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House of Representatives

The House met at 10:30 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''.

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By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman.*

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MICHAEL F. DiMARIO, *Public Printer.*

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

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MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

UNPLANNED GROWTH, THIS PROBLEM MUST BE ADDRESSED

Mr. BLUMENAUER. Mr. Speaker, on the front page of newspapers across America today there is another sad episode, this time in Alabama, of reckless behavior on the road, talking about road rage where a woman killed another after a traffic confrontation.

The story in this morning's Post is replete with examples of how their lives were stressed as a result of unplanned growth, congestion, traffic and sprawl in their community. Last week, I discussed at some length on the floor of this Chamber the very real health implications of unplanned growth across America.

Before Congress adjourns, I think it is important for us to reflect on the fact that how we plan and build our community makes a huge difference, and I think it important for us to reflect on it here in the Washington, D.C. capital area.

While I personally welcome the attention that has been received by the District of Columbia in activities recently for the District, it is not enough for us to focus on livability just as it relates to Washington, D.C. We need to be thinking broadly about the health and livability of the entire 17-government region in metropolitan Washington, D.C. We cannot separate the health of our region from larger issues.

Citizens throughout this region, as I meet with them, are asking themselves the right questions. Is it not possible for people in our Nation's capital to think more comprehensively about land use and transportation and put those pieces together in a thoughtful way? Is it possible to avoid the obvious disconnect between massive infrastructure investments and access, like we have seen the marvelous front page stories and pictures where the Redskins stadium has inspired massive gridlock, traffic congestion and frustration? People are asking whether or not the Federal Government cannot be leading by example here in metropolitan areas, using the resources and presence of the Federal Government to make a difference?

People are asking, is it not possible in the metropolitan capital region for us to take a tiny percentage of the revenues that are generated from new development and growth to help solve regional problems on a regional basis?

Why do we not, in this region, recognize that unbalanced growth, when high activity on the western end and the decline in the eastern portion of the region has huge negative implications for both areas?

There is a marvelous document that has been prepared by the Brookings Institution Center for Urban and Metropolitan Policy called A Region Divided, a Study of Growth in Greater Washington, D.C. It documents the great strengths that we have in the capital region, the wealth, the booming economy, the affordable housing, the brain power, and the unifying forces that we have with the Federal Government, the media, the historical context, but we are currently a region divided, as documented by this report.

I hope that as we in Congress begin a new year, that every Member in the House and Senate, as they review their agenda to make America better, will review this report and reflect on ways that we can help make our capital region one of America's most livable communities where our families are safe, healthy and economically secure.

THE TIME HAS PASSED FOR JUST TALKING AND RHETORIC. LET US DO SOMETHING ABOUT SOCIAL SECURITY NOW

The SPEAKER pro tempore (Mr. OSE). Under the Speaker's announced policy of January 19, 1999, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I want to talk about Social Security. We have heard a lot of talk about it.

The President 2 years ago in his State of the Union message said, let us start putting Social Security first. Republicans have said that and Democrats have said that. So we are doing a lot of talking but we are not doing a great deal of putting Social Security first.

We have taken maybe a giant step in the conviction of the Republicans not to spend the Social Security surplus, and so we have made a decision that despite the fact that there are more revenues coming into the Federal Government than we have seen for a long, long time, and the revenues coming in are both what is called on budget, which means the income tax and all other revenues except for the Social Security tax, and Social Security tax is now 12.4 percent of most of what everybody makes, what is happening is it is a pay-as-you-go program. Social Security gets their Social Security, the FICA tax, the payroll tax, money in every week and almost immediately it is sent out in benefits.

Since we dramatically increased the Social Security tax in 1983, there is a little more Social Security tax coming in than there is required to pay current benefits. That is what is called the Social Security surplus, and what Republicans decided several months ago is that we were going to hold the line on the budget not to spend the Social Security surplus for other government programs and instead use that money to pay down what I call the Wall Street debt or the debt held by the public.

I have introduced a Social Security bill every year since I have been in Congress, every session since I have been in Congress since 1993. I just introduced the most recent improved Social Security bill last month, and it was based on our task force report, our bipartisan task force report, where Republicans and Democrats came together to agree on the findings. The bill I introduced reflects these findings.

Let me briefly go over this chart. Number one, it allows workers to invest a portion of their Social Security tax. It starts at 2.5 percent of your taxable payroll. That is now $76,000. Over the years, it increases. It can only be used for retirement but it is in the worker's name so that politicians in Washington cannot steal it like they have in the past.

In 1997, when Social Security money was short, we passed a law that says we are going to reduce benefits and increase taxes. Again in 1983, when Social Security revenues were short of the requirement for benefits, we increased taxes and cut benefits. Let us not do that again.

This bill does not increase taxes. Seventy-two percent of all the workers in the United States now pay more in the Social Security tax than they do in the income tax. Let us not increase taxes.

It repeals the Social Security earnings test so senior citizens, if they want to work, do not have their Social Security check reduced for the amount they work. That needs to be changed to allow seniors to work if they want to.

It gives workers the choice to retire as early as 59½ years old and start taking their personal retirement savings account out.

We also have a provision that encourages individuals, if they want to wait until they are 70, it substantially increases their benefits by 8 percentage points for every year that they delay taking their Social Security check. In other words, if they delay 3 years, it is a 24 percent increase in what they would otherwise get. One year would be 8 percent; 2 years 16 percent.

It gives each spouse equal shares of the personal retirement savings account and increases widow and widower benefits up to 110 percent.

As I met with widows and widowers, they said, look, you are dramatically taking so much of the Social Security check away when one of the spouses die that we cannot afford to live in our home anymore.

So we increased that up to 110 percent of the maximum benefit they were getting.

It reinforces the safety net for low income and disabled workers. It passes

the Social Security Administration's 75-year solvency test. In fact, the economists suggest that if we were able to put this bill into law, it would keep Social Security solvent forever. It is not going to reduce the existing benefits for current retirees or near-term retirees. It is something we need to look at if we are serious about saving Social Security.

The time has passed for just talking and rhetoric. Let us do something about it. Mr. Speaker, I hope that every American voting next year will be asking their candidates for the President and the Congress what their plan is to save Social Security and really put it first.

THE MESSAGE IS, WE WANT TO CHANGE HOW WASHINGTON WORKS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Illinois (Mr. WELLER) is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Mr. Speaker, I have the privilege of representing one of America's most diverse districts, representing the south side of Chicago, the south suburbs in Cook and Will Counties, bedroom communities like Morris and a lot of cornfields and farm towns, too. When one represents such a diverse district, they learn to listen. I find even though I represent city and suburbs and country, that there is a common message and that message is we want to change how Washington works. They want us to work together to find solutions and meet the challenges that we face.

Now, a question is often asked from a historical perspective: Has this Congress in the last 5 years of the Republican majority responded to that call to change how Washington works and, of course, look for solutions and enact solutions to the challenges that we face?

I am proud to say that in the last 5 years, we have. I was told when I was first elected to Congress there is no way we can balance the budget. They failed to do it for 28 years. There is no way we can cut taxes and balance the budget at the same time. They told us that the welfare system which had put more children in poverty than ever before had failed for a long time so nobody can fix that either, but I am proud to say that we did.

We balanced the budget for the first time in 28 years and now we are debating what to do with the projected $3 trillion surplus. We cut taxes for the middle class and, in my home State, that first middle class tax cut in 16 years now means that 3 million Illinois children qualify for the $500 per child tax credit. That is $1.5 billion a year that stays home in Illinois, helping Illinois families, rather than being spent here in Washington.

We enacted the first real welfare reform in over a generation, emphasizing work and family and responsibility. As a result of that, Illinois' welfare rolls have been cut in half.

Those are successes, accomplishments that I am proud of and proud to be part of. That is pretty good. People often say the budget was balanced, taxes for the middle class were cut, welfare reform was enacted, but that is history. What is going to be done next?

Our agenda here in the Republican majority is a simple agenda. We want to strengthen our local schools. We want to pay down the national debt. We want to lower taxes for middle class families. We also want to strengthen our retirement security system of Medicare and Social Security. Our agenda responds to the concerns that I often hear. Whether in the union halls, the steel working union halls in the 10th Ward of Chicago or the VFW or Legions in Joliet or the grain elevators in Tonica or Ottawa, I am often asked several questions. One of the most basic questions I am asked time and time again is, when are the folks in Washington going to stop spending the Social Security surplus? When are the folks in Washington going to break that bad habit that has gone on for 30 years, where Washington has dipped into the Social Security trust fund, raided the Social Security trust fund to spend on other things?

I am proud to say, Mr. Speaker, that our goal as Republicans is to stop the raid on Social Security.

I am proud to say that the White House has recognized this. At the beginning of the year, of course, the President called for spending 62 percent of the Social Security surplus on Social Security and then the other 38 percent on other priorities. Well, we said no; it is time to stop the raid on Social Security.

I was pleased to see this quote here from the chief of staff of the President when they finally recognized that Republicans were serious about stopping the raid on Social Security. Let me quote John Podesta, chief of staff to the President. The Republican's key goal is not to spend the Social Security surplus. Republicans want to stop the raid on Social Security.

I am pleased to say that just a few weeks ago that the Congressional Budget Office, nonpartisan Congressional Budget Office, issued a letter saying that the budget that we have enacted, the budget that we have passed even though the President vetoed part of it, did not spend one dime of the Social Security trust fund.

The other question I am often asked by folks back home is no one ever talks about paying down the national debt. Washington spent beyond its means for 28 years, running up a $3.4 trillion national debt. Is it not time to start paying that off?

I am proud to say that over the last 2 years we have made a down payment on paying down the national debt. We paid down $150 billion of the public debt over the last 2 years; $50 billion 2 years ago, $100 billion this past year. This coming year we expect to pay down $150 billion and over the next 10 years we should pay down two-thirds of the national debt, $2.2 trillion. It is an important step as we work to pay down the debt which is so important if we consider our future for America's children.

The third question I am often asked is, and folks get frustrated, they are frustrated that our Nation's tax burden is so high, that only in time of war, in World War II, at the end of World War II, was the tax burden higher than it is today. Forty percent of the average Illinois' income goes to Washington and Springfield.

Unfortunately, the President vetoed our effort to eliminate the marriage tax penalty. My hope is we will come back and do that.

Mr. Speaker, let us stop the raid on Social Security. Let us balance the budget. Let us eliminate the marriage tax penalty. Let us help our schools and let us strengthen Social Security and Medicare.

THE CASE OF LINDA SHENWICK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, there are times when Congress must act to protect the interests of individuals, in particular Federal civil servants who have been unfairly harmed by the actions of the Federal Government.

Recently, Congress acted to protect Billy Dale and the other employees of the White House Travel Office who were unfairly removed from their jobs and who were illegally targeted for investigation and prosecution. This Congress acted to protect those workers and to pay for their legal expenses.

Another case has presented itself that behooves Congressional action also. The case I speak of is the case of Linda Shenwick. Linda Shenwick has been an exemplary public servant since she started working at the State Department in 1979. The Weekly Standard reported that Ms. Shenwick was driven by a sense of public service and an interest in foreign affairs.

In 1984, Ms. Shenwick was transferred to the U.S. mission to the United Nations where she first was assigned to handle personnel and budget issues. She quickly carved out a reputation for diligence and hard work, which won her three consecutive outstanding ratings, the highest given, between 1987 and July of 1989. Her performance also won her regular promotions and in 1988 she was admitted to the Senior Executive Service, an elite corps of Federal civil servants.

In August 1991 and again in November 1993, representatives of the other U.N. member states elected Shenwick to serve on the influential Advisory Committee on Administrative and

Budgetary Questions, which recommends how U.N. money and personnel should be allocated. These votes of confidence reflected the respect accorded to her by U.N. officials and her service on the committee helped her acquire a detailed knowledge of the Byzantine U.N. budget process.

In her position, Ms. Shenwick repeatedly found evidence of deliberate waste, fraud and mismanagement in the United Nations. When she began reporting such evidence to her superiors at the start of the Clinton administration, her reports were ignored.

For instance, Ms. Shenwick reported in February 1993 that she had seen pictures of large amounts of U.S. currency stored openly on tables in Somalia. Without any recourse to prevent such budgetary abuse, she began notifying key Members of Congress about what she knew.

It later became public in April of 1994 that $3.9 million of U.N. cash was reported stolen in Somalia. Ms. Shenwick's work helped Congress force the U.N. to create an Office of Inspector General to end such fraud and mismanagement that occurred in Somalia.

Mr. Speaker, how has the Clinton administration and the State Department rewarded the stellar career of one of the most valuable civil servants this Nation has known? They began to sabotage her career by threatening her directly with removal from her position, with threats to destroy her financially and by beginning a process of false accusations and unsatisfactory reviews to harm her personnel files.

What they deliberately did to Ms. Shenwick was to set her up so that they could claim a cause for her removal. However, the evidence is abundantly clear that Ms. Shenwick was a remarkable civil servant dedicated to her job.

She has proven to be an invaluable asset for our Nation in confronting U.N. waste, fraud and abuse and mismanagement. She has been unfairly and illegally removed from her Federal position in contradiction to Federal law to protect civil servants, in contradiction to Federal laws to protect whistleblowers.

She should be reinstated to her former position, reimbursed for her personal expenses and have her personal files expunged of any unsatisfactory reviews or other false evidence to justify those reviews.

In fact, I offered an amendment to the State Department reauthorization bill that provided State Department employees such as she who, ''in the performance of their duties inform the Congress of pertinent facts concerning their responsibilities should not, as a result, be demoted or removed from their current position or from Federal employment.''

That amendment passed handily by a vote of 287-to-136, with 72 Democrat Members' support.

I believe we need to send a strong message by reiterating our belief that such injustices cannot be allowed to continue.

Recently, 52 of my colleagues joined me in sending a letter to Secretary Albright requesting that the Ms. Shenwick matter be resolved.

Mr. Speaker, we must take a stand against the abuse of a Federal civil servant who has done nothing but protect the interests of U.S. taxpayers and our Nation.

Mr. Speaker, I urge my colleagues to let the State Department know that they cannot continue to punish employees who are whistleblowers.

RECESS

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

Accordingly (at 10 o'clock and 51 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. OSE) at noon.

PRAYER

The Reverend Dr. Theodore Schneider, Bishop of Washington, Evangelical Lutheran Church in America, Washington, D.C., offered the following prayer:

A hush has fallen over the House, Lord, and well it should.

You are the creator and You sustain all things. Before You the generations rise and fall, before You, Lord, nations have come and they have gone.

We have been called by our people to manage the things of government. They expect of us integrity, wisdom and vision. They hunger for justice, for good and equal opportunities, so they may be all they are able to become.

We have been called by You, Lord, as stewards of lands, of resources, of human and social opportunities, and of the things that make for peace and foster posterity. You call us to be champions of justice and protectors of the poor.

Watch over us as we continue our debates upon fiscal budgets and the works of our government that initiate, protect and nurture hope and the well-being of our people and our communities. Keep before us the needs of all our people, especially those that would be so easy to forget; the homeless, the sick, the destitute, the aged, and all who have none to care for them.

Let Your Spirit nurture our thirst for the things that make for peace in our land and among the nations of this earth.

Through our people You have called us, Lord, to be stewards of all you have so graciously bestowed upon us. Clear our minds, open our hearts, and extend our vision so that we might be for our people all Your grace enables us to become.

Turn this parliamentary pause, Father, into our perfect prayer. Amen.

THE JOURNAL

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

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

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

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

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

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) come forward and lead the House in the Pledge of Allegiance.

Mr. ROMERO-BARCELÓ 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.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TODAY

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with today.

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

There was no objection.

CONFERENCE REPORT ON H.R. 2116, VETERANS MILLENNIUM HEALTH CARE AND BENEFITS ACT

Mr. STUMP submitted the following conference report and statement on the bill (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:

CONFERENCE REPORT (H. REPT. 106–470)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans Millennium Health Care and Benefits Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.
Sec. 3. Secretary and Department defined.

TITLE I—ACCESS TO CARE

Subtitle A—Long-Term Care

Sec. 101. Requirement to provide extended care services.
Sec. 102. Pilot programs relating to long-term care.
Sec. 103. Pilot program relating to assisted living.

Subtitle B—Other Access-to-Care Matters

Sec. 111. Reimbursement for emergency treatment in non-Department of Veterans Affairs facilities.
Sec. 112. Eligibility for care of combat-injured veterans.
Sec. 113. Access to care for TRICARE-eligible military retirees.
Sec. 114. Treatment and services for drug or alcohol dependency.
Sec. 115. Counseling and treatment for veterans who have experienced sexual trauma.
Sec. 116. Specialized mental health services.

TITLE II—MEDICAL PROGRAM ADMINISTRATION

Sec. 201. Medical care collections.
Sec. 202. Health Services Improvement Fund.
Sec. 203. Allocation to health care facilities of amounts made available from Medical Care Collections Fund.
Sec. 204. Authority to accept funds for education and training.
Sec. 205. Extension of certain authorities.
Sec. 206. Reestablishment of Committee on Post-Traumatic Stress Disorder.
Sec. 207. State home grant program.
Sec. 208. Expansion of enhanced-use lease authority.
Sec. 209. Ineligibility for employment by Veterans Health Administration of health care professionals who have lost license to practice in one jurisdiction while still licensed in another jurisdiction.
Sec. 210. Report on coordination of procurement of pharmaceuticals and medical supplies by the Department of Veterans Affairs and the Department of Defense.
Sec. 211. Reimbursement of medical expenses of veterans located in Alaska.

TITLE III—MISCELLANEOUS MEDICAL PROVISIONS

Sec. 301. Review of proposed changes to operation of medical facilities.
Sec. 302. Patient services at Department facilities.
Sec. 303. Chiropractic treatment.
Sec. 304. Designation of hospital bed replacement building at Ioannis A. Lougaris Department of Veterans Affairs Medical Center, Reno, Nevada.

TITLE IV—CONSTRUCTION AND FACILITIES MATTERS

Sec. 401. Authorization of major medical facility projects.
Sec. 402. Authorization of major medical facility leases.
Sec. 403. Authorization of appropriations.

TITLE V—BENEFITS AND EMPLOYMENT MATTERS

Subtitle A—Compensation and DIC

Sec. 501. Dependency and indemnity compensation for surviving spouses of former prisoners of war.
Sec. 502. Reinstatement of certain benefits for remarried surviving spouses of veterans upon termination of their remarriage.
Sec. 503. Presumption that bronchiolo-alveolar carcinoma is service-connected.

Subtitle B—Employment

Sec. 511. Clarification of veterans' civil service employment opportunities.

TITLE VI—MEMORIAL AFFAIRS MATTERS

Subtitle A—American Battle Monuments Commission

Sec. 601. Codification and expansion of authority for World War II memorial.
Sec. 602. General authority to solicit and receive contributions.
Sec. 603. Intellectual property and related items.
Sec. 604. Technical amendments.

Subtitle B—National Cemeteries

Sec. 611. Establishment of additional national cemeteries.
Sec. 612. Use of flat grave markers at Santa Fe National Cemetery, New Mexico.
Sec. 613. Independent study on improvements to veterans' cemeteries.

Subtitle C—Burial Benefits

Sec. 621. Independent study on improvements to veterans' burial benefits.

TITLE VII—EDUCATION AND HOUSING MATTERS

Subtitle A—Education Matters

Sec. 701. Availability of Montgomery GI Bill benefits for preparatory courses for college and graduate school entrance exams.
Sec. 702. Determination of eligibility period for members of the Armed Forces commissioned following completion of officer training school.
Sec. 703. Report on veterans' education and vocational training benefits provided by the States.
Sec. 704. Technical amendments.

Subtitle B—Housing Matters

Sec. 711. Extension of authority for housing loans for members of the Selected Reserve.
Sec. 712. Technical amendment relating to transitional housing loan guarantee program.

