1992, Carol Moseley-Braun made history by becoming the first African-American woman to serve in the United States Senate. As a United States Senator, she dedicated herself to issues that would make a difference in the lives of ordinary Americans: increased funding for education, HMO reform and family medical leave. Following her service in the Senate, Senator Moseley-Braun continued to stay involved in the issues that mean most to her and become a consultant to the United States Department of Education.

On October 8, 1999, President Clinton presented her with a new challenge and nominated her to be United States Ambassador to New Zealand. I am sure her tenure as Ambassador will only add to this long and distinguished career.

The overwhelming and bi-partisan vote in favor of her nomination by the Senate Foreign Relations Committee should answer any critic that questions her qualifications to be the next ambassador to New Zealand.

New Zealand is an important ally and a vital part of our relations in the Asia-Pacific region. We need an ambassador who will be able to handle all aspects of United States-New Zealand relations and best represent our interests. Carol Moseley-Braun is the right person for that job.

Mr. President, I was proud to serve with Senator Moseley-Braun, and I am proud to call her a friend and I am proud to support her nomination to be Ambassador to New Zealand.

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collective bargaining agreements. Yesterday, the parties agreed to a moratorium on the filing of section 4 notices while the negotiations take place to establish new rules. I am pleased that the parties were able to reach a compromise. The STB has the important role of ensuring the STB's decisions are fair and that the public interest is protected. I urge the STB to look favorably on this agreement. In addition, I expect to address this issue legislatively next year when we take up the STB reauthorization bill.

As many of you know, Linda Morgan served as counsel for the Surface Transportation Subcommittee for 8 years and then as general counsel for the full Committee on Commerce, Science, and Transportation for seven years. During that time I found Linda Morgan to be one of the most intelligent and thorough professionals that I have worked with. She is smart and she cares about the issues—I know that she is committed to serving the public in her capacity as the chairman of the Surface Transportation Board. Linda Morgan has served as chairwoman of the Surface Transportation Board (STB) since it was created in 1996. Prior to that, she served as chairman of the ICC. In 1996 she was responsible for implementing the changes that Congress envisioned in the Interstate Commerce Commission Termination Act. She paved the way for a new, more streamlined agency in its place, the STB.

Chairman Morgan is to be commended for her achievements and commitment to the mission of the board during her first term. The STB operates with only 135 people, less than half the staff of its predecessor, but it is charged with regulating the entire railroad industry. Among her accomplishments, Chairman Morgan has facilitated creating a more efficient process for resolving rate disputes between shippers and carriers. Additionally, under her leadership, she has spearheaded efforts to let the private sector come to agreements on short line access and agricultural services arbitration which have benefited the entire transportation industry.

Chairman Morgan has done an outstanding job moving the agency through several different places. She successfully transitioned the agency from the ICC to the STB. She has seen the railroad industry through three very large merger transactions. She helped resolve the service issues in the west. And last year she ended the practice of using product and geographic terms of the ICC to the STB. She has seen the STB through the implementation of the Surface Transportation Board, STB, Chairman Linda J. Morgan to serve another term on that panel even though I am troubled by some STB decisions concerning the CSX and Norfolk Southern acquisition of Conrail properties—like the line I use in Buffalo. I am encouraged, however, by Chairman Morgan's responsiveness to my requests, and those of my colleagues, to monitor the freight rail problems that have plagued New York and the nation. Now the hard part begins. If service failures persist, Chairman Morgan must exercise her statutory authority to take appropriate action. This will be a no easy task. Revising one's work in the face of significant opposition requires courage. And I am confident that should the public interest so require, Chairman Morgan will respond boldly. Nothing short of the future of freight rail in the United States is at stake.

One additional thought is the role of organized labor in the freight rail industry. I would note that I do not find it coincidental that an Independent Federal law permits the STB to revisit collective bargaining agreements dozen years after a merger has been completed. There is a certain logic to providing the STB with the authority to do this. The STB, and not Federal laws ensure the success of a merger. But the prospect that collective bargaining agreements—private contracts—can be the subject of renegotiation even after a merger has been completed is troubling. In the 2nd session of the 106th Congress I will seek legislation to constrain the window of time following the entire state of North Dakota. With four major railroads in the country, regional rail monopolies are very common. Montana was one of the first—we've been captive since 1980.

Another statement from Ms. Morgan.

"The role of the STB is to allow competition where it exists and protect shippers' interests. It is not possible to give you an example of where competition does not exist. Competition does not exist in the entire state of Montana. Competition does not exist in the west. And last year she ended the practice of using product and geographic

Please note that the text is a narrative of events and decisions related to the Surface Transportation Board, with a focus on Chairman Linda Morgan and her work. The text also discusses the challenges faced by the board, such as the need for competition in the rail industry and the role of organized labor. The speaker highlights the importance of the STB's role in ensuring fair and efficient regulation of the railroad industry, and expresses concern about the future of freight rail in the United States.
approval of a merger in which unions can be compelled to renegotiate collective bargaining agreements.

In closing, Mr. President, the Surface Transportation Board faces extraordinarily difficult decisions in the next few years. I believe that Linda Morgan’s experience as a trusted advisor and counsel to the Senate Commerce Committee and her chairmanship of the STB have prepared her well for the challenges that lie ahead. I yield the floor.

Mr. LOTT. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The legislative clerk called the roll.

The result was announced—yeas 96, nays 3, as follows:

YEAS—96

Breaux

Burns

Byrd

Cochran

Cleland

Cooper

Craig

Craig

Kerry

Kohl

Kyl

Landrieu

Leautenberg

Leahy

Levin

Lieberman

Lincoln

Lott

Lugar

Mack

McCaskill

McConnel

McKuki

Meynihan

Murkowski

Murray

Nickles

Reed

Reid

Robb

Roberts

Roth

Santorum

Sarbanes

Schumer

Sessions

Shelby

Smith (NC)

Smith (OK)

Snowe

Specter

Warner

Wellstone

Wyden

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 78

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to consideration of the continuing resolution just received from the House, that there be 15 minutes under the control of Senator Edwards, and following the conclusion or yielding back of time, the resolution be read for the third time and passed and the motion to reconsider be laid upon the table.

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

ORDER OF PROCEDURE

Mr. LOTT. So Members will know what they can expect the next few hours in the Senate, I ask consent that following the continuing resolution, the pending Kohl amendment No. 2516 be modified to reflect the text of amendment No. 2518 and that it be in order for the majority manager of the bill to withdraw the second degree amendment No. 2518, and Senators Hutchison and Brownback be recognized to offer a second degree amendment and there be 1 hour for debate, equally divided in the usual form, and no other second degree amendments be in order to amendment No. 2516.

I further ask consent that a vote occur on or in relation to the Hutchison amendment to be followed immediately by a vote in relation to the first degree amendment, as amended, if amended, following the conclusion or yielding back of time.

I further ask consent that following the votes just described, Senator Wellstone be recognized to offer his amendment relative to agriculture.

Finally, I ask consent that following the votes relative to the Hutchison amendment, all amendments relative to homestead be withdrawn.

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

Mr. LOTT. Mr. President, basically we will have two votes with regard to the homestead issue after 1 hour, and then we will go to the Wellstone amendment, which has 4 hours. I hope there will be much less than 4 hours necessary for that. I assure Members there will be less than that.

That is the lineup of what will happen now for the remainder of the afternoon.

NOTICE

Incomplete record of Senate proceedings.

Today’s Senate proceedings will be continued in the next issue of the Record.
SPECIAL ORDER OF MR. SCHAFER, OMITTED FROM THE CONGRESSIONAL RECORD OF TUESDAY, NOVEMBER 9, 1999

FINDING ONE CENT ON THE DOLLAR WORTH OF SAVINGS IN FEDERAL GOVERNMENT SPENDING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. Schaffer) is recognized for 60 minutes as the designee of the majority leader.

Mr. Schaffer. Mr. Speaker, tonight I want to spend this special order hour talking about two primary topics, one closely related to the second. That first topic is trying to eliminate waste, fraud, and abuse in the Federal Government and in Federal spending. I want to start out, Mr. Speaker, by alerting Members to a brief history lesson on where congressional overspending has gone over the last 30 years. In fact, going back to 1970, Members can see the line below the chart here is the amount of money that the Congress has spent, money that it did not have. This is deficit quantity spending.

Back in 1970, we began a dangerous habit and trend going down here in 1976. Here we were at almost $100 billion in deficits. We continued to drop and drop, spending more and more without regard to the cash that was on hand for the Federal government. We can see here in 1982 and 1986 the height of Democrat control of Congress was when we were on a virtually spending spree here in Washington.

Then when deficits got at about their worst, down in this area, that is about the point in time that the American people changed their mind. This is when the Republican revolution took place. Americans were fed up with a government to come up, the Federal Government to borrow from the social security system. This is an effort to stop the raid on social security. Members can see that that does end right here, that is a trend we want to see continue. In fact, we want to see this line continue to go down further and build greater surpluses, including the social security fund. In order to accomplish that, we have to exercise some fiscal discipline right now, this year, in Congress. That is the debate that is taking place presently between the White House and the Congress.

Here is one of the suggestions we came up with as a Republican majority to avoid raiding social security, as the President has proposed to do. We have proposed that of the increase in spending that we have budgeted for this year, that we just tighten our belt a little bit. For every dollar in Federal spending that we were asking the Federal government to come up, the Federal bureaucrats and the Federal agencies, to come up with one cent in savings, in efficiency savings, in order to help rescue the social security fund and to stop borrowing from the social security system.

We want to stop that raid. We think that out of every dollar that is spent in Washington, we can find that one cent in savings and continue to run the legitimate programs and the legitimate services that are needed and necessary with Federal dollars, and put it in a way that allows us to save social security at the same time. That is what that one penny on the dollar represents.

Again, it was a little frustrating but not surprising here in Washington to hear the various Cabinet secretaries say, we cannot find that one penny on the dollar. All of the Federal departments are so efficient, so lean, so effective, so accountable with their dollars that we cannot possibly find the savings necessary to save social security.

So we, as Members of Congress, decided that we would take it upon ourselves to help. That is the point of today's special order. I appreciate Members going through that brief history with me about how it is we came to the position we are in. It is a very relevant and important position to consider, because at this very moment the impasse in passing a budget hinges on the difference of opinion between this Congress and that White House to find that one penny, and do it in a way that honors and respects not only the taxpayers of America but the children of America, who rely on a sound and credibly run government, and certainly the seniors, the current retirees who rely on social security.

There are a number of great examples. One of our colleagues who I have been told was planning on joining us here issued a report out of his committee, and that report lists, assuming I can put my fingers on it, lists just agency by agency by agency by agency the savings that can be found.

Here are some good examples. Here is the gentleman from California (Mr. Horn) who has arrived. In his report he

* This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
suggested that we could find savings in the Department of Defense. The Department of Defense spent nearly $40 billion on programs for 15 overseas telecommunications systems that cannot be fully used because the Department failed to obtain proper certifications and approvals from the host nations. That is according to a 1999 Inspector General report.

We found savings in the Department of Education, $3.3 in loan guarantees for defaulted student loans, according to one General Accounting Office audit. There is more. We will talk about more of that today. He found savings in the Energy Department, in the Health and Human Services Department administration, and so on and so forth.

It is not hard to find savings, to find that one penny, if you are devoted to rolling up your sleeves and doing the hard work of finding the money. It is an important proposition, I suggest, for this Congress and for the White House. Rather than fighting the merit of saving one penny out of a dollar to save social security, we ought to be joining in partnership and rolling up our sleeves together and getting down in the trenches at the Department of Education, the Department of Defense, over at the Department of Energy, over in health and human services, and working together cooperatively to find all the efficiencies and savings that we possibly can to build a credible government for the future security of our children and for our Nation.

Mr. Speaker, I yield to the gentleman from California (Mr. HORN), who has led the House through this investigation of where these funds may be found and pointed not only me but other colleagues in the direction that we ought to look in order to find some of these savings.

Mr. HORN. Mr. Speaker, I thank the gentleman for yielding to me. We have a lot of work to do, and a lot of work has been done by Appropriations subcommittees, authorization committees, and the group which I chair is the Subcommittee on Government Management, Information, and Technology, which has jurisdiction across the executive branch. That responsibility includes the overall economy, efficiency and management of government operations and activities, including Federal procurement.” [Rule X, clause 1(g)(6.)

Let me provide some background on this, because a lot of people do not know it. Twenty years ago Congress established the General Accounting Office as a cabinet department and independent agency. In 1993, Republicans and Democrats worked on a bipartisan basis. All of these laws I am about to mention are bipartisan. Both parties worked together to get these. Congress sought good management. Despite those attempts, the executive branch does not really have good management.

We had the Results and Performance Act in 1994 and we said, “look, we have to start measuring these programs. We sought to find what kind of results were these agencies having? Are they accomplishing the goals Congress established in the program, not to mention the appropriations which Congress annually provides.”

We also had a look at not only how they spent the money, but also could they give us a balance sheet. And we said to the executive branch that they have five years before they have to give us that balance sheet. Well, the fifth year was up in 1998, and what we see here [should be chart] is the analysis we gave of the various balance sheets. In 1999, we thought the executive branch was a pretty sad situation. It is still pretty sad.

There were only two agencies of the 24 major agencies and departments that could give us a decent balance sheet. The first was NASA, the National Aeronautics and Space Administration. Dr. Daniel Goldin is an outstanding example of great vision. That is a rare combination. The President has cut his budget several times, but despite that he gets first-rate people and they met all the targets that we had put out there.

Next is the National Science Foundation. Those were the two A’s. Now we got to the B’s, three B’s: General Services Administration. That was recommended by the Hoover Commission under President Truman to consolidate all the executive branch to get various economies. Next, B-minus, was the Labor Department. They had two yeses on the three categories.

Let me say what the categories were. Was the financial information reliable? Yes or no? They either made it or they did not make it, and that was a judgment of auditors from the General Accounting Office [GAO]. The GAO is a major asset. Under their Harding administration, Congress recognized that there was a need to focus on management and accountability. In the Budget and Accounting Act of 1922, Congress put all the auditors accountants together in what is known as the General Accounting Office. That office is part of the legislative branch. It provides us with the tools to conduct oversight not just in accounting, but with the Reorganization Act of 1946, Congress also gave programmatic review authority.

However, as long as Speaker Rayburn was alive and Clarence Cannon was head of the House Committee on Appropriations, they refused to let the General Accounting Office do anything in terms of program measurement review. “Just stick to accounting,” they said. Reality is that we need both. Thus, when we looked at the balance sheets from the departments and agencies, we examined them by asking a few basic questions. The first question was: “Did the agency have a qualified opinion or not?”

The second question was effective internal controls, “Did the agency have them or not? Their Inspector Generals, which was the group I mentioned that started 20 years ago, do excellent work in noting what kind of things go wrong with the particular agency.

The third question was “Are they in compliance with the laws and regulations?” That would mean the laws of Congress, the executive orders of the President, and the regulations issued by the agency head. The answer is either yes or no. As I say, only two agencies met the three ‘yes’ tests: NASA and the NSF. We are now in the B-minuses, they had two yeses, and that was GSA, Labor and the Social Security Administration. In the 1990s when I was on the Senate staff, most of us would say that the Social Security Administration was the best run administration in Washington, regardless of the political affiliation. They have effective internal controls and they did have some compliance with the laws.

Next is FEMA, the Federal Emergency Management Agency has been a very well run agency with James Lee Witt as Director. Most of the old timers here have said that Witt is the first person that ever knew what he was doing over there. Mr. Witt came from Arkansas with the current administration. I think most Members that have dealt with him know that he is right there on the spot and he and his staff want to be helpful.

But on this point, accounting, can they give us a balance sheet? FEMA had one yes, it is in power in the presidency. In brief Social Security gets the work done with about 43 million checks a month here and 50 million there.

Now, the C’s start with the Department of Energy. They had a qualified opinion and they have some compliance with the laws.

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Next is the D-plus range. That includes Housing and Urban Development and the Nuclear Regulatory Commission. Health and Human Services, is also a D-minus range. That is also a D-minus for the Treasury. The Agency for International Development and the Department of Veterans Affairs are next.

Mr. HOEKSTRA. Mr. Speaker, would the gentleman yield? Could the gentleman just repeat what the Treasury Department got?

Mr. HORN. The Treasury, I am just getting to it, Mr. HOEKSTRA. The gentleman went by it rather quickly and it was just like this is the agency that is kind of the watchdog agency for how all the other agencies spend their money and they got a—

Mr. HORN. Mr. Speaker, the gentleman is right on that, and we can get into that because we have had numerous hearings on the Financial Management Service, a key agency that services agencies such as the Social Security Administration. But in terms of where Treasury was on this balance sheet, they received a qualified opinion. They did not meet any of our three
Mr. Speaker, that was why in 1994, on a bipartisan basis, we put this performance audit mechanism into these things. Now, we have limited ourselves in staff. If we had kept the number of staff positions our friends, the Republicans, have in the Committee, we would have the help, and not enough authorizing and appropriations. First, we are appropriating them. Second, we are appropriating them. And then we get to the F, the dunce cap category, which starts with the Department of the Interior. All the departments of the Interior have been very cooperative and helpful in working on these management issues.

We also required a chief information officer to be responsible for all computing and communications together under one person who would report directly to the Cabinet Secretary or the operating Deputy Secretary of the Department.

We voted for these laws because wefelt that they would result in better management. These actions are somewhat like the city manager movement that started in the 1920s. The cities were a mess in this country. A political mayor would get into office and he would put all of his relatives on the city payroll. In Cincinnati, Ohio, the city manager movement started. Non-political professionals were hired to do the job. As was said "Garbage is not Republican or Democratic, we just have to get the garbage off the streets and out of people's backyards."

This is the approach that we have taken. I run a very bipartisan subcommittee. The ranking Democrats and Republicans have been very cooperative and helpful in working on these management improvements. Congress can enact them, but the executive branch still limps along and does not face up to a lot of these management issues.

An example, this was a Hoover Commission recommendation during the Truman administration. It was a good one, every department should have an Assistant Secretary for Management. That is nonsense. That was not what Congress intended.

Mr. Speaker, in Washington, we need people who are willing to work in this town about 12 hour days and 6 to 7 days a week when they are an executive officer. They are supposed to be a senior civil servant. Those are the same hours we work on Capitol Hill. It takes an energy to get the job done, and the executive branch does not get the work done because the responsibility has been put under one person who cannot do it alone. They have to have two or three major jobs. That formula is made for failure. That is why the Treasury has had problems.

Mr. SCHAEFFER. Mr. Speaker, will the gentleman yield? The gentleman mentioned earlier that one of the key components and one of the newer components is the performance audit mechanism that we have in place now. This is not just a matter of auditing funds for the financial management and cash flow management of the various funds. We are also now looking through the Inspector General at the actual performance of agencies. How these individuals measure up when compared to the expectations of the country and the government? Are they from the CEO, the chief executive, the President in this case, and whether they comply by the law in order to execute the duties that are put to them.

This is an important provision as well, because it is Congress that establishes policy for the country, not the President. Congress passes the law. And these performance audits in my view seem to be a critical element not just in making sure that we manage the funds right, but that these programs are being run in a way that more closely approximates the objectives of this Congress and thereby the American people.

Mr. Speaker, I would yield to the gentleman. He has requested a performance component of these audits.

Mr. HORN. Mr. Speaker, the gentleman is absolutely correct. This is what I feel the most about, and I have had hearings on the Australian and New Zealand Governments. We have taken a team to look at what they have done. Those are two of the most reform governments in the world. It is interesting. They copied Prime Minister Thatcher, a conservative who has done a lot of things in the United Kingdom's government. But these were both socialist governments in New Zealand and Australia. After their election, they looked around at the fiscal situation and said, "Wait a minute, we do not know how good these programs are, and it looks as we project our expenditure. How much will it be and we have to be in deep deficits." That is exactly what we have been in the United States.

Mr. Speaker, that was why in 1994, on a bipartisan basis, we put the performance and results into the books. This is the tough one to do. Anybody can go through the detailed minutia of the finances of government and we need to focus in. And frankly, we need the help, and not enough authorizing committees have taken a stand and really spent the time which must be spent.

This takes a lot of time. Our oversight subcommittee had 80 hearings in the last Congress. I think that is more than any full committee has had in Congress. That is because we try to dig into the things and look at what we are doing. I was on the subcommittee and we asked our people, we asked our public opinion. They do not want to spend time going through the detail and the numbers and the numbers of governing. But the reason we are so dedicated and committed to these kinds of audits and the professional management of a huge $1.6 trillion Federal Government is that this matters for real people.

Mr. Speaker, I am wondering if the gentleman could turn this to a discussion of why this matters. Who should care about the efficiency and effectiveness of financial management, as well as the performance of all these people running around Washington, D.C., with somebody else's money?
of this work. But we live with what we have to live with. I think we have done a very good job.

The General Accounting Office has been first rate. I have outlined a series of hearings now that I want to do in the first 6 months of next year. I want to give GAO 6 months to put a team together which will go into the agencies and examine what is really going on. At the hearing I will hold, GAO will be my principal witnesses.

Mr. SCHAFER. Mr. Speaker, I would like to point out in graphic detail the reason these kinds of financial considerations are so important. Why the business details of running government really matter. By way of an example, we see in the purple below the baseline here is the Federal deficit for the 30 years that the Democrats were in control of this Congress. Year after year after year these folks did not pay attention to these details and what happened is they ended up spending far more money than the American taxpayer sent to Washington. It looks like a geographic chart of the bottom of the ocean.

Mr. HORN. We could say it is the bear looking into the glassy lake which acts as a mirror and seeing a mountain down there.

Mr. SCHAFER. It is sure. And the proof that these kinds of details matter to real people starts here. This is as bad as it got and this is the year that the American people said enough.

We are sending new people to Washington. We are sending people to Washington. How do we run the government like a business. These principles are the ones that we began to apply here and we can see that there are a number of causes for this reduction in deficit spending up to the point where we are starting to accumulate surpluses.

But this is among them, because not only did we start talking about managing the taxpayers’ money better throughout government management, but we also talked about some of the policy decisions that we make, asking questions like, do we really need to spend all that money on all those programs? We found we can eliminate quite a few of them, and the American people do not miss them. They do not notice the difference.