TITLE VIII—DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATIVE MATTERS

Sec. 801. Enhanced quality assurance program within the Veterans Benefits Administration.
Sec. 802. Extension of authority to maintain a regional office in the Republic of the Philippines.
Sec. 803. Extension of Advisory Committee on Minority Veterans.
Sec. 804. Technical amendment to automobile assistance program.

TITLE IX—HOMELESS VETERANS PROGRAMS

Sec. 901. Homeless veterans' reintegration programs.
Sec. 902. Extension of program of housing assistance for homeless veterans.
Sec. 903. Homeless veterans programs.
Sec. 904. Plan for evaluation of performance of programs to assist homeless veterans.

TITLE X—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Sec. 1001. Short title.
Sec. 1002. Definition.

Subtitle A—Transitional Provisions To Stagger Terms of Judges

Sec. 1011. Early retirement authority for current judges.
Sec. 1012. Modified terms for next two judges appointed to the Court.

Subtitle B—Other Matters Relating to Retired Judges

Sec. 1021. Recall of retired judges.
Sec. 1022. Judges' retired pay.
Sec. 1023. Survivor annuities.
Sec. 1024. Limitation on activities of retired judges.

Subtitle C—Rotation of Service of Judges as Chief Judge of the Court

Sec. 1031. Repeal of separate appointment of chief judge.
Sec. 1032. Designation and term of chief judge of Court.
Sec. 1033. Salary.
Sec. 1034. Precedence of judges.
Sec. 1035. Conforming amendments.
Sec. 1036. Applicability of amendments.

TITLE XI—VOLUNTARY SEPARATION INCENTIVE PROGRAM

Sec. 1101. Short title.
Sec. 1102. Plan for payment of voluntary separation incentive payments.
Sec. 1103. Voluntary separation incentive payments.
Sec. 1104. Effect of subsequent employment with the Government.
Sec. 1105. Additional agency contributions to Civil Service Retirement and Disability Fund.
Sec. 1106. Continued health insurance coverage.
Sec. 1107. Prohibition of reduction of full-time equivalent employment level.
Sec. 1108. Regulations.
Sec. 1109. Limitation; savings clause.
Sec. 1110. Eligible employees.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 3. SECRETARY AND DEPARTMENT DEFINED.

For purposes of this Act—

(1) the term ''Secretary'' means the Secretary of Veterans Affairs; and

(2) the term ''Department'' means the Department of Veterans Affairs.

TITLE I—ACCESS TO CARE

Subtitle A—Long-Term Care

SEC. 101. REQUIREMENT TO PROVIDE EXTENDED CARE SERVICES.

(a) REQUIRED NURSING HOME CARE.—(1) Chapter 17 is amended by inserting after section 1710 the following new section:

''§ 1710A. Required nursing home care

''(a) The Secretary shall provide nursing home care which the Secretary determines is needed (1) to any veteran in need of such care for a service-connected disability, and (2) to any veteran who is in need of such care and who has a service-connected disability rated at 70 percent or more.

''(b)(1) The Secretary shall ensure that a veteran described in subsection (a) who continues to need nursing home care is not, after placement in a Department nursing home, transferred from the facility without the consent of the veteran, or, in the event the veteran cannot provide informed consent, the representative of the veteran.

''(2) Nothing in subsection (a) may be construed as authorizing or requiring that a veteran who is receiving nursing home care in a Department nursing home on the date of the enactment of this section be displaced, transferred, or discharged from the facility.

''(c) The provisions of subsection (a) shall terminate on December 31, 2003.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1710 the following new item:

''1710A. Required nursing home care.''.

(b) REQUIRED NONINSTITUTIONAL EXTENDED CARE SERVICES.—Section 1701 is amended by adding at the end the following new paragraph:

''(10)(A) During the period beginning on the date of the enactment of the Veterans Millennium Health Care and Benefits Act and ending on December 31, 2003, the term 'medical services' includes noninstitutional extended care services.

''(B) For the purposes of subparagraph (A), the term 'noninstitutional extended care services' means such alternatives to institutional extended care which the Secretary may furnish (i) directly, (ii) by contract, or (iii) (through provision of case management) by another provider or payor.''.

(c) PROGRAM OF EXTENDED CARE SERVICES.—(1) Chapter 17 is amended by inserting after section 1710A, as added by subsection (a), the following new section:

''§ 1710B. Extended care services

''(a) The Secretary (subject to section 1710(a)(4) of this title and subsection (c) of this section) shall operate and maintain a program to provide extended care services to eligible veterans in accordance with this section. Such services shall include the following:

''(1) Geriatric evaluation.

''(2) Nursing home care (A) in facilities operated by the Secretary, and (B) in community-based facilities through contracts under section 1720 of this title.

''(3) Domiciliary services under section 1710(b) of this title.

''(4) Adult day health care under section 1720(f) of this title.

''(5) Such other noninstitutional alternatives to nursing home care as the Secretary may furnish as medical services under section 1701(10) of this title.

''(6) Respite care under section 1720B of this title.

''(b) The Secretary shall ensure that the staffing and level of extended care services provided by the Secretary nationally in facilities of the Department during any fiscal year is not less than the staffing and level of such services provided nationally in facilities of the Department during fiscal year 1998.

''(c)(1) Except as provided in paragraph (2), the Secretary may not furnish extended care services for a non-service-connected disability other than in the case of a veteran who has a compensable service-connected disability unless the veteran agrees to pay to the United States a copayment (determined in accordance with subsection (d)) for any period of such services in a year after the first 21 days of such services provided that veteran in that year.

''(2) Paragraph (1) shall not apply—

''(A) to a veteran whose annual income (determined under section 1503 of this title) is less than the amount in effect under section 1521(b) of this title; or

''(B) with respect to an episode of extended care services that a veteran is being furnished by the Department on the date of the enactment of the Veterans Millennium Health Care and Benefits Act.

''(d)(1) A veteran who is furnished extended care services under this chapter and who is required under subsection (c) to pay an amount to the United States in order to be furnished such services shall be liable to the United States for that amount.

''(2) In implementing subsection (c), the Secretary shall develop a methodology for establishing the amount of the copayment for which a veteran described in subsection (c) is liable. That methodology shall provide for—

''(A) establishing a maximum monthly copayment (based on all income and assets of the veteran and the spouse of such veteran);

''(B) protecting the spouse of a veteran from financial hardship by not counting all of the income and assets of the veteran and spouse (in the case of a spouse who resides in the community) as available for determining the copayment obligation; and

''(C) allowing the veteran to retain a monthly personal allowance.

''(e)(1) There is established in the Treasury of the United States a revolving fund known as the Department of Veterans Affairs Extended Care Fund (hereinafter in this section referred to as the 'fund'). Amounts in the fund shall be available, without fiscal year limitation and without further appropriation, exclusively for the purpose of providing extended care services under subsection (a).

''(2) All amounts received by the Department under this section shall be deposited in or credited to the fund.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1710A, as added by subsection (a)(2), the following new item:

''1710B. Extended care services.''.

(d) ADULT DAY HEALTH CARE.—Section 1720(f)(1)(A) is amended to read as follows:

''(f)(1)(A) The Secretary may furnish adult day health care services to a veteran enrolled under section 1705(a) of this title who would otherwise require nursing home care.''.

(e) RESPITE CARE PROGRAM.—Section 1720B is amended—

(1) in subsection (a), by striking ''eligible'' and inserting ''enrolled'';

(2) in subsection (b)—

(A) by striking ''the term 'respite care' means hospital or nursing home care'' and inserting ''the term 'respite care services' means care and services'';

(B) by striking ''is'' at the beginning of each of paragraphs (1), (2), and (3) and inserting ''are''; and

(C) by striking ''in a Department facility'' in paragraph (2); and

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

''(c) In furnishing respite care services, the Secretary may enter into contract arrangements.''.

(f) CONFORMING AMENDMENTS.—Section 1710(a) is amended—

(1) in paragraph (1), by striking '', and may furnish nursing home care,'';

(2) in paragraph (2)(A), by inserting ''or, with respect to nursing home care during any period during which the provisions of section 1710A(a) of this title are in effect, a compensable service-connected disability rated less than 70 percent'' after ''50 percent'';

(3) in paragraph (4), by inserting '', and the requirement in section 1710B of this title that the Secretary provide a program of extended care services,'' after ''medical services''; and

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

''(5) During any period during which the provisions of section 1710A(a) of this title are not in effect, the Secretary may furnish nursing home care which the Secretary determines is needed to any veteran described in paragraph (1), with the priority for such care on the same basis as if provided under that paragraph.''.

(g) STATE HOMES.—Section 1741(a)(2) is amended by striking ''adult day health care in a State home'' and inserting ''extended care services described in any of paragraphs (4) through (6) of section 1710B(a) of this title under a program administered by a State home''.

(h) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) Subsection (c) of section 1710B of title 38, United States Code (as added by subsection (b)), shall take effect on the effective date of regulations prescribed by the Secretary of Veterans Affairs under subsections (c) and (d) of such section. The Secretary shall publish the effective date of such regulations in the Federal Register.

(3) The provisions of section 1710(f) of title 38, United States Code, shall not apply to any day of nursing home care on or after the effective date of regulations under paragraph (2).

(i) REPORT.—Not later than January 1, 2003, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the operation of this section (including the amendments made by this section). The Secretary shall include in the report—

(1) the Secretary's assessment of the experience of the Department under the provisions of this section;

(2) the costs incurred by the Department under the provisions of this section and a comparison of those costs with the Secretary's estimate of the costs that would have been incurred by the Secretary for extended care services if this section had not been enacted; and

(3) the Secretary's recommendations, with respect to the provisions of section 1710A(a) of title 38, United States Code, as added by subsection (a), and with respect to the provisions of section 1701(10) of such title, as added by subsection (b), as to—

(A) whether those provisions should be extended or made permanent; and

(B) what modifications, if any, should be made to those provisions.

SEC. 102. PILOT PROGRAMS RELATING TO LONG-TERM CARE.

(a) PILOT PROGRAMS.—The Secretary shall carry out three pilot programs for the purpose of determining the effectiveness of different models of all-inclusive care-delivery in reducing the use of hospital and nursing home care by frail, elderly veterans.

(b) LOCATIONS OF PILOT PROGRAMS.—In selecting locations in which the pilot programs will be carried out, the Secretary may not select more than one location in any given health care region of the Veterans Health Administration.

(c) SCOPE OF SERVICES UNDER PILOT PROGRAMS.—Each of the pilot programs under this section shall be designed to provide participating veterans with integrated, comprehensive services which include the following:

(1) Adult-day health care services on an eight-hour per day, five-day per week basis.

(2) Medical services (including primary care, preventive services, and nursing home care, as needed).

(3) Coordination of needed services.

(4) Transportation services.

(5) Home care services.

(6) Respite care.

(d) PROGRAM REQUIREMENTS.—In carrying out the pilot programs under this section, the Secretary shall—

(1) employ the use of interdisciplinary care-management teams to provide the required array of services;

(2) determine the appropriate number of patients to be enrolled in each program and the criteria for enrollment; and

(3) ensure that funding for each program is based on the complex care category under the resource allocation system (known as the Veterans Equitable Resource Allocation system) established pursuant to section 429 of Public Law 104–204 (110 Stat. 2929).

(e) DESIGN OF PILOT PROGRAMS.—To the maximum extent feasible, the Secretary shall use the following three models in designing the three pilot programs under this section:

(1) Under one of the pilot programs, the Secretary shall provide services directly through facilities and personnel of the Department.

(2) Under one of the pilot programs, the Secretary shall provide services through a combination of—

(A) services provided under contract with appropriate public and private entities; and

(B) services provided through facilities and personnel of the Department.

(3) Under one of the pilot programs, the Secretary shall arrange for the provision of services through a combination of—

(A) services provided through cooperative arrangements with appropriate public and private entities; and

(B) services provided through facilities and personnel of the Department.

(f) IN-KIND ASSISTANCE.—In providing for the furnishing of services under a contract in carrying out the pilot program described in subsection (e)(2), the Secretary may, subject to reimbursement, provide in-kind assistance (through the services of Department employees and the sharing of other Department resources) to a facility furnishing care to veterans. Such reimbursement may be made by reduction in the charges to the Secretary under such contract.

(g) LIMITATION.—In providing for the furnishing of services in carrying out a pilot program described in subsection (e)(2) or (e)(3), the Secretary shall make payment for services only to the extent that payment for such services is not otherwise covered (notwithstanding any provision of title XVIII or XIX of the Social Security Act) by another government or non-government entity or program.

(h) DURATION OF PROGRAMS.—The authority of the Secretary to provide services under a pilot program under this section shall cease on the date that is three years after the date of the commencement of that pilot program.

(i) REPORT.—(1) Not later than nine months after the completion of all of the pilot programs under this section, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on those programs.

(2) The report shall include the following:

(A) A description of the implementation and operation of each such program.

(B) An analysis comparing use of institutional care and use of other services among enrollees in each of the pilot programs with the experience of comparable patients who are not enrolled in one of the pilot programs.

(C) An assessment of the satisfaction of participating veterans with each of those programs.

(D) An assessment of the health status of participating veterans in each of those programs and of the ability of those veterans to function independently.

(E) An analysis of the costs and benefits under each of those programs.

SEC. 103. PILOT PROGRAM RELATING TO ASSISTED LIVING.

(a) PROGRAM AUTHORITY.—The Secretary may carry out a pilot program for the purpose of determining the feasibility and practicability of enabling eligible veterans to secure needed assisted living services as an alternative to nursing home care.

(b) LOCATION OF PILOT PROGRAM.—The pilot program shall be carried out in a designated health care region of the Department selected by the Secretary for purposes of this section.

(c) SCOPE OF PROGRAM.—In carrying out the pilot program, the Secretary may enter into contracts with appropriate facilities for the provision for a period of up to six months of assisted living services on behalf of eligible veterans in the region where the program is carried out.

(d) ELIGIBLE VETERANS.—A veteran is an eligible veteran for purposes of this section if the veteran—

(1) is eligible for placement assistance by the Secretary under section 1730(a) of title 38, United States Code;

(2) is unable to manage routine activities of daily living without supervision and assistance; and

(3) could reasonably be expected to receive ongoing services after the end of the contract period under another government program or through other means.

(e) REPORT.—(1) Not later than 90 days before the end of the pilot program under this section, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the program.

(2) The report under paragraph (1) shall include the following:

(A) A description of the implementation and operation of the program.

(B) An analysis comparing use of institutional care among participants in the program with the experience of comparable patients who are not enrolled in the program.

(C) A comparison of assisted living services provided by the Department through the pilot program with domiciliary care provided by the Department.

(D) The Secretary's recommendations, if any, regarding an extension of the program.

(f) DURATION.—The authority of the Secretary to provide services under the pilot program shall cease on the date that is three years after the date of the commencement of the pilot program.

(g) DEFINITION.—For purposes of this section, the term ''assisted living services'' means services in a facility that provides room and board and personal care for and supervision of residents as necessary for the health, safety, and welfare of residents.

(h) STANDARDS.—The Secretary may not enter into a contract with a facility under this section unless the facility meets the standards established in regulations prescribed under section 1730 of title 38, United States Code.

Subtitle B—Other Access-to-Care Matters

SEC. 111. REIMBURSEMENT FOR EMERGENCY TREATMENT IN NON-DEPARTMENT OF VETERANS AFFAIRS FACILITIES.

(a) AUTHORITY TO PROVIDE REIMBURSEMENT.—Chapter 17 is amended by inserting after section 1724 the following new section:

''§ 1725. Reimbursement for emergency treatment

''(a) GENERAL AUTHORITY.—(1) Subject to subsections (c) and (d), the Secretary may reimburse a veteran described in subsection (b) for the reasonable value of emergency treatment furnished the veteran in a non-Department facility.

''(2) In any case in which reimbursement is authorized under subsection (a)(1), the Secretary, in the Secretary's discretion, may, in lieu of reimbursing the veteran, make payment of the reasonable value of the furnished emergency treatment directly—

''(A) to a hospital or other health care provider that furnished the treatment; or

''(B) to the person or organization that paid for such treatment on behalf of the veteran.

''(b) ELIGIBILITY.—(1) A veteran referred to in subsection (a)(1) is an individual who is an active Department health-care participant who is personally liable for emergency treatment furnished the veteran in a non-Department facility.

''(2) A veteran is an active Department health-care participant if—

''(A) the veteran is enrolled in the health care system established under section 1705(a) of this title; and

''(B) the veteran received care under this chapter within the 24-month period preceding the furnishing of such emergency treatment.

''(3) A veteran is personally liable for emergency treatment furnished the veteran in a non-Department facility if the veteran—

''(A) is financially liable to the provider of emergency treatment for that treatment;

''(B) has no entitlement to care or services under a health-plan contract (determined, in the case of a health-plan contract as defined in subsection (f)(2)(B) or (f)(2)(C), without regard to any requirement or limitation relating to eligibility for care or services from any department or agency of the United States);

''(C) has no other contractual or legal recourse against a third party that would, in whole or in part, extinguish such liability to the provider; and

''(D) is not eligible for reimbursement for medical care or services under section 1728 of this title.

''(c) LIMITATIONS ON REIMBURSEMENT.—(1) The Secretary, in accordance with regulations prescribed by the Secretary, shall—

''(A) establish the maximum amount payable under subsection (a);

''(B) delineate the circumstances under which such payments may be made, to include such requirements on requesting reimbursement as the Secretary shall establish; and

''(C) provide that in no event may a payment under that subsection include any amount for which the veteran is not personally liable.

''(2) Subject to paragraph (1), the Secretary may provide reimbursement under this section only after the veteran or the provider of emergency treatment has exhausted without success all claims and remedies reasonably available to the veteran or provider against a third party for payment of such treatment.

''(3) Payment by the Secretary under this section on behalf of a veteran to a provider of emergency treatment shall, unless rejected and refunded by the provider within 30 days of receipt, extinguish any liability on the part of the veteran for that treatment. Neither the absence of a contract or agreement between the Secretary and the provider nor any provision of a contract, agreement, or assignment to the contrary shall operate to modify, limit, or negate the requirement in the preceding sentence.

''(d) INDEPENDENT RIGHT OF RECOVERY.—(1) In accordance with regulations prescribed by the Secretary, the United States shall have the independent right to recover any amount paid under this section when, and to the extent that, a third party subsequently makes a payment for the same emergency treatment.

''(2) Any amount paid by the United States to the veteran (or the veteran's personal representative, successor, dependents, or survivors) or to any other person or organization paying for such treatment shall constitute a lien in favor of the United States against any recovery the payee subsequently receives from a third party for the same treatment.

''(3) Any amount paid by the United States to the provider that furnished the veteran's emergency treatment shall constitute a lien against any subsequent amount the provider receives from a third party for the same emergency treatment for which the United States made payment.

''(4) The veteran (or the veteran's personal representative, successor, dependents, or survivors) shall ensure that the Secretary is promptly notified of any payment received from any third party for emergency treatment furnished to the veteran. The veteran (or the veteran's personal representative, successor, dependents, or survivors) shall immediately forward all documents relating to such payment, cooperate with the Secretary in the investigation of such payment, and assist the Secretary in enforcing the United States right to recover any payment made under subsection (c)(3).

''(e) WAIVER.—The Secretary, in the Secretary's discretion, may waive recovery of a payment made to a veteran under this section that is otherwise required by subsection (d)(1) when the Secretary determines that such waiver would be in the best interest of the United States, as defined by regulations prescribed by the Secretary.

''(f) DEFINITIONS.—For purposes of this section:

''(1) The term 'emergency treatment' means medical care or services furnished, in the judgment of the Secretary—

''(A) when Department or other Federal facilities are not feasibly available and an attempt to use them beforehand would not be reasonable;

''(B) when such care or services are rendered in a medical emergency of such nature that a prudent layperson reasonably expects that delay in seeking immediate medical attention would be hazardous to life or health; and

''(C) until such time as the veteran can be transferred safely to a Department facility or other Federal facility.

''(2) The term 'health-plan contract' includes any of the following:

''(A) An insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar arrangement under which health services for individuals are provided or the expenses of such services are paid.

''(B) An insurance program described in section 1811 of the Social Security Act (42 U.S.C. 1395c) or established by section 1831 of that Act (42 U.S.C. 1395j).

''(C) A State plan for medical assistance approved under title XIX of such Act (42 U.S.C. 1396 et seq.).

''(D) A workers' compensation law or plan described in section 1729(a)(2)(A) of this title.

''(E) A law of a State or political subdivision described in section 1729(a)(2)(B) of this title.

''(3) The term 'third party' means any of the following:

''(A) A Federal entity.

''(B) A State or political subdivision of a State.

''(C) An employer or an employer's insurance carrier.

''(D) An automobile accident reparations insurance carrier.

''(E) A person or entity obligated to provide, or to pay the expenses of, health services under a health-plan contract.''.

(b) CONFORMING AMENDMENTS.—(1) Section 1729A(b) is amended—

(A) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(B) by inserting after paragraph (4) the following new paragraph:

''(5) Section 1725 of this title.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1724 the following new item:

''1725. Reimbursement for emergency treatment.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

(d) IMPLEMENTATION REPORTS.—The Secretary shall include with the budget justification materials submitted to Congress in support of the Department of Veterans Affairs budget for fiscal year 2002 and for fiscal year 2003 a report on the implementation of section 1725 of title 38, United States Code, as added by subsection (a). Each such report shall include information on the experience of the Department under that section and the costs incurred, and expected to be incurred, under that section.

SEC. 112. ELIGIBILITY FOR CARE OF COMBAT-INJURED VETERANS.

Chapter 17 is amended—

(1) in section 1710(a)(2)(D), by inserting ''or who was awarded the Purple Heart'' after ''former prisoner of war''; and

(2) in section 1705(a)(3), by inserting ''or who were awarded the Purple Heart'' after ''former prisoners of war''.

SEC. 113. ACCESS TO CARE FOR TRICARE-ELIGIBLE MILITARY RETIREES.

(a) INTERAGENCY AGREEMENT.—(1) The Secretary of Defense shall enter into an agreement (characterized as a memorandum of understanding or otherwise) with the Secretary of Veterans Affairs with respect to the provision of medical care by the Secretary of Veterans Affairs to eligible military retirees in accordance with the provisions of subsection (c). That agreement shall include provisions for reimbursement of the Secretary of Veterans Affairs by the Secretary of Defense for medical care provided by the Secretary of Veterans Affairs to an eligible military retiree and may include such other provisions with respect to the terms and conditions of such care as may be agreed upon by the two Secretaries.

(2) Reimbursement under the agreement under paragraph (1) shall be in accordance with rates agreed upon by the Secretary of Defense and the Secretary of Veterans Affairs. Such reimbursement may be made by the Secretary of Defense or by the appropriate TRICARE Managed Care Support contractor, as determined in accordance with that agreement.

(3) In entering into the agreement under paragraph (1), particularly with respect to determination of the rates of reimbursement under paragraph (2), the Secretary of Defense shall consult with TRICARE Managed Care Support contractors.

(4) The Secretary of Veterans Affairs may not enter into an agreement under paragraph (1) for the provision of care in accordance with the provisions of subsection (c) with respect to any geographic service area, or a part of any such area, of the Veterans Health Administration unless—

(A) in the judgment of that Secretary, the Department of Veterans Affairs will recover the costs of providing such care to eligible military retirees; and

(B) that Secretary has certified and documented, with respect to any geographic service area in which the Secretary proposes to provide care in accordance with the provisions of subsection (c), that such geographic service area, or designated part of any such area, has adequate capacity (consistent with the requirements in section 1705(b)(1) of title 38, United States Code, that care to enrollees shall be timely and acceptable in quality) to provide such care.

(5) The agreement under paragraph (1) shall be entered into by the Secretaries not later than nine months after the date of the enactment of this Act. If the Secretaries are unable to reach agreement, they shall jointly report, by that date or within 30 days thereafter, to the Committees on Armed Services and the Committees on Veterans' Affairs of the Senate and House of Representatives on the reasons for their inability to reach an agreement and their mutually agreed plan for removing any impediments to final agreement.

(b) DEPOSITING OF REIMBURSEMENTS.—Amounts received by the Secretary of Veterans Affairs under the agreement under subsection (a) shall be deposited in the Department of Veterans Affairs Health Services Improvement Fund established under section 1729B of title 38, United States Code, as added by section 202.

(c) COPAYMENT REQUIREMENT.—The provisions of subsections (f)(1) and (g)(1) of section 1710 of title 38, United States Code, shall not apply in the case of an eligible military retiree who is covered by the agreement under subsection (a).

(d) PHASED IMPLEMENTATION.—(1) The Secretary of Defense shall include in each TRICARE contract entered into after the date of the enactment of this Act provisions to implement the agreement under subsection (a).

(2) The provisions of the agreement under subsection (a)(2) and the provisions of subsection (c) shall apply to the furnishing of medical care by the Secretary of Veterans Affairs in any area of the United States only if that area is covered by a TRICARE contract that was entered into after the date of the enactment of this Act.

(e) ELIGIBLE MILITARY RETIREES.—For purposes of this section, an eligible military retiree is a member of the Army, Navy, Air Force, or Marine Corps who—

(1) has retired from active military, naval, or air service;

(2) is eligible for care under the TRICARE program established by the Secretary of Defense;

(3) has enrolled for care under section 1705 of title 38, United States Code; and

(4) is not described in paragraph (1) or (2) of section 1710(a) of such title.

SEC. 114. TREATMENT AND SERVICES FOR DRUG OR ALCOHOL DEPENDENCY.

(a) AUTHORITY TO PROVIDE TREATMENT AND SERVICES FOR MEMBERS ON ACTIVE DUTY.—Section 1720A(c) is amended in the first sentence of paragraph (1)—

(1) by striking ''may not be transferred'' and inserting ''may be transferred''; and

(2) by striking ''unless such transfer is during the last thirty days of such member's enlistment or tour of duty''.

(b) CONFORMING AMENDMENT.—The first sentence of paragraph (2) of that section is amended by striking ''during the last thirty days of such person's enlistment period or tour of duty''.

SEC. 115. COUNSELING AND TREATMENT FOR VETERANS WHO HAVE EXPERIENCED SEXUAL TRAUMA.

(a) EXTENSION OF PERIOD OF PROGRAM.—Subsection (a) of section 1720D is amended—

(1) in paragraph (1), by striking ''December 31, 2001'' and inserting ''December 31, 2004''; and

(2) in paragraph (3), by striking ''December 31, 2001'' and inserting ''December 31, 2004''.

(b) MANDATORY NATURE OF PROGRAM.—(1) Subsection (a)(1) of such section is further amended by striking ''may provide counseling to a veteran who the Secretary determines requires such counseling'' and inserting ''shall operate a program under which the Secretary provides counseling and appropriate care and services to veterans who the Secretary determines require such counseling and care and services''.

(2) Subsection (a) of such section is further amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) (as amended by subsection (a)(2)) as paragraph (2).

(c) OUTREACH EFFORTS.—Subsection (c) of such section is amended—

(1) by inserting ''and treatment'' in the first sentence and in paragraph (2) after ''counseling'';

(2) by striking ''and'' at the end of paragraph (1);

(3) by redesignating paragraph (2) as paragraph (3); and

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

''(2) shall ensure that information about the counseling and treatment available to veterans under this section—

''(A) is revised and updated as appropriate;

''(B) is made available and visibly posted at appropriate facilities of the Department; and

''(C) is made available through appropriate public information services; and''.

(d) REPORT ON IMPLEMENTATION OF OUTREACH ACTIVITIES.—Not later than six months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's implementation of paragraph (2) of section 1720D(c) of title 38, United States Code, as added by subsection (c). Such report shall include examples of the documents and other means of communication developed for compliance with that paragraph.

(e) STUDY OF EXPANDING ELIGIBILITY FOR COUNSELING AND TREATMENT.—(1) The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall conduct a study to determine—

(A) the extent to which former members of the reserve components of the Armed Forces experienced physical assault of a sexual nature or battery of a sexual nature while serving on active duty for training;

(B) the extent to which such former members have sought counseling from the Department of Veterans Affairs relating to those incidents; and

(C) the additional resources that, in the judgment of the Secretary, would be required to meet the projected need of those former members for such counseling.

(2) Not later than 16 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the results of the study conducted under paragraph (1).

(f) OVERSIGHT OF OUTREACH ACTIVITIES.—Not later than 14 months after the date of the enactment of this Act, the Secretary of Veterans Affairs and the Secretary of Defense shall submit to the appropriate congressional committees a joint report describing in detail the collaborative efforts of the Department of Veterans Affairs and the Department of Defense to ensure that members of the Armed Forces, upon separation from active military, naval, or air service, are provided appropriate and current information about programs of the Department of Veterans Affairs to provide counseling and treatment for sexual trauma that may have been experienced by those members while in the active military, naval, or air service, including information about eligibility requirements for, and procedures for applying for, such counseling and treatment. The report shall include proposed recommendations from both the Secretary of Veterans Affairs and the Secretary of Defense for the improvement of their collaborative efforts to provide such information.

(g) REPORT ON IMPLEMENTATION OF SEXUAL TRAUMA TREATMENT PROGRAM.—Not later than 14 months after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the use made of the authority provided under section 1720D of title 38, United States Code, as amended by this section. The report shall include the following with respect to activities under that section since the enactment of this Act:

(1) The number of veterans who have received counseling under that section.

(2) The number of veterans who have been referred to non-Department mental health facilities and providers in connection with sexual trauma counseling and treatment.

SEC. 116. SPECIALIZED MENTAL HEALTH SERVICES.

(a) IMPROVEMENT TO SPECIALIZED MENTAL HEALTH SERVICES.—The Secretary, in furtherance of the responsibilities of the Secretary under section 1706(b) of title 38, United States Code, shall carry out a program to expand and improve the provision of specialized mental health services to veterans. The Secretary shall establish the program in consultation with the Committee on Care of Severely Chronically Mentally Ill Veterans established pursuant to section 7321 of title 38, United States Code.

(b) COVERED PROGRAMS.—For purposes of this section, the term ''specialized mental health services'' includes programs relating to—

(1) the treatment of post-traumatic stress disorder; and

(2) substance use disorders.

(c) FUNDING.—(1) In carrying out the program described in subsection (a), the Secretary shall identify, from funds available to the Department for medical care, an amount of not less than $15,000,000 to be available to carry out the program and to be allocated to facilities of the Department pursuant to subsection (d).

(2) In identifying available amounts pursuant to paragraph (1), the Secretary shall ensure that, after the allocation of those funds under subsection (d), the total expenditure for programs relating to (A) the treatment of post-traumatic stress disorder, and (B) substance use disorders is not less than $15,000,000 in excess of the baseline amount.

(3) For purposes of paragraph (2), the baseline amount is the amount of the total expenditures on such programs for the most recent fiscal year for which final expenditure amounts are known, adjusted to reflect any subsequent increase in applicable costs to deliver such services in the Veterans Health Administration, as determined by the Committee on Care of Severely Chronically Mentally Ill Veterans.

(d) ALLOCATION OF FUNDS TO DEPARTMENT FACILITIES.—The Secretary shall allocate funds identified pursuant to subsection (c)(1) to individual medical facilities of the Department as the Secretary determines appropriate based upon proposals submitted by those facilities for the use of those funds for improvements to specialized mental health services.

(e) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report describing the implementation of this section. The Secretary shall include in the report information on the allocation of funds to facilities of the Department under the program and a description of the improvements made with those funds to specialized mental health services for veterans.

TITLE II—MEDICAL PROGRAM ADMINISTRATION

SEC. 201. MEDICAL CARE COLLECTIONS.

(a) LIMITED AUTHORITY TO SET COPAYMENTS.—Section 1722A is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(2) by inserting after subsection (a) the following new subsection (b):

''(b) The Secretary, pursuant to regulations which the Secretary shall prescribe, may—

''(1) increase the copayment amount in effect under subsection (a); and

''(2) establish a maximum monthly and a maximum annual pharmaceutical copayment amount under subsection (a) for veterans who have multiple outpatient prescriptions.''; and

(3) in subsection (c), as redesignated by paragraph (1)—

(A) by striking ''this section'' and inserting ''subsection (a)''; and

(B) by adding at the end the following new sentence: ''Amounts collected through use of the authority under subsection (b) shall be deposited in the Department of Veterans Affairs Health Services Improvement Fund.''.

(b) OUTPATIENT TREATMENT.—Section 1710(g) is amended—

(1) in paragraph (1), by striking ''the amount determined under paragraph (2) of this subsection'' and inserting ''in the case of each outpatient visit the applicable amount or amounts established by the Secretary by regulation''; and

(2) in paragraph (2), by striking all after ''for an amount'' and inserting ''which the Secretary shall establish by regulation.''.

SEC. 202. HEALTH SERVICES IMPROVEMENT FUND.

(a) ESTABLISHMENT OF FUND.—Chapter 17 is amended by inserting after section 1729A the following new section:

''§ 1729B. Health Services Improvement Fund

''(a) There is established in the Treasury of the United States a fund to be known as the Department of Veterans Affairs Health Services Improvement Fund.

''(b) Amounts received or collected after the date of the enactment of this section under any of the following provisions of law shall be deposited in the fund:

''(1) Section 1713A of this title.

''(2) Section 1722A(b) of this title.

''(3) Section 8165(a) of this title.

''(4) Section 113 of the Veterans Millennium Health Care and Benefits Act.

''(c) Amounts in the fund are hereby available, without fiscal year limitation, to the Secretary for the purposes stated in subparagraphs (A) and (B) of section 1729A(c)(1) of this title.

''(d) The Secretary shall allocate amounts in the fund in the same manner as applies under subsection (d) of section 1729A of this title with respect to amounts made available from the fund under that section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1729A the following new item:

''1729B. Health Services Improvement Fund.''.

SEC. 203. ALLOCATION TO HEALTH CARE FACILITIES OF AMOUNTS MADE AVAILABLE FROM MEDICAL CARE COLLECTIONS FUND.

Section 1729A(d) is amended—

(1) by striking ''(1)'';

(2) by striking ''each designated health care region'' and inserting ''each Department health care facility'';

(3) by striking ''each region'' and inserting ''each facility'';

(4) by striking ''such region'' both places it appears and inserting ''such facility''; and

(5) by striking paragraph (2).

SEC. 204. AUTHORITY TO ACCEPT FUNDS FOR EDUCATION AND TRAINING.

(a) ESTABLISHMENT OF NONPROFIT CORPORATIONS AT MEDICAL CENTERS.—Section 7361(a) is amended—

(1) by inserting ''and education'' after ''research''; and

(2) by adding at the end the following: ''Such a corporation may be established to facilitate either research or education or both research and education.''.

(b) PURPOSE OF CORPORATIONS.—Section 7362 is amended—

(1) in the first sentence—

(A) by inserting ''(a)'' before ''Any corporation''; and

(B) by inserting ''and education and training as described in sections 7302, 7471, 8154, and 1701(6)(B) of this title'' after ''of this title'';

(2) in the second sentence—

(A) by inserting ''or education'' after ''research''; and

(B) by striking ''that purpose'' and inserting ''these purposes''; and

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

''(b) For purposes of this section, the term 'education and training' means the following:

''(1) In the case of employees of the Veterans Health Administration, such term means work-related instruction or other learning experiences to—

''(A) improve performance of current duties;

''(B) assist employees in maintaining or gaining specialized proficiencies; and

''(C) expand understanding of advances and changes in patient care, technology, and health care administration.

Such term includes (in the case of such employees) education and training conducted as part of a residency or other program designed to prepare an individual for an occupation or profession.

''(2) In the case of veterans under the care of the Veterans Health Administration, such term means instruction or other learning experiences related to improving and maintaining the health of veterans to patients and to the families and guardians of patients.''.

(c) BOARD OF DIRECTORS.—Section 7363(a) is amended—

(1) in subsection (a)(1), by striking all after ''medical center, and'' and inserting ''as appropriate, the assistant chief of staff for research for the medical center and the assistant chief of staff for education for the medical center, or, in the case of a facility at which such positions do not exist, those officials who are responsible for carrying out the responsibilities of the medical center director, chief of staff, and, as appropriate, the assistant chief of staff for research and the assistant chief of staff for education; and'';

(2) in subsection (a)(2), by inserting ''or education, as appropriate'' after ''research''; and

(3) in subsection (c), by inserting ''or education'' after ''research''.

(d) APPROVAL OF EXPENDITURES.—Section 7364 is amended by adding at the end the following new subsection:

''(c)(1) A corporation established under this subchapter may not spend funds for an education activity unless the activity is approved in accordance with procedures prescribed by the Under Secretary for Health.

''(2) The Under Secretary for Health shall prescribe policies and procedures to guide the expenditure of funds by corporations under paragraph (1) consistent with the purpose of such corporations as flexible funding mechanisms.''.

(e) ACCOUNTABILITY AND OVERSIGHT.—Section 7366(d) is amended—

(1) in paragraph (2)(B), by inserting ''for research and the amount received from governmental entities for education'' after ''entities'';

(2) in paragraph (2)(C), by inserting ''for research and the amount received from all other sources for education'' after ''sources'';

(3) in paragraph (2)(D), by striking ''the'' and inserting ''a'';

(4) in paragraph (3)(A), by striking ''and'' and inserting '', the amount expended for salary for education staff, and the amount expended'';

(5) in paragraph (3)(B), by inserting ''and the amount expended for direct support of education'' after ''research''; and

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

''(4) The amount expended by each corporation during the year for travel conducted in conjunction with research and the amount expended for travel in conjunction with education.''.

SEC. 205. EXTENSION OF CERTAIN AUTHORITIES.

(a) READJUSTMENT COUNSELING.—Section 1712A(a)(1)(B)(ii) is amended by striking ''January 1, 2000'' and inserting ''January 1, 2004''.

(b) NEWSLETTER ON MEDICAL CARE FOR PERSIAN GULF VETERANS.—Section 105(b)(2) of the Persian Gulf War Veterans' Benefits Act (title I of Public Law 103–446; 108 Stat. 4659; 38 U.S.C. 1117 note) is amended by striking ''December 31, 1999'' and inserting ''December 31, 2003''.

(c) EVALUATION OF HEALTH OF SPOUSES AND CHILDREN OF PERSIAN GULF VETERANS.—Section 107(b) of that Act is amended by striking ''December 31, 1999'' and inserting ''December 31, 2003''.

SEC. 206. REESTABLISHMENT OF COMMITTEE ON POST-TRAUMATIC STRESS DISORDER.

Section 110 of the Veterans' Health Care Act of 1984 (38 U.S.C. 1712A note) is amended—

(1) by striking ''Chief Medical Director'' each place it appears and inserting ''Under Secretary for Health'';

(2) by striking ''Veterans' Administration'' each place it appears (other than in subsection (a)(1)) and inserting ''Department'';

(3) by striking ''Veterans' Administration'' in subsection (a)(1) and inserting ''Department of Veterans Affairs'';

(4) by striking ''Department of Medicine and Surgery'' each place it appears and inserting ''Veterans Health Administration'';

(5) by striking ''section 612A'' in subsection (a)(2) and inserting ''section 1712A'';

(6) by striking ''Department'' in the second sentence of subsection (b)(1) and inserting ''Veterans Health Administration'';

(7) by striking ''Department of Veterans' Benefits'' in subsection (b)(4)(E) and inserting ''Veterans Benefits Administration'';

(8) in subsection (e)(1), by striking ''Not later than March 1, 1985, the Administrator'' and inserting ''Not later than March 1, 2000, the Secretary''; and

(9) in subsection (e)(2)—

(A) by striking ''Not later than February 1, 1986'' and inserting ''Not later than February 1, 2001'';

(B) by striking ''Administrator'' and inserting ''Secretary''; and

(C) by striking ''before the submission of such report'' and inserting ''since the enactment of the Veterans Millennium Health Care and Benefits Act''.