We are now beginning to focus on a government that is more efficient that supports a more robust economy. That combination of a leaner, more effective, more legitimate governing structure in Washington, combined with a strong economy, is allowing this combination, this partnership of a Republican vision in Congress, plus the economic success the American people have been experiencing, to really pull ourselves up out of this lake and move us into the path of prosperity where we can start talking about Social Security in legitimate terms, providing world-class education for our children, providing for a national defense that is second to none, and providing safety and security for all of our families.

Mr. HORN. Mr. Speaker, we really need to commend Congress, and that is what we are doing, but since the gentleman from Pennsylvania (Chairman GOODLING) is here, he has done a lot of it in education, that is, give flexibility to the different states. He has seen to give some money to the states to decide how to use it. We want to give flexibility in this budget to States to spend dollars on classrooms and the way Governors and legislators and superintendents, school board members, and so on see fit. The Senate, on the other hand, wants to fund education authority here in Washington, D.C. The gentleman from California (Mr. HORN) mentioned those people running around Washington, the bureaucrats who are in charge of these agencies who the President would entrust the greater proportion of decision making in education, what kind of grade did they get in the Department of Education when it came to the gentleman’s ask?

Mr. HORN. Mr. Speaker, it is really an F, because all of this group failed to respond. It is ironic that agencies demand forms from everybody else. Yet, when Congress demands it, it needs to appropriate the money for the agency. My colleagues will mail in what they have, but do they have reliable information on the finance side? That was up to the auditors to advise us on that. Effective internal controls, the auditors, again, could write us an opinion on this and the Department of Education did not do that. They just did not file. Compliance with laws and regulations, both our staff and GAO, do that primarily.

So what we have here is now just for fiscal year 1998. They have not closed and sent it to us for fiscal year 1999 because it has not closed yet. It will on September 30th. So we look forward next spring to examine the balance sheets and ask the authorizing committees and the subcommittees on appropriations to take a careful look and care in the people.

The discussion cannot be only at the staff level. Those discussions must be at the Member level. We are the ones at the grassroots, with all due respect to our staff and I have a first rate one. We are the ones that should be eyebrow to eyeball to the people across the table with our executive counterparts and say, “Okay, let us take a look at it. How are you measuring these programs?”

Mr. SCHAFER. Mr. Speaker, we learned just within these last few days that, on the 18th of November, next week, the Department of Education will be certifying their numbers or complying with the audit requirements for the Department of Education for 1998.

The report they are preparing to send up to Congress is one that suggests and says that the 1998 books in the Department of Education are not auditable. They are not auditable. This is an important graphic and picture to show this. For an agency that manages approximately $200 billion in assets, when we include the loan portfolio as well as the direct appropriation of $35 billion
annualy, for an agency of that size to be unable to tell us how they spend their money is inexcusable. Yet, that is the answer they will give on the 18th when they send that report up to the Congress and to the General Accounting Office, that the books at the Department of Education are not auditable. The chairman from the Committee on Education and the Workforce is here for the State. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, this is why I wanted to stop the direct lending programs before it gets started, because who can imagine a department in Washington, D.C. and this Federal Government running the largest bank in the world. I mean, it was so obvious that they could not do that.

Of course what happened, as my colleagues know, we bailed them out last year. They could not even consolidate loans. They were behind $80,000. Young people leaving college, getting a car, getting a job, getting the loans consolidating their loans were very, very important.

What did we have to do? We had to say to the private sector, you will have to come in and bail them out. You know how to do it. That is what the wholesale dealer is doing right now. That is one of the reasons we are still here, because, of course, Mr. Speaker, in his comments yesterday, the President said that, in just one year, schools across America have actually hired over 100,000 new highly trained teachers thanks to our class size reduction initiative.

Well, I would like them to show us where they are. We are having so many conflicting reports. Some have said 21,000. Some have said 23,000. The greater city schools just put out a study, and they said that they got 3,500 teachers hired in the 40th largest district in the country, which is where most of these funds go is where most of the problem is.

So our debate is not over whether one reduces class size or whether one does not. No, as a parent, as an educator, I know that is important. I did that as a superintendent 30 years ago, thanks to a school board that thought that was important. That is not the debate at all.

The debate is over quality and flexibility, because we can get ourselves into these debts. If, after we go through this exercise, we end up having this kind of report appear in the newspaper, this report yesterday in the Daily News, New York, “Not Fit To Teach Your Kid; In some city schools, 50 percent are not certified.”

Well, we know at least however many teachers they hired in this last year under this new program, we know that at least 10 percent were not certified. We have no idea how many are not qualified, but we know 10 percent are not certified.

Mr. HORN. Mr. Speaker, would the gentleman from Pennsylvania agree that the sadness of this administration, very frankly, is that they read too many public opinion polls, and they do not lead, and they do not provide leadership. That is part of the problem here? They mostly engage in public relations everyday. But what has happened here is that they are criticizing our attempt to let the local people who know what the problems are to use the funds that the Federal Government is going to appropriate to them. Obviously, some funds cannot go for that. Some funds can go for teacher professionalism and training. There is a dire need for computing capacity. That is certainly needed as we go into this digital world.

But in my State, we have thousands of illegal immigrant children. Where are we going to put them? What roof are we going to put over them. In the northeastern States, they do not have all the sunshine we do. They face a major problem. Will students have snow coming through the roofs that are not there?

So superintendents will say, “Look, maybe I want a mix of this. I have to have that new elementary school. We have 5,000 children that are going to be in kindergarten. The kind of numbers we are talking in Long Beach, California and Los Angeles.

Mr. GOODLING. Mr. Speaker, which is exactly why our committee reported out in a bipartisan way, they passed the Teacher Act, saying please do not just go out and hire teachers to reduce class size if you cannot find quality. Please do not go out and hire teachers if you do not have any space to put them in. Let the local district determine what is most important in order to raise the academic achievement of all children. That is what the debate should be about. The debate is not about class size. It is about flexibility. It is about quality.

Mr. HORN. Mr. Speaker, the Secretary today, and it was kind of interesting because he challenged us. He said, ask these people that got all these teachers to reduce class size what they think about it. They highlighted Jackson, Mississippi as one of them. So we called Jackson, Mississippi. The superintendent said, “Oh, of course I am for class size reduction.” She also said, “I loved the money. I appreciated the money.” But she said, “If I had some flexibility, I rather would have used a larger portion of these funds for technology and professional development.” Then she went on to say, “All of this with the goal of improving student achievement.” Now, this superintendent knows what is most important.

So we called a few more. We called Greencastle, Pennsylvania. They got $39,600. They are not going to hire too many teachers with that $39,600.

Mr. HORN. Mr. Speaker, they are lucky they got it. Mr. GOODLING. Mr. Speaker, what did he say. He said he would purchase software programs to provide remedial math and reading assistance to students in early grades if he could have used that money in that manner.

Then we called the Erie school district. They got $796,000. They said they would have used it in three different ways. We called the others. After all program, after school hours direct assistance for students who call in who are having homework problems. They would have used some of it for that purpose. They would have purchased software programs, and software to help students improve their academic performance. They would have used it for teacher training, for their research-based education programs, particularly as it relates to incorporating standards into classroom curriculum and lesson plans.

Then we called West Allegheny, $44,900. They said they would have used it to create an integrated approach for literacy instruction. Mr. Speaker, in early intervention programs. In essence, they would use the money to develop instructional approaches specifically targeted to at-risk young children helping those students make the transition from prekindergarten to kindergarten in his present to kindergarten in first grade.

Yes, we did just what the Secretary said. This is what they came back with. They said give us the flexibility. Yes, we give them the flexibility. Yes, we want to reduce class size. But there are so many important things.

Mr. HORN. Mr. Speaker, the model on this, as my colleagues know, is what a superintendent wants to do, and I supported him on that request and developed some language for the COPS program.

The real problem is where is the second, third, and fourth year money to help, because it is very hard for that local district to provide it. So here again, and that is exactly what is going on here.

Mr. GOODLING. Mr. Speaker, when we talk about the appropriators appropriating $1.2 billion for this program, $3 billion gets us there. One billion, yes, well, how come? Well, because, first of all, they have to pay for however many they got this year because they remain on that payroll. We do not know whether it is 5 years or 7 for everybody. From this year on, it is 7 years. So for the $1.2 billion, we only get the 6,000 teachers. Again, there are anywhere between 15,000 and 17,000 public school districts. There are more than 100,000 school buildings within these public school districts.

So my colleagues can see, when we talk about 100,000 teachers, there has got to be quality, and there has to be flexibility. That is what the argument is, but there is nothing to do with class size.

Mr. HORN. Mr. Speaker, maybe Congress ought to pass a law that says cabinet officers of departments that have administrative problems should have had some administrative experience. The gentleman from Pennsylvania has had it. I have had it.

Mr. GOODLING. Mr. Speaker, that would be a good idea.
Mr. GOODLING. A number of this body have had that experience as a governor or mayor. We look downtown, they have never done anything, many of them. They are just there. Some are simply politicians without major administrative experience. And that is fine, fine, fine.

So let me just read my first and last sentence and what I sent to my colleagues, Democrat and Republican today, with my fine excellent staff digging up this from General Accounting Office reports and inspector generals. I said, "Last week, President Clinton vetoed a bill that called for a 1 percent cut in discretionary spending throughout the Federal Government, saying the loss would place too great a burden on American families." So I end this with, "The President's concern about American families is best served by insisting that the departments and agencies under his command run their financial affairs in a responsible businesslike manner.

Now, he is the chief executive of the government of the United States. Instead of taking trips every day, going almost everywhere, and still acting like he is running for an election, he ought to be rolling up his sleeves, getting his people around the table, and saying, "Look, folks, we only have about a year more, let us leave a legacy of which we can be proud of. That is what he should be doing. That is what you proposed." Mr. SCHAFFER. Our proposal is significantly more for education than what the White House had suggested. Mr. SCHAEFFER. Our proposal is significantly more for education than what the White House had suggested. I said, then, really does come down to this flexibility question. Mr. GOODLING. And quality.

Mr. Schaffer. If I could point out, with respect to education, it is important to remember at this point in time in the debate between the Congress and the White House on this budget that there is no disagreement either fundamentally on the amount of money to be spent.

Mr. GOODLING. In fact, we propose more.

Mr. SCHAEFFER. Our proposal is significantly more for education than what the White House had suggested. I said, then, really does come down to this flexibility question. Mr. GOODLING. And quality.

Mr. SCHAEFFER. And we understand throughout the country that there are some districts where class size reduction is important, where they would like to use the money to hire more teachers. But that is not true in all districts throughout the country.

And what happens is when we tell districts whether they need them or not. And this is what is wrong with the whole job situation in America now who are not fit to teach. And the reason is that the White House here in Washington, and the President sends it back to the States and says they cannot spend it on computers, if they want computers, and they cannot spend it on training if they need to do training, and they cannot spend it to fix the leaky roof, if the roof needs fixed; he says they must spend it on the teachers that he decides they must hire, whether they need them or not. And this is the headline we see when we spend money, the people's money, in such a reckless way. We are trying to turn these headlines around into positive headlines by putting principals and superintendents in charge of the money, because they are the ones who know the teachers' names, they are the ones who know the names of the students and the families, they are the ones who know what schools need. The President, I assure my colleagues, does not have a clue what schools in my State need, and I know that he would have, and he can see, and this is why we are here at 11 p.m. at night eastern time, fighting for our children, because we believe that these children really do matter and they deserve our help.

Mr. GOODLING. The tragedy here is that 25 percent of this 50 percent may be very, very capable individuals. And if they could take the money to properly prepare them, to teach the math and the science, to teach the reading, they could largely help us, and we could have quality teachers in the classroom.

But that is not what we say. We say, here, take the money and reduce class size. And when I said, but California tried that and they got all messed up, the response was, well, they tried to do it too quickly. Well, this city did not try to do it too quickly. This is over years and years and years. And so all we need to do is give the kind of flexibility and then demand quality and demand accountability, and they will do well.

Mr. HORN. Well, I agree with the gentleman, that is what we are trying to do to the executive branch in general of this Federal Government. It is not my job to say that the President rules by polls instead of ruling by the instincts he had when he was governor and experienced these problems. They seem to have been forgotten.

In the early 1980s, I met the President. He was not the President then, he was a governor. And I met him because the business of the Higher Education Forum was trying to put its finger on what is wrong with the whole job situation in America, and part of, we said, must be the K-12 problem. And we asked the staff to prepare a report that would talk on this subject who are dealing with it. And we had governor of New Jersey and Governor Clinton of Arkansas.

The membership of this was 40 of us were university presidents and 40 were CEOs from the top 100 American corporations. And the TRW CEO was the one that went to President Reagan and said, look, we have to face up to the K-12 situation, and the President was very supportive of that. But what we have here is we have spent, what, $2 billion more this year than anybody would have expected in education? We have done the same thing in the National Institutes of Health under the gentleman from Illinois (Mr. PORTER). And I was particularly pleased, as a former university president, to know that the Pell Grants are, that we have upped the maximum every year, and this is the first time that has ever happened in Congress. The Democrats did not do it, the Republicans did. And I know how important those grants are if people in financial need are going to get a decent education.

Now, one of the problems here is debt collection. The gentleman mentioned some of the accounting messes that are in the student loan program. The major bill I have put on the books since coming here was the debt collection bill. And when we did a test one time, we found out one person that was getting a Pell Grant classified as a millionaire on his income tax. And we caught a lot of little things like that.

But what is needed is to have accounting, as the gentleman said. These are not grants, these are loans. I am all for grants, if we had the money, but as it is not, that they President have to revolve that money coming back from the loan.

Mr. GOODLING. And as the gentleman knows, when we reauthorized...
of the Higher Education Act, we specifically placed in the Department of Education someone who knows something about student loans and told him that he was not involved in policy; that he is involved in the business of making sure the funding that is appropriated comes back to us and that we do not have the foul-up we had last year when we had to bail them out in their direct lending program.

Mr. SCHAFER. Well, the need to bail out the program under the Clinton administration is easy to understand when you see the findings of the committee chaired by the gentleman from California (Mr. Horn). He found that in fiscal year 1997, the Federal Government spent more than $3 billion on loan guarantees for defaulted student loans, and that is according to the General Accounting Office audit.

In addition, the Department had overpaid 102,000 students Pell Grants, totaling $109 million. The audit also found that 1,200 students falsely claimed veteran's status to increase their eligibility to the program. That cost taxpayers almost $2 million.

So the necessity is very obvious here when it comes to managing these loan programs. And just squeezing that one penny out of the dollar in efficiency that we are looking for, we know where to find it, and we are on to a worthwhile strategy to try to accomplish that. But the Department of Education is probably the best place we could start looking, because, as I mentioned earlier, their financial books are not even auditable for 1998. And so that ought to send up a red flag and tell us that there is probably a little bit of waste, fraud, and abuse, just like the examples the chairman found, and we are going to look for more.

Mr. HORN. Well, good luck. We will be right behind you.

Mr. SCHAFER. Mr. Speaker, I would also like to add one more observation. Governor Gray Davis from California.

Now, Governor Gray Davis is not one who agrees with us on a day-to-day basis on a great many issues. He is a pretty classic Democrat, very liberal, and one who agrees typically with the President of the United States. But when he was on Meet the Press earlier this year, here is what he said about this notion of having the President tell him that he must spend his money, the State's money, on hiring new teachers.

Here is what Governor Davis said from California.

"Secretary Riley," the Secretary of the Department of Education, "was telling me about the $1.2 billion that was appropriated to reduce class size to 18 in the first three grades. Now, in California, this is one of the areas where we're ahead in public education. We're already down to 20 per class size in K-4. So that money, which is supposed to be reform money, to work to a goal, so where we've already pretty much achieved the goal, would best serve reducing class size in math and English in the 10th grade."

But, of course, the Governor cannot spend the money on the tenth grade as he would like because the President will not let him.

The Governor goes on, "So if Washington says to the states, you must improve something and we'll give you the money, that will give all the governors the flexibility to get the job done."

Well, what the Governor pointed out in that last quote is the Republican plan. One place the governors have the flexibility. The Governor of California is at the other end of the country that way. He is about as far away from here as you can get. And the notion that the people here in Washington should tell the Governor way over there in California what is in the best interest of the Governor's students and his constituents is ludicrous.

Mr. HORNE. Governor Davis is pursuing an excellent policy, the same that was started by Governor Wilson, his predecessor. And let me tell you, it has made a difference, particularly in reading. It started in the lowest grade and it moved up one grade each year. Teachers are much happier, and I have seen them with glee as they have the opportunities and time, that is what counts, to work with young people.

Governor Wilson started that and that was a major breakthrough. And of course, it is State money, not Federal money, that basically supports American K-12 education.

Mr. SCHAFER. Mr. Speaker, I would like to ask the chairman of the Committee on Education to comment on how would he just on the politics of this education because I think many parents who are sitting at home and thinking about their children waking up in the morning and going to school, they might be packing tomorrow's lunch right now and preparing it for when children get home, making sure that they are prepared to go to school in the morning, those parents who think about these issues, they do not believe this, they just cannot understand why there are people here in Washington who want to consolidate all the education authority here in Washington to put the people in charge who earn an F on a financial and performance audits and do so at the expense of the classroom teachers who earn an A.

My colleague have been here a few years, a few more years than I have, and he as the chairman has been able to see inside the capital, the politics taking place, the lobbying taking place.

What kind of special interests drives such a bizarre agenda that would suggest that these people here in Washington know better than my child's teacher out in Colorado?

Mr. GOODLING. Mr. Speaker, the Straight A's, examples the chairman found, and we are going to look for more.

The greatest problem I had as a superintendent with Federal funds is that the auditor never came out to see what was going on. If you were doing anything, whether children were improving at all, whether the academic standards were going up, or anything else. They only came out to see did the pennies go exactly where they in Washington said the pennies should go.

So you would get all these little programs. You could not consolidate any of them. You could not commingle any of the funds. If you did, you were in real trouble. So you had all these little programs, doing nothing, when you knew and your teachers knew and the parents knew that if you could consolidate some of those programs, you could really improve the academic achievement of children. You could not do it because that is not what the auditors were interested in.

Mr. HORN. Well, would my colleague not say one of the problems is also the Washington professional staffs of some of these organizations? In other words, they can raise cane with their grass roots dues payers, they will have a job next year and they will have a bigger staff next year?

That is part of the problem. They do not want to admit that we know something because we are in the grass roots. We walk in schools. Most of them do not go out and walk in schools and see what is happening.

Mr. SCHAFER. Mr. Speaker, those organizations are well represented here in Washington. There are hundreds, if not thousands, of lobbyists representing these organizations that are for the bureaucratic structure. They represent various vestiges of this grand education bureaucracy.

And my colleague is absolutely right. The three of us here are a legitimate threat to those bureaucrats. We want to help them find a new line of work. We would like to see you say back home, our principals, and our superintendents have more authority to help educate our children. And we care about that.
In September 1997, the Defense Department’s inventory contained $11 billion worth of unneeded equipment. (GAO Report)

Over the last three years, the Department of the Navy’s inventory of equipment lost in transit. (GAO Report)

During a five-year period, defense contractors voluntarily returned $4.6 billion in overpayments the department failed to detect. (GAO Report)

The Defense Department spent an estimated $54 million on a new program to develop infrastructure that are not being used. (DOD OIG Report)

Education—In FY 1997, the Federal Government spent $7.6 billion in loan guarantees for defaulted student loans, according to a GAO audit. In addition, the department had overpaid 102,000 students Pell grants and other financial aid. The audit also found that 1,200 students falsely claimed veteran status to increase their eligibility to the program, costing taxpayers $1.9 million. (GAO Report)

Energy—Between 1990 and 1996, the Department of Energy spent more than $10 billion on systems acquisition projects that were terminated before completion. (GAO Report) Health and Human Services—The Health Care Financing Administration erroneously spent $12.6 billion in overpayments to health care providers for a fee-for-service program during FY 1996 (the most recent available). HCFA has not yet assessed the potential problem in its $33 billion Medicare managed care program or $88 billion Medicaid program.

Housing and Urban Development—The department estimated that it spent $857 million in 1998 in erroneous rent subsidy payments in FY 1998, about 5 percent of the entire program budget. (HUD OIG Report)

A General Accounting Office report suggests HUD’s FY 1999 budget request for $4.8 billion to renew and amend Section 8 tenant-based assisted housing contracts could have been reduced by $489 million.

Interior—The Bureau of Land Management spent an estimated $411 million on its Automated Land and Mineral Record System over a 15-year period, only to discover that the major software component, the Initial Operating Capability (IOC), failed to meet the bureau’s business needs. The bureau decided not to deploy the IOC and is now analyzing whether it can salvage any of the $67 million it spent on system software. (GAO Report)

Justice—The U.S. Marshals Service was unable to spend, spendable property worth nearly $3.5 million, according to a 1997 inspector general audit. In addition, the agency’s inventory contained nearly 5,070 items, valued at more than $4 million, that were unused. (DOJ OIG Report)

Labor—From 1995 to 1997, the department spent $1 billion on its Job Corps program, only 27 percent of which were spent while 31 percent of its graduates had been laid off, fired or quit their first jobs within 100 days of being hired. (DOL OIG Report)

Transportation—The Federal Aviation Administration spent $4 billion on an air traffic modernization program that didn’t work, and was shut down before completion. The GAO remains concerned about the agency’s poor accounting, and lack of control over assets and costs as the agency proceeds with its new $5 billion Air Traffic Modernization program.

Treasury—The IRS estimates it can collect only 11 percent of $222 billion in delinquent taxes owed the government, amounting to $24 billion from the host nations, according to a 1999 inspector general audit. (DOD OIG Report)

These examples illustrate the fact that every department and agency in the Federal Government can find savings if they are willing to tighten their belt and underhanded more management scrutiny and better use of taxpayer’s funds. That has been my goal since arriving in Washington. It is a goal that I believe we all share. The President’s concern about American families is best served by insisting that the departments and agencies under his command run their financial affairs in a responsible, business-like manner.

Sincerely,

STEPHEN HORN,
Chairman, Subcommittee on Government Management, Information, and Technology.

HONORING THE TOP TEN BUSINESS PROFESSIONAL WOMEN OF THE YEAR

HON. GEORGE RADANOVICH
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Robyn Black, Pilar De La Cruz, Jan Outlar-Edwards, Marvell French, Edna Garabedian, Valerie Rae Hannerman, Annette La Rue, Margaret Mims, Judy Sakaki, and Gloria Williams as the Top Ten Business Professional Women of the Year.