SEC. 207. STATE HOME GRANT PROGRAM.

(a) GENERAL REGULATIONS.—Section 8134 is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by striking the matter in subsection (a) preceding paragraph (2) and inserting the following:

''(a)(1) The Secretary shall prescribe regulations for the purposes of this subchapter.

''(2) In those regulations, the Secretary shall prescribe for each State the number of nursing home and domiciliary beds for which assistance under this subchapter may be furnished. Such regulations shall be based on projected demand for such care 10 years after the date of the enactment of the Veterans Millennium Health Care and Benefits Act by veterans who at such time are 65 years of age or older and who reside in that State. In determining such projected demand, the Secretary shall take into account travel distances for veterans and their families.

''(3)(A) In those regulations, the Secretary shall establish criteria under which the Secretary shall determine, with respect to an application for assistance under this subchapter for a project described in subparagraph (B) which is from a State that has a need for additional beds as determined under subsections (a)(2) and (d)(1), whether the need for such beds is most aptly characterized as great, significant, or limited. Such criteria shall take into account the availability of beds already operated by the Secretary and other providers which appropriately serve the needs which the State proposes to meet with its application.

''(B) This paragraph applies to a project for the construction or acquisition of a new State home facility, a project to increase the number of beds available at a State home facility, and a project to replace beds at a State home facility.

''(4) The Secretary shall review and, as necessary, revise regulations prescribed under paragraphs (2) and (3) not less often than every four years.

''(b) The Secretary shall prescribe the following by regulation:'';

(3) by redesignating paragraphs (2) and (3) of subsection (b), as designated by paragraph (2), as paragraphs (1) and (2);

(4) in subsection (c), as redesignated by paragraph (1), by striking ''subsection (a)(3)'' and inserting ''subsection (b)(2)''; and

(5) by adding at the end the following new subsection:

''(d)(1) In prescribing regulations to carry out this subchapter, the Secretary shall provide that in the case of a State that seeks assistance under this subchapter for a project described in subsection (a)(3)(B), the determination of the unmet need for beds for State homes in that State shall be reduced by the number of beds in all previous applications submitted by that State under this subchapter, including beds which have not been recognized by the Secretary under section 1741 of this title.

''(2)(A) Financial assistance under this subchapter for a renovation project may only be provided for a project for which the total cost of construction is in excess of $400,000 (as adjusted from time to time in such regulations to reflect changes in costs of construction).

''(B) For purposes of this paragraph, a renovation project is a project to remodel or alter existing buildings for which financial assistance under this subchapter may be provided and does not include maintenance and repair work which is the responsibility of the State.''.

(b) APPLICATIONS WITH RESPECT TO PROJECTS.—Section 8135 is amended—

(1) in subsection (a)—

(A) by striking ''set forth—'' in the matter preceding paragraph (1) and inserting ''set forth the following:'';

(B) by capitalizing the first letter of the first word in each of paragraphs (1) through (9);

(C) by striking the comma at the end of each of paragraphs (1) through (7) and inserting a period; and

(D) by striking '', and'' at the end of paragraph (8) and inserting a period;

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(3) by inserting after subsection (a) the following new subsection (b):

''(b)(1) Any State seeking to receive assistance under this subchapter for a project that would involve construction or acquisition of either nursing home or domiciliary facilities shall include with its application under subsection (a) the following:

''(A) Documentation (i) that the site for the project is in reasonable proximity to a sufficient concentration and population of veterans who are 65 years of age and older, and (ii) that there is a reasonable basis to conclude that the facilities when complete will be fully occupied.

''(B) A financial plan for the first three years of operation of such facilities.

''(C) A five-year capital plan for the State home program for that State.

''(2) Failure to provide adequate documentation under paragraph (1)(A) or to provide an adequate financial plan under paragraph (1)(B) shall be a basis for disapproving the application.''; and

(4) in subsection (c), as redesignated by paragraph (2)—

(A) in paragraph (1), by striking ''for a grant under subsection (a) of this section'' in the matter preceding subparagraph (A) and inserting ''under subsection (a) for financial assistance under this subchapter'';

(B) in paragraph (2)—

(i) by striking ''the construction or acquisition of'' in subparagraph (A); and

(ii) by striking subparagraphs (B), (C), and (D) and inserting the following:

''(B) An application from a State for a project at an existing facility to remedy a condition or conditions that have been cited by an accrediting institution, by the Secretary, or by a local licensing or approving body of the State as being threatening to the lives or safety of the patients in the facility.

''(C) An application from a State that has not previously applied for award of a grant under this subchapter for construction or acquisition of a State nursing home.

''(D) An application for construction or acquisition of a nursing home or domiciliary from a State that the Secretary determines, in accordance with regulations under this subchapter, has a great need for the beds to be established at such home or facility.

''(E) An application from a State for renovations to a State home facility other than renovations described in subparagraph (B).

''(F) An application for construction or acquisition of a nursing home or domiciliary from a State that the Secretary determines, in accordance with regulations under this subchapter, has a significant need for the beds to be established at such home or facility.

''(G) An application that meets other criteria as the Secretary determines appropriate and has established in regulations.

''(H) An application for construction or acquisition of a nursing home or domiciliary from a State that the Secretary determines, in accordance with regulations under this subchapter, has a limited need for the beds to be established at such home or facility.''; and

(C) in paragraph (3), by striking subparagraph (A) and inserting the following:

''(A) may not accord any priority to a project for the construction or acquisition of a hospital; and''.

(c) TRANSITION.—(1) The provisions of sections 8134 and 8135 of title 38, United States Code, as in effect on November 10, 1999, shall continue in effect after that date with respect to applications described in section 8135(b)(2)(A) of such

title, as in effect on that date, that are identified in paragraph (2) (and to projects and grants pursuant to those applications). The Secretary shall accord priority among those applications in the order listed in paragraph (2).

(2) Applications covered by paragraph (1) are the following:

(A) Any application for a fiscal year 1999 priority one project.

(B) Any application for a fiscal year 2000 priority one project that was submitted by a State that (i) did not receive grant funds from amounts appropriated for fiscal year 1999 under the State home grant program, and (ii) does not have any fiscal year 1999 priority one projects.

(3) For purposes of this subsection—

(A) the term ''fiscal year 1999 priority one project'' means a project on the list of approved projects established by the Secretary on October 29, 1998, under section 8135(b)(4) of title 38, United States Code, as in effect on that date that (pursuant to section 8135(b)(2)(A) of that title) is in the grouping of projects on that list designated as Priority Group 1;

(B) the term ''fiscal year 2000 priority one project'' means a project on the list of approved projects established by the Secretary on November 3, 1999, under section 8135(b)(4) of title 38, United States Code, as in effect on that date that (pursuant to section 8135(b)(2)(A) of that title) is in the grouping of projects on that list designated as Priority Group 1; and

(C) the term ''State home grant program'' means the grant program under subchapter III of chapter 81 of title 38, United States Code.

(d) EFFECTIVE DATE FOR INITIAL REGULATIONS.—The Secretary shall prescribe the initial regulations under subsection (a) of section 8134 of title 38, United States Code, as added by subsection (a), not later than April 30, 2000.

SEC. 208. EXPANSION OF ENHANCED-USE LEASE AUTHORITY.

(a) AUTHORITY.—Section 8162(a)(2) is amended—

(1) by striking ''only if the Secretary'' and inserting ''only if—

''(A) the Secretary'';

(2) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and realigning those clauses so as to be four ems from the left margin;

(3) by striking the period at the end of clause (iii), as so redesignated, and inserting ''; or''; and

(4) by adding at the end the following:

''(B) the Secretary determines that the implementation of a business plan proposed by the Under Secretary for Health for applying the consideration under such a lease to the provision of medical care and services would result in a demonstrable improvement of services to eligible veterans in the geographic service-delivery area within which the property is located.''.

(b) TERM OF ENHANCED-USE LEASE.—Section 8162(b) is amended—

(1) in paragraph (2), by striking ''may not exceed—'' and all that follows and inserting ''may not exceed 75 years.''; and

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

''(4) The terms of an enhanced-use lease may provide for the Secretary to—

''(A) obtain facilities, space, or services on the leased property; and

''(B) use minor construction funds for capital contribution payments.''.

(c) DESIGNATION OF PROPERTY PROPOSED TO BE LEASED.—(1) Subsection (b) of section 8163 is amended—

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

(B) by capitalizing the first letter of the first word of each of paragraphs (1), (2), (3), (4), and (5);

(C) by striking the semicolon at the end of paragraphs (1), (2), and (3) and inserting a period; and

(D) by striking subparagraphs (A), (B), and (C) of paragraph (4) and inserting the following:

''(A) would—

''(i) contribute in a cost-effective manner to the mission of the Department;

''(ii) not be inconsistent with the mission of the Department;

''(iii) not adversely affect the mission of the Department; and

''(iv) affect services to veterans; or

''(B) would result in a demonstrable improvement of services to eligible veterans in the geographic service-delivery area within which the property is located.''.

(2) Subparagraph (E) of subsection (c)(1) of that section is amended by striking clauses (i), (ii), and (iii) and inserting the following:

''(i) would—

''(I) contribute in a cost-effective manner to the mission of the Department;

''(II) not be inconsistent with the mission of the Department;

''(III) not adversely affect the mission of the Department; and

''(IV) affect services to veterans; or

''(ii) would result in a demonstrable improvement of services to eligible veterans in the geographic service-delivery area within which the property is located.''.

(d) USE OF PROCEEDS.—Section 8165(a) is amended by striking paragraph (1) and inserting the following:

''(a)(1) Funds received by the Department under an enhanced-use lease and remaining after any deduction from those funds under subsection (b) shall be deposited in the Department of Veterans Affairs Health Services Improvement Fund established under section 1729B of this title.''.

(e) EXTENSION OF AUTHORITY.—Section 8169 is amended by striking ''December 31, 2001'' and inserting ''December 31, 2011''.

(f) TRAINING AND OUTREACH REGARDING AUTHORITY.—The Secretary shall take appropriate actions to provide training and outreach to personnel at Department medical centers regarding the enhanced-use lease authority under subchapter V of chapter 81 of title 38, United States Code. The training and outreach shall address methods of approaching potential lessees in the medical or commercial sectors regarding the possibility of entering into leases under that authority and other appropriate matters.

(g) INDEPENDENT ANALYSIS OF OPPORTUNITIES FOR USE OF AUTHORITY.—(1) The Secretary shall take appropriate actions to secure from an appropriate entity (or entities) independent of the Department an analysis (or analyses) of opportunities for the use of the enhanced-use lease authority under subchapter V of chapter 81 of title 38, United States Code.

(2) An analysis under paragraph (1) shall include—

(A) a survey of facilities of the Department for purposes of identifying Department property that presents an opportunity for lease under the enhanced-use lease authority;

(B) an assessment of the feasibility of entering into enhanced-use leases under that authority in the case of any property identified under subparagraph (A) as presenting an opportunity for such lease; and

(C) an assessment of the resources required at the Department facilities concerned, and at the Department Central Office, in order to facilitate the entering into of enhanced-used leases in the case of property so identified.

(3) If as a result of a survey under paragraph (2)(A) an entity carrying out an analysis under this subsection determines that a particular Department property presents no opportunities for lease under the enhanced-use lease authority, the analysis shall include the entity's explanation of that determination.

(4) If as a result of such a survey an entity carrying out an analysis under this subsection determines that certain Department property presents an opportunity for lease under the enhanced-use lease authority, the analysis shall include a single integrated business plan, developed by the entity, that addresses the strategy and resources necessary to implement the plan for all property determined to present an opportunity for such lease.

SEC. 209. INELIGIBILITY FOR EMPLOYMENT BY VETERANS HEALTH ADMINISTRATION OF HEALTH CARE PROFESSIONALS WHO HAVE LOST LICENSE TO PRACTICE IN ONE JURISDICTION WHILE STILL LICENSED IN ANOTHER JURISDICTION.

Section 7402 is amended by adding at the end the following new subsection:

''(f) A person may not be employed in a position under subsection (b) (other than under paragraph (4) of that subsection) if—

''(1) the person is or has been licensed, registered, or certified (as applicable to such position) in more than one State; and

''(2) either—

''(A) any of those States has terminated such license, registration, or certification for cause; or

''(B) the person has voluntarily relinquished such license, registration, or certification in any of those States after being notified in writing by that State of potential termination for cause.''.

SEC. 210. REPORT ON COORDINATION OF PROCUREMENT OF PHARMACEUTICALS AND MEDICAL SUPPLIES BY THE DEPARTMENT OF VETERANS AFFAIRS AND THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT.—Not later than July 31, 2000, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly submit to the Committees on Veterans' Affairs and Armed Services of the Senate and the Committees on Veterans' Affairs and Armed Services of the House of Representatives a report on the cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of pharmaceuticals and medical supplies.

(b) REPORT ELEMENTS.—The report under subsection (a) shall include the following:

(1) A description of the current cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of pharmaceuticals and medical supplies.

(2) An assessment of the means by which cooperation between the departments in such procurement could be enhanced or improved.

(3) A description of any existing memoranda of agreement between the Department of Veterans Affairs and the Department of Defense that provide for the cooperation referred to in subsection (a).

(4) A description of the effects, if any, such agreements will have on current staffing levels at the Defense Supply Center in Philadelphia, Pennsylvania, and the Department of Veterans Affairs National Acquisition Center in Hines, Illinois.

(5) A description of the effects, if any, of such cooperation on military readiness.

(6) A comprehensive assessment of cost savings realized and projected over the five fiscal year period beginning in fiscal year 1999 for the Department of Veterans Affairs and the Department of Defense as a result of such cooperation, and the overall savings to the Treasury of the United States as a result of such cooperation.

(7) A list of the types of medical supplies and pharmaceuticals for which cooperative agreements would not be appropriate and the reason or reasons therefor.

(8) An assessment of the extent to which cooperative agreements could be expanded to include medical equipment, major systems, and durable goods used in the delivery of health care by the Department of Veterans Affairs and the Department of Defense.

(9) A description of the effects such agreements might have on distribution of items purchased cooperatively by the Department of Veterans Affairs and the Department of Defense, particularly outside the continental United States.

(10) An assessment of the potential to establish common pharmaceutical formularies between the Department of Veterans Affairs and the Department of Defense.

(11) An explanation of the current Uniform Product Number (UPN) requirements of each Department and of any planned standardization of such requirements between the Departments for medical equipment and durable goods manufacturers.

SEC. 211. REIMBURSEMENT OF MEDICAL EXPENSES OF VETERANS LOCATED IN ALASKA.

(a) PRESERVATION OF CURRENT REIMBURSEMENT RATES.—Notwithstanding any other provision of law, the Secretary shall, for purposes of reimbursing veterans in Alaska for medical expenses under section 1728 of title 38, United States Code, during the one-year period beginning on the date of the enactment of this Act, use the fee-for-service payment schedule in effect for such purposes on July 31, 1999, rather than the Participating Physician Fee Schedule under the Medicare program.

(b) REPORT.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs and the Secretary of Health and Human Services shall jointly submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report and recommendation on the use of the Participating Physician Fee Schedule under the Medicare program as a means of calculating reimbursement rates for medical expenses of veterans located in Alaska under section 1728 of title 38, United States Code.

(2) The report shall—

(A) assess the differences between health care costs in Alaska and health care costs in the continental United States;

(B) describe any differences between the costs of providing health care in Alaska and the reimbursement rates for the provision of health care under the Participating Physician Fee Schedule; and

(C) assess the effects on health care for veterans in Alaska of implementing the Participating Physician Fee Schedule as a means of calculating reimbursement rates for medical expenses of veterans located in Alaska under section 1728 of title 38, United States Code.

TITLE III—MISCELLANEOUS MEDICAL PROVISIONS

SEC. 301. REVIEW OF PROPOSED CHANGES TO OPERATION OF MEDICAL FACILITIES.

Section 8110 is amended by adding at the end the following new subsections:

''(d) The Secretary may not in any fiscal year close more than 50 percent of the beds within a bed section (of 20 or more beds) of a Department medical center unless the Secretary first submits to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report providing a justification for the closure. No action to carry out such closure may be taken after the submission of such report until the end of the 21-day period beginning on the date of the submission of the report.

''(e) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives, not later than January 20 of each year, a report documenting by network for the preceding fiscal year the following:

''(1) The number of medical service and surgical service beds, respectively, that were closed during that fiscal year and, for each such closure, a description of the changes in delivery of services that allowed such closure to occur.

''(2) The number of nursing home beds that were the subject of a mission change during that fiscal year and the nature of each such mission change.

''(f) For purposes of this section:

''(1) The term 'closure', with respect to beds in a medical center, means ceasing to provide staffing for, and to operate, those beds. Such term includes converting the provision of such bed care from care in a Department facility to care under contract arrangements.

''(2) The term 'bed section', with respect to a medical center, means psychiatric beds (including beds for treatment of substance abuse and post-traumatic stress disorder), intermediate, neurology, and rehabilitation medicine beds, extended care (other than nursing home) beds, and domiciliary beds.

''(3) The term 'justification', with respect to closure of beds, means a written report that includes the following:

''(A) An explanation of the reasons for the determination that the closure is appropriate and advisable.

''(B) A description of the changes in the functions to be carried out and the means by which such care and services would continue to be provided to eligible veterans.

''(C) A description of the anticipated effects of the closure on veterans and on their access to care.''.

SEC. 302. PATIENT SERVICES AT DEPARTMENT FACILITIES.

Section 7803 is amended—

(1) in subsection (a)—

(A) by striking ''(a)'' before ''The canteens''; and

(B) by striking ''in this subsection;'' and all that follows through ''the premises'' and inserting ''in this section''; and

(2) by striking subsection (b).

SEC. 303. CHIROPRACTIC TREATMENT.

(a) ESTABLISHMENT OF PROGRAM.—Not later than 120 days after the date of the enactment of this Act, the Under Secretary for Health of the Department of Veterans Affairs, after consultation with chiropractors, shall establish a policy for the Veterans Health Administration regarding the role of chiropractic treatment in the care of veterans under chapter 17 of title 38, United States Code.

(b) DEFINITIONS.—For purposes of this section:

(1) The term ''chiropractic treatment'' means the manual manipulation of the spine performed by a chiropractor for the treatment of such musculo-skeletal conditions as the Secretary considers appropriate.

(2) The term ''chiropractor'' means an individual who—

(A) is licensed to practice chiropractic in the State in which the individual performs chiropractic services; and

(B) holds the degree of doctor of chiropractic from a chiropractic college accredited by the Council on Chiropractic Education.

SEC. 304. DESIGNATION OF HOSPITAL BED REPLACEMENT BUILDING AT IOANNIS A. LOUGARIS DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, RENO, NEVADA.

The hospital bed replacement building under construction at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, is hereby designated as the ''Jack Streeter Building''. Any reference to that building in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Jack Streeter Building.

TITLE IV—CONSTRUCTION AND FACILITIES MATTERS

SEC. 401. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Construction of a long term care facility at the Department of Veterans Affairs Medical Center, Lebanon, Pennsylvania, in an amount not to exceed $14,500,000.

(2) Renovations and environmental improvements at the Department of Veterans Affairs Medical Center, Fargo, North Dakota, in an amount not to exceed $12,000,000.

(3) Construction of a surgical suite and post-anesthesia care unit at the Department of Veterans Affairs Medical Center, Kansas City, Missouri, in an amount not to exceed $13,000,000.

(4) Renovations and environmental improvements at the Department of Veterans Affairs Medical Center, Atlanta, Georgia, in an amount not to exceed $12,400,000.

(5) Demolition of buildings at the Dwight D. Eisenhower Department of Veterans Affairs Medical Center, Leavenworth, Kansas, in an amount not to exceed $5,600,000.

(6) Renovation to provide a domiciliary at Orlando, Florida, in a total amount not to exceed $2,400,000, to be derived only from funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2000 that remain available for obligation.

SEC. 402. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may enter into leases for medical facilities as follows:

(1) Lease of an outpatient clinic, Lubbock, Texas, in an amount not to exceed $1,112,000.

(2) Lease of a research building, San Diego, California, in an amount not to exceed $1,066,500.

SEC. 403. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2000 and for fiscal year 2001—

(1) for the Construction, Major Projects, account $57,500,000 for the projects authorized in paragraphs (1) through (5) of section 401; and

(2) for the Medical Care account, $2,178,500 for the leases authorized in section 402.

(b) LIMITATION.—The projects authorized in paragraphs (1) through (5) of section 401 may only be carried out using—

(1) funds appropriated for fiscal year 2000 or fiscal year 2001 pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2000 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects, for fiscal year 2000 for a category of activity not specific to a project.

TITLE V—BENEFITS AND EMPLOYMENT MATTERS

Subtitle A—Compensation and DIC

SEC. 501. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES OF FORMER PRISONERS OF WAR.

(a) SHORT TITLE.—This section may be cited as the ''John William Rolen Act''.

(b) ELIGIBILITY.—Section 1318(b) is amended—

(1) by striking ''that either—'' in the matter preceding paragraph (1) and inserting ''rated totally disabling if—'';

(2) in paragraph (1)—

(A) by inserting ''the disability'' after ''(1)''; and

(B) by striking ''or'' after ''death;'';

(3) in paragraph (2)—

(A) by striking ''if so rated for a lesser period, was so rated continuously'' and inserting ''the disability was continuously rated totally disabling''; and

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

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

''(3) the veteran was a former prisoner of war who died after September 30, 1999, and the disability was continuously rated totally disabling for a period of not later than one year immediately preceding death.''.

SEC. 502. REINSTATEMENT OF CERTAIN BENEFITS FOR REMARRIED SURVIVING SPOUSES OF VETERANS UPON TERMINATION OF THEIR REMARRIAGE.

(a) RESTORATION OF PRIOR ELIGIBILITY.—Section 103(d) is amended—

(1) by inserting ''(1)'' after ''(d)''; and

(2) by adding at the end the following:

''(2) The remarriage of the surviving spouse of a veteran shall not bar the furnishing of benefits specified in paragraph (5) to such person as the surviving spouse of the veteran if the remarriage has been terminated by death or divorce unless the Secretary determines that the divorce was secured through fraud or collusion.

''(3) If the surviving spouse of a veteran ceases living with another person and holding himself or herself out openly to the public as that person's spouse, the bar to granting that person benefits as the surviving spouse of the veteran shall not apply in the case of the benefits specified in paragraph (5).

''(4) The first month of eligibility for benefits for a surviving spouse by reason of this subsection shall be the month after—

''(A) the month of the termination of such remarriage, in the case of a surviving spouse described in paragraph (2); or

''(B) the month of the cessation described in paragraph (3), in the case of a surviving spouse described in that paragraph.

''(5) Paragraphs (2) and (3) apply with respect to benefits under the following provisions of this title:

''(A) Section 1311, relating to dependency and indemnity compensation.

''(B) Section 1713, relating to medical care for survivors and dependents of certain veterans.

''(C) Chapter 35, relating to educational assistance.

''(D) Chapter 37, relating to housing loans.''.

(b) CONFORMING AMENDMENT.—Section 1311 is amended by striking subsection (e).

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the first day of the first month beginning after the month in which this Act is enacted.

(d) LIMITATION.—No payment may be made to a person by reason of paragraphs (2) and (3) of section 103(d) of title 38, United States Code, as added by subsection (a), for any period before the effective date specified in subsection (c).

SEC. 503. PRESUMPTION THAT BRONCHIOLO-ALVEOLAR CARCINOMA IS SERVICE-CONNECTED.

Section 1112(c)(2) is amended by adding at the end the following new subparagraph:

''(P) Bronchiolo-alveolar carcinoma.''.

Subtitle B—Employment

SEC. 511. CLARIFICATION OF VETERANS' CIVIL SERVICE EMPLOYMENT OPPORTUNITIES.

(a) COORDINATION OF AMENDMENTS.—If the Federal Reserve Board Retirement Portability Act is enacted before this Act, the amendments made by subsection (b) shall be made and the amendments made by subsection (c) shall not be made. Otherwise, the amendments made by subsection (c) shall be made and the amendments made by subsection (b) and the amendments made by section 204 of the Federal Reserve Board Retirement Portability Act shall not be made.

(b) CLARIFICATION OF CIVIL SERVICE EMPLOYMENT OPPORTUNITIES.—Subject to subsection (a), section 3304(f) of title 5, United States Code, as amended by section 204 of the Federal Reserve Board Retirement Portability Act, is amended—

(1) in paragraph (2), as added by such section, by striking ''shall acquire competitive status and''; and

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

''(5) The Office of Personnel Management shall prescribe regulations necessary for the administration of this subsection. The regulations shall ensure that an individual who has completed an initial tour of active duty is not excluded from the application of this subsection because of having been released from such tour of duty shortly before completing 3 years of active service, having been honorably released from such duty.''.

(c) CLARIFICATION OF CIVIL SERVICE EMPLOYMENT OPPORTUNITIES.—Subject to subsection (a), section 3304(f) of title 5, United States Code, is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

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

''(2) If selected, a preference eligible or veteran described in paragraph (1) shall receive a career or career-conditional appointment, as appropriate.''; and

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

''(5) The Office of Personnel Management shall prescribe regulations necessary for the administration of this subsection. The regulations shall ensure that an individual who has completed an initial tour of active duty is not excluded from the application of this subsection because of having been released from such tour of duty shortly before completing 3 years of active service, having been honorably released from such duty.''.

(d) EFFECTIVE DATE.—(1) If pursuant to subsection (a) the amendments specified in subsection (b) are made, those amendments shall apply as if included in section 204 of the Federal Reserve Board Retirement Portability Act.

(2) If pursuant to subsection (a) the amendments specified in subsection (c) are made, those amendments shall take effect as of October 31, 1998, as if included in subsection (f) of section 3304 of title 5, United States Code, as enacted by section 2 of the Veterans Employment Opportunities Act of 1998 (Public Law 105–339; 112 Stat. 3182).

TITLE VI—MEMORIAL AFFAIRS MATTERS

Subtitle A—American Battle Monuments Commission

SEC. 601. CODIFICATION AND EXPANSION OF AUTHORITY FOR WORLD WAR II MEMORIAL.

(a) CODIFICATION OF EXISTING AUTHORITY; EXPANSION OF AUTHORITY.—(1) Chapter 21 of title 36, United States Code, is amended by adding at the end the following new section:

''§2113. World War II memorial in the District of Columbia

''(a) SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS.—(1) Consistent with its authority under section 2103(e) of this title, the American Battle Monuments Commission shall solicit and accept contributions for the World War II memorial.

''(2) In this section, the term 'World War II memorial' means the memorial authorized by Public Law 103–32 (40 U.S.C. 1003 note) to be established by the Commission on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war.

''(b) CREATION OF MEMORIAL FUND.—(1) There is hereby created in the Treasury a fund for the World War II memorial, which shall consist of the following:

''(A) Amounts deposited, and interest and proceeds credited, under paragraph (2).

''(B) Obligations obtained under paragraph (3).

''(C) The amount of surcharges paid to the Commission for the World War II memorial under the World War II 50th Anniversary Commemorative Coins Act (31 U.S.C. 5112 note).

''(D) Amounts borrowed using the authority provided under subsection (d).

''(E) Any funds received by the Commission under section 2114 of this title in exchange for use of, or the right to use, any mark, copyright or patent.

''(2) The Chairman of the Commission shall deposit in the fund the amounts accepted as contributions under subsection (a). The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund.

''(3) The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Chairman, is not required to meet current expenses. Each investment shall be made in an interest-bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Chairman, has a maturity suitable for the fund.

''(c) USE OF FUND.—The fund shall be available to the Commission—

''(1) for the expenses of establishing the World War II memorial, including the maintenance and preservation amount provided for in section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b));

''(2) for such other expenses, other than routine maintenance, with respect to the World War II memorial as the Commission considers warranted; and

''(3) to secure, obtain, register, enforce, protect, and license any mark, copyright, or patent that is owned by, assigned to, or licensed to the Commission under section 2114 of this title to aid or facilitate the construction of the World War II memorial.

''(d) SPECIAL BORROWING AUTHORITY.—(1) To assure that groundbreaking, construction, and dedication of the World War II memorial are carried out on a timely basis, the Commission may borrow money from the Treasury of the United States in such amounts as the Commission considers necessary, but not to exceed a total of $65,000,000. Borrowed amounts shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the month in which the obligations of the Commission are issued. The interest payments on such obligations may be deferred with the approval of the Secretary, but any interest payment so deferred shall also bear interest.

''(2) The borrowing of money by the Commission under paragraph (1) shall be subject to such maturities, terms, and conditions as may be agreed upon by the Commission and the Secretary, except that the maturities may not exceed 20 years and such borrowings may be redeemable at the option of the Commission before maturity.

''(3) The obligations of the Commission shall be issued in amounts and at prices approved by the Secretary. The authority of the Commission to issue obligations under this subsection shall remain available without fiscal year limitation. The Secretary of the Treasury shall purchase any obligations of the Commission to be issued under this subsection, and for such purpose the Secretary of the Treasury may use as a public debt transaction of the United States the proceeds from the sale of any securities issued under chapter 31 of title 31. The purposes for which securities may be issued under such chapter are extended to include any purchase of the Commission's obligations under this subsection.

''(4) Repayment of the interest and principal on any funds borrowed by the Commission under paragraph (1) shall be made from amounts in the fund. The Commission may not use for such purpose any funds appropriated for any other activities of the Commission.

''(e) TREATMENT OF BORROWING AUTHORITY.—In determining whether the Commission has sufficient funds to complete construction of the World War II memorial, as required by section 8 of the Commemorative Works Act (40 U.S.C. 1008), the Secretary of the Interior shall consider the funds that the Commission may borrow from the Treasury under subsection (d) as funds available to complete construction of the memorial, whether or not the Commission has actually exercised the authority to borrow such funds.

''(f) VOLUNTARY SERVICES.—(1) Notwithstanding section 1342 of title 31, the Commission may accept from any person voluntary services

to be provided in furtherance of the fund-raising activities of the Commission relating to the World War II memorial.

''(2) A person providing voluntary services under this subsection shall be considered to be a Federal employee for purposes of chapter 81 of title 5, relating to compensation for work-related injuries, and chapter 171 of title 28, relating to tort claims. A volunteer who is not otherwise employed by the United States shall not be considered to be a Federal employee for any other purpose by reason of the provision of such voluntary service, except that any volunteer given responsibility for the handling of funds or the carrying out of a Federal function is subject to the conflict of interest laws contained in chapter 11 of title 18 and the administrative standards of conduct contained in part 2635 of title 5 of the Code of Federal Regulations.

''(3) The Commission may provide for reimbursement of incidental expenses that are incurred by a person providing voluntary services under this subsection. The Commission shall determine those expenses that are eligible for reimbursement under this paragraph.

''(4) Nothing in this subsection shall be construed to require any Federal employee to work without compensation or to allow the use of volunteer services to displace or replace any Federal employee.

''(g) TREATMENT OF CERTAIN CONTRACTS.—A contract entered into by the Commission for the design or construction of the World War II memorial is not a funding agreement as that term is defined in section 201 of title 35.

''(h) EXTENSION OF AUTHORITY TO ESTABLISH MEMORIAL.—Notwithstanding section 10 of the Commemorative Works Act (40 U.S.C. 1010), the authority for the construction of the World War II memorial provided by Public Law 103–32 (40 U.S.C. 1003 note) expires on December 31, 2005.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2113. World War II memorial in the District of Columbia.''.

(b) CONFORMING AMENDMENTS.—Public Law 103–32 (40 U.S.C. 1003 note) is amended by striking sections 3, 4, and 5.

(c) EFFECT OF REPEAL OF CURRENT MEMORIAL FUND.—Upon the enactment of this Act, the Secretary of the Treasury shall transfer amounts in the fund created by section 4(a) of Public Law 103–32 (40 U.S.C. 1003 note) to the fund created by section 2113(b) of title 36, United States Code, as added by subsection (a).

SEC. 602. GENERAL AUTHORITY TO SOLICIT AND RECEIVE CONTRIBUTIONS.

Subsection (e) of section 2103 of title 36, United States Code, is amended to read as follows:

''(e) SOLICITATION AND RECEIPT OF CONTRIBUTIONS.—(1) The Commission may solicit and receive funds and in-kind donations and gifts from any State, municipal, or private source to carry out the purposes of this chapter. The Commission shall deposit such funds in a separate account in the Treasury. Funds from that account shall be disbursed upon vouchers approved by the Chairman of the Commission.

''(2) The Commission shall establish written guidelines setting forth the criteria to be used in determining whether the acceptance of funds and in-kind donations and gifts under paragraph (1) would—

''(A) reflect unfavorably on the ability of the Commission, or any member or employee of the Commission, to carry out the responsibilities or official duties of the Commission in a fair and objective manner; or

''(B) compromise the integrity or the appearance of the integrity of the programs of the Commission or any official involved in those programs.''.

SEC. 603. INTELLECTUAL PROPERTY AND RELATED ITEMS.

(a) IN GENERAL.—Chapter 21 of title 36, United States Code, as amended by section 601(a)(1), is further amended by adding at the end the following new section:

''§ 2114. Intellectual property and related items

''(a) AUTHORITY TO USE AND REGISTER INTELLECTUAL PROPERTY.—The American Battle Monuments Commission may—

''(1) adopt, use, register, and license trademarks, service marks, and other marks;

''(2) obtain, use, register, and license the use of copyrights consistent with section 105 of title 17;

''(3) obtain, use, and license patents; and

''(4) accept gifts of marks, copyrights, patents, and licenses for use by the Commission.

''(b) AUTHORITY TO GRANT LICENSES.—The Commission may grant exclusive and nonexclusive licenses in connection with any mark, copyright, patent, or license for the use of such mark, copyright or patent, except to the extent the grant of such license by the Commission would be contrary to any contract or license by which the use of the mark, copyright, or patent was obtained.

''(c) ENFORCEMENT AUTHORITY.—The Commission may enforce any mark, copyright, or patent by an action in the district courts under any law providing for the protection of such marks, copyrights, or patents.

''(d) LEGAL REPRESENTATION.—The Attorney General shall furnish the Commission with such legal representation as the Commission may require under subsection (c). The Secretary of Defense shall provide representation for the Commission in administrative proceedings before the Patent and Trademark Office and Copyright Office.

''(e) IRREVOCABILITY OF TRANSFERS OF COPYRIGHTS TO COMMISSION.—Section 203 of title 17 shall not apply to any copyright transferred in any manner to the Commission.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 601(a)(2), is further amended by adding at the end the following new item:

''2114. Intellectual property and related items.''.

SEC. 604. TECHNICAL AMENDMENTS.

Chapter 21 of title 36, United States Code, is amended as follows:

(1) Section 2101(b) is amended—

(A) by striking ''title 37, United States Code,'' in paragraph (2) and inserting ''title 37''; and

(B) by striking ''title 5, United States Code,'' in paragraph (3) and inserting ''title 5''.

(2) Section 2102(a)(1) is amended, by striking ''title 5, United States Code'' and inserting ''title 5''.

(3) Section 2103 is amended—

(A) by striking ''title 31, United States Code'' in subsection (h)(2)(A)(i) and inserting ''title 31'';

(B) by striking ''title 44, United States Code'' in subsection (i) and inserting ''title 44''; and

(C) by striking ''chairman'' each place it appears and inserting ''Chairman''.

Subtitle B—National Cemeteries

SEC. 611. ESTABLISHMENT OF ADDITIONAL NATIONAL CEMETERIES.

(a) ESTABLISHMENT.—The Secretary shall establish, in accordance with chapter 24 of title 38, United States Code, a national cemetery in each of the six areas in the United States that the Secretary determines to be most in need of such a cemetery to serve the needs of veterans and their families.

(b) OBLIGATION OF FUNDS IN FISCAL YEAR 2000.—The Secretary shall obligate, from the advance planning fund in the Construction, Major Projects account appropriated to the Department for fiscal year 2000, such amounts for costs that the Secretary estimates are required for the planning and commencement of the establishment of national cemeteries under this section.

(c) REPORTS.—(1) Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the establishment of the national cemeteries under subsection (a). The report shall set forth the following:

(A) The six areas of the United States determined by the Secretary to be most in need of the establishment of a new national cemetery.

(B) A schedule for such establishment.

(C) An estimate of the costs associated with such establishment.

(D) The amount obligated from the advance planning fund under subsection (b).

(2) Not later than one year after the date on which the report described in paragraph (1) is submitted, and annually thereafter until the establishment of the national cemeteries under subsection (a) is complete, the Secretary shall submit to Congress a report that updates the information included in the report described in paragraph (1).

SEC. 612. USE OF FLAT GRAVE MARKERS AT SANTA FE NATIONAL CEMETERY, NEW MEXICO.

Notwithstanding section 2404(c)(2) of title 38, United States Code, the Secretary may provide for flat grave markers at the Santa Fe National Cemetery, New Mexico.

SEC. 613. INDEPENDENT STUDY ON IMPROVEMENTS TO VETERANS' CEMETERIES.

(a) STUDY.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall enter into a contract with one or more qualified organizations to conduct a study of national cemeteries described in subsection (b). For purposes of this section, an entity of Federal, State, or local government is not a qualified organization.

(b) MATTERS STUDIED.—(1) The study conducted pursuant to the contract entered into under subsection (a) shall include an assessment of each of the following:

(A) The one-time repairs required at each national cemetery under the jurisdiction of the National Cemetery Administration of the Department of Veterans Affairs to ensure a dignified and respectful setting appropriate to such cemetery, taking into account the variety of age, climate, and burial options at individual national cemeteries.

(B) The feasibility of making standards of appearance of active national cemeteries, and the feasibility of making standards of appearance of closed national cemeteries, commensurate with standards of appearance of the finest cemeteries in the world.

(C) The number of additional national cemeteries that will be required for the interment and memorialization in such cemeteries of individuals qualified under chapter 24 of title 38, United States Code, who die after 2005.

(D) The advantages and disadvantages of the use by the National Cemetery Administration of flat grave markers and upright grave markers.

(E) The current condition of flat grave marker sections at each of the national cemeteries.

(2) In presenting the assessment of additional national cemeteries required under paragraph (1)(C), the report shall identify by five-year period, beginning with 2005 and ending with 2020, the following:

(A) The number of additional national cemeteries required during each such five-year period.

(B) With respect to each such five-year period, the areas in the United States with the greatest concentration of veterans whose needs are not served by national cemeteries or State veterans' cemeteries.

(c) REPORT.—(1) Not later than one year after the date on which a qualified organization enters into a contract under subsection (a), the organization shall submit to the Secretary a report setting forth the results of the study conducted and conclusions of the organization with respect to such results.