Robyn A. Black is a Legislative Advocate at Aaron Read & Associates. Robyn is a fourth generation family farmer and has spent much of her life working on both sides of California agriculture. She believes in helping others “find their voice” in order to advocate their beliefs and effect change. Her tenure as Chair of the State’s Industrial Welfare Commission under Governor Wilson taught her “that you need to stick by your decisions when you believe you have done your best.”

Pilar De La Cruz, RN, B.S.N. is Vice President, Ed Development/Human Resources at Community Medical Centers. Pilar is first, foremost, and proudly, a Registered Nurse, alumnus of the Jefferson Job Institute for Community Medical Centers. Pilar has been instrumental in founding the Jefferson Job Institute for Community Medical Centers, an entry-level job training program for low-income parents of school-age children.
children. Through this program parents gain self-confidence skills and pride which helps them obtain employment in the community. The program has grown to include two other schools and is one of the most successful programs in Fresno County for getting people back to work.

Jan Outlar-Edwards, M.S, is Media Director of Gottschalks. Jan says that “Real success is a collaborative effort.” The success Jan has experienced in her profession is a direct result of collaboration with those who have traveled before her and were kind enough to stop and take the time to teach her. She has spearheaded several programs such as “Coats for Kids” and volunteers with the Fresno High Mentoring Program. Networking is one of Jan's passions.

Marvelli French is Senior Vice-President/ Sales Administrator of Regency Bank. Marvell is president of the American Cancer Society, a member of the American Heart Association, Alcohol and Drug Abuse Council, and CARE Fresno, where she will oversee their annual fund-raiser, the Police and Firefighter of the Year annual Ball. Marvell’s goal and commitment to her business and community is to make a difference and bring about positive change.

Edna Garabedian is the Artistic Director at the Fresno International Grand Opera. Edna believes education is the core of human experience. Her most significant contribution has not been the furthering of her own career, but the educational enrichment of others. Her vision and more than four years of hard work have become reality in the creation of the Fresno International Grand Opera. Her work with F.I.G. has allowed Edna to work with at-risk youths in our community and inspire a sense of confidence and direction in their lives.

Valerie Rae Hannemann is Director of Fiscal Services of Central California Legal Services. Valerie believes in giving people a helping hand, taking a chance on them, and applauding their success. She has made it a practice in her career to hire people who need a helping hand and encourages similar hiring throughout her organization. Valerie's philosophy carries over into her volunteer capacity with CARE Fresno where she is a lead site director. She directs and coordinates the program, but more importantly, interacts with the children.

Annette La Rue is a Retired Judge. Throughout her career as an attorney and judge, Annette has encouraged women “to take the next step” in the law profession by starting their own practices and running for judgeships. Her years of service have resulted in many awards recognizing the Fresno County Bar Association Bernard E. Witkin Lifetime Achievement Award and the 1999 Outstanding Hastings Law School Alumnus of the Year. Annette is a founder of the Salvation Army Rosecrsit home for women substance abusers, co-chairs the Rotary Club's environmental committee, and sits on the Fresno Philharmonic board.

Margaret Mims is Deputy Sheriff Lieutenant of Fresno County Sheriff's Department. Margaret was hired in 1980 as the first female officer for the Kernan Police Department; Margaret is now the first woman Deputy Sheriff to be promoted to the rank of lieutenant. She has worked hard throughout her career to improve victim advocacy, and has been instrumental in integrating community-based organizations with law enforcement. Margaret worked to obtain a grant and initiated a program to place advocates in police agencies. Her idea of placing advocates in police agencies has been used as a model for rape counseling service agencies throughout California.

Judy K. Alexander is Business President for Student Affairs and Dean of Students at California State University, Fresno. Judy is the highest-ranking Asian-American woman administrator in the California State University system. As Vice President for Student Affairs at CSU, Fresno, she has been able to help students from diverse backgrounds succeed by creating services and programs which meet their needs. She is most proud of the help she provides students, encouraging them to talk with each other irrespective of racial or ethnic differences, to share their feelings of anger, helplessness, and hope.

Gloria Williams is Vice President/Designated Nurse Executive at Valley Children’s Hospital. Gloria has used her leadership abilities to effect innovative change in her profession and community. She was named as one of the Top Ten Nurses in the state by NurseWeek Magazine in 1994, and this year was appointed to their Executive Advisory Board. She is a member of the Board of Directors for the Alternative Sentencing Program and is involved in overseeing screening activities that place people in rehabilitation programs as an alternative to prison time. Gloria currently leads a nursing task force to implement accelerated nursing degree programs and designs curriculum for classes at Fresno City College and CSU.

Mr. Speaker, I want to honor the Top Ten Business Professional Women of the Year for 1999. Each one of these women have gone above and beyond their professional jobs to provide services and create programs for the community. I urge my colleagues to join me in wishing the Top Ten Business Professional Women many more years of continued success.

TRIBUTE TO SHIPMAN ELEVATOR COMPANY

HON. JOHN SHIMKUS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. SHIMKUS. Mr. Speaker, I rise today to commend Shipman Elevator Company's chemical plant in Shipman, IL, for winning a 1999 Environmental Respect Award from Dealer Progress Magazine.

Shipman Elevator Company has taken proactive steps to ensure that their operations are safe and environmentally sound. For example, they use a combination of a computerized monitoring program and their quality control manager to ensure the processing and measuring of their products is always accurate. They also routinely conduct training and education classes for all of their employees to ensure the completion of environmental and efficiency goals.

I would like to express my gratitude to Shipman Elevator Company for producing agriculture products that are environmentally respected.

TRIBUTE TO EULA D. NELSON FLEET

HON. JOSE E. SERRANO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mrs. Eula D. Nelson Fleet, an outstanding individual who has dedicated her life to public service and education and to wish her a happy retirement.

Born in Apalachicola, Florida, Mrs. Fleet moved to New York City in 1943. In 1956, with her husband and four children, she moved to Petersham and became the Chairman of the Bronx, where they have lived ever since.

Mr. Speaker, in 1957, when her first child started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S. 18, Eula Fleet started school at P.S.
her long involvement with our educational system and was elected treasurer of the school’s PTA. From 1970 to 1973 she served as Vice President, then President of the PTA at J.H.S. 149; from 1973 to 1979 she was an Educational Assistant at the Development Learning Program at P.S. 5; from 1979 to 1980 she was an Educational Assistant at the Development Learning Program at P.S. 156; from 1980 to 1981 she was an Educational Assistant in Early Childhood at P.S. 30; in 1982 she was an Educational Assistant at P.S. 124; and in 1983 she was named Assistant to the Director at the Millbrook Senior Citizen Center.

Mrs. Fleet has also been very involved with the community. From January 1970 until July 1999 when she retired, she served at Community Board #1 in several capacities: Chair of the Education Committee, Treasurer, Health Committee, and Chair of the Housing Committee. She also served in Upward Bound Program at Fordham University, as Assistant Treasurer of the Mott Haven Center Community Advisory Board, and on the Joint Advisory Board of Eastside Settlement House.

Mr. Fleet is the proud father of the famous jazz guitar player William A. Fleet, Sr., who passed away in April 1994. She has four children, William, Evelyn, James, and Francis, and four grandchildren, James, Jr., Jawann, Jayanna, and Michelle.

Mr. Fleet and I ask my colleagues to join me in recognizing Mrs. Eula D. Nelson Fleet for her achievements in education and her enduring commitment to the community, and in wishing her a happy retirement.

A SPECIAL TRIBUTE TO JAKE N. VAN METER, JR., FOR HIS HONORABLE SERVICE TO THE UNITED STATES OF AMERICA

HON. PAUL E. GILLMOR
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 9, 1999

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise to pay special tribute to a true American patriot from Ohio’s Fifth Congressional District, Jake H. Van Meter, Jr.

On October 7, 1967, Jake H. Van Meter, Jr. paid the ultimate sacrifice while protecting the values and ideals of democracy. On that fateful day, some thirty-two years ago, Sergeant Jake H. Van Meter, Jr. was serving as squad leader with Company C, 1st Battalion, 5th Cavalry. His Army unit was sent to the Con Thien area in the Republic of Vietnam to help relieve an outpost of United States Marines. During their mission, his unit came under heavy and intense enemy fire during an attack on the Marine outpost.

During the firefight, Sergeant Van Meter demonstrated extreme bravery as he exposed himself to fierce enemy fire to draw attention away from his troops and enable them to take cover. With several of his men lying wounded, Sergeant Van Meter left his position and began removing them from the field of fire. In his efforts to save the lives of his men, Sergeant Van Meter was wounded, but he continued until they were pulled to safety.

At dusk, with the sun setting in the west, the American soldiers were able to break contact with the enemy and withdraw to their position. Sergeant Van Meter continued his efforts to save the lives of his men and his country. He fought for America, for democracy, and for freedom, and paid the supreme price for the preservation of those principles.

Mr. Speaker, as we celebrate Veterans Day, let us remember the men and women who have served in our armed forces. It is often said that America prospers due to the selfless acts of her sons and daughters. Jake Van Meter’s brave actions in Vietnam demonstrate that statement very clearly. I urge my colleagues to stand and join me in paying special tribute to Jake Van Meter, Jr., a faithful husband and father, a loving son, and a true American hero.

THE RETIREMENT OF PATRICIA LAGREGA AS TOWN CLERK OF COLCHESTER, CONNECTICUT

HON. SAM GEJDENSON
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 9, 1999

Mr. GEJDENSON. Mr. Speaker, I rise today to commend Pat LaGrega for nearly thirty years of service to the community of Colchester, Connecticut. Pat is more than an extraordinary public servant; she is a humanitarian and a personal friend.

On November 15, 1999, Pat LaGrega will officially retire as Town Clerk of Colchester after more than twenty years in the position. In small towns across America, Town Clerks maintain all of the records so vital to guaranteeing that our system functions efficiently and effectively. In many respects, the Town Clerk is the institutional memory of so many small communities across eastern Connecticut and the nation. Over more than two decades, Pat has worked tirelessly to ensure that the citizens, elected officials and business owners of Colchester receive the best possible service. She has supervised a modernization process which has computerized the Town Clerk’s office to ensure that records will be accurate, safe and available to citizens and others in a timely fashion. Even before the widespread use of computers, Pat was well known for meticulous recordkeeping and attention to detail. Thanks to her efforts, the Town Clerk’s office is prepared to meet the challenges of a growing community in the 21st Century.

Pat’s public career in Colchester began several years prior to being elected Town Clerk. She served as Director of Social Services and a Tax Collector. In fact, she served simultaneously as Tax Collector and Town Clerk for a short period.

Pat is so much more than the Town’s record keeper. She is its “jack-of-all-trades!” She is the person people call when they have any question, any problem. She is the person they turn to when they don’t know where to turn. And each and every time over the past three decades, Pat has come through for those individuals and the Town as a whole. Whenever she learned about a problem, she took steps to address it. It never mattered how busy she was with her duties of personal life, she always made time to address the needs of every resident. In this respect, she is a model for all of us in public service. Mr. Speaker, Pat LaGrega is a public servant in the very best tradition of our country. She has worked tirelessly on behalf of the citizens of Colchester and provided the highest quality service. She has also brought a sense of compassion to her work. And, on a more personal level, she has been a friend, a mentor and a trusted advisor for more than twenty years.

I am proud to be able to reflect the residents of Colchester in thanking Pat for her service and commitment to the community. On November 15, she will retire from a public position—not from public service. I know she will continue to play an important role in Colchester in the years ahead.

CONGRATULATING BUSH BOAKE ALLEN INC.

HON. MARGE ROUKEMA
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 9, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate Bush Boake Allen Inc. of Montvale, New Jersey, on receiving the Voluntary Protection Program Star Award from the U.S. Occupational Safety and Health Administration for its Norwood flavors and fragrances facility.

This prestigious award is presented for safety and health training, hazard prevention and control and related programs that help maintain a safe workplace. This award is evidence that BBA values its employees, goes beyond legal requirements and goes to extra lengths to protect their health and safety.

BBA is one of only 20 companies in New Jersey honored with the VPP Star Award and the only company in the flavors and fragrance industry to receive the award.

Businesses that receive the VPP Star Award have the best OSHA compliance records in the nation and often exceed OSHA standards. In addition to management agreeing to meet health and safety goals, workers participate and work together to create a safe and healthy workplace. Admission to the VPP program requires an extensive review and inspection by OSHA to verify that the business meets OSHA standards.

This VPP award was considered such a high standard of OSHA compliance that recipients receive a three-year exemption from routine OSHA inspections. VPP participants typically experience lower workers’ compensation costs and 60–80 percent fewer workdays lost to workplace injuries than would be expected at an average business location in the same industry.

At BBA, the company set a corporate goal in 1996 that all four of its U.S. facilities would
receive the VPP Star Award, and the Norwood facility is the first to achieve that goal. The company implemented a series of health and safety audits, meetings with both management and workers and training for all employees. Safety standards were set for every individual from the clean-up down to factory workers. Employee groups were formed to address specific health and safety issues, operating procedures were reviewed and protective safety equipment was added to equipment as needed.

As an example of a safety improvement, it was found that production and warehouse workers were suffering repeated injuries during manual handling of 55-pound containers used extensively throughout the building. BBA eliminated the large containers seven years ago and has not had a single material handling injury since.

The improvements have given the 35-employee plant a three-year average injury incidence rate of 1.7, compared with an industry average of 5.4, and seven years without a lost-time injury.

With 250 employees in New Jersey, BBA is a major employer and one of the leading fragrance/ flavor companies in our state. BBA traces its origins to 1870 and three English manufacturers of flavors and fragrances—W.J. Bush Ltd., A Boake Roberts Ltd., and Stafford Allen Ltd. The three companies were eventually combined as Bush Boake Allen by the Albright & Wilson division of Tennesco, and were then acquired by Union Camp Corp. in 1982. BBA operated as a division of Union Camp until it was taken public in 1994, with its own listings on the New York Stock Exchange.

Today, BBA is as major international flavor, fragrance and aroma chemical company as well as a producer of chemicals and chemical intermediaries for intermediary and agricultural applications. Headquartered in Montvale, the company conducts business in 60 locations in 38 countries on six continents worldwide. Annual sales total approximately $500 million.

Flavors produced by BBA are used in beverages, dairy products, baked goods, confectionery, chocolates, and a variety of food and beverage products. The company's aroma chemicals are used as raw materials for a variety of compounded flavors and fragrances. I would like to ask my colleagues in the House of Representatives to join me in congratulating BBA on this award and all that this commitment to health and safety represents.

PATIENTS’ FORMULARY RIGHTS ACT OF 1999

HON. LUIS V. GUTIERREZ
OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 9, 1999

Mr. GUTIERREZ. Mr. Speaker, I am pleased to announce that today I introduced the “Patients’ Formulary Rights Act of 1999”, legislation aimed at protecting the health of millions of Americans.

This bill, if enacted, would ensure that prescription medications are dispensed for one reason and one reason only: for the sake of maintaining a patient’s health—not for the sake of adding to a company’s profits.

“The Patients’ Formulary Rights Act of 1999” would help ensure that people enrolled in a variety of health insurance plans have access not merely to the drugs that they need, but also to something just as valuable to them and to the medical professionals who serve them—their information.

The field of medicine has changed dramatically in recent years, as managed care has become the dominant vehicle for the delivery of health care. While these changes have led to some positive developments, it also has led to many alarming problems.

In far too many cases, “managed” care has meant that it is the information available to millions of Americans, and to their doctors and pharmacists, that is being “managed.”

“The practice known as “drug switching” is a dangerous example of patients being kept in the dark about the choices being made by others that will determine their health.

Finally, my bill would also instruct current enrollees on steps they can take to ensure that they will continue to have access to the drugs as prescribed by their doctor regardless of changes in their health plan’s formulary policies or lists. This would establish the continuity of care and doctors, pharmacists and other health care professionals agree is so crucial to the well-being of their patients and customers.

I am very gratified that this bill has already received the support of Citizens for the Right to Know, one of the nation’s largest non-profit organizations representing patients and health care providers and health care trade associations. Their endorsement of and advocacy for this legislation will, I am confident, encourage other members of the House to join in me in fighting for such changes. I greatly appreciate their work on this important issue.

HON. PETER J. VISCLSKY
OF INDIANA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 9, 1999

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure that I congratulate Bethlehem A.M.E. Zion Church in Gary, IN, as it celebrates its 84th anniversary as a parish. The church will begin its three special days of celebration with a banquet on Friday, November 19, 1999, and culminating with a service at 3:30 p.m. on Sunday, November 21, 1999. I would also like to take this opportunity to congratulate Reverend O.C. Comer, minister, on this glorious occasion.

On November 19, Bethlehem A.M.E. Zion Church opens its 84th anniversary celebration with a dinner at 6 p.m. in the Banquet Hall of Unity A.M.E. Zion Church in Merrillville, Indiana. Dr. Sandra Gadson will be the guest speaker at this gala occasion. Dr. Gadson is the second vice president of Woman’s Home and Overseas Missionary Society of the A.M.E. Zion Church. On November 20 the celebration continues with the church’s second annual “Back to Church Parade.” A motorcade will leave the church and travel on a “ride to help bring people back to the church.” The three-day celebration will conclude on November 21 with two special services of praise and worship. Reverend Comer will deliver the message at the 11 a.m. service followed by the 3:30 p.m. service with special guest and speaker. The Right Reverend Enoch B. Rochester, Presiding Bishop of the Midwest Episcopal District of the A.M.E. Zion Church.

A church of humble beginnings, Bethlehem African Methodist Episcopal Zion Church is the oldest A.M.E. Zion Church in the city of Gary. In November 1915, 15 people assembled in a storefront in the 1600 block of Washington Street in Gary, IN. The parishioners decided that Bethlehem A.M.E. Zion Church needed a permanent home, thus a frame building located on two lots at West 19th Avenue and Jackson Street were purchased. Later the frame structure was moved to the rear of the lots and used as a parsonage. A brick structure was eventually built on the lots at 560 West 19th Avenue, where the current church stands today. The congregation labored and toiled in the front structure for over 40 years, but in 1962, under the direction of Reverend Arthur W. Murphy and the parishioners at Bethlehem A.M.E. Zion Church, the
upper edifice of the church was constructed and stands today as a monument of faith and spiritual enrichment to both the church membership and the Gary community.

Over the years, the church has experienced some changes and was led by a variety of pastors. In spite of its many changes, the loyal parishioners continued to grow and prosper. On June 24, 1994, the Reverend O.C. Comer was appointed pastor of Bethlehem A.M.E. Zion Church. Under Reverend Comer’s guidance, the church has started two new ministries including the Bus Ministry and the Street Ministry.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating the parish family of Bethlehem African Methodist Episcopal Zion Church, under the guidance of Reverend O.C. Comer, as they prepare to celebrate their 84th anniversary. All past and present parishioners and pastors should be proud of the numerous contributions they have made with love and devotion for their church throughout the past 84 years.

TRIBUTE TO THE LITTLE ROCK NINE AND MRS. DAISY BATES
HON. MARION BERRY
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 9, 1999

Mr. BERRY. Mr. Speaker, as we honor today the Little Rock Nine with the Congressional Medal of Honor, I would also like to pay tribute to Daisy Bates, who passed from this Earth last week. Ms. Bates was a mentor to the Little Rock Nine during the Central High School desegregation crisis in 1957. She was a true leader of our time.

Daisy Bates was a participant in a movement that changed history forever. Those young people and Daisy Bates became symbols to all of us of what it means to be courageous, honorable and exceptionally brave. Daisy Bates was a great mentor who had the courage to stand up for what she believed in. Mrs. Bates was a courageous woman under all circumstances and she will be greatly missed.

PERSONAL EXPLANATION
HON. TODD TIAHRT
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 9, 1999

Mr. TIAHRT. Mr. Speaker, on November 8, I was unavoidably detained and missed rollcall vote Nos. 574, 575, and 576. Had I been present, I would have voted “yes” on H. Res. 94, Recognizing the Generous Contributions Made by Each Living Person; “yes” on H.R. 2904, to Amend the Ethics in Government Act of 1978 to Reauthorize Funding for the Office of Government Ethics, and “yes” on H. Res. 544, Recognizing and Honoring Payne Stewart and Expressing the Condolences of the House of Representatives to His Family on His Death.

HONORING AMERICA'S ARMED SERVICES DURING THE HOLIDAYS
HON. ROBERT E. ANDREWS
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 9, 1999

Mr. ANDREWS. Mr. Speaker, I submit for the record a spectacular rendition of the timeless holiday tale, “Twas the Night Before Christmas.” This holiday season I encourage all of us to remember the men and women of our country’s armed services who work twenty-four hours a day, seven days a week to guarantee our safety and the safety of our beloved children. May they know how much we appreciate their sacrifices for freedom.

T’was the night before Christmas
(By an American Marine stationed in Okinawa, J apan)

‘Twas the night before Christmas,
he lived all alone,
in a one bedroom house made of plaster and stone.
I had come down the chimney
with presents to give,
and to see just who
in this home did live.
I looked all about,
and I found no one,
not even a tree.
No stocking by mantel,
just boots filled with sand,
on the wall hung pictures
of far distant lands.
With medals and badges,
awards of all kinds,
a sober thought
came through my mind.
For this house was different,
it was dark and dreary,
the home of a soldier,
one I could see clearly.
The soldier lay sleeping,
silent, alone,
curl up on the floor
in this one bedroom home.
The face was so gentle,
the room in such disorder,
how I pictured
a United States soldier.
Was this the hero
of whom I’d just read? CUrled up on a poncho,
the floor for a bed?
I realized the families
that I saw this night,
how I pictured
their lives to these soldiers
who were willing to fight.
Soon round the world,
the children would play,
and grown-ups would celebrate
a bight Christmas day.
They all enjoyed freedom
each month of the year,
because of the soldiers,
like the one lying here.
I couldn’t help wonder
how many lay alone,
on a cold Christmas eve
in a land far from home.
The very thought
brought a tear to my eye,
I dropped to my knees
and started to cry.
The soldier awakened
and I heard a rough voice,
“Santa don’t cry,
this life is my choice;
I fight for freedom,
I don’t ask for more,
my life is my god,
my country, my Corps.”
The soldier rolled over
and drifted to sleep.
I couldn’t control it,
I continued to weep.
I kept watch for hours,
so silent and still,
and we both shivered
from the cold night’s chill.
I didn’t want to leave
on that cold, dark, night,
the guardian of honor
so willing to fight.
Then the soldier rolled over,
with a voice soft and pure,
whispered, “carry on Santa,”
It’s Christmas Day, all is secure.”
One look at my watch,
and I knew he was right
“Merry Christmas my friend,
and to all a good night.”

IN HONOR OF THE UKRAINIAN BANDURIST CHORUS
HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 9, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to congratulate the Ukrainian Bandurist Chorus on their 50th Anniversary in America. The Ukrainian Bandurist Chorus is an all-male musical ensemble consisting of 20 instrumentalists and vocalists. The chorus was originally founded in Kyiv, Ukraine in 1918. The ensemble relocated in Detroit, Michigan in 1949. This internationally recognized ensemble has performed at such well-known theaters as Carnegie Hall, the Kennedy Center, Bolshoi Theater, and Massey Hall. In addition, the Ukrainian Bandurist Chorus has entertained many world figures and personalities with their exciting programs of folk songs, religious works and the exotic sounds of the bandura.

Three generations of members have passed through the ranks of the Ukrainian Bandurist Chorus since its displacement from Ukraine in 1942. In addition to its mission of carrying the tradition of the bandura to the 21st century, the Chorus is also charged with preserving its past for future generations. The history of the Ukraine Bandurist Chorus can be traced directly to the 12th Archeological Congress in Kharkiv, Ukraine in 1902. The first professional bandurist chorus was formed in Kyiv in 1918 during the height of the country’s brief period of independence. During a time of increased popularity and resurgence of the Ukrainian arts and culture, the group developed into a professional touring group. Following this time of heightened regard, the Chorus’ history evolved into a turbulent one. The bandurist ideal of God, truth, freedom, and human dignity heralded by song were under attack by the newly formed Soviet Union. As a result many of the original members of the Ukrainian bandurist Chorus were executed. After years of persecution and exploitation the Chorus was forced to immigrate to Detroit. During this devastation and uncertainty, Hryhory Kytasty, the long standing director acted as a role model and inspiration to the young bandurists. Kytasty worked hard
INTRODUCTION OF THE SMALL BUSINESS FRANCHISE ACT OF 1999

HON. JOHN CONYERS, JR.
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 9, 1999

Mr. CONYERS. Mr. Speaker, today I am proud to reintroduce, with my good friend from North Carolina, Mr. COBLE, the Small Business Franchise Act. This legislation represents hard work, and a good faith effort to strike an appropriate, bipartisan balance between the rights of franchisors and franchisees. These issues have been the subject of a hearing in this Judiciary Committee earlier this year, and the issues merit action by this Congress.

Protecting the rights of franchisees is ultimately about protecting the rights of small businesses. They often face enormous odds and a daunting inequality of bargaining power when dealing with national franchisors. Unfortunately, the law often offers little recourse in the face of great harm.

There is currently no federal law establishing standards of conduct for parties to a franchise contract. The Federal Trade Commission, in its Report of 1979, (16 CFR §436), was designed to deter fraud and missrepresentation in the re-sales process and provide disclosure requirements and prohibitions concerning franchise agreements. The FTC maintains, however, that it has no jurisdiction after the franchise agreement is signed.

As a result, in the absence of any Federal regulation, a number of complaints have been lodged in recent years, principally stemming from the fact that franchisees do not have equal rights and opportunity with large franchisors. The concerns include the following:

1. Taking of Property without Compensation. Franchise agreements generally include a covenant not-to-compete that prohibits the franchisee from becoming an independent business owner in a similar business upon expiration of the contract. This can appropriate to the franchisor all of the equity built up by the franchisee without compensation.

2. Devaluing of Assets. Franchisors often induce a franchisee to invest in creating a business and then establish a competing outlet in such proximity to the franchisee that the franchisee suffers economic harm.

3. Restrainment of Trade. Most franchise relationships are exclusive to the franchisee in purchasing supplies, furniture, etc. from the franchisor or sources approved by the franchisor. While it may be appropriate for franchisors to exercise some control concerning the products or services offered to franchisees, tying franchisees to certain vendors can cost franchisees millions of dollars, prevents competition among vendors, and can have an adverse impact upon consumers.

4. Inflated Pricing. Many franchise agreements specify that the franchisee has the right to enter into contractual arrangements with vendors to provide goods or services to franchisees that are mandated by the franchise agreement. It has been alleged that these vendors often provide kickbacks and commissions to the franchisor in return for being allowed to sell their products and services to the captive market. Instead of passing on these kickbacks and commissions on to the franchisee to reduce their cost of goods sold and increase their margin, these payments, it is asserted, benefit the franchisor.

While our nation has enjoyed an unprecedented economic expansion, it is essential that Congress ensure that prosperity reaches down to the small businesses that make up the heart and soul of our economy. We have an obligation to ensure that the law governing this segment of the economy, which every American patronizes routinely is fair and balanced. I urge my colleagues to join with me and the gentleman from North Carolina in supporting this overdue and needed reform.

The following is a section-by-section description of the legislation:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
Sets forth the short title of the Act and the table of contents.

SECTION 2. FINDINGS AND PURPOSE.
Subsection (a) specifies a series of Congressional findings. Subsection (b) states that the purpose of the Act is to promote fair and equitable franchise agreements, to establish uniform standards of conduct in franchise relationships, and to create uniform private Federal remedies for violations of Federal law.

SECTION 3. FRANCHISE SALES PRACTICES.
Subsection (a) prohibits any person, in connection with the advertising, offering, sale of any franchise, from (1) employing a scheme or device to defraud; (2) engaging in an act, practice, course of business, or pattern of conduct which operates or is intended to operate as a fraud upon any prospective franchisee; and (3) obtaining property, or assisting others in doing so, by making an untrue statement of a material fact or failing to state a material fact.

Subsection (b) prohibits franchisors, sub franchisors, and franchise brokers in connection with any disclosure document, notice, or report required by any law, from (1) providing false or misleading information that is material to any person, (2) failing to state a material fact, or (iii) failing to state any fact which would render any required statement or disclosure untrue or misleading.

Subsection (b) also prohibits subfranchisors, subfranchisors, and franchise brokers from failing to furnish written descriptive materials to prospective franchisees with all information required to be disclosed by law and at the time and in the manner required and from making any claim or representation to prospective franchisees orally or in writing, which is inconsistent with or contradicts such disclosure document.

Subsection (c) requires disclosure documents to be labeled as the disclosure statement required by the Federal Trade Commission in Trade Regulation Rule 436 (16 CFR 436) or an offering circular prepared in accordance with Uniform Franchise Offering Circular guidelines as adopted and amended by the North American Securities Administrators Association, Inc. or its successor.

SECTION 4. UNFAIR FRANCHISE PRACTICES.
Subsection (a) prohibits any franchisor or subfranchisor, in connection with the performance, enforcement, renewal and termination of a franchise contract, (1) engaging in an act, practice, course of business, or pattern of conduct which operates as a fraud upon any person; (2) hindering, preventing, or attempting to prevent, directly or indirectly, the free association of franchisees for any lawful purpose, including the formation or participation in any association made up of franchisees or of associations of franchises; and (3) discriminating against a franchisee by imposing requirements that are not imposed on other similarly situated franchisees or otherwise retaliating, directly or indirectly, against any franchisee for membership or participation in a franchise association.

Subsection (b) prohibits a franchisor from terminating a franchise agreement prior to its expiration without good cause.

Subsection (c) prohibits a franchisor from prohibiting, or enforcing a prohibition against, any franchisee from engaging in any business at any location after expiration of a franchise agreement. This subsection does not prohibit enforcement of a franchise contract obligating a franchisee after expiration of the contract to cease or refrain from using a trademark, trade secret or other intellectual property owned by the franchisor or its affiliate, (ii) alter the appearance of the business, (iii) change the manner or mode of business operations as to avoid any substantial confusion with the manner or mode of operations which are unique to the franchisor and commonly in practice by other franchisees using the same name or trademarks within the same trade or market area of the business.

SECTION 5. STANDARDS OF CONDUCT.
Subsection (a) imposes a duty to act in good faith in the performance and enforcement of a franchise contract on each party to the contract.

Subsection (b) imposes a nonwaivable duty of due care on the franchisor. Unless the franchisor represents that it has greater skill or knowledge in its undertaking with its franchisees, or conspicuously disclaims that it has any such knowledge, the franchisor is deemed to exercise the skill and knowledge normally possessed by franchisees in good standing in similar or related businesses.

Subsection (c) imposes a fiduciary duty on the franchisor when the franchisor undertaking to perform bookkeeping, collection, payroll, or accounting on behalf of the franchisee, or when the franchisor requires franchisees to make contributions to
any pooled advertising, marketing, or promotional fund which is administered, controlled, or supervised by the franchisor. A franchisor that administers or supervises the administration of a pooled advertising or promotional fund must (i) keep all pooled funds in a segregated account that is not subject to the claims of creditors of the franchisor, (ii) provide an independent certified audit of such pooled funds within sixty days following the close of the franchisor’s fiscal year, and (iii) disclose the source and amount contributed to the fund program, any discount, rebate, compensation, or payment of any kind from any person or entity with whom such fund or program transacts.

SECTION 6: PROCEDURAL FAIRNESS

Subsection (a) prohibits a franchisor from requiring any term or condition in a franchise agreement, or in any agreement ancillary or collateral to a franchise, which violates the Act. It also prohibits a franchisor from requiring that a franchisee relieve any person from a duty imposed by the Act, except as part of a settlement of a bona fide dispute, or assent to any provision which would protect any person against any liability to which he would otherwise be subject under Federal law or any law of the State in which the defendant is found, is an inhabitant, or transacts business, or wherever venue is proper under 28 U.S.C. 1391 or in any State in which the defendant is a subject of forced arbitration.

Subsection (b) makes void and unenforceable any provision of a franchise agreement, or of any agreement ancillary or collateral to a franchise, which purports to exclude consideration of matters relating to the franchise business, the operation or administration of the franchise system, or the franchisee’s experience with the franchise business.

Subsection (c) forbids any stipulation or provision of a franchise agreement or of an agreement ancillary or collateral to a franchise from (i) depriving a franchisee of the application and benefits of the Act or any Federal law or any law of the State in which the franchisee’s principal place of business is located, (ii) preventing the franchisor or the franchisee from commencing, maintaining, or contributing to an action or arbitration against the franchisor for violation of the Act, or for breach of the franchise agreement or of any agreement ancillary or collateral to the franchise, in a court or arbitration forum of the State in which the franchisee’s principal place of business, or (iii) agreeing in any contract or proceeding to any franchisees to settle like disputes arising from violation of the Act by civil action or arbitration.

Subsection (d) states that compliance with the Act or with any applicable State franchise law is not waived, excused or avoided, and evidence of the Act or of any State franchise law shall not be excluded, by virtue of an integration clause, any provision of a franchise agreement or an agreement ancillary or collateral to a franchise, the parol evidence rule, or any other rule of evidence purporting to exclude consideration of matters outside the franchise agreement.

SECTION 7: ACTIONS BY STATE ATTORNEYS GENERAL

Subsection (a) permits a State attorney general to bring an action under the Act in an appropriate United States district court using the powers conferred on the attorney general by the laws of his State.

Subsection (b) states that this section does not prohibit a State attorney general from exercising any other power conferred on him by the laws of his State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

Subsection (c) states that any civil action brought under subsection (a) in a United States district court may be brought in the district in which the defendant is found, is an inhabitant, or transacts business, or wherever venue is proper under 28 U.S.C. 1391, which establishes general venue rules. Process may be served in any district in which the defendant is an inhabitant or in which he may be found.

Subsection (d) states that nothing in this section shall prohibit an authorized State official from proceeding in State court on the basis of an agreement with the franchisor which satisfies the reasonable qualifications generally applied to new business transactions, or which is based upon legitimate business reasons. If the qualifications are not met, the franchisor may refuse to permit the transfer and may seek an injunction or to compel the attendance of witnesses or to take evidence of violation of the Act or State law or with an applicable State franchise law.

Subsection (e) prohibits a franchisor from prohibiting or restricting a franchisee from settling like disputes arising from violation of the Act by civil action or arbitration.

Subsection (f) prohibits a franchisor from withholding its consent without good cause to a franchisee making a public offering of its securities if the franchisee or owner of the franchisee’s interest retains control over more than 25 percent of the voting power as the result of the purchase of goods or services by franchisees and requires a franchisor to pass all such rebates, commissions, payments, and other benefits directly to the franchisee.

Subsection (g) prohibits a franchisor from entering into an agreement which requires a franchisee to transfer, or to license, or to assign any interest in a franchise, which would purport to waive the franchisee’s right to a transfer on (1) a franchisee forgoing existing rights, (2) requiring the franchisee to purchase rights other than those contained in the franchise agreement, or (3) entering into a retransfer or retransmission of the franchise or any of its franchisee’s interests as a condition of the transfer.

Subsection (h) establishes six occurrences which shall not be considered transfers requiring the consent of the franchisor under a franchise agreement which the franchisor shall not impose any fees or payments or changes in excess of the franchisee’s cost to reach the transferor.

Subsection (i) prohibits a franchisor from enforcing against the transferor any covenant of the franchisee purporting to prohibit the transferor from engaging in any lawful occupation or enterprise after the transfer of a transferor’s complete interest in a franchise. This subsection does not limit the franchisor from enforcing a contractual covenant against the transferor not to exploit the franchisor’s trade secrets or intellectual property rights except by agreement with the franchisee.

SECTION 8: TRANSFER OF A FRANCHISE

Subsection (a) permits a franchisee to assign an interest in a franchised business and franchise to a transferee if the transferee satisfies the reasonable qualifications generally applied in determining whether or not a current franchisee is eligible for renewal. If the franchisor does not renew a significant number of its franchisees, then the transferee may be required to satisfy the reasonable qualifications generally applied to new business transactions, or which is based upon legitimate business reasons. If the qualifications are not met, the franchisor may refuse to permit the transfer and may seek an injunction to enjoin the transfer.

Subsection (b) requires that a franchisor give the franchisee at least thirty days’ written notice of a proposed transfer, and that a franchisee, upon request, will provide in writing of the terms of the transfer and of the changes in financial or other obligations that would result.

Subsection (c) states that a franchisor is deemed to have consented to a transfer thirty days after the request for consent is submitted, unless the franchisor withholds consent in writing during that time period specifying the reasons for doing so. Any such notice is privileged against a claim of defamation.

Subsection (d) establishes that a franchisor may require the following four conditions before consenting to a transfer: (1) the transferee must pay a reasonable transfer fee, (2) the franchisor may require that the transferee enter into a reasonable or beneficial interest in the franchisee or his franchisee, (3) the franchisor may make reasonable provisions to pay any amount due to the franchisor or the franchisor’s affiliate, (4) the financial terms of the transfer included in the franchise agreement, or any change in financial terms of the franchise agreement, does not result in a transfer to every franchisee of his intent to transfer the interest.

Subsection (e) requires the notice given contains a complete description of the business and financial terms of the proposed transfer or transfers.

Subsection (f) requires that the entity assuming the franchisor’s obligations have the business experience and financial means necessary to perform the franchisor’s obligations.

SECTION 9: TRANSFER OF FRANCHISE BY FRANCHISOR

Subsection (a) prohibits a franchisor from transferring interest in a franchise by sale or in any other manner unless he gives notice thirty days prior to the effective date of the transfer to every franchisee of his intent to transfer the interest.

Subsection (b) requires that the notice given contains a complete description of the business and financial terms of the proposed transfer or transfers.

Subsection (c) requires that the entity assuming the franchisor’s obligations have the business experience and financial means necessary to perform the franchisor’s obligations.

SECTION 10: INDEPENDENT SOURCING OF GOODS AND SERVICES

Subsection (a) prohibits a franchisor from requiring or restricting a franchisee from obtaining equipment, supplies, goods or services used in the establishment or operation of the franchised business from sources of the franchisee’s choosing, except that such goods or services may be required to meet established uniform system-wide quality standards promulgated or enforced by the franchisor.

Subsection (b) requires that if the franchisor approves vendors of equipment, fixtures, supplies, goods, or services used in the establishment or operation of the franchised business, the franchisor will provide and continuously update an inclusive list of approved vendors and will promptly evaluate and respond to reasonable requests by franchisees for competitive sources of supply. The franchisor shall approve not fewer than two vendors for each piece of equipment, each fixture, each supply, good, or service unless otherwise agreed by both the franchisor and a majority of the franchisees.

Subsection (c) requires a franchisor and its affiliates officers and its managing agents, must fully disclose whether or not it receives any rebates, commissions, payments, or other benefits directly or indirectly as a result of the purchase of goods or services by franchisees and requires a franchisor to pass all such rebates, commissions, payments, and other benefits directly to the franchisee.

Subsection (d) requires a franchisor to report not less frequently than annually, using
generally accepted accounting principles, the amount of revenue and profit it earns from the sale of equipment, fixtures, supplies, goods, or services to the franchisee.

Subsection (a) requires the franchisor to provide the franchisee with a copy of the franchise agreement, any amendments, and any other written communications related to the franchise agreement.

Subsection (b) provides for the resolution of disputes between the franchisor and franchisee through binding arbitration, and specifies that the arbitrator must be bound by the terms of the franchise agreement.

Section 11. Encroachment

Subsection (a) prohibits the franchisor from encroaching on the territory of the franchisee in a manner that would impair the franchisee's ability to compete.

Subsection (b) provides that the franchisor shall not make any changes to the territory of the franchisee without the franchisee's consent.

Section 12. Private Right of Action

Subsection (a) states that the act to franchise agreements entered into after the date of enactment of the Act and applies to franchise agreements entered into after the date of enactment of the Act and applies to franchise agreements entered into after the date of enactment of the Act.

Subsection (b) provides for a private right of action for all who are injured by a violation or impending violation of this Act.

Subsection (c) provides that the private right of action is in addition to, and not in lieu of, other rights or remedies created by Federal or State law.

Section 13. Scope and applicability

Subsection (a) applies the requirements of the Act to franchise agreements entered into, amended, exchanged, or renewed after the date of enactment of the Act.

Subsection (b) applies Section 3’s requirements only to actions, practices, disclosures, and statements occurring on or after such date.

Section 14. Definitions

Defines terms used in the Act.

INTRODUCTION OF THE GUN-FREE HOSPITAL ZONE ACT

HON. MARTIN T. MEEHAN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 9, 1999

Mr. MEEHAN. Mr. Speaker, I rise today to introduce the “Gun-Free Hospital Zone Act.” A bill that will provide protection and peace of mind to doctors, nurses, patients, and administrative staffs of hospitals throughout the country.

The need for this legislation was brought to my attention by my constituent, Bernadett Vajda, whose father, Janos, was tragically murdered at the Holy Family Hospital in Methuen, MA.

Janos was simply visiting a hospital patient, Dr. Suzan Kamm, when he was attacked and shot to death by the estranged husband of Dr. Kamm.

It is very easy to imagine how this bill would have saved Dr. Vajda’s life. Had the gunman, Dr. James Kartell, been aware of the prohibition of firearms in a hospital, he would have not carried one with him that fateful day.

And when Dr. Kartell reached the fourth floor of the hospital and approached the room where his estranged wife had been admitted, he would have been unarmed.

What happened next, the chance encounter between Dr. Kartell and Mr. Vajda, would still have been emotional, potentially even resulted in violence, but without a gun at the scene, it almost certainly would not have resulted in murder.

Unfortunately, we witness frustration expressed in workplace violence increasingly in our country. Whether it be the tragic shooting recently in Hawaii, the murders this summer in Atlanta, or the all too numerous acts of violence throughout our country. In this atmosphere of heightened emotion and decreased logic, unthinking acts of violence are more likely and less preventable.

This legislation deals with a very real issue, but do not just take my word for it, look at the statistics on workplace violence at hospitals. According to the Bureau of Labor Statistics, health care and social service workers have the highest incidence of injuries from workplace violence. Further, health care workers report being attacked behind convenience store clerks and taxi cab drivers in terms of workplace risk of homicide.

Emergency room physicians and nurses are at special risk. According to the Emergency Nurses Association, 24 percent of emergency room nurses are exposed to physical violence with a weapon 1–5 times a year. The rate of violence is increasing annually.

In 1997, 7 percent of emergency room nurses reported that they have been subjected to between 1 and 10 physical incidents involving firearms in the workplace during the past year. One nurse from the Colorado Nurses Association reported that “no hospital unit—large or small, urban or rural—is immune” from violent gun attacks.

It is my goal to not only make it less likely that tragic deaths like Mr. Vajda’s occur, but also to ensure nurses and doctors feel like they can do their jobs without worrying about whether the next person to walk in the emergency room door has a gun. For that reason, this legislation is supported by the medical professionals at Holy Family Hospital who hope never to experience a tragic incident like Mr. Vajda’s death ever again.

The U.S. Coast Guard: May They Always Be Ready

HON. DAVID M. MCINTOSH
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 9, 1999

Mr. MCINTOSH. Mr. Speaker, I submit for the RECORD, the following article about the U.S. Coast Guard’s Deepwater Mission Project. “Moving Into the Next Century: Re-Capitalization Will Ensure That the Coast Guard Remains Semper Paratus” was written by Ernest Blazar and appeared in the August 1999 edition of Sea Power magazine. I call this article to your attention because I feel it is one of the best articles about the Coast Guard’s need to modernize their fleet of cutters and aircraft for the 21st century.

[From Sea Power, Aug. 1999]

MOVING INTO THE NEXT CENTURY

(By Ernest Blazar)

In 1969, the Coast Guard’s high-endurance Hamilton-class cutter USCGC Dallas sailed the waters of South Vietnam, executing seven combat patrols. She provided naval gunfire support to Marine and Army units, firing over 7,500 rounds of five-inch ammunition. She destroyed 58 sampans and attacked 29 enemy supply routes, base camps, or rest areas.

On 22 June 1999, the same 378-foot-long ship—which was commissioned in 1967—left her homeport (Charleston, S.C.) for yet another overseas patrol. Assigned to the Navy’s Sixth Fleet for three months, Dallas is helping to patrol the Adriatic Sea after NATO’s successful air campaign against Yugoslavia.