(2) Not later than 120 days after the date on which a report is submitted under paragraph (1), the Secretary shall transmit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a copy of the report,

together with any comments on the report that the Secretary considers appropriate.

Subtitle C—Burial Benefits

SEC. 621. INDEPENDENT STUDY ON IMPROVEMENTS TO VETERANS' BURIAL BENEFITS.

(a) STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall enter into a contract with one or more qualified organizations to conduct a study of burial benefits under chapter 23 of title 38, United States Code. For purposes of this section, an entity of Federal, State, or local government is not a qualified organization.

(b) MATTERS STUDIED.—The study conducted pursuant to the contract entered into under subsection (a) shall include consideration of the following:

(1) An assessment of the adequacy and effectiveness of the burial benefits administered by the Secretary under chapter 23 of title 38, United States Code, in meeting the burial needs of veterans and their families.

(2) Options to better serve the burial needs of veterans and their families, including modifications to burial benefit amounts and eligibility, together with the estimated cost for each such modification.

(3) Expansion of the authority of the Secretary to provide burial benefits for burials in private-sector cemeteries and to make grants to private-sector cemeteries.

(c) REPORT.—(1) Not later than 120 days after the date on which a qualified organization enters into a contract under subsection (a), the organization shall submit to the Secretary a report setting forth the results of the study conducted and conclusions of the organization with respect to those results.

(2) Not later than 60 days after the date on which a report is submitted under paragraph (1), the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the report, together with any comments on the report that the Secretary considers appropriate.

TITLE VII—EDUCATION AND HOUSING MATTERS

Subtitle A—Education Matters

SEC. 701. AVAILABILITY OF MONTGOMERY GI BILL BENEFITS FOR PREPARATORY COURSES FOR COLLEGE AND GRADUATE SCHOOL ENTRANCE EXAMS.

Section 3002(3) is amended—

(1) by striking '', and'' at the end of subparagraph (A) and inserting a semicolon;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) includes—

''(i) a preparatory course for a test that is required or used for admission to an institution of higher education; and

''(ii) a preparatory course for a test that is required or used for admission to a graduate school; and''.

SEC. 702. DETERMINATION OF ELIGIBILITY PERIOD FOR MEMBERS OF THE ARMED FORCES COMMISSIONED FOLLOWING COMPLETION OF OFFICER TRAINING SCHOOL.

(a) MEASUREMENT OF PERIOD COUNTED FOR GI BILL ELIGIBILITY.—Section 3011(f) is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraph (2) or (3); and

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

''(3) This subsection applies to a member who after a period of continuous active duty as an enlisted member or warrant officer, and following successful completion of officer training school, is discharged in order to accept, without a break in service, a commission as an officer in the Armed Forces for a period of active duty.''.

(b) CONFORMING AMENDMENTS FOR TIME LIMITATION FOR USE OF ELIGIBILITY AND ENTITLEMENT.—Section 3031 is amended—

(1) by redesignating subsection (g) as subsection (h);

(2) in subsection (a)—

(A) by striking ''through (e)'' and inserting ''through (g)''; and

(B) by striking ''subsection (g)'' and inserting ''subsection (h)''; and

(3) by inserting after subsection (f) the following new subsection:

''(g) In the case of an individual described in section 3011(f)(3) of this title, the period during which that individual may use the individual's entitlement to educational assistance allowance expires on the last day of the 10-year period beginning on the date of the enactment of the Veterans Millennium Health Care and Benefits Act if that date is later than the date that would otherwise be applicable to that individual under this section.''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and apply with respect to an individual first appointed as a commissioned officer on or after July 1, 1985.

SEC. 703. REPORT ON VETERANS' EDUCATION AND VOCATIONAL TRAINING BENEFITS PROVIDED BY THE STATES.

(a) REPORT.—(1) Not later than six months after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on veterans education and vocational training benefits provided by the States.

(2) Benefits to be considered to be veterans education and vocational training benefits for the purpose of this section include any education or vocational training benefit provided by a State (including any political subdivision of a State) for which persons are eligible by reason of service in the Armed Forces, including, in the case of persons who died in the Armed Forces or as a result of a disease or disability incurred in the Armed Forces, benefits provided by reason of the service of those persons to their survivors or dependents.

(3) For purposes of this section, the term ''veteran'' includes a person serving on active duty or in one of the reserve components and a person who died while in the active military, naval, or air service.

(b) MATTERS TO BE INCLUDED.—The report under this section shall include the following:

(1) A description, by State, of the veterans education and vocational training benefits provided, including—

(A) identification of benefits that are provided specifically for disabled veterans or for which disabled veterans receive benefits in a different amount; and

(B) identification of benefits for which survivors of persons who died in the Armed Forces (or as a result of a disease or disability incurred in the Armed Forces) or who were disabled in the Armed Forces are eligible.

(2) For each State that provides a veterans education benefit consisting of full or partial tuition assistance for post-secondary education, a description of that benefit, including whether the benefit is limited to tuition for attendance at an institution of higher education in that State or to tuition for attendance at a public institution of higher education in that State.

(3) A description of actions and programs of the Department of Veterans Affairs, the Department of Defense, the Department of Education, and the Department of Labor to encourage the States to provide benefits designed to assist veterans in securing post-secondary education and vocational training.

(c) CONSULTATION.—The report under this section shall be prepared in consultation with the Secretary of Education, the Secretary of Defense, and the Secretary of Labor.

(d) STATE DEFINED.—For purposes of this section, the term ''State'' has the meaning given that term in section 101(20) of title 38, United States Code.

SEC. 704. TECHNICAL AMENDMENTS.

Sections 3011(i) and 3012(g)(1) are amended by striking ''Federal''.

Subtitle B—Housing Matters

SEC. 711. EXTENSION OF AUTHORITY FOR HOUSING LOANS FOR MEMBERS OF THE SELECTED RESERVE.

Section 3702(a)(2)(E) is amended by striking ''September 30, 2003,'' and inserting 'September 30, 2007,''.

SEC. 712. TECHNICAL AMENDMENT RELATING TO TRANSITIONAL HOUSING LOAN GUARANTEE PROGRAM.

Section 3775 is amended—

(1) by inserting ''(a)'' before ''During each''; and

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

''(b) After the first three years of operation of such a multifamily transitional housing project, the Secretary may provide for periodic audits of the project.''.

TITLE VIII—DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATIVE MATTERS

SEC. 801. ENHANCED QUALITY ASSURANCE PROGRAM WITHIN THE VETERANS BENEFITS ADMINISTRATION.

(a) IN GENERAL.—(1) Chapter 77 is amended by adding at the end the following new subchapter:

''SUBCHAPTER III—QUALITY ASSURANCE

''§ 7731. Establishment

''(a) The Secretary shall carry out a quality assurance program in the Veterans Benefits Administration. The program may be carried out through a single quality assurance division in the Administration or through separate quality assurance entities for each of the principal organizational elements (known as 'services') of the Administration.

''(b) The Secretary shall ensure that any quality assurance entity established and operated under subsection (a) is established and operated so as to meet generally applicable governmental standards for independence and internal controls for the performance of quality reviews of Government performance and results.

''§ 7732. Functions

''The Under Secretary for Benefits, acting through the quality assurance entities established under section 7731(a), shall on an ongoing basis perform and oversee quality reviews of the functions of each of the principal organizational elements of the Veterans Benefits Administration.

''§ 7733. Personnel

''The Secretary shall ensure that the number of full-time employees of the Veterans Benefits Administration assigned to quality assurance functions under this subchapter is adequate to perform the quality assurance functions for which they have responsibility.

''§ 7734. Annual report to Congress

''The Secretary shall include in the annual report to the Congress required by section 529 of this title a report on the quality assurance activities carried out under this subchapter. Each such report shall include—

''(1) an appraisal of the quality of services provided by the Veterans Benefits Administration, including—

''(A) the number of decisions reviewed;

''(B) a summary of the findings on the decisions reviewed;

''(C) the number of full-time equivalent employees assigned to quality assurance in each division or entity;

''(D) specific documentation of compliance with the standards for independence and internal control required by section 7731(b) of this title; and

''(E) actions taken to improve the quality of services provided and the results obtained;

''(2) information with respect to the accuracy of decisions, including trends in that information; and

''(3) such other information as the Secretary considers appropriate.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

''SUBCHAPTER III—QUALITY ASSURANCE

''7731. Establishment.
''7732. Functions.
''7733. Personnel.
''7734. Annual report to Congress.''.

(b) EFFECTIVE DATE.—Subchapter III of chapter 77 of title 38, United States Code, as added by subsection (a), shall take effect at the end of the 60-day period beginning on the date of the enactment of this Act.

SEC. 802. EXTENSION OF AUTHORITY TO MAINTAIN A REGIONAL OFFICE IN THE REPUBLIC OF THE PHILIPPINES.

Section 315(b) is amended by striking ''December 31, 1999'' and inserting ''December 31, 2003''.

SEC. 803. EXTENSION OF ADVISORY COMMITTEE ON MINORITY VETERANS.

Section 544(e) is amended by striking ''December 31, 1999'' and inserting ''December 31, 2003''.

SEC. 804. TECHNICAL AMENDMENT TO AUTOMOBILE ASSISTANCE PROGRAM.

Section 3903(e)(2) is amended by striking ''(not owned by the Government)''.

TITLE IX—HOMELESS VETERANS PROGRAMS

SEC. 901. HOMELESS VETERANS' REINTEGRATION PROGRAMS.

(a) IN GENERAL.—Chapter 41 is amended by adding at the end the following new section:

''§ 4111. Homeless veterans' reintegration programs

''(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary of Labor for Veterans' Employment and Training, shall conduct, directly or through grant or contract, such programs as the Secretary determines appropriate to expedite the reintegration of homeless veterans into the labor force.

''(b) AUTHORITY TO MONITOR EXPENDITURE OF FUNDS.—The Secretary may collect such information as the Secretary considers appropriate to monitor and evaluate the distribution and expenditure of funds appropriated to carry out this section, and such information shall be furnished to the Secretary in such form as the Secretary determines appropriate.

''(c) DEFINITION.—For purposes of this section, the term 'homeless veteran' has the meaning given that term by section 3771(2) of this title.

''(d) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to carry out this section amounts as follows:

''(A) $10,000,000 for fiscal year 2000.
''(B) $15,000,000 for fiscal year 2001.
''(C) $20,000,000 for fiscal year 2002.
''(D) $20,000,000 for fiscal year 2003.

''(2) Funds obligated for any fiscal year to carry out this section may be expended in that fiscal year and the succeeding fiscal year.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''4111. Homeless veterans' reintegration programs.''.

SEC. 902. EXTENSION OF PROGRAM OF HOUSING ASSISTANCE FOR HOMELESS VETERANS.

Section 3735(c) is amended by striking ''December 31, 1999'' and inserting ''December 31, 2003''.

SEC. 903. HOMELESS VETERANS PROGRAMS.

The Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended as follows:

(1) Section 3(a)(1) is amended by inserting '', and expanding existing programs for furnishing,'' after ''new programs to furnish''.

(2) Section 3(a)(2) is amended by striking ''September 30, 1999'' and inserting ''September 30, 2003''.

(3) Section 3(b)(2) is amended by striking ''and no more than 20 programs which incorporate the procurement of vans as described in paragraph (1)''.

(4) Section 12 is amended in the first sentence by inserting ''and $50,000,000 for each of fiscal years 2000 and 2001'' after ''for fiscal years 1993 through 1997''.

SEC. 904. PLAN FOR EVALUATION OF PERFORMANCE OF PROGRAMS TO ASSIST HOMELESS VETERANS.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report containing a detailed plan for the evaluation by the Department of Veterans Affairs of the effectiveness of programs to assist homeless veterans. The plan shall be prepared in consultation with the Secretary of Housing and Urban Development and the Secretary of Labor.

(b) INCLUSION OF OUTCOME MEASURES.—The plan shall include outcome measures to show whether veterans for whom housing or employment is secured through one or more of those programs continue to be housed or employed, as the case may be, after six months.

TITLE X—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Court of Appeals for Veterans Claims Amendments of 1999''.

SEC. 1002. DEFINITION.

In this title, the term ''Court'' means the United States Court of Appeals for Veterans Claims.

Subtitle A—Transitional Provisions To Stagger Terms of Judges

SEC. 1011. EARLY RETIREMENT AUTHORITY FOR CURRENT JUDGES.

(a) RETIREMENT AUTHORIZED.—One eligible judge may retire in accordance with this section in 2000 or 2001, and one additional eligible judge may retire in accordance with this section in 2001.

(b) ELIGIBLE JUDGES.—For purposes of this section, an eligible judge is a judge of the Court (other than the chief judge) who—

(1) has at least 10 years of service creditable under section 7296 of title 38, United States Code;

(2) has made an election to receive retired pay under section 7296 of such title;

(3) has at least 20 years of service described in section 7297(l) of such title; and

(4) is at least 55 years of age.

(c) MULTIPLE ELIGIBLE JUDGES.—If for any year specified in subsection (a) more than one eligible judge provides notice in accordance with subsection (d), the judge who has the greatest seniority as a judge of the Court shall be the judge who is eligible to retire in accordance with this section in that year.

(d) NOTICE.—An eligible judge who desires to retire in accordance with this section with respect to any year covered by subsection (a) shall provide to the President and the chief judge of the Court written notice to that effect and stating that the judge agrees to the temporary service requirements of subsection (j). Such notice shall be provided not later than April 1 of that year and shall specify the retirement date in accordance with subsection (e). Notice provided under this subsection shall be irrevocable.

(e) DATE OF RETIREMENT.—A judge who is eligible to retire in accordance with this section shall be retired during the calendar year as to which notice is provided pursuant to subsection (d), but not earlier than 30 days after the date on which that notice is provided pursuant to subsection (d).

(f) APPLICABLE PROVISIONS.—Except as provided in subsections (g) and (j), a judge retired in accordance with this section shall be considered for all purposes to be retired under section 7296(b)(1) of title 38, United States Code.

(g) APPLICABILITY OF RECALL STATUS AUTHORITY.—The provisions of section 7257 of this title shall apply to a judge retired in accordance with this section as if the judge is a judge specified in subsection (a)(2)(A) of that section.

(h) RATE OF RETIRED PAY.—The rate of retired pay for a judge retiring in accordance with this section is—

(1) the rate applicable to that judge under section 7296(c)(1) of title 38, United States Code, multiplied by

(2) the fraction (not in excess of 1) in which—

(A) the numerator is the number of years of service of the judge as a judge of the Court creditable under section 7296 of such title; and

(B) the denominator is 15.

(i) ADJUSTMENTS IN RETIRED PAY FOR JUDGES AVAILABLE FOR RECALL.—Subject to section 7296(f)(3)(B) of title 38, United States Code, an adjustment provided by law in annuities payable under civil service retirement laws shall apply to retired pay under this section in the case of a judge who is a recall-eligible retired judge under section 7257 of such title or who was a recall-eligible retired judge under that section and was removed from recall status under subsection (b)(4) of that section by reason of disability.

(j) DUTY OF ACTUARY.—Section 7298(e)(2) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

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

''(C) For purposes of subparagraph (B), the term 'present value' includes a value determined by an actuary with respect to a payment that may be made under subsection (b) from the retirement fund within the contemplation of law.''.

(k) TRANSITIONAL SERVICE OF JUDGE RETIRED UNDER THIS SECTION.—(1) A judge who retires under this section shall continue to serve on the Court during the period beginning on the effective date of the judge's retirement under subsection (e) and ending on the earlier of—

(A) the date on which a person is appointed to the position on the Court vacated by the judge's retirement; and

(B) the date on which the judge's original appointment to the court would have expired.

(2) Subsections (f) and (g) of section 7253 of title 38, United States Code, shall apply with respect to the service of a judge on the Court under this section.

(3) Notwithstanding any other provision of law, a person whose service as a judge of the Court continues under this section shall be paid for the period of service under this subsection at the rate that is the difference between the current rate of pay for a judge of the Court and the rate of the judge's retired pay under subsection (g).

(4) Amounts paid under paragraph (3)—

(A) shall not be treated as—

(i) compensation for employment with the United States for purposes of section 7296(e) of title 38, United States Code, or any provision of title 5, United States Code, relating to the receipt or forfeiture of retired pay or retirement annuities by a person accepting compensation for employment with the United States; or

(ii) pay for purposes of deductions or contributions for or on behalf of the person to retired pay under subchapter V of chapter 72 of title 38, United States Code, or under chapter 83 or 84 of title 5, United States Code, as applicable; but

(B) may, at the election of the person, be treated as pay for purposes of deductions or contributions for or on behalf of the person to a retirement or other annuity, or both, under subchapter V of chapter 72 of title 38, United States Code, or under chapter 83 or 84 of title 5, United States Code, as applicable.

(5) Amounts paid under paragraph (3) shall be derived from amounts available for payment of salaries and benefits of judges of the Court.

(6) The service as a judge of the Court under this subsection of a person who makes an election provided for under paragraph (4)(B) shall constitute creditable service toward the judge's years of judicial service for purposes of section 7297 of title 38, United States Code, with such service creditable at a rate equal to the rate at which such service would be creditable for such purposes if served by a judge of the Court under chapter 72 of that title. For purposes of subsection (k)(3) of that section, the average annual pay for such service shall be the sum of the judge's retired pay and the amount paid under paragraph (3) of this subsection.

(7) In the case of such a person who makes an election provided for under paragraph (4)(B), upon the termination of the service of that person as a judge of the Court under this subsection, the retired pay of that person under subsection (g) shall be recomputed to reflect the additional period of service served under this subsection.

(l) TREATMENT OF POLITICAL PARTY MEMBERSHIP.—For purposes of determining compliance with the last sentence of section 7253(b) of title 38, United States Code, the political party membership of a judge serving on the Court under subsection (j) shall not be taken into account.

SEC. 1012. MODIFIED TERMS FOR NEXT TWO JUDGES APPOINTED TO THE COURT.

(a) MODIFIED TERMS.—The term of office of the first two judges appointed to the Court after the date of the enactment of this Act shall be 13 years (rather than the period specified in section 7253(c) of title 38, United States Code).

(b) ELIGIBILITY FOR RETIREMENT.—(1) For purposes of determining the eligibility to retire under section 7296 of title 38, United States Code, of the two judges of the Court whose term of office is determined under subsection (a)—

(A) the age and service requirements in the table in paragraph (2) shall apply to those judges rather than the otherwise applicable age and service requirements specified in the table in subsection (b)(1) of that section; and

(B) the minimum years of service applicable to those judges for eligibility to retire under the first sentence of subsection (b)(2) of that section shall be 13 years instead of 15 years.

(2) The age and service requirements in this paragraph are as follows:

The judge has attained age:	And the years of service as a judge are at least
65	13
66	13
67	13
68	12
69	11
70	10

Subtitle B—Other Matters Relating to Retired Judges

SEC. 1021. RECALL OF RETIRED JUDGES.

(a) AUTHORITY TO RECALL RETIRED JUDGES.—Chapter 72 is amended by inserting after section 7256 the following new section:

"§ 7257. Recall of retired judges

''(a)(1) A retired judge of the Court may be recalled for further service on the Court in accordance with this section. To be eligible to be recalled for such service, a retired judge must at the time of the judge's retirement provide to the chief judge of the Court (or, in the case of the chief judge, to the clerk of the Court) notice in writing that the retired judge is available for further service on the Court in accordance with this section and is willing to be recalled under this section. Such a notice provided by a retired judge is irrevocable.

''(2) For the purposes of this section—

''(A) a retired judge is a judge of the Court of Appeals for Veterans Claims who retires from the Court under section 7296 of this title or under chapter 83 or 84 of title 5; and

''(B) a recall-eligible retired judge is a retired judge who has provided a notice under paragraph (1).