The durable cutter’s 27 years of service clearly demonstrate the Coast Guard’s ability to bring the last ounce of usefulness
All of these ships are aging—some were built as long ago as the late 1960s—and are becoming increasingly difficult to maintain. They also are technologically obsolete. The Coast Guard’s class cutters are so old, in fact, that they are used elsewhere only on the locomotives in South Africa.

The service’s “ability to manage the tactical picture,” said Rear Adm. Ernest Riutta, assistant commandant for operations. The overall situation has caused numerous problems for the Coast Guard, and the service’s “capability for its long- and medium-range surveillance” is in jeopardy within the next 15 years. The end result is a steady decline in readiness and in the availability of Coast Guard ships and aircraft to perform their intended missions. Equipment currently affecting the Coast Guard’s system, the Mk92 fire-control radar carried by the Ford-class guided-missile destroyers, for example, has long supplanted the service’s existing radar and electronic systems. The Danish Thetis-class offshore patrol vessels, which the service has ordered to replace the badly worn-off HH-60J Jayhawk helicopters are too large to land on any but the largest of the service’s cutters.

To remedy these problems the Coast Guard has developed a plan to replace and modernize its current ships, aircraft, and command and communications (C3) systems. That plan is called “Deepwater.” The service’s HH-60J Jayhawk helicopters are capable of long-range operations, and the HH-60J is in service today. The service also has a Link-11 or Link-16 capability, essential for the exchange of tactical data with other U.S. military forces.

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Mr. HALL of Texas. Mr. Speaker, with the passing of Claud Easterly, editor of the Denison Herald for 30 years and one of his hometown’s foremost historians, comes the end of a generation of old-fashioned newspapermen who learned their trade on the job, not in the classroom, and who preferred their old typewriters to computers. Such a man was Claud Easterly of Denison, TX, who died this year at the age of 91.

During Mr. Easterly’s career, he interviewed five U.S. Presidents, several Vice Presidents, Speaker of the House Sam Rayburn, my predecessor in the fourth district, bandleader John Philip Sousa, magician Harry Houdini, Father Flanagan of Boys Town, New York Mayor La Guardia, heavyweight boxing champion Joe Louis, among many other State and national dignitaries.

Yet he said that his greatest experiences were “in helping record the more routine events that reflected the failures and successes, joys and sorrows of the folk who call this place home.” According to the Herald Democrat, the newspaper that succeeded the Denison Herald and to which he continued to contribute articles and serve as a reliable source until shortly before his death.

Claud Easterly knew his community well and served it well through 30 years as editor of the city newspaper. Inspired by his high school English teacher, he proved adept at writing. He was named the first editor of his high school newspaper and upon graduation from high school approached the editor of the Denison Herald, who agreed to hire him at no pay until he learned the job. Three months later, he was put on the payroll at a salary of $12.50 per week, and as they say, the rest is history. In addition to his famous interviews, he covered many historical events, including the Red River Bridge war in 1931, the construction of Denison Dam in the 1940’s and the local perspective of World War II.

In addition to his newspaper responsibilities, Mr. Easterly also was active in the civic life of Denison. He served as president of the Lions Club, a director of the Chamber of Commerce and a board member of the Public Library. Following his retirement in 1972 as editor of the newspaper, he campaigned for and was elected to the Denison City Council. He also was a member of the Dallas County Memorial United Methodist Church.

Claud Easterly was born in Denison in 1907, the son of Mr. and Mrs. E. W. Easterly. In 1931 he married his high school sweetheart, Ruth Davis. Following her death in 1987, he married Mrs. Ophelia Taylor, who survives him. Also surviving are his son David Easterly and daughter-in-law Judy, stepson Richard Taylor and wife Carol; stepdaughter Carolyn Arnett and husband Butch, a brother Doug, 10 grandchildren and 1 great-grandchild.

Claud Easterly was proud that his son, David, followed him in the newspaper business, getting his start alongside his father at the Denison Herald. David is now president of Cox Enterprises, which owns and operates a number of newspapers, including the Atlantic Journal & Constitution.

Mr. Speaker, Claud Easterly lived during the tenure of three representatives of the Fourth District of Texas—Speaker Sam Rayburn, Ray Roberts, and myself. He knew our district as well as we did, and so it is both an honor and a fitting—to ask my colleagues to join me in paying our last respects to this great newspaperman from Denison, TX.—Claud Easterly. His memory will be preserved in the archives of his newspaper—and in the hearts and minds of those who knew him.

TRIBUTE TO ADMIRAL ARCHIE CLEMINS

HON. JOHN SHIMKUS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 9, 1999

Mr. SHIMKUS. Mr. Speaker, I rise before you today to express my gratitude and admiration for Admiral Archie Clemins, commander of the United States Pacific Fleet.

His leadership and courage during his thirty-four years of military service was outstanding. Since his retirement on October eighth, he has been greatly missed.

I would also like to take this time to show my appreciation for the time he has spent with Scott Wagner’s fifth-grade class at Horace Mann School in Mt. Vernon, Illinois. Admiral Clemins has found the time to share his skills and knowledge with these impressionable students. Utilizing stories and souvenirs from his travels, he has both educated and entertained these pupils. In addition, he has funded trips for them to the Great Lakes Navy Base as well as the base in San Diego, California.

I would like to again express my sincere appreciation for Admiral Clemins’ generosity and commitment to our country and its future.

MEDITERRANEAN, MEDICARE, AND SCHIP
BALANCED BUDGET REFINEMENT ACT OF 1999

SPÉECH OF
HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, November 5, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise in opposition to HR 3075. When the BBA of 1997 was enacted, it wrought havoc with a sea of unintended consequences in Medicare cuts.

Mr. Speaker, in my state alone, the BBA will reduce Medicare hospital payments by $4.8 billion dollars over five years—these cuts are mostly permanent.

They will cripple the delivery of healthcare to seniors and to the under-served far beyond 2002.

While this bill begins to fix some of the devastating cuts, it does not go far enough. The bill before us today provides restorations equaling only 15.6 percent of the BBA Medicare reductions and these are only temporary fixes.

Where does the money for the fixes come from? The restorations come at the expense of direct-graduate medical-education funding. This means that teaching hospitals in my state will be deprived of $100 to $130 million dollars over 5 years.

The situation of the teaching hospitals is already dire. Because of the BBA, many of these hospitals are close to financial ruin. These institutions are the hotbeds of medical research that produces life-saving treatments.

The teaching hospitals are the “safety net” hospitals that care for the nation’s low-income and uninsured patients while they are sick and have nowhere else to turn.

Mr. Speaker, let me walk you through how this will hurt each off the teaching hospitals in my district.

Because of the teaching hospital provisions included in this bill, Mt. Sinai hospital will lose $14.4 million over 5 years; Lenox Hill hospital will lose $4.5 million over 5 years; Memorial Sloan Kettering hospital will lose $180.00 over 5 years; Beth Israel hospital will lose $33.9 million over 5 years; the hospital for Special Surgery will lose $3.6 million over 5 years; the Hospital for Joint Diseases will lose $1.9 million over 5 years.

The bill before us today neglects to adequately address the crisis in the teaching hospitals while the billions of dollars going to skilled nursing facilities is favorable, only a band-aid, temporary remedy is provided for outpatient hospital departments.

Mr. Speaker, let’s go back and do this right. Give us the chance to offer amendments and let’s have a real debate. While there are some provisions in this bill that I support, I believe that we can do a better job at protecting our Medicare beneficiaries, providers and teaching hospitals. I urge a “no vote.”
TRIBUTE TO BILLY AND ALICE NIX ON THEIR 50TH WEDDING ANNIVERSARY

HON. MARION BERRY
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 9, 1999

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to two people who I am proud to call my friends, Billy and Alice Nix, on the celebration of their 50th wedding anniversary.

I have had the pleasure of knowing Billy and Alice Nix for 4 years. When I’m in Sidney or Ash Flat for parades, Billy drives me in one of his antique cars. Billy and Alice are always ready to do their part for the community, school, church or business. The Nixes have been active members of the community of Ash Flat, Arkansas for over 40 years, where they own and run the Ash Flat Livestock Auction.

Billy has served on the Sharp County Fair Board and the Northeast Arkansas Fair Board. Alice gives her time at the Ash Flat Historical Society where she helped the organization publish a book about the history of Ash Flat. The Nix family is also involved in the Church of Christ.

The Nixes cherish their family including their three wonderful children Mike, Jan, and Beverly; and their 10 grandchildren and five great grandchildren. The integrity and dedication of the Nixes is a living example to all that know them, especially to institutions like marriage.

Our community is a better place to live and work and raise a family because of their efforts and the care and the dedication of Billy and Alice Nix.

CALIFORNIA RAISIN MARKETING BOARD

HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 9, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize the debut of the California Raisin Marketing Board, CRMB. The CRMB has taken the place of CALRAB, the California Raisin Advisory Board.

CRMB is planting its first roots in tomorrow’s raisin sales with restaurant projects, back-to-school campaigns, food service and produce marketing trade show participation, retail and trade advertising, website development, health and nutrition research and promotions, and the rebirth of the California Raisin, a new character replacing all previous Dancing Raisin Art.

The new character will bring life to raisins and CRMB will launch California raisins into the twenty-first century with new ways to promote their product. One of the first major outruns for the new character will be a Denny’s Restaurant promotion, debuting in January 2000.

The California raisin industry has come far as the world raisin leader. CRMB will bring true glory to the raisin industry in the years to come.

Mr. Speaker, I applaud the California Raisin Marketing Board for their innovative plan and character to bring us into the new millennium. I urge my colleagues to join me in wishing CRMB a bright future and many years of success.

HONORING JOHN JORDAN “BUCK” O’NEIL ON HIS 88TH BIRTHDAY

HON. KAREN McCARTHY
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 9, 1999

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to honor a fellow Kansas Citian, and a man who has come to embody the ideals we share as a nation. As a player and coach for the Negro League’s Kansas City Monarchs baseball team, as coach and scout for the present day Kansas City Royals, and as a community activist promoting reading and education to children, John Jordan “Buck” O’Neil has come to represent some of our noblest values: determination and dignity, humility and excellence. “Buck” has been a pioneer and trailblazer throughout his life and illustrious career, and demonstrates in his everyday actions and words that determination is the pathway to success. He is a role model for our children and a champion for our country.

As a player, Buck had a career batting average of .288, including four .300-plus seasons at the plate, and led the Kansas City Monarchs to victory in the 1942 Negro World Series. After 12 years as a player, Buck changed hats and managed the Monarchs to four more league titles in six years. Following his career with the Kansas City Monarchs, Buck joined the major leagues as a scout for the Chicago Cubs. In 1962 the Chicago Cubs made him the first African-American to coach in the major Leagues. Buck is credited with signing hall of Fame Baseball greats Ernie Banks and Lou Brock to their first pro contracts, and is acknowledged to have sent more Negro League athletes to the all-white major leagues than any other man in baseball history.

Buck is currently the Chairman for the Negro Leagues Baseball Museum in Kansas City and spends his time promoting the achievements of African-American baseball players who played for love of the game, despite being shut out of the majors because of the color of their skin. As a member of the 18-person Baseball Hall of Fame Veterans Committee, he continues to tear down racial barriers by advancing deserving Negro Leaguers for induction to the Hall. In addition to his duties in Cooperstown and at the museum in Kansas City, Buck is finding new ways to lend hand and share his influence.

As a player, coach, scout, writer, and volunteer, Buck represents a magnificent example to our generation and the next.

Mr. Speaker, please join me in saluting John Jordan “Buck” O’Neil, a distinguished hat and managed the Monarchs to four more league titles in six years. As a player and coach, Buck represents a magnificent example to our generation and the next.

Mr. Speaker, please join me in saluting John Jordan “Buck” O’Neil, a distinguished hat and managed the Monarchs to four more league titles in six years. As a player and coach, Buck represents a magnificent example to our generation and the next.
TRIBUTE TO THE NEW YORK YANKEES

HON. JOSÉ E. SERRANO
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 9, 1999

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to a great team and to congratulate the New York Yankees on their victory in the World Series. The Yankees are a team that has a long and storied history, grounded in a rich tradition of excellence.

Their success is a testament to the hard work, dedication, and talent of its players. From the iconic Steinbrenner era to the recent dominance under Manager Joe Torre, the Yankees have proven themselves to be leaders in their sport. Their success on the field has become synonymous with the excellence and performance of our nation.

In congratulating the New York Yankees, I wish to recognize the contributions of the many individuals who have helped make this team successful. Manager Joe Torre, with his tireless work and strategic leadership, has been a major force in their success. The Yankee Stadium, a symbol of the team’s tradition and history, continues to be a place of pride and passion for baseball fans around the world.

I also wish to pay tribute to the fans of the Yankees, who have supported their team through thick and thin. Their dedication and enthusiasm have made the Yankees a team to be reckoned with, both on and off the field.

In conclusion, I urge Congress to recognize the New York Yankees and their contribution to the world of baseball. Their success is a source of pride for our country, and I hope that their legacy will continue to inspire generations to come.

Mr. Speaker, I ask my colleagues to join me in paying tribute to and congratulating the Yankees on their victory in the World Series. Thank you.
about 50 percent of the world's tropical forests are located in four countries—Indonesia, Peru, Brazil, and the Congo—and these countries have in the aggregate over $5 billion of U.S. debt outstanding.

The Tropical Forest Conservation Act gives the President authority to reduce or cancel U.S. A.I.D. and/or P.L. 480 debt owed by any eligible country in the world to protect its globally or regionally important tropical forests. These “debt-for-nature” exchanges achieve two important goals. They relieve some of the economic pressure that is fueling deforestation, and they provide funds for conservation efforts in the eligible country. There is also the power of leveraging—one dollar of debt reduction in many cases buys two or more dollars in environmental conservation. In other words, the local government will pay substantially more in local currency to protect the forest than the cost of the debt reduction to the U.S. Government.

For any country to qualify, it must meet the same criteria established by Congress under the EAI, including that the government has to be democratically elected, cooperating on international narcotics control matters, and not supporting terrorism or violating internationally recognized human rights. Furthermore, to ensure the eligible country meets minimum financial criteria to meet its new obligations under the restricted terms, it must meet the EAI criteria requiring progress on economic reforms.

The Tropical Forest Conservation Act is a cost-effective way to respond to the global crisis in tropical forests, and the groups that have the most experience preserving tropical forests agree. It is strongly supported by The Nature Conservancy, Conservation International, the World Wildlife Fund, the Environmental Defense Fund and others. Many of these organizations have worked with us very closely over the last two years to produce a good bipartisan initiative.

I am delighted that H.R. 3196 includes these funds that will be used to preserve and protect millions of acres of important tropical forests worldwide in a fiscally responsible fashion.

IN RECOGNITION OF JEFFERSON THOMAS, A MEMBER OF THE “LITTLE ROCK NINE”

HON. DEBORAH PRYCE
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 9, 1999

Ms. PRYCE of Ohio. Mr. Speaker, I rise today to recognize Jefferson Thomas, a resident of the Far East Side of Columbus, on receiving the Congressional Gold Medal. Mr. Thomas was a member of the so-called “Little Rock Nine,” a group of African-American high school students who first crossed racial barriers at Central High School in Little Rock, Arkansas forty-two years ago. President Clinton bestowed the medal on Thomas and the other eight members of the “Little Rock Nine” today in a ceremony at the White House. The Congressional Gold Medal is the nation’s highest honor for a civilian. Previous recipients include the award’s most notable figures as George Washington, Nelson Mandela and Rosa Parks.

In the summer of 1957, the city of Little Rock, Arkansas made plans to desegregate its public schools. However, on September 2, the night before classes were to begin, Arkansas Governor Orval Faubus called out the state’s National Guard to surround Little Rock Central High School and prevent any African-American students from entering the school. He stated that he was trying to protect citizens and property from the gate Crashers at Central High School in Little Rock, Arkansas and focused, realizing that the eyes of the nation were upon them in their quest for equality.

In May of 1958, Ernest Green became the first African-American graduate of Little Rock Central High School. The story of Jefferson Thomas is to be commended for his courage in the face of overwhelming adversity. Little did he know that his bravery over forty years ago would have a lasting historical impact. His determination, and that of the other members of the “Little Rock Nine,” paved the way for the desegregation of all schools, and helped make equality in education a reality for all students. Mr. Thomas is truly a source of inspiration to the citizens of Ohio and the rest of our nation.

“NOW AND TOMORROW”

HON. PATSY T. MINK
OF HAWAII
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 9, 1999

Mrs. MINK of Hawaii. Mr. Speaker, I am inserting an article by Sally-Jo Keala-o-Anuenue Bowman that tells the story of one recipient of a Native Hawaiian Health Scholarship, which is funded by Congress under the 1988 Native Hawaiian Health Care Act. This article provides compelling testimony on the value of this important program.

[from Island Scene (Summer 1999)]

NOW AND TOMORROW: A HAWAIIAN SOCIAL WORKER IN WA‘IANEA BRINGS TOGETHER HER WORK AND LIFE

(By Sally-Jo o Keala-o-Anuenue Bowman)

Wa‘ianea Valley. A breeze through the crimson bougainvillea at Kahumana Residential Treatment Center offsets the noon-time sun.

In the parking lot, even before Julie Ann Lehuanani Oliveira opens her car door, Kenneth Panoke waves to her, and his sun-touched Hanol in face breaks into a puka-toothed grin. Oliveira, 28, is young enough to be his daughter. But he meekly follows her into the main building, which is cluttered with slippers slapped on the tile floor. He holds her hand while she talks with the center’s medical director. Later he clears her lunch plate when she finishes an informal conference.

Social worker Oliveira is on her Wa‘ianea rounds. Panoke, who has bipolar disorder, is talking along. They met in 1993, when he was a State hospital patient and she was a practicum student from the University of Hawaii School of Social Work. Panoke had been in and out of the State hospital all his adult life.

Neither Panoke nor Oliveira is from Wa‘ianea, but this Leeward O‘ahu community with its entrance wrapped for the classic Hawaiian problems of poverty, drugs, crime, and life-threatening diseases, offers them a chance to serve their people. To Panoke, Wa‘ianea is a place to heal.

Oliveira’s road to social work started on Maui, where she grew up in a Hawaiian-Polynesian family. Because her Uncle Makahilahila Oliveira, was widowed at age 26, she counseled her five daughters to excel in school so they could be independent. Oliveira had known since she was 8 that she would join a helping profession. She earned a bachelor’s degree in business administration before earning a master’s in social work from the University of Hawai‘i to be able to provide both direct and administrative services.

Her father is uncle Lawrence Oliveira, was like a grandfather to her. When Uncle Lawrence was dying in Hāna in 1997, he told Oliveira to promise him she’d return home and take care of her community, her people. “We talk about how everyone knows each other, that everyone knows each other, and the people have a hard time talking about their troubles. He told me that’s where I could help.”

These views meshed with the idea behind the Native Hawaiian Health Scholarship Program, which fully funded Oliveira’s master’s degree.

The goal of the scholarship program is to train Hawaiians to treat Hawaiians. The hope is that scholarship grads will return to work in their home communities.

The health of Hawaiians as a people is not good. They have the highest rates of diabetes and heart disease, and the lowest life expectancy of any ethnic group in Hawai‘i. One contributing factor is that sometimes, because of cultural differences, Hawaiians are reluctant to seek health care. Hawaiian physicians and other health care workers help open the door, especially when these professionals grew up in those communities. That’s why priority is given to applicants from underserved areas within the population, such as Hāna, Wa‘ianea, and Moloka‘i.

The scholarship program, federally funded through the 1988 Native Hawaiian Health Care Act, has awarded 82 full scholarships since 1991. In exchange, recipients—doctors, dentists, nurses, dental hygienists, social workers, public health educators, clinical psychologists, nurse midwives—promise to work in a Hawaiian community one year for each year of their professional training. They must stay in the required time, some in their home communities.

Oliveira remained in Wa‘ianea when she finished her obligation in 1997 at Hale Na‘au Pono, the Wa‘ianea Coast Community Mental Health Center.

She began at the mental health center as a clinician in 1995, soon becoming head of the Adult Therapy Division. There, she recruited four other scholarship recipients—a move that boosted mental health service in Wa‘ianea and broadened the new professionals in their mission to help fellow Hawaiians.

“The most beneficial part of the scholarship was the financial assistance, but the networking with other students and having encouraging mentors,” Oliveira says. “I
Congratulations to Sergeant Thomas Shanley. His large circle of family and friends can be proud of the contributions this prominent individual has made to the law enforcement community and the First Congressional District of Indiana.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating Sergeant Thomas Shanley for his lifetime of service and dedication to the people of Northwest Indiana and the citizens of the United States. Sergeant Shanley can be proud of his service to Indiana's First Congressional district. He worked hard to make the Town of Schererville safer place to live and work. I sincerely wish him a long, happy, healthy, and productive retirement.

INTRODUCTION OF A DISCHARGE PETITION FOR A MEDICARE PRESCRIPTION DRUG BENEFIT

CONGRESSIONAL RECORD — Extensions of Remarks

November 10, 1999

HON. FORTNEY PETE STARK
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. STARK. Mr. Speaker, I rise today to introduce a rule for a discharge petition to force
Congress to consider a Medicare prescription drug benefit. The rule would bring H.R. 1495, the “Access to Prescription Medications in Medicare Act of 1999,” to the floor for debate and open amendments. My bill provides a new Medicare benefit for prescription drugs— with a $200 deductible, $1700 in new benefits, and a 20 percent copay and stop loss protection for beneficiaries who would otherwise spend more than $3000 out of pocket on prescription drugs. This attempt to get a bill considered in the House is a way to force Republicans to finally vote on access to affordable prescription drugs for seniors.

A number of my colleagues and I have offered proposals for a way out of the current predicament which is particularly unfair to seniors lacking prescription drug coverage. The President has put forth his own Medicare prescription drug proposal which has no new deductible, requires a 50 percent copay of $2000 in 2002, rising to $5000 in 2008, and no stop loss protection. The “Prescription Drug Discount for Seniors Act” (H.R. 684) introduced by Representatives Allen et. al. also has tremendous support. While this legislation would not create a new Medicare drug benefit, it would extend discounts to seniors equivalent to the discounts obtained by other large purchasers.

As a recent Families USA study makes painfully clear, the cost of prescription drugs has become unbearable for America's more than 14 million Medicare beneficiaries who cannot afford prescription drug coverage. The Families USA study finds that seniors, the last major insured consumer group without a prescription drug benefit, are paying prices that are rising four times faster than the rate of inflation. According to this well-researched study, these people support programs for the makers of those drugs that averaged 20 percent, while the median margin for Fortune 500 companies is only 4.4 percent. These high prices are supplementing the already-inflated paychecks of those who work for the drug industry.

Likewise, the minority staff of the House Government Reform Committee recently conducted a comparison of prescription drug prices in my district and dozens of other districts and found that seniors buying their drugs out-of-pocket are paying about twice as much as the drug companies' favored customers (such as large insurance companies and HMOs). For Zocor, a cholesterol-lowering medication taken by millions by Americans—myself included—the price differential between what a consumer would pay who has no drug insurance relative to the rate for large group health plans is a staggering 229 percent—$114.62 versus $34.80 for a bottle of 60 pills.

At the same time, an article in last Sunday's Washington Post noted that despite the mandates of HMOs serving Medicare recipients in Washington, D.C. will limit prescription drug benefits beginning January 1st. This appears to be reflective of a national trend as many managed care companies sharply raise co-payments and co-insurance. For example, next year UnitedHealthcare will raise prescription drug co-payments from $20 to $90 for a 90-day mail order supply of a brand-name drug and Cigna plans to reduce its annual benefit for brand-name prescription drugs from $800 to $400, with a new limit of $100 per each quarter of the year.

The public overwhelmingly recognizes the need to provide seniors with access to affordable drugs. According to a recent Harris poll, 90 percent of Democrats, 87 percent of liberals, and 80 percent of Republicans and conservatives support a Medicare drug benefit. In addition, 70 percent of those participating in a recent Discovery/Newsweek poll ranked the high cost of prescription drugs as “the most important problem with the health care system.” And in a survey undertaken to better understand the American public's concerns, last Sunday's Washington Post reported the fear that “Elderly Americans won't be able to afford the prescription drugs they need” as one of the top issues that worry Americans.

So why, in light of the public's priorities, has there been a real reluctance for Republicans to move forward on the issue of Medicare prescription drug coverage this Congress? Last week, Republicans decided to bring the BBA Refinement Act to the House floor under suspension so that amendments could not be introduced—such as the one based on Representative ALLEN'S drug discount proposal. This legislation would have given seniors a price discount on their prescription drugs and permitted them to purchase medications at a fair price— bringing an end to the drug companies' price discrimination. And recently, the Ways and Means Republicans all voted against that same amendment offered by my colleague, Representative KAREN THURMAN, to include a discounting provision in the BBA Refinement legislation.

It is this lack of Republican responsiveness that is leading me to file the rule for a discharge petition to bring H.R. 1495 to the floor. There are a number of good proposals out there. Any and all of them would improve the current, deplorable state we are in. I think we can all agree that the current situation is not working and that the most important step we can now take is to increase access to affordable prescription drugs for our nation's seniors.

TO RECOGNIZE TEACHERS WHO HAVE WON USA TODAY AWARD

HON. MAC COLLINS
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 9, 1999

Mr. COLLINS. Mr. Speaker, when USA TODAY selected 50 of America's top teachers for its All-USA Teacher Team, I was proud to learn that 3 of them came from the Third District of Georgia. USA TODAY says the team parallels the All-USA Academic Team which has been selecting outstanding students since 1987.

I want to introduce these teachers to Congress. They represent the best in their profession, not only for their dedication, but for their creativity in designing programs to help children. Each has started an important program that teaches children both in the classroom and outside.

It goes without saying that each of these teachers developed their program on their own. These programs were developed in Columbus and Newman, not in some bureaucratic office in Washington, D.C.

Tina Cross, of Carver H.S., in Columbus, is a 25-year teaching veteran. She teaches advanced placement biology and physics. Her students are participating in a space shuttle science project with North Carolina in sending peanuts into space to examine the effect of zero gravity on the nutrients. She said the peanut industry is also working with the students on the shoe-box-sized experiment.

Cross's students have other, more down-to-earth projects as well. They have raised money to build a Habitat for Humanity house in Tanzinia, and in Columbus itself.

She teaches at George Washington Carver High School, which has over 1,700 students. It has science, math, technology, and vocational magnet programs. The school is named for the famous African American scientist George Washington Carver, whose work with peanuts helped revitalize Southern agriculture in the early 20th century.

The peanut project is appropriate, don't you think?

Sylvia De Shore, a 30-year teaching veteran at Clubview Elementary in Columbus, teaches third graders. She started the Riverkids Network, which involves over 1,000 children from 18 schools in grades 3 through 8. She started the interdisciplinary river awareness project in 1994. The students sample the Chattahoochee River's waters, do chemical testing, and study insects and other animals found in the river system.

They publish a monthly newsletter, and an annual Riverkids Cookbook.

Clubview Elementary has 500 children from grades kindergarten through sixth grade. The school has very strong community roots with second and third generations attending school there.

Dr. Carmella Williams Scott, a 23-year teaching veteran teaches at the Fairmount Alternative School, in Newman. She concentrates on children who have been sent to the school from juvenile justice departments or who have been expelled from other schools.

She teaches middle and high school students English literature and law. She introduced Cease Fire, which operates a juvenile video courtroom. Students assume the roles in the court of the judges and lawyers. They even film the proceedings and hold open hearings so other students can see what happens.

When students have altercations in the school, they are hauled into court to be judged by their peers, says Dr. Scott. This helps them learn to handle conflict without violence, and to resolve differences without fighting. "They coined the phrase, "Don't hold a grudge—take it to the judge." Dr. Scott says. Her innovative program enhances her students to become a part of the judicial system. "They are tired of being this side of the court, and want to be on the other side of the court," she said. "This teaches them to think on their feet, research the argument, and defend their skills."

Fairmount Alternative school has 150 students and 12 teachers, and specializes in working with students on a more individualized basis than most schools. Most students attend the school for 9-week stints.

The innovative program has landed Dr. Scott many awards, as well as an appearance on Japanese television.

These teachers have given a lot to the children they have worked with over the years. They have given to their communities. I want to thank them publicly for their effort, and to thank USA TODAY for providing them with this public recognition.
HON. ROBERT A. UNDERWOOD
OF GUAM

IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 9, 1999

Mr. UNDERWOOD. Mr. Speaker, on September 21–22, 1999, the Association of Pacific Island Legislatures (APIL) Board of Directors held its 36th meeting in the State of Kosrae, Federated States of Micronesia (FSM). APIL is an organization for mutual assistance among representatives of the people of the Pacific Islands composed of legislators from American Samoa, the Commonwealth of the Northern Mariana Islands (CNMI), the states of Chuuk, Kosrae, Pohnpei and Yap in the FSM, the island of Guam, the Republic of the Marshall Islands, the Republic of Palau, the state of Hawaii, the Republic of Nauru and the Republic of Kiribati.

As Pacific Island governments continued to advance and develop politically, their leaders recognized the need for unity among those directly involved with the substantive regional and international issues facing the newly formed states. It was deemed necessary for a permanent association of policy makers from the Pacific nations, states, and territories, to meet on a regular basis in order to consider matters of mutual interest in areas where regional cooperation, coordination, exchange and assistance would help individual governments achieve their goals through collective action. Based on a mission statement adopted on July 31, 1991, the Association of Pacific Island Legislatures was formed. On November 23, 1981, its charter officers were named during an organizational planning session held on the island of Guam. Senator Edward R. Duenas of Guam served as APIL’s first president, with Senator President Olympio T. Borja of the CNMI as his vice president. Senator Elias Thomas of the FSM was designated as secretary and Senator Moses Ulo Dong of the Republic of Palau was named treasurer.

Issues currently at the forefront of APIL’s agenda include Resources and Economic Development, Commerce, Legislation, Energy, Regional Security and Defense, Communications, Cultural Appreciation, Health and Social Services, Education, Agriculture, Air and Sea Transportation, Aquaculture, Sports and Recreation, Youth and Senior Citizens, Tourism, Finance, Political Status, External Relations, and Development Banking. For almost two decades, APIL has remained dedicated towards promoting regional concerns. I congratulate the officers of this term, Senator Carlotta A. Leon Guerrero of Guam, President; Senator Renster Andrew of the FSM, Vice President; Senator Herman P. Semes of the FSM, secretary; Representative Ana S. Teregeyo of the CNMI, treasurer; and Senator Haruo Esang of the Republic of Palau, advisor, for their hard work and dedication. Let us continue our united efforts in the years to come.

HON. GERALD D. KLECKZA
OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 9, 1999

Mr. KLECKZA. Mr. Speaker, I rise today to honor Timothy E. Hoeksema, Chairman, President and Chief Executive Officer of Midwest Airlines, who is the recipient of the 1999 Institute of Human Relations Award from the American Jewish Committee. Mr. Hoeksema is a leading figure in the community and an example of the values of his hometown, Milwaukee, which esteem hard work, honesty and a genuine love of people. Under his leadership the company has distinguished itself as a dynamic and innovative force in the airline industry.

Mr. Hoeksema’s support of community groups and functions seemingly knows no boundaries and includes Betty Brinn Children’s Museum, Midwest Athletes Against Childhood Cancer, Next Door Foundation, Milwaukee Art Museum, Boys & Girls Clubs of Greater Milwaukee, Eastown and Westown Associations, Habitat for Humanity, Esperanza Unida, Project Equality, American Cancer Society, Florentine Opera, Circus Parade, Skylight Opera Theater, First Stage, Greater Milwaukee Open, Marcus Center for the Performing Arts, Make-A-Wish Foundation, and Riversplash.

Mr. Hoeksema is duly recognized by the American Jewish Committee, which has worked toward intergroup understanding to strengthen a community in which diverse cultures and traditions can flourish. In that regard, he is a fitting recipient of the Institute of Human Relations Award, which is presented to leaders of the business and civic community whose distinguished leadership demonstrates their profound commitment to preserving our democratic heritage.

Each year the American Jewish Committee’s Institute of Human Relations honors an outstanding corporation, and it is a fitting tribute, Mr. Speaker, that Timothy A. Hoeksema, who has done so much to support the diverse social fabric of the community, should receive this outstanding recognition.
Alonzo Swann, Jr., Charles Swisher, Zenon Lukosius, Marion Brezinski, Walter O’Keefe, and Douglas Dettman.

Stanley Bliznik of Highland, Indiana, is a World War II Veteran of the United States Army. He served our country from October 7, 1941, to February 13, 1945, as a member of the Army’s 20th Combat Engineer Battalion. Eliseo Castaneda of East Chicago, Indiana, is a United States Marine Corps Veteran. He enlisted in the Marines in July of 1948 and was discharged July, 1952. He arrived in Pusan, Korea, on September 15, 1950 and participated in the Pusan Perimeter action, the battle of Kimpo Air Field, and the battle securing Seoul, South Korea. Serving in the Navy during World War II, Alonzo Swann, Jr., of Gary, Indiana is a fine example of one of our American heroes. He received the Victory Medal, American Theater Medal, Purple Heart, Bronze Star Combat V, Asiatic Pacific Medal three stars, Philippine Liberation Ribbon two stars, and the Navy Cross for his dedicated military service. Additionally, Charles Swisher of Crown Point, Indiana, served in the United States Army during World War II on the battlefields of France. He served as a member of the 976th Field Artillery Battalion. Zenon Lukosius of South Holland, Illinois, courageously served our country during World War II. As a member of the United States Navy, Lukosius defended against enemy air and sea planes, all of those enemy shore and was involved in the capture of enemy submarines. Marion Brezinski of Highland, Indiana, served in the United States Army until he was discharged in September of 1945. In 1944, during the Invasion of Normandy, Brezinski served as an ammunition barge and was injured. After twenty-seven years of faithful service, Walter O’Keefe was discharged from the United States Marine Corps with the rank of 1st Sergeant. O’Keefe hails from Dolton, Illinois where he is a father of three, grandfather of six, and has four great-grandchildren. Douglas Dettman resides in Schererville, Indiana, and served in the United States Army during the Vietnam conflict. Dettman received the Good Conduct Medal, Combat Medic Badge, Purple Heart, and Gallantry Cross with Silver Star, Distinguished Service Cross, and the Silver Cross for his valorous actions as a medical aid man.

The great sacrifice made by these eight men and those who served our country has resulted in the freedom and prosperity of our country and in countries around the world. The responsibility rests within each of us to build upon the valiant efforts that these men and women who fought for this country have displayed, so that the United States and the world can remain free and prosper. To properly honor the heroism of our troops, we must make the most of our freedom secured by their efforts.

In addition to the eight veterans who are to be honored at this patriotic celebration, I would like to thank all those who served this country for their bravery, courage, and undying commitment to patriotism and democracy. May God bless them all. We will forever be indebted to our veterans and their families for the sacrifices they made so that we can enjoy our freedom. Mr. Speaker, I ask that you and my colleagues join me in saluting these eight men and the other veterans who have fought for our great country.

WELCOMING THE 1999 AEA CLASSIC TO SAN DIEGO

HON. RANDY “DUKE” CUNNINGHAM OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 9, 1999

Mr. CUNNINGHAM. Mr. Speaker, I am honored to recognize the industry, finance and media participants in the 1999 American Electronics Association (AEA) “Classic,” an annual meeting linking high-tech industry leaders, entrepreneurs and media that is being held this week in San Diego, California.

It is my great honor to represent one of the nation’s most “wired” congressional districts. Within an hour’s drive of the AEA Classic gathering lies the entire 51st Congressional District that I represent. It is also home to the global capital of wireless telecommunications, exemplified by firms such as Qualcomm, Ericsson, Motorola and, very soon, Nokia. We are also home to leading participants in the PC and electronics industries, including Gateway, Dell, and Compaq. Major software firms like Peregrine Systems, Intuit and Stac, integrated solutions providers like SAIC, and technologically advanced national security industry employers like TRW, Titan, Cubic, Orincon, CSG, Caycor, General Atomics and many others, all have main headquarters or major presences in San Diego County.

I have seen the future, and it is made in San Diego in more ways than one.

Our leading technology employers have two things in common: leading-edge ideas, backed with sufficient financing to get them to market and to prepare them for the markets of the future. This principle, bringing great ideas together with the business know-how and the financing necessary to make them succeed, is the motivating purpose for the annual AEA Classic.

The jobs and economic opportunities of the future are being made today at meetings like the AEA Classic, in San Diego today. They are not being created by the government or by regulators or by bureaucrats, but by entrepreneurs with dreams, and by people with re-sources to make those dreams a reality. To ensure that these innovations keep coming, I believe that we need to work together to improve education in every community for every person. And we need to keep the long, taxing funding necessary to make them succeed, is the motivating purpose for the annual AEA Classic.

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IN OBSERVANCE OF DUTCH AMERICAN HERITAGE DAY

HON. PETER HOEKSTRA OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 9, 1999

Mr. HOEKSTRA. Mr. Speaker, on November 17, 1776, a small American warship, the Andrew Doria, sailed into the harbor of the island of Saint Eustatus in the West Indies, which is a colony of the Netherlands. Only four months before, the United States had declared its independence from Great Britain. The American crew was delighted when the island’s governor, Johannes DeGraaf, ordered that his fort’s cannons be fired in a friendly salute. As this was first-ever military salute given to American soldiers by foreign power to the United States, it was a risky and courageous act. The British seized the island a few years later. DeGraaf’s welcoming salute was a sign of respect, and today it continues to symbolize the deep ties of friendship that exist between the United States and the Netherlands.

After more than 200 years, the bonds between the United States and the Netherlands remain strong. Our diplomatic ties, in fact, constitute one of our longest uninterrupted diplomatic relationships with any foreign country. Fifty years ago, during the Second World War, American and Dutch men and women fought side by side to defend the cause of freedom and democracy. As NATO allies, we have continued to stand together to keep the transatlantic partnership strong and to maintain the peace and security of Europe. In the Persian Gulf we joined as coalition partners to repel aggression and to uphold the rule of law.

While the ties between the United States and the Netherlands have been forged by fire and by the crucible of armed conflict, Dutch-American heritage is even older than our official relationship. It dates back to the early 17th century, when the Dutch West Indies Company founded New Netherland and its main settlement, New Amsterdam, New York City and Orange—today known as New York City and Albany. From the earliest days of our Republic, men and women of Dutch ancestry have made important contributions to American history and culture. The influence of our Dutch ancestors can still be seen not only in New York’s Hudson River Valley but also in communities like Holland, Michigan; Pella, Iowa; Lyden, Washington; and Bellflower, California—where many people trace their roots to settlers from the Netherlands.

Generations of Dutch immigrants have enriched the United States with the unique cultural traditions of their ancestral home—land—a country that has given the world great artists and celebrated philosophers.

On this occasion, we also remember many celebrated American leaders of Dutch descent. At least three presidents, Martin VanBuren, Theodore Roosevelt and Franklin D. Roosevelt, came from Dutch stock. Our Dutch heritage is seen not only in the people but also in our experience as a nation. Our traditions of religious freedom and tolerance, for example, have spiritual and legal roots among such early settlers as the English Pilgrims and the French Huguenots, who first found refuge from persecution in Holland. The Dutch Republic was among those nations of government that inspired our nation’s Founders as they shaped our Constitution.

In celebrating of the long-standing friendship that exists between the United States and the Netherlands, and in recognition of the many contributions that Dutch Americans have made to our country, I am honored to observe Dutch American Heritage Day on November 17, 1999. I salute the more than 8 million Americans of Dutch descent and the 16 million people of the Netherlands in celebration of this joyous occasion.
LARGEST CARIBBEAN COUNTRY. Dr. Hazel went to Haiti on November 10, 1951, in Port-au-Prince, Haiti, the third largest Caribbean country. Dr. Hazel went to private schools and joined the School of Medicine of the State University of Haiti. He graduated in 1975, and moved to the United States where he obtained his Board Certification in Internal Medicine and Infectious Disease.

Dr. Hazel is currently the Acting Chief of the Department of Medicine of Coler Hospital, where he was instrumental in establishing the first long-term program for patients infected with the HIV virus. In spite of his busy schedule with this municipal hospital, Dr. Hazel is also completing a term as the President of the New York State Chapter of Haitian Physicians Abroad, and is the current general secretary for the national committee of this organization of some 2,000 American physicians.

Dr. Hazel is at the forefront of the movement that ultimately defeated discriminatory policies and practices of the FDA and the CDC against Haitian Americans who were singled out as the carriers of the HIV virus. During his tenure, he visited the U.S. Base of Guantanamo, Cuba, where HIV-infected Haitian refugees were held and helped articulate the legal argument to ensure that this group received appropriate medical care. He was also one of the first scientists who recognized the danger that the HIV virus could represent for people of color all over the world.

Dr. Hazel also understands the importance of coalition building and works closely with numerous organizations such as the Hispanic American Physician Association, the Providence Society, the local chapter of the National Medical Association, and the Caribbean Health Association, to name a few. Dr. Hazel is also the current Director of the Visiting Physician Program of the Health and Hospital Corporation at Coler Goldwater Hospital, a program that has provided extensive training in the diagnosis and the management of transmissible diseases to physicians practicing in the Dominican Republic.

Fully aware of the changes taking place in the health care industry, Dr. Hazel has been vehemently working to increase the participation of minority professionals in shaping a better health care system.

Mr. Speaker, I would like you and my colleagues from both sides of the aisle to join me in honoring Dr. Edouard Joseph Hazel.

MEDICARE, MEDICAID AND SCHIP BALANCED BUDGET REFINEMENT ACT OF 1999

SPEECH OF
HON. JIM RYUN
OF KANSAS

IN THE HOUSE OF REPRESENTATIVES
Friday, November 5, 1999

Mr. RYUN of Kansas. Mr. Speaker, I have heard over and over from the health care professionals and the Medicare patients in the 2nd District of Kansas about how devastating the unintended consequences of the Balanced Budget Act have been on the Medicare system.

The BBA’s attempt to reduce waste and fraud and prolong the life of Medicare by reducing reimbursement has unfortunately resulted in less care per patient, especially in rural Kansas. From 1997 to 1998 the average reimbursement per patient in Kansas dropped from $4,060 to $2,642 and the average number of visits per patient dropped from 65 to 42. We can be certain that these figures do not reflect a sudden dramatic increase in healthy seniors.

Too many seniors have watched their rural hospital or home health clinic close or are denied care as a result of the budget cuts. In Kansas alone, 60 Home Health Agencies have closed their doors over the last two years. It’s time for us to reverse the Balanced Budget Act’s death sentence on Medicare and the Health Care Financing Administration’s poor interpretation of the Act.

I was particularly pleased when Chairman Thomas, the author of this bill, came to Kansas to hear first hand the concerns of health care providers in my district. I know the Chairman took these concerns and so many others from around the country into consideration when he drafted this legislation.

The Medicare Balanced Budget Refinement Act is a positive step toward halting the closing of home health agencies and rural hospitals and will ensure greater patient access to quality care. Particularly significant to keeping the doors of home health agencies open is the delay of the 15% payment reduction until a year after implementation of the prospective payment system. The Act also recognizes the paperwork burden the OASIS questionnaire places on nurses and agency staff and provides a $10 payment for each patient requiring the paperwork. The Medicare cuts for home health agencies were deep, and we cannot continue to expect agencies to do more with less. More importantly, many seniors will be able to remain in their homes rather than checking into hospitals and nursing homes.

Small rural hospitals have also suffered from the BBA’s limited budgets have been stretched thin. The Medicare Balanced Budget Refinement Act assists small rural hospitals with the cost of transition to the new prospective payment system through the availability of up to $50,000 in grants to purchase computers, train staff and cover other cost associated with the transition. The Act eliminates the requirement for states to review the need for swing beds through the Certificate of Need (CON) process. It also eliminates the 5 constraints on length of stay providing flexibility for hospitals with under 100 beds to participate more extensively in the Medicare swing bed program.

Mr. Speaker, I voted against the Balanced Budget Act in 1997 largely because of the negative impact it would have on rural health care. I support H.R. 3075 because it goes a long way to correct the problems with the current system.