''(b)(1) The chief judge may recall for further service on the Court a recall-eligible retired judge in accordance with this section. Such a recall shall be made upon written certification by the chief judge that substantial service is expected to be performed by the retired judge for such period, not to exceed 90 days (or the equivalent), as determined by the chief judge to be necessary to meet the needs of the Court.

''(2) A recall-eligible retired judge may not be recalled for more than 90 days (or the equivalent) during any calendar year without the judge's consent or for more than a total of 180 days (or the equivalent) during any calendar year.

''(3) If a recall-eligible retired judge is recalled by the chief judge in accordance with this section and (other than in the case of a judge who has previously during that calendar year served at least 90 days (or the equivalent) of recalled service on the court) declines (other than by reason of disability) to perform the service to which recalled, the chief judge shall remove that retired judge from the status of a recall-eligible judge.

''(4) A recall-eligible retired judge who becomes permanently disabled and as a result of that disability is unable to perform further service on the Court shall be removed from the status of a recall-eligible judge. Determination of such a disability shall be made pursuant to section 7253(g) or 7296(g) of this title.

''(c) A retired judge who is recalled under this section may exercise all of the judicial powers and duties of the office of a judge in active service.

''(d)(1) The pay of a recall-eligible retired judge who retired under section 7296 of this title is specified in subsection (c) of that section.

''(2) A judge who is recalled under this section who retired under chapter 83 or 84 of title 5 shall be paid, during the period for which the judge serves in recall status, pay at the rate of pay in effect under section 7253(e) of this title for a judge performing active service, less the amount of the judge's annuity under the applicable provisions of chapter 83 or 84 of title 5.

''(e)(1) Except as provided in subsection (d), a judge who is recalled under this section who retired under chapter 83 or 84 of title 5 shall be considered to be a reemployed annuitant under that chapter.

''(2) Nothing in this section affects the right of a judge who retired under chapter 83 or 84 of title 5 to serve as a reemployed annuitant in accordance with the provisions of title 5.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7256 the following new item:

''7257. Recall of retired judges.''.

SEC. 1022. JUDGES' RETIRED PAY.

(a) IN GENERAL.—Subsection (c)(1) of section 7296 is amended by striking ''at the rate of pay in effect at the time of retirement.'' and inserting the following: ''as follows:

''(A) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title or who was a recall-eligible retired judge under that section and was removed from recall status under subsection (b)(4) of that section by reason of disability, the retired pay of the judge shall be the pay of a judge of the court.

''(B) In the case of a judge who at the time of retirement did not provide notice under section 7257 of this title of availability for service in a recalled status, the retired pay of the judge shall be the rate of pay applicable to that judge at the time of retirement.

''(C) In the case of a judge who was a recall-eligible retired judge under section 7257 of this title and was removed from recall status under subsection (b)(3) of that section, the retired pay of the judge shall be the pay of the judge at the time of the removal from recall status.''.

(b) COST-OF-LIVING ADJUSTMENTS.—Subsection (f) of such section is amended by adding at the end the following new paragraph:

''(3)(A) A cost-of-living adjustment provided by law in annuities payable under civil service retirement laws shall apply to retired pay under this section only in the case of retired pay computed under paragraph (2) of subsection (c).

''(B) If such a cost-of-living adjustment would (but for this subparagraph) result in the retired pay of a retired judge being in excess of the annual rate of pay in effect for judges of the Court as provided in section 7253(e) of this title, such adjustment may be made only in such amount as results in the retired pay of the retired judge being equal to that annual rate of pay (as in effect on the effective date of such adjustment).''.

SEC. 1023. SURVIVOR ANNUITIES.

(a) SURVIVING SPOUSE.—Subsection (a)(5) of section 7297 is amended by striking ''two years'' and inserting ''one year''.

(b) ELECTION TO PARTICIPATE.—Subsection (b) of such section is amended in the first sentence by inserting before the period ''or within six months after the date on which the judge marries if the judge has retired under section 7296 of this title''.

(c) REDUCTION IN CONTRIBUTIONS.—Subsection (c) of such section is amended by striking ''3.5 percent of the judge's pay'' and inserting ''that percentage of the judge's pay that is the same as provided for the deduction from the salary or retirement salary of a judge of the United States Court of Federal Claims for the purpose of a survivor annuity under section 376(b)(1)(B) of title 28''.

(d) INTEREST PAYMENTS.—Subsection (d) of such section is amended—

(1) by inserting ''(1)'' after ''(d)''; and

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

''(2) The interest required under the first sentence of paragraph (1) shall not be required for any period—

''(A) during which a judge was separated from any service described in section 376(d)(2) of title 28; and

''(B) during which the judge was not receiving retired pay based on service as a judge or receiving any retirement salary as described in section 376(d)(1) of title 28.''.

(e) SERVICE ELIGIBILITY.—(1) Subsection (f) of such section is amended—

(A) in paragraph (1), in the matter preceding subparagraph (A)—

(i) by striking ''at least 5 years'' and inserting ''at least 18 months''; and

(ii) by striking ''last 5 years'' and inserting ''last 18 months''; and

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

''(5) If a judge dies as a result of an assassination and leaves a survivor or survivors who are otherwise entitled to receive annuity payments under this section, the 18-month requirement in the matter in paragraph (1) preceding subparagraph (A) shall not apply.''.

(2) Subsection (a) of such section is further amended—

(A) in paragraph (2), by inserting ''who is in active service or who has retired under section 7296 of this title'' after ''Court'';

(B) in paragraph (3), by striking ''7296(c)'' and inserting ''7296''; and

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

''(8) The term 'assassination' as applied to a judge shall have the meaning provided that term in section 376(a)(7) of title 28 as applied to a judicial official.''.

(f) AGE REQUIREMENT OF SURVIVING SPOUSE.—Subsection (f) of such section is further amended by striking ''or following the surviving spouse's attainment of the age of 50 years, whichever is the later'' in paragraph (1)(A).

SEC. 1024. LIMITATION ON ACTIVITIES OF RETIRED JUDGES.

(a) IN GENERAL.—Chapter 72 is amended by adding at the end the following new section:

"§ 7299. Limitation on activities of retired judges

''(a) A retired judge of the Court who is recall-eligible under section 7257 of this title and who in the practice of law represents (or supervises or directs the representation of) a client in making any claim relating to veterans' benefits against the United States or any agency thereof shall, pursuant to such section, be considered to have declined recall service and be removed from the status of a recall-eligible judge. The pay of such a judge, pursuant to section 7296 of this title, shall be the pay of the judge at the time of the removal from recall status.

''(b) A recall-eligible judge shall be considered to be an officer or employee of the United States, but only during periods when the judge is serving in recall status. Any prohibition, limitation, or restriction that would otherwise apply to the activities of a recall-eligible judge shall apply only during periods when the judge is serving in recall status.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''7299. Limitation on activities of retired judges.''.

Subtitle C—Rotation of Service of Judges as Chief Judge of the Court

SEC. 1031. REPEAL OF SEPARATE APPOINTMENT OF CHIEF JUDGE.

Subsection (a) of section 7253 is amended to read as follows:

''(a) COMPOSITION.—The Court of Appeals for Veterans Claims is composed of at least three and not more than seven judges, one of whom shall serve as chief judge in accordance with subsection (d).''.

SEC. 1032. DESIGNATION AND TERM OF CHIEF JUDGE OF COURT.

(a) ROTATION.—Subsection (d) of section 7253 is amended to read as follows:

''(d) CHIEF JUDGE.—(1) The chief judge of the Court shall be the judge of the Court in regular active service who is senior in commission among the judges of the Court who—

''(A) have served for one or more years as judges of the Court; and

''(B) have not previously served as chief judge.

''(2) In any case in which there is no judge of the Court in regular active service who has served as a judge of the Court for at least one year, the judge of the court in regular active service who is senior in commission and has not served previously as chief judge shall act as the chief judge.

''(3) Except as provided in paragraph (4), a judge of the Court shall serve as the chief judge under paragraph (1) for a term of five years or until the judge becomes age 70, whichever occurs first. If no other judge is eligible under paragraph (1) to serve as chief judge upon the expiration of that term, that judge shall continue to serve as chief judge until another judge becomes eligible under that paragraph to serve as chief judge.

''(4)(A) The term of a chief judge shall be terminated before the end of the term prescribed by paragraph (3) if—

''(i) the chief judge leaves regular active service as a judge of the court; or

''(ii) the chief judge notifies the other judges of the court in writing that such judge desires to be relieved of the duties of chief judge.

''(B) The effective date of a termination of the term under subparagraph (A) shall be the date on which the chief judge leaves regular active service or the date of the notification under subparagraph (A)(ii), as the case may be.

''(5) If a chief judge is temporarily unable to perform the duties of chief judge, those duties shall be performed by the judge of the court in active service who is present, able and qualified to act, and is next in precedence.

''(6) Judges who have the same seniority in commission shall be eligible for service as chief judge in accordance with their relative precedence.''.

(b) INELIGIBILITY OF JUDGES ON TEMPORARY SERVICE.—A person serving as a judge of the Court under section 1011 may not serve as chief judge of the Court.

SEC. 1033. SALARY.

Subsection (e) of section 7253 is amended to read as follows:

''(e) SALARY.—Each judge of the Court shall receive a salary at the same rate as is received by judges of the United States district courts.''.

SEC. 1034. PRECEDENCE OF JUDGES.

Subsection (d) of section 7254 is amended to read as follows:

''(d) PRECEDENCE OF JUDGES.—The chief judge of the Court shall have precedence and preside at any session that the chief judge attends. The other judges shall have precedence and preside according to the seniority of their original commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age.''.

SEC. 1035. CONFORMING AMENDMENTS.

Chapter 72 is amended as follows:

(1) Section 7281(g) is amended to read as follows:

''(g) The chief judge of the Court may exercise the authority of the Court under this section whenever there are not at least two other judges of the Court.''.

(2) Sections 7296(a)(2) and 7297(a)(2) are amended by striking ''the chief judge or an associate judge'' and inserting ''a judge''.

SEC. 1036. APPLICABILITY OF AMENDMENTS.

(a) EFFECTIVE DATE.—The amendments made by this subtitle shall take effect on the date of the enactment of this Act.

(b) SAVINGS PROVISION FOR INCUMBENT CHIEF JUDGE.—The amendments made by this subtitle shall not apply while the individual who is chief judge of the Court on the date of the enactment of this Act continues to serve as chief judge. If that individual, upon termination of service as chief judge, provides notice under section 7257 of title 38, United States Code, of availability for service in a recalled status, the rate of pay applicable to that individual under section 7296(c)(1)(A) of such title while serving in a recalled status shall be at the rate of pay applicable to that individual at the time of retirement, if greater than the rate otherwise applicable under that section.

TITLE XI—VOLUNTARY SEPARATION INCENTIVE PROGRAM

SEC. 1101. SHORT TITLE.

This title may be cited as the ''Department of Veterans Affairs Employment Reduction Assistance Act of 1999''.

SEC. 1102. PLAN FOR PAYMENT OF VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall, before obligating any funds for the payment of voluntary separation incentive payments under this title, submit to the Director of the Office of Management and Budget an operational plan outlining the proposed use of such incentive payments and a proposed organizational chart for the elements of the Department of Veterans Affairs covered by the plan once the payment of such incentive payments has been completed.

(b) CONTENTS.—The plan under subsection (a) shall—

(1) take into account the limitations on elements, and personnel within elements, of the Department specified in subsection (c);

(2) specify the positions to be reduced or eliminated and functions to be restructured or reorganized, identified by element of the Department, geographic location, occupational category, and grade level;

(3) specify the manner in which the plan will improve operating efficiency, or meet actual or anticipated levels of budget or staffing resources, of each element covered by the plan and of the Department generally; and

(4) include a description of how each element of the Department covered by the plan will operate without the functions or positions affected by the implementation of the plan.

(c) LIMITATION ON ELEMENTS AND PERSONNEL.—The plan under subsection (a) shall be limited to the elements of the Department, and the number of positions within such elements, as follows:

(1) The Veterans Health Administration, 4,400 positions.

(2) The Veterans Benefits Administration, 240 positions.

(3) Department of Veterans Affairs Staff Offices, 45 positions.

(4) The National Cemetery Administration, 15 positions.

(d) APPROVAL.—(1) The Director of the Office of Management and Budget shall approve or disapprove the plan submitted under subsection (a).

(2) In approving the plan, the Director may make such modifications to the plan as the Director considers appropriate with respect to the following:

(A) The number and amounts of voluntary incentive payments that may be paid under the plan.

(B) Any other matter that the Director considers appropriate.

(3) In the event of the disapproval of a plan by the Director under paragraph (1), the Secretary may modify and resubmit the plan to the Director. The provisions of this section shall apply to any plan submitted to the Director under this paragraph as if such plan were the initial plan submitted to the Director under subsection (a).

SEC. 1103. VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) AUTHORITY TO PAY VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—(1) The Secretary may pay a voluntary separation incentive payment to an eligible employee only—

(A) to the extent necessary to reduce or restructure the positions and functions identified by the plan approved under section 1102; and

(B) if the Under Secretary concerned, or the head of the staff office concerned, approves the payment of the voluntary separation incentive payment to that employee.

(2) In order to receive a voluntary separation incentive payment under this title, an employee must separate from service with the Department voluntarily (whether by retirement or resignation) under the provisions of this title.

(b) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment—

(1) shall be paid in a lump sum after the employee's separation under this title;

(2) shall be in an amount equal to the lesser of—

(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under that section (without adjustment for any previous payment made under that section); or

(B) an amount determined by the Secretary, not to exceed $25,000;

(3) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(4) shall not be taken into account in determining the amount of severance pay to which an employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(c) SOURCE OF FUNDS.—Voluntary separation incentive payments under this title shall be paid from the appropriations or funds available for payment of the basic pay of the employees of the Department.

SEC. 1104. EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.

(a) REPAYMENT UPON REEMPLOYMENT.—Except as provided in subsection (b), an individual

who is paid a voluntary separation incentive payment under this title and who subsequently accepts employment with the Government within five years after the date of the separation on which the payment is based shall be required to repay to the Secretary, before the individual's first day of such employment, the entire amount of the voluntary separation incentive payment paid to the individual under this title.

(b) WAIVER AUTHORITY FOR CERTAIN INDIVIDUALS.—(1) If the employment of an individual under subsection (a) is with an Executive agency (as defined by section 105 of title 5, United States Code), the United States Postal Service, or the Postal Rate Commission, the Director of the Office of Personnel Management may, at the request of the head of such agency, waive repayment by the individual under that subsection if the individual possesses unique abilities and is the only qualified applicant available for the position.

(2) If the employment of an individual under subsection (a) is with an entity in the legislative branch, the head of the entity or the appointing official may waive repayment by the individual under that subsection if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(3) If the employment of an individual under subsection (a) is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive repayment by the individual under that subsection if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(c) EMPLOYMENT DEFINED.—for purposes of this section, the term ''employment'' includes—

(1) for purposes of subsections (a) and (b), employment of any length or under any type of appointment, but does not include employment that is without compensation; and

(2) for purposes of subsection (a), employment with any agency of the Government through a personal services contract.

SEC. 1105. ADDITIONAL AGENCY CONTRIBUTIONS TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND.

(a) REQUIREMENT.—In addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the Secretary shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 26 percent of the final basic pay of each employee of the Department who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive is paid under this title.

(b) FINAL BASIC PAY DEFINED.—For purposes of this section, the term ''final basic pay'', with respect to an employee, means the total amount of basic pay that would be payable for a year of service by the employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

SEC. 1106. CONTINUED HEALTH INSURANCE COVERAGE.

Section 8905a(d) of title 5, United States Code, is amended—

(1) in paragraph (1)(A), by striking ''paragraph (4)'' and inserting ''paragraphs (4) and (5)'';

(2) in paragraph (2), by striking ''(1) or (4)'' and inserting ''(1), (4), or (5)''; and

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

''(5)(A) If the basis for continued coverage under this section is an involuntary separation from a position in or under the Department of Veterans Affairs due to a reduction in force or a title 38 staffing readjustment—

''(i) the individual shall be liable for not more than the employee contributions referred to in paragraph (1)(A)(i); and

''(ii) the agency which last employed the individual shall pay the remaining portion of the amount required under paragraph (1)(A).

''(B) This paragraph shall only apply with respect to individuals whose continued coverage is based on a separation occurring on or after the date of the enactment of this paragraph.''.

SEC. 1107. PROHIBITION OF REDUCTION OF FULL-TIME EQUIVALENT EMPLOYMENT LEVEL.

(a) PROHIBITION.—The total full-time equivalent employment in the Department may not be reduced by reason of the separation of an employee (or any combination of employees) receiving a voluntary separation incentive payment under this title.

(b) ENFORCEMENT.—The President, through the Office of Management and Budget, shall monitor the Department and take any action necessary to ensure that the requirements of this section are met.

SEC. 1108. REGULATIONS.

The Director of the Office of Personnel Management may prescribe any regulations necessary to administer this title.

SEC. 1109. LIMITATION; SAVINGS CLAUSE.

(a) LIMITATION.—No voluntary separation incentive payment may be paid under this title based on the separation of an employee after December 31, 2000.

(b) RELATIONSHIP TO OTHER AUTHORITY.—This title supplements and does not supersede any other authority of the Secretary to pay voluntary separation incentive payments to employees of the Department.

SEC. 1110. ELIGIBLE EMPLOYEES.

For purposes of this title:

(1) IN GENERAL.—Except as provided in paragraph (2), the term ''eligible employee'' means an employee (as defined by section 2105 of title 5, United States Code) of the Department of Veterans Affairs, who is serving under an appointment without time limitation and has been employed by the Department as of the date of separation under this title for a continuous period of at least three years.

(2) EXCEPTIONS.—Such term does not include the following:

(A) A reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government.

(B) An employee having a disability on the basis of which such employee is eligible for disability retirement under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government.

(C) An employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance.

(D) An employee who previously has received any voluntary separation incentive payment by the Government under this title or any other authority.

(E) An employee covered by statutory reemployment rights who is on transfer to another organization.

(F) An employee who, during the 24-month period preceding the date of separation, has received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or a recruitment bonus under section 7458 of title 38, United States Code.

(G) An employee who, during the 12-month period preceding the date of separation, received a retention allowance under section 5754 of title 5, United States Code, or a retention bonus under section 458 of title 38, United States Code.

(H) An employee who, during the 24-month period preceding the date of separation, was relocated at the expense of the Federal Government.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same with an amendment as follows:

In lieu of the Senate amendment to the title of the bill, amend the title so as to read: ''An Act to amend title 38, United States Code, to establish a program of extended care services for veterans, to make other improvements in health care programs of the Department of Veterans Affairs, to enhance compensation, memorial affairs, and housing programs of the Department of Veterans Affairs, to improve retirement authorities applicable to judges of the United States Court of Appeals for Veterans Claims, and for other purposes.''.

And the Senate agree to the same.

BOB STUMP,
CHRIS SMITH,
JACK QUINN,
CLIFF STEARNS,
LANE EVANS,
CORRINE BROWN,
MIKE DOYLE,
Managers on the Part of the House.

ARLEN SPECTER,
STROM THURMOND,
JAY ROCKEFELLER,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (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, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

OVERVIEW

The House bill, H.R. 2116, as amended, consists of provisions from the following House bills: H.R. 2280, which passed the House on June 29, 1999, and H.R. 2116, which passed the House on September 21, 1999.

The Senate amendment consists of provisions from the following Senate bills: S. 1402, which passed the Senate on July 26, 1999; S. 695, which passed the Senate on August 4, 1999; and S. 1076, which passed the Senate on September 8, 1999.