CONFERENCE REPORT ON S. 900, GRAMM-LEACH-BLILEY ACT

SPEECH OF
HON. EDWARD R. ROYCE
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, November 4, 1999

Mr. ROYCE. Madam Speaker, the historic legislation that we are considering today, is a win for the consumer, a win for America’s economy and a win for America’s consumers. It’s the most important competitive reform in the financial services industry in this country since Glass-Steagall in 1933.

American consumers will benefit from increased access, better services, greater convenience and lower costs. They will be offered
the convenience of handling their banking, insurance and securities activities at one location. More importantly, with the efficiencies that could be realized from increased competition among banks, insurance, and securities providers under this proposal, consumers could ultimately save an estimated $18 billion annually.

Federal Reserve Chairman Alan Greenspan has stated that “Consumers of financial services are denied the lower prices, increased access and higher quality services that would accompany the increased competition associated with permitting HLBank enterprises to expand their activities.”

This reduction in the cost of financial services, is in turn, a big win for the U.S. economy. Finally, this legislation is a win for America’s international competitive position, as it will allow U.S. companies to compete more effectively with foreign firms for business around the world.

As the Federal Reserve Chairman stated, “We cannot afford to be complacent regarding the future of the U.S. banking industry. The issues raised for the future growth of our economy and the welfare of our citizens.”

This legislation is thirty years overdue Mr. Speaker, and I urge my colleagues not to delay its passage a day longer.

At this time, I would like to make a few clarifying remarks.

Included in Title VI of the bill before us are complex changes in the structure of the Federal Home Loan Bank (FHLBank) System. I believe these changes will enhance the ability of the System to help member institutions serve their communities, though there is enormous work yet to be done to implement these initiatives. Consequently, at the risk of redundancy, it is important to reiterate the view expressed in the Conference regarding related regulatory actions.

As noted in the Committee Report, the Conferes acknowledged and supported withdrawal of the Financial Management and Mission Achievement (FMMA) rule proposed earlier this year by the Federal Housing Finance Board (FHFB), the FHLBank System regulator. The FMMA would have made dramatic changes in such areas as mission, investments, liquidity, capital, access to advances and director/senior officer responsibilities. Because of serious concerns over the FMMA’s impact on FHLBank earnings, its effect on safety and soundness and its legal basis, the proposal has been intensely controversial among the FHLBanks’ membership, with over 20 national and state bank and thrift trade associations calling for a legislated delay on FMMA.

Many Conferes not only shared these concerns but also felt strongly that the FMMA should not be pursued while the FHLBank System is responding to the statutory changes in this bill. There was great sympathy for a moratorium, blocking the FMMA, but prior to the matter coming to a vote, Chairman Morris of the FHFB sent a letter to Chairmen Gramm and Leach agreeing to withdraw the proposal, which I want to make sure is part of the RECORD. He also promised to consult with the Banking Committees regarding the content of the capital rules and any rules dealing with investments or advances. The FHFB’s commitment not to act precipitously in promulgating regulations in these areas creates the proper framework for effective and timely implementation of the reforms that Congress is seeking to put in place.

The regulatory standstill to which the FHFB has committed should apply to any final rules or policies applicable to investments, and the FHFB should not exceed the current $9 billion ceiling on member mortgage asset pilot programs or similar activities. In the context of dramatic impending changes in the capital structure of the FHLBanks, I believe it is necessary for the FHFB to refrain from any effort to encourage banks’ investment framework, liquidity structure and balance sheets.

Finally, Mr. Speaker I would like to note that it is my understanding that credit enhancement done through the FHA’s RHS and the reinsur- ance of mortgage guaranty insurance after a loan has been closed are secondary market transactions included in the exemption forsecondary market transactions in section 502(e)(1)(C) of the S. 900 Conference Report.

**FEDERAL HOUSING FINANCE BOARD**

Washington, D.C. October 18, 1999

Hon. PHIL GRAMM,
Chairman, Committee on Banking, Housing, and Urban Affairs, Washington, D.C.

Hon. JIM LEACH,
Chairman, Committee on Banking and Financial Services, Washington, D.C.

DEAR SENATOR GRAMM AND CONGRESSMAN LEACH: As you proceed to consider legislation to modernize the Federal Home Loan Bank System as part of the S. 900H.R. 10 conference, I am aware that there is substantial concern regarding our proposed Financial Management and Mission Achievement regulation (FMMA). Unfortunately, this legitimate concern regarding a far-reaching regulatory initiative has resulted in a proposal for a statutory moratorium on our regulatory authority. Despite the best efforts of well-meaning advocates, such statutory language can only lead to serious ambiguity and potential litigation over the independent regulatory authority of the Finance Board. Therefore, this letter is intended to give you and your colleagues on the Committee of Conference solid assurances about our intentions upon final enactment of the statutory enabling language being drafted. Upon such enactment, the Finance Board will: 1. Withdraw, forthwith, its proposed FMMA. 2. Proceed in accordance with the statutory instructions regarding regulations governing a risk-based capital system and a minimum leverage requirement for the Federal Home Loan Banks. 3. Take no action to promulgate final regulations limiting assets or advances beyond those currently in effect (except to the extent necessary to protect the safety and soundness of the Federal Home Loan Banks) in time as the regulations described in number 2 have become final and the statutory period for sub-mission of capital plans by the Banks has expired. 4. Consult with each of you and your colleagues on the Banking Committees of the House and the Senate, regarding the content of both the capital regulations and any regulations on the subjects described in number 3, prior to issuing them in proposed form.

I believe that these commitments cover the areas of concern which have lead to a proposal for moratorium legislation. You can rely on this commitment to achieve those legitimate ends by the statutory provisions without clouding the necessary regulatory authority of the Finance Board which could result from statutory language. Thank you for your consideration.

Sincerely,

BRUCE A. MORRISON.
magic of the holiday season for generations. This year it carries a special significance as the tree that will usher in the new millennium. We in the Third District of Connecticut are especially proud that our tree was chosen for this once-in-a-lifetime event for the Thomp-sons and this great honor for the citizens of Killingworth.

CONFERRING STATUS AS AN HONORARY VETERAN OF THE UNITED STATES ARMED FORCES ON ZACHARY FISHER

SPEECH OF
HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 9, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay special tribute to Zachary Fisher, a true American patriot. H.J. Res. 46 passed unanimously today, and I would like to thank Mr. Fisher’s surviving family and his friends for their continued commitment to the men and women who put their lives on the line for our country. Without their support, this legislation would not have been possible.

First, I would like to thank Mrs. Elizabeth Fisher, his devoted wife who worked alongside Zach to help our service men and women; his brother, Larry Fisher; and his nephews, Anthony and Arnold Fisher who are carrying on his work. I would also like to thank his close friends, whose energies and expertise brought to life the many contributions Zach made—Mike Stern, a close and valued friend; Bill White, longtime Chief of Staff to Mr. Fisher and his dear friend Mary Asta.

PERSONAL EXPLANATION
HON. JULIA CARSON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 9, 1999

Ms. CARSON. Mr. Speaker, I was unavoidably absent Monday, November 8, 1999, and as a result, missed rollcall votes 574 through 576. Had I been present, I would have voted “yes” on rollcall vote 574, “yes” on rollcall vote 575, and “yes” on rollcall vote 576.

PERSONAL EXPLANATION
HON. SILVESTRE REYES
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 9, 1999

Mr. REYES. Mr. Speaker, on Friday, No-

vernments and missed rollcall votes 571, 572, and 573. Had I been present, I would have voted “yes” on the following: Rollcall vote No. 571, the Young Amendment to H.R. 3196; rollcall vote No. 572, final passage of H.R. 3196 (the Foreign Operations Appropriations bill for Fiscal Year 2000); and rollcall vote No. 573, H.R. 3075 (the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act).

EXPANSION OF IRS SECTION 1032
HON. RICHARD E. NEAL
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 9, 1999

Mr. NEAL of Massachusetts. Mr. Speaker, today I am introducing a modest bill which builds on the recommendations of the Depart-

ment of the Treasury and the New York State Bar Association. This legislation applies sec-

on 1032, which was added in 1954 to the In-

ternal Revenue Code, to all derivative con-

tracts. The impact of this change is to prohibit corporations from recognizing gain or loss in derivative transactions to the extent the deriv-

ative purchased by the corporation involves its own stock.

Section 1032 states that a corporation gen-

erally does not recognize gain or loss on the receipt of money or other property in ex-

change for its own stock. In addition, a cor-

poration does not recognize gain or loss when it redeems its own stock for cash. Section 1032 as originally enacted simply recognized that there was no true economic gain or loss in these transactions. However, the 1984 Deficit Reduction Act extended this policy to op-

tion contracts, recognizing the potential for tax avoidance inherent in these contracts. Since that time the financial industry has developed a number of new types of derivative products. My legislation merely updates current law to include in section 1032 current and future forms of these new types of financial instru-

ments.

On June 16, 1999 the New York State Bar Association issued a report on section 1032 which recommended the changes discussed above. In addition, building on the work of the Treasury Department’s budget recommenda-

tion, the New York State Bar Association also recommended that Congress require a cor-

poration that retires its stock and “substantially contemporaneously” enters into a contract to sell its stock forward at a fixed price, to recog-

nize as income a time-value element. In effect, these two transactions provide a corporation with income that is similar to in-

terest income but is tax-free. This legislation includes a provision that recognizes a time-

value element, i.e., the version recommended by the Bar Association. The effective date of this legislation is for transactions entered into after date of enactment.

The problem identified in 1984, and in 1999 by the Department of the Treasury, is best de-

scribed in the New York State Bar Association Report. The report states: We are concerned that all the inconsistencies described above (both in the general scope of section 1032 and in its treatment of retirements combined with forward sales) present whipsaw and abuse potential; the government faces the risk that income from some transactions will not be recognized even though those transactions are economi-

cally equivalent to taxable transactions. In addition, the government faces the risk that deduc-
tions are allowed for losses from trans-

actions that are equivalent in substance to transactions that would recognize taxable income, or—because taxpayers may take dif-

ferent positions under current law—even in the same form as such transactions. To avoid these inconsistencies, and in the interests of fairness, I am introducing a bill to follow the Treasury’s recommendation.

Mr. Speaker, I consider the legislation I am introducing today to be a normal house-

keeping chore, something the Committee on Ways and Means has done many times in the past and hopefully will do so in the future. As such, I hope it will be seen both in Congress and in the industry as relatively noncontrover-

sial, and that it can be added to an appro-

priate tax bill in the near future. I do hope, however, that the industries affected will pro-

vide written comments on technical changes they believe need to be addressed in this leg-

islation as introduced, especially on the time value of money section of the bill.

RONALD STARKWEATHER SCHOLARSHIP FUND
HON. THOMAS M. REYNOLDS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 9, 1999

Mr. REYNOLDS. Mr. Speaker, I rise today to honor both a community and an individual.

On Wednesday, November 10, 1999, a fund-raising reception will be held in Rochester, New York, to benefit the Ronald Starkweather Scholarship Fund. The scholar-

ship will be awarded to a student at Monroe County Community College, who meets cer-

tain academic criteria, and continues their education at a four-year college or university in Monroe County.

The Ronald Starkweather Scholarship Fund will do more than provide financial assistance to local students. It will honor a man who meant so much to our area.

Ron Starkweather passed away last Sep-

tember. He served as a Commissioner of the Monroe County Board of Elections from 1985 until his death. It would be difficult to list all of Ron’s associations, activities and contributions to his community, for they could easily fill a volume of this CONGRESSIONAL RECORD.

A graduate of my alma mater, Springville Griffith Institute, and Roberts Wesleyan Col-

lege, Ron was active in organizations such as the United Way, Chamber of Commerce and rotary Club. Ron began his professional career as a teacher at SGI and then at the Churchville-Chili High School. At both schools he coached athletics.

Ron served as Chairman of the Monroe County Republican Committee for a decade. As a political and government leader, count-

less people called upon him for his counsel, leadership and advice.

Ron will be deeply missed by all those who knew him and, like me, were able to call him friend. But through the Ronald Starkweather Scholarship Fund, Ron will live on not just in our hearts, but in the future of our community.
Mr. GILMAN. Mr. Speaker, earlier this month we in the House received heartbreaking news about the death of Walter P. Kennedy Jr.

Walter was Minority Sergeant of Arms when I began my career here in 1973. He was always willing and eager to help out fledgling freshman Members, and was of incalculable help in assisting us learn the ins and outs of life in the Congress. Much of the advice he gave us saved hours of time as he showed us the short cuts so crucial to us as we assumed the burdens of office.

When Walter retired in 1993, he was concluding a highly successful 43 year career in the House, which began when he was appointed Administrative Assistant to Rep. Gordon Canfield of New Jersey. Eventually, Walter moved on to the leadership offices where he served as minority Sergeant at Arms under four Minority Leaders—Charles Halleck, Gerald Ford, John Rhodes, and Bob Michel.

Walter led a full, productive life, devoting countless hours to the Boy Scouts, to the Catholic Committee on Scouting, to various parish activities at Holy Redeemer Catholic Church, and the Knights of Columbus. After retiring from the House, Walter began a new career as Chairman and CEO of The Kennedy Group Companies, a political consulting, fundraising and public relations firm.

Walter was born in England to Irish parents 78 years ago, and came with his family to Paterson, New Jersey at the age of 3. He served with distinction in World War II as an army medic in the European theater. He subsequently graduated from Seton Hall University and the Georgetown University law school.

Walter married Ana L. Bou of Kensington, Maryland, in 1946. Ana and Walter remained together until his death, enjoying a 53 year union which produced seven children, and 12 grandchildren.

To Walter’s extended family, Mr. Speaker, we extend our deepest condolences, with the recognition that his loss is felt by many of us whose lives Walter P. Kennedy had touched.
HIGHLIGHTS

Senate passed Continuing Appropriations.

Senate Chamber Action

Routine Proceedings, pages S14437-S14477

Measures Introduced: Twenty-two bills and four resolutions were introduced, as follows: S. 1899-1920, S. Res. 231-232, and S. Con. Res. 72-73.

(See next issue.)

Measures Reported: Reports were made as follows:

S. Res. 216, designating the Month of November 1999 as "National American Indian Heritage Month".

(See next issue.)

Measures Passed:

Continuing Appropriations: Senate passed H.J. Res. 78, making further continuing appropriations for the fiscal year 2000, clearing the measure for the President.

(See next issue.)

FAA Authorization Extension: Senate passed S. 1916, to extend certain expiring Federal Aviation Administration authorizations for a 6-month period.

(See next issue.)

Recognizing Members of the Armed Forces: Committee on the Judiciary was discharged from further consideration of S. Res. 224, expressing the sense of the Senate to designate November 11, 1999, as a special day for recognizing the members of the Armed Forces and the civilian employees of the United States who participated in the recent conflict in Kosovo and the Balkans, and the resolution was then agreed to.

(See next issue.)

Committee Appointments: Senate agreed to S. Res. 232, making changes to Senate committees for the 106th Congress.

(See next issue.)

Bankruptcy Reform Act: Senate continued consideration of S. 625, to amend title 11, United States Code, agreeing to committee amendments by unanimous consent, taking action on the following amendments proposed thereto:

Pages S14439-73 (continued next issue)

Adopted:

By 50 yeas to 49 nays (Vote No. 360), Grassley (for Hatch) Amendment No. 2771, to amend the Controlled Substances Act and the Controlled Substances Import and Export Act relating to the manufacture, traffic, import, and export of amphetamine and methamphetamine.

Pages S14439-57, S14460-71

By 76 yeas to 22 nays, 1 responding present (Vote No. 264), Kohl Modified Amendment No. 2516, to limit the value of certain real or personal property a debtor may elect to exempt under State or local law.

(See next issue.)

Grassley/Torricelli Modified Amendment No. 2515, to make certain technical and conforming amendments.

(See next issue.)

Grassley (for Jeffords) Amendment No. 2648, to protect the citizens of State of Vermont from the impacts of the bankruptcy of electric utilities in the State.

(See next issue.)

Rejected:

By 29 yeas to 69 nays, 1 responding present (Vote No. 363), Hutchison/Brownback Amendment No. 2778, to allow States to opt-out of any homestead exemption cap.

(See next issue.)

By 45 yeas to 51 nays, 1 responding present (Vote No. 365), Dodd Modified Amendment No. 2532, to provide for greater protection of children.

Page S14439 (continued next issue)

Withdrawn:

Sessions Amendment No. 2518 (to Amendment No. 2516), to limit the value of certain real or personal property a debtor may elect to exempt under State or local law.

(See next issue.)

Pending:

Feingold Amendment No. 2522, to provide for the expenses of long term care.

(See next issue.)

Hatch/Torricelli Amendment No. 1729, to provide for domestic support obligations.

Page S14439 (continued next issue)
Leahy Amendment No. 2529, to save United States taxpayers $24,000,000 by eliminating the blanket mandate relating to the filing of tax returns.

Wellstone Amendment No. 2537, to disallow claims of certain insured depository institutions.

Wellstone Amendment No. 2538, with respect to the disallowance of certain claims and to prohibit certain coercive debt collection practices.

Feinstein Amendment No. 1696, to limit the amount of credit extended under an open end consumer credit plan to persons under the age of 21.

Feinstein Amendment No. 2755, to discourage indiscriminate extensions of credit and resulting consumer insolvency.

Schumer/Durbin Amendment No. 2759, with respect to national standards and homeowner home maintenance costs.

Schumer/Durbin Amendment No. 2762, to modify the means test relating to safe harbor provisions.

Schumer Amendment No. 2763, to ensure that debts incurred as a result of clinic violence are non-dischargeable.

Schumer Amendment No. 2764, to provide for greater accuracy in certain means testing.

Schumer Amendment No. 2765, to include certain dislocated workers’ expenses in the debtor’s monthly expenses.

Dodd Amendment No. 2531, to protect certain education savings.

Dodd Amendment No. 2573, to amend the Truth in Lending Act to provide for enhanced information regarding credit card balance payment terms and conditions, and to provide for enhanced reporting of credit card solicitations to the Board of Governors of the Federal Reserve System and to Congress.

Hatch/Dodd/Gregg Amendment No. 2536, to protect certain education savings.

Feingold Amendment No. 2748, to provide for an exception to a limitation on an automatic stay under section 362(b) of title 11, United States Code, relating to evictions and similar proceedings to provide for the payment of rent that becomes due after the petition of a debtor is filed.

Schumer/Santorum Amendment No. 2761, to improve disclosure of the annual percentage rate for purchases applicable to credit card accounts.

Durbin Amendment No. 2659, to modify certain provisions relating to pre-bankruptcy financial counseling.

Durbin Amendment No. 2661, to establish parameters for presuming that the filing of a case under chapter 7 of title 11, United States Code, does not constitute an abuse of that chapter.

Torricelli Amendment No. 2655, to provide for enhanced consumer credit protection.

Sessions (for Reed) Amendment No. 2650, to control certain abuses of reaffirmations.

Wellstone Amendment No. 2752, to impose a moratorium on large agribusiness mergers and to establish a commission to review large agriculture mergers, concentration, and market power.

A unanimous-consent agreement was reached providing for further consideration of Wellstone Amendment No. 2752 (listed above), on Wednesday, November 17, 1999. (See next issue.)

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:

Treaty with Ukraine on Mutual Legal Assistance in Criminal Matters (Treaty Doc. No. 106–16)

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and was ordered to be printed. (See next issue.)

Messages From the President: Senate received the following message from the President of the United States:

Transmitting a report relative to the continuation of the emergency regarding weapons of mass destruction; referred to the Committee on Banking, Housing, and Urban Affairs. (PM–73) (See next issue.)

Nominations Confirmed: Senate confirmed the following nominations:

By 96 yeas to 2 nays (Vote No. EX. 361), Carol Moseley-Braun, of Illinois, to serve concurrently and without additional compensation as Ambassador to Samoa.

By 96 yeas to 2 nays (Vote No. EX. 361), Carol Moseley-Braun, of Illinois, to be Ambassador to New Zealand.

By 96 yeas to 3 nays (Vote No. EX. 362), Linda Joan Morgan, of Maryland, to be a Member of the Surface Transportation Board for a term expiring December 31, 2003. (Reappointment) Pages S14473–75

Kay Kelley Arnold, of Arkansas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring October 6, 2004.
Kenneth M. Bresnahan, of Virginia, to be Chief Financial Officer, Department of Labor.
Craig Gordon Dunkerley, of Massachusetts, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the Rank of Ambassador during his tenure of Service as Special Envoy for Conventional Forces in Europe.
Paul L. Seave, of California, to be United States Attorney for the Eastern District of California for a term of four years.
John F. Walsh, of Connecticut, to be a Governor of the United States Postal Service for a term expiring December 8, 2006.
Charles Richard Barnes, of Georgia, to be Federal Mediation and Conciliation Director.
Cheryl Shavers, of California, to be Under Secretary of Commerce for Technology.
Virginia A. Phillips, of California, to be United States District Judge for the Central District of California.
Lawrence Harrington, of Tennessee, to be United States Executive Director of the Inter-American Development Bank for a term of three years.
Richard M. McGahey, of the District of Columbia, to be an Assistant Secretary of Labor.
Kelly H. Carnes, of the District of Columbia, to be Assistant Secretary of Commerce for Technology Policy.
Robert J. Einhorn, of the District of Columbia, to be an Assistant Secretary of State (Non-proliferation). (New Position)
Faith S. Hochberg, of New Jersey, to be United States District Judge for the District of New Jersey.
Edward B. Montgomery, of Maryland, to be an Assistant Secretary of Labor.
William Joseph Haynes, Jr., of Tennessee, to be United States District Judge for the Middle District of Tennessee.
David H. Kaeuper, of the District of Columbia, to be Ambassador to the Republic of Congo.
John E. Lange, of Wisconsin, to be Ambassador to the Republic of Botswana.
Delano Eugene Lewis, Sr., of New Mexico, to be Ambassador to the Republic of South Africa.
A. Lee Fritschler, of Pennsylvania, to be Assistant Secretary for Postsecondary Education, Department of Education.
Paul W. Fiddick, of Texas, to be an Assistant Secretary of Agriculture.
Michael Edward Ranneberger, of Virginia, to be Ambassador to the Republic of Mali.
Lawrence H. Summers, of Maryland, to be United States Governor of the International Monetary Fund for a term of five years; United States Governor of the International Bank for Reconstruction and Development for a term of five years; United States Governor of the Inter-American Development Bank for a term of five years; United States Governor of the African Development Bank for a term of five years; United States Governor of the Asian Development Bank; United States Governor of the African Development Fund; United States Governor of the European Bank for Reconstruction and Development.
James B. Cunningham, of Pennsylvania, to be Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary.
Harriet L. Elam, of Massachusetts, to be Ambassador to the Republic of Senegal.
Gregory Lee Johnson, of Washington, to be Ambassador to the Kingdom of Swaziland.
Jimmy J. Kolker, of Missouri, to be Ambassador to Burkina Faso.
Q. Todd Dickinson, of Pennsylvania, to be Commissioner of Patents and Trademarks.
Michael Cohen, of Maryland, to be Assistant Secretary for Elementary and Secondary Education, Department of Education.
Major General Phillip R. Anderson, United States Army, to be a Member and President of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved June 1879 (21 Stat. 37) (33 U.S.C. 642).
Florence-Marie Cooper, of California, to be United States District Judge for the Central District of California.
Anne H. Chasser, of Ohio, to be an Assistant Commissioner of Patents and Trademarks.
Thomas B. Leary, of the District of Columbia, to be a Federal Trade Commissioner for the term of seven years from September 26, 1998.
Dorian Vanessa Weaver, of Arkansas, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2003.
James G. Huse, Jr., of Maryland, to be Inspector General, Social Security Administration.
Stephen D. Van Beek, of the District of Columbia, to be Associate Deputy Secretary of Transportation.
Sam Epstein Angel, of Arkansas, to be a Member of the Mississippi River Commission for a term of nine years.
Brigadier General Robert H. Griffin, United States Army, to be a Member of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved June 1879 (21 Stat. 37) (33 U.S.C. 642).
Michael J. Frazier, of Maryland, to be an Assistant Secretary of Transportation.

Gregory Rohde, of North Dakota, to be Assistant Secretary of Commerce for Communications and Information.

Kathryn M. Turman, of Virginia, to be Director of the Office for Victims of Crime.

Dan Herman Renberg, of Maryland, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2003.

Norman A. Wulf, of Virginia, to be a Special Representative of the President, with the rank of Ambassador.

Ronald A. Guzman, of Illinois, to be United States District Judge for the Northern District of Illinois.

Ann Claire Williams, of Illinois, to be United States Circuit Judge for the Seventh Circuit.

Melvin W. Kahle, of West Virginia, to be United States Attorney for the Northern District of West Virginia for a term of four years.

John W. Marshall, of Virginia, to be Director of the United States Marshals Service.

Ruben Castillo, of Illinois, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2003.

Sterling R. Johnson, Jr., of New York, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2001.

Diana E. Murphy, of Minnesota, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2005. (Reappointment)

Diana E. Murphy, of Minnesota, to be Chair of the United States Sentencing Commission.

Diana E. Murphy, of Minnesota, to be a Member of the United States Sentencing Commission for the remainder of the term expiring October 31, 1999.

William Sessions, III, of Vermont, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2003.

Willene A. Johnson, of New York, to be United States Director of the African Development Bank for a term of five years.

Joseph W. Prueher, of Tennessee, to be Ambassador to the People's Republic of China.

Linda Lee Aaker, of Texas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

Edward L. Ayers, of Virginia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

Pedro G. Castillo, of California, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

Peggy Whitman Prenshaw, of Louisiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2002.

Theodore William Striggles, of New York, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

William B. Bader, of Virginia, to be an Assistant Secretary of State (Educational and Cultural Affairs).

Joshua Gotbaum, of New York, to be Controller, Office of Federal Financial Management, Office of Management and Budget.

Joe Kendall, of Texas, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2001.

Michael O'Neill, of Maryland, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2003.

John R. Steer, of Virginia, to be a Member of the United States Sentencing Commission for the remainder of the term expiring October 31, 1999.

John R. Steer, of Virginia, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2005.

Gregory A. Baer, of Virginia, to be an Assistant Secretary of the Treasury.

Mary Carlin Yates, of Washington, to be Ambassador to the Republic of Burundi.

Ira Berlin, of the District of Columbia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

Evelyn Edson, of Virginia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

Gerald V. Poje, of Virginia, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

Charles Taylor Manatt, of the District of Columbia, to be Ambassador to the Dominican Republic.

Gary L. Ackerman, of New York, to be a Representative of the United States of America to Fifty-fourth Session of the General Assembly of the United Nations.

Peter T. King, of New York, to be a Representative of the United States of America to the Fifty-fourth Session of the General Assembly of the United Nations.

Skila Harris, of Kentucky, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2008.

Glenn L. McCullough, Jr., of Mississippi, to be a Member of the Board of Directors of the Tennessee Valley Authority for the remainder of the term expiring May 18, 2005.

LeGree Sylvia Daniels, of Pennsylvania, to be a Governor of the United States Postal Service for a term expiring December 8, 2007.

J. Stapleton Roy, of Pennsylvania, to be an Assistant Secretary of State (Intelligence and Research).

Avis Thayer Bohlen, of the District of Columbia, to be an Assistant Secretary of State (Arms Control).

Donald Stuart Hays, of Virginia, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador.

Daniel J. French, of New York, to be United States Attorney for the Northern District of New York for the term of four years.

Donna A. Bucella, of Florida, to be United States Attorney for the Middle District of Florida for the term of four years.

James B. Cunningham, of Pennsylvania, to be a Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Deputy Representative of the United States of America to the United Nations.


James D. Bindenagel, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during tenure of service as Special Envoy and Representative of the Secretary of State for Holocaust Issues.

Martin S. Indyk, of the District of Columbia, to be Ambassador to Israel.

Edward S. Walker, Jr., of Maryland, to be an Assistant Secretary of State (Near Eastern Affairs).

Anthony Stephen Harrington, of Maryland, to be Ambassador to the Federative Republic of Brazil.

Irwin Belk, of North Carolina, to be an Alternate Representative of the United States of America to the Fifty-fourth Session of the General Assembly of the United Nations.

Revius O. Ortigue, Jr., of Louisiana, to be an Alternate Representative of the United States of America to the Fifty-fourth Session of the General Assembly of the United Nations.

Antony M. Merck, of South Carolina, to be a Federal Maritime Commissioner for the term expiring June 30, 2001.

1 Navy nomination in the rank of admiral.

Routine lists in the Army, Foreign Service, Marine Corps, Navy. (See next issue.)

Nominations Received: Senate received the following nominations:

Frank S. Holleman, of South Carolina, to be Deputy Secretary of Education.

Magdalena G. Jacobsen, of Oregon, to be a Member of the National Mediation Board for a term expiring July 1, 2002.

Francis J. Duggan, of Virginia, to be a Member of the National Mediation Board for a term expiring July 1, 2000.

Ernest W. DuBester, of New Jersey, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring January 20, 2001.

Leslie Lenkowsky, of Indiana, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring February 8, 2004.

Juanita Sims Doty, of Mississippi, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2002.

Alan Phillip Larson, of Iowa, to be United States Alternate Governor of the International Bank for Reconstruction and Development for a term of five years; United States Alternate Governor of the Inter-American Development Bank for a term of five years; United States Alternate Governor of the African Development Bank for a term of five years; United States Alternate Governor of the African Development Fund; United States Alternate Governor of the Asian Development Bank; and United States Alternate Governor of the European Bank for Reconstruction and Development.

Deanna Tanner Okun, of Idaho, to be a Member of the United States International Trade Commission for a term expiring June 16, 2008.

Robert M. Walker, of West Virginia, to be Under Secretary of Veterans Affairs for Memorial Affairs. (New Position)

Ernest J. Wilson III, of Maryland, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2004.

Monte R. Belger, of Virginia, to be Deputy Administrator of the Federal Aviation Administration.

Eric D. Eberhard, of Washington, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship & Excellence in National Environmental Policy Foundation for a term expiring October 6, 2002.

Luis J. Lauredo, of Florida, to be Permanent Representative of the United States to the Organization of American States, with the rank of Ambassador.
Carol Waller Pope, of the District of Columbia, to be a Member of the Federal Labor Relations Authority for a term expiring July 1, 2004.

Joan R. Challinor, of the District of Columbia, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2004.

Donald Ray Vereen, Jr., of the District of Columbia, to be Deputy Director of National Drug Control Policy.

Messages From the President: (See next issue.)

Messages From the House: (See next issue.)

Communications: (See next issue.)

Executive Reports of Committees: (See next issue.)

Statements on Introduced Bills: (See next issue.)

Additional Cosponsors: (See next issue.)

Amendments Submitted: (See next issue.)

Authority for Committees: (See next issue.)

Additional Statements: (See next issue.)

Enrolled Bills Presented: (See next issue.)

Record Votes: Six record votes were taken today. (Total—365)

Adjournment: Senate convened at 9:30 a.m., and adjourned at 7:56 p.m., until 10 a.m., on Friday, November 12, 1999 for a pro forma session. (For Senate’s program, see the remarks of the Acting Majority Leader in the next issue of the Record.)

Committee Meetings

(Committees not listed did not meet)

OVERSEAS PRESENCE ADVISORY PANEL

Committee on Foreign Relations: Subcommittee on International Operations concluded hearings to examine the Overseas Presence Advisory Panel report, focusing on the location, size, composition, and budget of overseas posts, after receiving testimony from Lewis Kaden, Chairman, Adm. William J. Crowe, Jr., USN, Ret., Member, and former Ambassador Langhorne Motley, Member, all of the Overseas Presence Advisory Panel.

PRIVATE BANKING

Committee on Governmental Affairs: Permanent Subcommittee on Investigations concluded hearings to examine the vulnerabilities of United States private banks to money laundering, focusing on how they accept clientele, use shell corporations and secrecy jurisdictions to open accounts and move funds, monitor clients and transactions, and identify and respond to suspicious activity, after receiving testimony from Ralph E. Sharpe, Deputy Comptroller of the Currency for Community and Consumer Policy, Department of the Treasury; Richard A. Small, Assistant Director, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System; Raymond W. Baker, Brookings Institution, Washington, D.C.; and Antonio Giraldo, an incarcerated witness.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following measures:

S. Res. 216, designating the Month of November 1999 as “National American Indian Heritage Month”;

S. Res. 200, designating January 2000 as “National Biotechnology Week,” with an amendment; and,

A committee resolution, expressing the sense of the Committee on World Trade Organization negotiations.

NOMINATIONS

Committee on the Judiciary: Committee concluded hearings on the nominations of Thomas L. Ambro, of Delaware, to be United States Circuit Judge for the Third Circuit, Kermit Bye, of North Dakota, to be United States Circuit Judge for the Eighth Circuit, George B. Daniels, to be United States District Judge for the Southern District of New York, Joel A. Pisano, to be United States District Judge for the District of New Jersey, and Fredric D. Woocher, to be United States District Judge for the Central District of California, after the nominees testified and answered questions in their own behalf. Mr. Ambro was introduced by Senators Biden and Roth, Mr. Bye was introduced by Senators Conrad and Dorgan, and Representative Pomeroy, Mr. Daniels was introduced by Senators Moynihan and Schumer, and Representative Rangel, Mr. Pisano was introduced by Senator Lautenberg, and Mr. Woocher was introduced by Senators Feinstein and Gordon Smith.
Chamber Action

Bills Introduced: 46 public bills, H.R. 3290-3335; 29 private bills, H.R. 3336-3364; and 5 resolutions, H. Con. Res. 225-227, and H. Res. 373 and 376, were introduced. Pages H11952-55

Reports Filed: Reports were filed today as follows: H. Res. 374, providing for consideration of motions to suspend the rules (H. Rept. 106-465); and H. Res. 375, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 106-466). Page H11952

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Ronald F. Christian of Washington, D.C. Page H11856

Fathers Count Act: The House passed H.R. 3073, to amend part A of title IV of the Social Security Act to provide for grants for projects designed to promote responsible fatherhood by a yea and nay vote of 328 yeas to 93 nays, Roll No. 586. Pages H11870-H11900

Rejected: The Scott motion to recommit the bill to the Committee on Ways and Means with instructions to report it back to the House forthwith with an amendment that strikes section 101(d) and inserts language that prohibits employment discrimination by religious institutions that receive Federal funding by a recorded vote of 176 ayes to 246 noes, Roll No. 582. Pages H11870-H11902

Agreed to: The English amendment that requires that selection panels include individuals with experience in fatherhood programs and adds language to encourage projects promoting payment of child support; Page H11891

The Cardin amendment that removes the limit on Welfare to Work funds for employment-related services to custodial parents who are below the poverty level and do not receive assistance from the Temporary Assistance for Needy Families program; and Pages H11893-94

The Traficant amendment that requires the availability of education about alcohol, tobacco, and other drugs and HIV/AIDS to each individual participating in the project. Pages H11894-95

Rejected: The Mink amendment that sought to strike Title I, Fatherhood Grant Program and replace with the Parents Count Program (rejected by a recorded vote of 172 ayes to 253 noes, Roll No. 582). Pages H11886-91, H11897-98

The Mink amendment that sought to strike title II that creates Fatherhood Projects of National Significance; and Pages H11891-93, H11899

The Edwards amendment that sought to prohibit any funding to a faith-based institution that is pervasively sectarian (rejected by a recorded vote of 184 ayes to 238 noes, Roll No. 584). Pages H11895-97, H11899-H11900

H. Res. 367, the rule that provided for consideration of the bill was agreed to by a yea and nay vote of 278 yeas to 144 nays, Roll No. 582. Pages H11860-67

Suspensions: The House agreed to suspend the rules and pass the following measures:

Exempting Certain Reports from Automatic Elimination and Sunset: H.R. 3234, amended, to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports and Elimination and Sunset Act of 1995; Pages H11902-04

Wartime Violation of Italian American Civil Liberties: H.R. 2442, to provide for the preparation of a Government report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgment of such injustices by the President; Pages H11904-10

Stalking Prevention and Victim Protection: H.R. 1869, amended to amend title 18, United States Code, to expand the prohibition on stalking; Pages H11910-13

Conservation of Migratory Bird Ecosystem: Agreed to the Senate amendments to H.R. 2454, to assure the long-term conservation of mid-continent light geese and the biological diversity of the ecosystem upon which many North American migratory birds depend, by directing the Secretary of the Interior to implement rules to reduce the overabundant population of mid-continent light geese—clearing the measure for the President; Pages H11913-15

Water Resources Development Act: Agreed to the Senate amendment to H.R. 2724, to make technical corrections to the Water Resources Development Act of 1999—clearing the measure for the President; Pages H11915-16

Honoring American Military Women for Their Service in World War II: H. Res. 41, amended,
hono...ng the women who served the United States in military capacities during World War II and recognizing that these women contributed vitally to the victory of the United States and the Allies in the war;

Recognizing the U.S. Border Patrol for 75 Years of Service: H. Con. Res. 122, recognizing the United States Border Patrol’s 75 years of service since its founding;

Competition and Privatization in Satellite Communications: H.R. 3261, to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications. Subsequently, the House passed S. 376 after amending it to contain the text of H.R. 3261. The House then insisted on its amendment and asked for a conference on S. 376. Appointed as conferees: Chairman Bliley, and Representatives Tauzin, Oxley, Dingell, and Markey. H.R. 3261 was then laid on the table.

Suspension—Proceedings Postponed on United States Marshals Service Improvement Act: The House completed debate on H.R. 2336, amended, to amend title 28, United States Code, to provide for appointment of United States marshals by the Attorney General. Further proceedings were postponed until Friday, November 12.

Presidential Message: Read a message from the President wherein he transmitted his report concerning the national emergency with respect to weapons of mass destruction—referred to the Committee on International Relations and ordered printed. H. Doc. 106–158.

Meeting Hour—November 11: Agreed that when the House adjourns today it adjourn to meet at 2 p.m. on Thursday, November 11.

Senate Messages: Messages received from the Senate appear on pages H 11856 and H 11902.

Quorum Calls—Votes: Two yea and nay votes and three recorded votes developed during the proceedings of the House today and appear on pages H 11867, H 11897–98, H 11899–H 11900, H 11901, and H 11902. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 8:25 p.m.

Committee Meetings

DOE—RESULTS OF ESPIONAGE INVESTIGATIONS

Committee on Armed Services: Subcommittee on Military Procurement met in executive session to hold a hearing on the results of the Department of Energy's Inspector General inquiries into specific aspects of the espionage investigations at the Los Alamos National Laboratory. Testimony was heard from Gregory H. Friedman, Inspector General, Department of Energy; and the following former officials of the Department of Energy: Federico F. Peña, Secretary; Elizabeth Moler, Deputy Secretary; and Notra Trulock, Acting Director, Office of Intelligence.

HOMEOWNERS’ INSURANCE AVAILABILITY ACT


CAPITAL FORMATION IN UNDERSERVED AREAS

Committee on Banking and Financial Services, Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises held a hearing on Capital Formation in Underserved Areas. Testimony was heard from the following officials of the Department of Housing and Urban Development: Saul H. Ramirez, Jr., Deputy Secretary; and Xavier de Souza Briggs, Deputy Assistant Secretary, Office of Policy Development and Research.

GOVERNMENT WASTE CORRECTIONS ACT; DRAFT REPORT; IMMUNITY RESOLUTION


The Committee also approved the following: a committee draft report entitled: “The FALN and Macheteros Clemency: Misleading Explanations, A Reckless Decision, A Dangerous Message”; and a resolution of immunity for Yah Lin “Charlies” Trie.

EUROPEAN COMMON FOREIGN, SECURITY AND DEFENSE POLICIES

Committee on International Relations: Held a hearing on European Common Foreign, Security and Defense Policies—Implications for the United States and the Atlantic Alliance. Testimony was heard from public witnesses.

CONSERVATION AND REINVESTMENT ACT

Committee on Resources: Ordered reported, as amended, H.R. 701, Conservation and Reinvestment Act of 1999.

OVERSIGHT—MARINE AIRLINE CRASH SITES—NOAA’S ROLE

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held an oversight hearing on the role of the NOAA’s fleet in the recovery of data from marine airline crash sites in the
Atlantic Ocean. Testimony was heard from Capt. Ted Lillestolen, Deputy Assistant Administrator, National Ocean Service, NOAA, Department of Commerce.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES
Committee on Rules: Granted, by voice vote, a rule providing that suspensions will be in order at any time on or before the legislative day of Wednesday, November 17, 1999. The rule provides that the object of any motion to suspend the rules shall be announced from the floor at least one hour prior to its consideration. The rule provides that the Speaker or his designee will consult with the Minority Leader or his designee on any suspension considered under this resolution. Finally, the rule provides that House Resolution 342 is laid on the table.

EXPEDITED PROCEDURES
Committee on Rules: Granted, by voice vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to a special rule reported on or before November 17, 1999, providing for consideration of a bill or joint resolution making continuing appropriations for the fiscal year 2000, any amendment thereto, a conference report thereon, or any amendment reported in disagreement from a conference thereon. The rule applies the waiver to a special rule reported on or before November 17, 1999, providing for consideration of a bill or joint resolution making general appropriations for the fiscal year ending September 30, 2000, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

SMALL WATERSHED REHABILITATION AMENDMENTS; MISCELLANEOUS MATTERS
Committee on Transportation and Infrastructure: Ordered reported H.R. 728, Small Watershed Rehabilitation Amendments of 1999.

The Committee also approved the following: General Services Administration’s Fiscal Year 2000 leasing program; water resolutions; small watershed project; public buildings resolutions; and 11(b) resolutions.

CORPORATE TAX SHELTERS
Committee on Ways and Means: Held a hearing on corporate tax shelters. Testimony was heard from Representative Doggett; Jonathan Talisman, Acting Assistant Secretary, Tax Policy, Department of the Treasury; and public witnesses.

Joint Meetings
VETERANS’ MILLENNIUM HEALTH CARE ACT
Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 2116, to amend title 38, United States Code, to establish a program of extended care services for veterans and to make other improvements in health care programs of the Department of Veterans Affairs.

NEW PUBLIC LAWS
(For last listing of Public Laws, see DAILY DIGEST, p. D1285)
S. 437, to designate the United States courthouse under construction at 333 Las Vegas Boulevard South in Las Vegas, Nevada, as the “Lloyd D. George United States Courthouse”. Signed November 9, 1999. (P.L. 106-91)

COMMITTEE MEETINGS FOR THURSDAY, NOVEMBER 11, 1999

Senate
No meetings/hearings scheduled.

House
No committee meetings are scheduled.
Next Meeting of the SENATE  
10 a.m., Friday, November 12

Next Meeting of the HOUSE OF REPRESENTATIVES  
2 p.m., Thursday, November 11

Senate Chamber

Program for Friday: Senate will be in a pro forma session.

House Chamber

Program for Thursday: Pro forma session.

Extensions of Remarks, as inserted in this issue

HOLT, Rush D., N.J., E 2327
KUCINICH, Dennis J., Ohio, E 2330
LEWIS, J. Gerry, Calif., E 2339
LIPINSKI, William O., Ill., E 2343
MCCARTHY, Karen, Mo., E 2336
MCINTOSH, David M., Ind., E 2333
MALONEY, Carolyn B., N.Y., E 2335, E 2345
MEEHAN, Martin T., Mass., E 2333
MINK, Patsy T., Hawaii, E 2338
NEAL, Richard E., Mass., E 2345
PASCHEL, Bill J., N.J., E 2344
PORTMAN, Rob, Ohio, E 2337
PRYCE, Deborah, Ohio, E 2338
RADANOVICH, George, Calif., E 2326, E 2336
REYES, Silvestre, Tex., E 2345
REYNOLDS, Thomas M., N.Y., E 2345
ROUKEMA, Marge, N.J., E 2328
ROYCE, Edward R., Calif., E 2343
RYUN, Jim, Kan., E 2343
SERRANO, Jose E., N.Y., E 2327, E 2337
SHANKS, Brad, Calif., E 2337
SHIMKUS, John J., Ill., E 2337, E 2343
STARK, Fortney Pete, Calif., E 2339
TIAHRT, Todd, Kan., E 2330
TOWNS, Edolphus, N.Y., E 2343
UNDERWOOD, Robert A., Guam, E 2341
VISCOSKY, Peter J., Ind., E 2329, E 2335, E 2339, E 2341
WEDDON, Curt, Pa., E 2343

(Senate proceedings for today will be continued in the next issue of the Record.)