TITLE I—ACCESS TO CARE

SUBTITLE A—LONG-TERM CARE

EXTENDED CARE SERVICES (SEC. 101)

Current law

Section 8110 of title 38, United States Code, states that the Secretary ''shall operate and maintain a total of not less than 90,000 hospital beds and nursing home beds'' and ''shall maintain the bed and treatment capacities of all Department medical facilities so as to ensure the accessibility and availability of such beds and treatment capacities to eligible veterans in all States and to minimize delays in admissions and in the provision of hospital, nursing home, and domiciliary care.'' Section 1710 of title 38, United States

Code, establishes that all veterans (as delineated in that section) are eligible for hospital care, medical services, and nursing home care. The Secretary (to the extent appropriations permit, and subject to an enrollment system required under section 1706), ''shall'' furnish hospital care and medical services to such veterans. ''Medical services'', which are to be furnished to enrolled veterans, are defined to include ''such . . . services as the Secretary determines to be reasonable and necessary.'' Provisions of chapter 17 of title 38, United States Code, also specifically authorize VA to provide certain extended care services (VA and community-based nursing home care, domiciliary care, adult day health care, respite care, and noninstitutional alternatives to nursing home care), as needed, to eligible veterans.

House Bill

The House bill (H.R. 2116, section 101(a)) would direct VA, subject to the availability of appropriations, to operate and maintain extended care programs, to include geriatric evaluations, VA and community-based nursing home care, domiciliary care, adult day health care, respite care, and such alternatives to institutional care as the Secretary considers reasonable and appropriate. The measure would also direct the Secretary to provide extended care services to any veteran in need of such care (1) for a service-connected condition, and (2) who is 50 percent or more service-connected disabled. Such veterans also would be afforded highest priority for placements (and ongoing care) in VA nursing homes. VA would be required to prescribe regulations governing priorities for provision of VA nursing home care; such regulations would ensure that priority is given for patient rehabilitation, for clinically complex patient populations, and for patients for whom there are not other suitable placement options. The section would also proscribe VA's furnishing extended care services (as defined) for care of a nonservice-connected condition, other than for a 50 percent or more service-connected disabled veteran, unless the veteran agrees to pay a copayment for extended care services exceeding 21 days in any year. VA would be required to develop a methodology for establishing the amount of such copayments. That methodology would establish a maximum monthly copayment based on all income and assets of the veteran and spouse; protect the spouse who continues to reside in the community from financial hardship; and allow the veteran to retain a monthly personal allowance. Copayments would be deposited into a new extended care revolving fund to be used to expand extended care programming.

Section 101(b) would require VA (1) to develop and begin to implement a plan to increase (above the level of extended care services provided as of September 30, 1998) the percentage of the budget dedicated to such care and the level of services and variety of extended care programs; and (2) ensure that the staffing and level of extended care services provided in VA-operated facilities is not less than the level of such services provided nationally during fiscal year 1998.

Section 101(c) would authorize VA to furnish adult day health care services to an enrolled veteran who would otherwise require nursing home care, and would lift the limitation on providing adult day health care services to a veteran for more than six months. The measure would also authorize VA to contract for provision of respite care services, and lift the limitation that such services must be provided in VA facilities. The measure would also authorize VA to establish per diem payments to State homes for respite care and noninstitutional care services.

Senate bill

The Senate bill (S. 1076, section 101) would amend the definition in chapter 17 of title 38, United States Code, of the term ''medical services'' to include the term ''noninstitutional extended care services.'' This would require the Secretary to provide home-based primary care, adult day health care, respite care, palliative and end-of-life care, and home health aide visits to enrolled veterans. It would further define respite care to provide that such care could be furnished in the patient's home or in a VA facility. The measure would also remove the six-month time limitation on furnishing of adult day health care.

Conference agreement

The conference agreement incorporates provisions from both the House and Senate bills. The Senate recedes to the House on directing VA to operate and maintain an extended care program (subject to funding), and to maintain in-house extended care staffing and services at the FY 1998 level.

The Senate recedes to the House provision mandating extended care services, modified to limit the mandate for nursing home care for nonservice-connected conditions to veterans who are 70% or more service-connected disabled. The House recedes to the Senate on adding to the definition of the term ''medical services'' the term ''noninstitutional extended care services,'' with a modified definition of that term. VA would evaluate and report to the Committees within three years after enactment on its experience in providing services under these two provisions. Such evaluation would assist the Committees in assessing whether at the end of four years these provisions should be modified or extended. In the event these provisions were to expire, veterans would continue to be eligible for such services as under existing law. With respect to the change in law governing nursing home care, the conference agreement would also make clear that patients currently receiving VA nursing home care who are not service connected or are less than 70% service-connected may not be discharged or transferred if they continue to need such care.

The Senate recedes to the House policy on copayments with a modification which exempts compensably rated service-connected veterans and veterans with incomes below the pension rate from such copayments. Such copayments would not be applicable to patients who are currently in receipt of long-term care services with respect to the current episode of care.

The Senate recedes to the House on authorization of VA payments to State homes for noninstitutional care.

The Senate recedes to the House on authorizing VA to contract for respite care.

PILOT PROGRAMS RELATING TO LONG-TERM CARE (SEC. 102)

Current law

VA has broad general authority under which the Secretary could establish health-delivery pilot programs not inconsistent with law.

Senate bill

The Senate bill (S. 1076, section 102) would direct VA to carry out three pilot programs over a three-year period to determine the feasibility and practicability of different models for providing long-term care. Each model would be carried out in two VA regions (networks) designated by the Secretary. No network could operate more than a single pilot. The pilots would provide a comprehensive array of services to include institutional and noninstitutional long-term care services, and appropriate case-management. Under one pilot model, VA would provide long-term care services directly (through VA staff and facilities). A second model would employ a mix of VA-provided care and care provided under cooperative arrangements with other service providers (whom VA reimbursed exclusively by providing in-kind services). Under a third model, VA would serve as a case-manager to ensure that veterans receive needed long-term care services through arrangements with appropriate non-VA entities with VA making payment for such services only when not otherwise covered by another entity or program such as Medicare or Medicaid. VA would collect data relevant to such programs and, after the completion of the program, provide Congress a report describing the services provided.

House bill

The House bill contained no similar provision.

Conference agreement

The House recedes to the Senate policy on establishing pilot programs relating to long-term care, with a modification that would direct the VA to conduct pilot programs to determine the effectiveness of different models of providing all-inclusive care to reduce use of hospital and nursing home care.

ASSISTED LIVING SERVICES (SEC. 103)

Current law

Under its domiciliary program, VA provides eligible veterans room and board in a supervised setting. Through a VA-supervised community residential care program (under section 1730 of title 38, United States Code), VA assists veterans in obtaining placement in facilities, which in some states may be considered ''assisted living'' facilities. Both of these programs respond to some needs that might be appropriately addressed by assisted living facilities, yet VA lacks authority to contract for, or to make payments to or on behalf of, a veteran for assisted living services.

House bill

The House bill (H.R. 2116, section 303) would require the VA Secretary to provide a comprehensive report no later than April 1, 2000, to the House and Senate Committees on Veterans' Affairs to determine the feasibility of establishing a pilot program to veterans for assisted living services. The report would contain the following information: (1) services and staffing needed for such a program, (2) the recommended design for such program, and (3) particular issues that the program should address.

Senate bill

The Senate bill (S. 1076, section 103) would direct VA to carry out a three-year pilot program to determine the feasibility of providing veterans assisted living services. Under this pilot, VA would provide services to any enrolled veteran, but would charge a copayment equal to the amount determined under section 1710(f) of title 38, United States Code, in the case of ''category C'' veterans. VA would be authorized to provide these services to the spouse of a veteran receiving assisted living services if the spouse agreed to pay for those services. VA would report to Congress annually on the pilot and, in a final report, assess the pilot and provide pertinent recommendations.

Conference agreement

The House recedes to the Senate policy on establishing a pilot program relating to assisted living services with a modification which would authorize the VA to provide for such services through contract arrangements. The conferees further recommend that VA establish the pilot in a State (or States) that reimburses such a program through Medicaid.

SUBTITLE B—OTHER ACCESS-TO-CARE MATTERS

REIMBURSEMENT FOR EMERGENCY TREATMENT (SEC. 111)

Current law

Current law directs VA, subject to available resources, to provide needed hospital care and medical services to veterans who enroll for care. (VA is not generally required to furnish emergency care services to enrolled veterans. It is, however, authorized to pay for emergency care under particular circumstances.) Section 1703(a)(3) of title 38, United States Code, covers such non-VA care for the treatment of emergencies (as defined) which arose in a VA facility or community nursing home (requiring transfer to an emergency care setting). Section 1728 of title 38, United States Code, authorizes reimbursement of emergency care costs involving principally care of a service-connected condition or a veteran who has a total, permanent disability from a service-connected disability, in an emergency in which VA facilities were not feasibly available, and trying to use them would be unreasonable. VA also has authority to contract for emergency hospital care (under section 1703(a)(1)(A) of title 38, United States Code) for treatment of a medical emergency involving a service-connected condition.

House bill

The House bill (H.R. 2116, section 102) would authorize VA to make payments for the reasonable value of emergency treatment for certain enrolled veterans who have no health insurance or other health care coverage (including Medicare and Medicaid); have no recourse against a third party to cover their liability; and are not eligible for reimbursement under section 1728 of title 38, United States Code. The measure would cover only veterans in (enrollment) priority groups one through six who have received VA medical care within one year prior to the emergency treatment. It would cover medical care furnished when (in VA's judgment) VA facilities are not feasibly available; care was furnished in a medical emergency of such nature that delay would have been hazardous to life or health, and until such time that the veteran could be safely transferred to a VA or other Federal facility. Section 102 would require VA to promulgate implementing regulations to set the maximum amount payable for such treatment; set procedures for, and terms under which, payment would be made; and require that VA payment to a provider would extinguish any liability on the part of the veteran.

Senate bill

The Senate bill (S. 1076, section 131) would amend the definition in section 1701 of title 38, United States Code, of the term ''medical services'' to provide that that term would include emergency care or reimbursement for that care. Such care would be defined to include care or treatment for an acute medical condition of such severity that a prudent layperson could reasonably expect the absence of immediate care to result in seriously jeopardizing health, seriously impairing bodily functions, or serious dysfunction of any bodily organ or part. In the case of a veteran with Medicare or insurance coverage, VA would be a secondary payor.

Conference agreement

The Senate recedes with a modification that would authorize VA to make reasonable payments for emergency care provided to enrolled veterans subject to the limitation that the veteran must have received VA care within a two-year period prior to such emergency. It would also revise the definition of ''emergency treatment'' to incorporate a ''prudent layperson'' test.

ELIGIBILITY FOR CARE OF COMBAT-INJURED VETERANS (SEC. 112)

Current law

Under current law, VA provides hospital care and medical services to veterans who have enrolled for VA care pursuant to section 1705 of title 38, United States Code. Section 1705 establishes a priority system for purposes of enrollment. A veteran who has no specific eligibility for care under section 1710(a)(1) and (2) of title 38, United States Code, is eligible for VA care if that veteran agrees to pay applicable copayments. Such veteran is afforded a lower priority for enrollment than veterans eligible under the above-cited provisions.

House bill

The House bill (H.R. 2116, section 103) would establish specific eligibility (and a priority for enrollment) for VA health care for a veteran who was injured in combat, but has no other special eligibility for care.

Senate bill

The Senate bill contained no similar provision.

Conference agreement

The Senate recedes with a modification that identifies the beneficiaries of this provision as veterans who are Purple Heart recipients.

ELIGIBILITY FOR CARE OF MILITARY RETIREES (SEC. 113)

Current law

Military retirees as veterans are eligible for VA care but have no specific eligibility for care based on their retirement status.

House bill

The House bill (H.R. 2116, section 104) would establish a specific eligibility (and an enrollment priority within so-called ''category A'') for a veteran who has retired from military service, who is eligible for care under the TRICARE program, and who is not otherwise eligible for priority access to VA care. Phased implementation would be based on an interagency agreement, the provisions of which would include reimbursement rates. The agreement would not cover particular geographic areas unless the Secretary could document that VA has capacity in such area to provide timely care to current enrollees and had determined that VA would recover its cost of providing such care.

Senate bill

The Senate bill contained no similar provision.

Conference agreement

The Senate recedes with a modification. As revised, the conference agreement waives the otherwise-applicable copayment obligation for an individual receiving VA care under the provisions of this section. Unlike the House Bill, the provision would not establish a new priority classification, for purposes of enrollment, for military retirees.

TREATMENT FOR SUBSTANCE USE DISORDERS (SEC. 114)

Current law

VA is authorized to provide medical services, including needed treatment for substance abuse or dependence, to enrolled veterans. Section 1720A of title 38, United States Code, proscribes transferring military members to VA for treatment of such problems other than during the last 30 days of a tour of duty.

Senate bill

The Senate bill (S. 1076, section 133) would lift the restriction preventing VA from treating military members for substance abuse or dependency except during the last 30 days of the member's period of service.

House bill

The House bill contained no similar provision.

Conference agreement

The House recedes.

SEXUAL TRAUMA COUNSELING (SEC. 115)

Current law

Section 1720D of title 38, United States Code, authorizes VA to provide sexual trauma counseling and other appropriate care and services to veterans who require such services as a result of sexual assault, sexual battery, or sexual harassment experienced while on active duty. This authority expires on December 31, 2001.

House bill

The House bill (H.R. 2116, section 108) would require VA to operate a sexual trauma program through December 31, 2002. It would expand the scope of required outreach and require VA to report to Congress on the implementation of that outreach. VA and DOD would also be required to report on joint efforts to inform separating servicemembers about eligibility for, and availability of, VA sexual trauma services. The provision would also require VA, in consultation with DOD, to conduct a study to determine: (1) the extent to which former reservists experienced physical assault or battery of a sexual nature while serving on active duty for training; (2) the extent to which such reservists have sought VA counseling related to such incidents; and (3) the additional resources required to meet the projected needs for such counseling. Finally, the measure would require VA to report on the number of veterans who have received counseling services and the number referred to community sources in connection with such counseling and services.

Senate bill

The Senate bill contained no similar provision.

Conference agreement

The Senate recedes with a modification that would extend the program through December 31, 2004.

SPECIALIZED MENTAL HEALTH SERVICES (SEC. 116)

Current law

Under section 1706(b) of title 38, United States Code, VA is required to maintain its capacity to provide for the specialized treatment and rehabilitative needs of disabled veterans (including, among other specified groups, veterans with mental illness) within distinct programs or facilities dedicated to those specialized needs.

Senate bill

The Senate bill (S. 1076, section 132) would require VA to establish a mechanism to augment specialized mental health services to include establishing new programs, expanding provision of services, and increasing staffing. Funding for such program augmentations would be provided through a centralized fund, with an emphasis on initiatives to treat post-traumatic stress disorder and substance use disorders.

House bill

The House bill contained no similar provision.

Conference agreement

The House recedes with a modification which would require VA to allocate no less than $15 million to enhance specialized mental health programs, with particular emphasis on programs for the treatment of post-traumatic stress disorder and substance use disorders.

LEGISLATIVE PROVISIONS NOT ADOPTED

BENEFITS FOR PERSONS DISABLED IN WORK-THERAPY

Current law

Under current law, a veteran who is injured while working in a VA-sponsored vocational rehabilitation program under circumstances which are not the result of negligence or willful misconduct is entitled to compensation under section 1151(a)(2) of title 38, United States Code. A veteran who incurs a work-related injury while participating in a VA-sponsored compensated work therapy program (authorized under section 1718 of title 38, United States Code), however, is not entitled to VA compensation benefits or to benefits under applicable workers' compensation laws because the veteran is not an ''employee'' of either VA or the private entity at which such individual may work under that program.

House bill

The House bill (H.R. 2116, section 105) would establish entitlement to VA compensation and health care coverage in cases in which a veteran becomes disabled or dies as a result of participating in a VA compensated work therapy program.

Senate bill

The Senate bill contained no similar provision.

TITLE II—MEDICAL PROGRAM ADMINISTRATION

COPAYMENTS (SEC. 201)

Current law

Current law sets limited copayment requirements applicable to ambulatory care services. VA is required to charge veterans under treatment for a nonservice-connected condition (other than veterans who are 50 percent or more service-connected disabled and veterans whose income is below the pension level) $2 for each 30–day supply of medication. Those whose only basis for eligibility for medical care is veteran status and who have income above the applicable ''means test'' level are also required to pay copayments for each outpatient visit; the copayment rate is at 20 percent of the estimated average cost of an outpatient visit to a VA facility.

House bill

The House bill (H.R. 2116, section 201(a)) would (1) authorize the Secretary of Veterans Affairs to increase the $2 drug copayment amount; (2) establish a maximum annual payment applicable to veterans with multiple outpatient prescriptions; and (3) establish copayment requirements on sensory-neural aids (such as hearing aids and eyeglasses), electronic equipment, and other costly items (other than a wheelchair or artificial limbs) furnished veterans for a nonservice-connected condition. Section 201(b) would require the Secretary to revise the copayment amount or amounts charged ''category C'' veterans.

Senate bill

The Senate bill contained no similar provision.

Conference agreement

The Senate recedes with a modification. As revised, the measure would authorize the Secretary to set a maximum payment amount for drugs for any veteran, both by year and by month. The measure would not provide authority to establish a new category of copayments for prosthetics.

HEALTH SERVICES IMPROVEMENT FUND (SEC. 202)

Current law

Amounts which VA receives through collections and copayments are to be deposited in the Department of Veterans Affairs Medical Care Collections Fund.

House bill

The House bill (H.R. 2116, section 202) would establish a new fund in the Treasury in which VA is to deposit amounts received or collected under the following new authorities under the bill: the pilot program for dependents; new copayments and the amount of the increase in copayments provided for under new section 1722A(b) of title 38, United States Code; funds received under enhanced-use leases under new section 8165(a); and payments from the Department of Defense under section 104(c) of the bill. Amounts in the new Health Services Improvement Fund, which is intended to be used to improve services to veterans (such as by improving timeliness of care), are available without fiscal year limitation and without any requirement (such as is applicable to the medical care collections fund) that such funds be specifically appropriated. It is intended that such funds be credited to the extent feasible to the pertinent Department facility to which such collection or payment is attributable.

Senate bill

The Senate bill contained no similar provision.

Conference agreement

The Senate recedes with a modification to provide that amounts in the fund are to be allocated to facilities in the same manner as under the Medical Care Collections Fund.

ALLOCATIONS TO FACILITIES FROM MEDICAL CARE COLLECTIONS FUND (SEC. 203)

Current law

Monies collected and recovered by each network and deposited in the Medical Care Collections Fund are to be allocated to such network.

Senate bill

The Senate bill (S. 1076, section 134) would provide that, of the monies collected and recovered by VA and deposited in the Medical Care Collections Fund, each facility is to receive the amount collected or recovered on behalf of that facility.

House bill

The House bill contained no similar provision.

Conference agreement

The House recedes.

NON-PROFIT CORPORATIONS FOR EDUCATION (SEC. 204)

Current law

Section 7361 of title 38, United States Code, authorizes VA (through December 31, 2000) to establish a non-profit corporation at any VA medical center to receive and administer funds for the conduct of research.

House bill

The House bill (H.R. 2116, section 204) would authorize (through December 31, 2000) the establishment of non-profit corporations at any VA medical center to facilitate research and education, or both, or the expansion of any VA research corporations to facilitate education as well. The provision would specifically identify (by reference to provisions of law) the types of training and education activities such corporations may foster. Such corporations would be subject to the same oversight and accountability measures as the existing research corporations. The provision would make any expenditures related to education activities subject to policies, procedures, and approval processes prescribed by the Under Secretary for Health.

Senate bill

The Senate bill contained no similar provision.

Conference agreement

The Senate recedes with a modification that would define the term ''education and training'' and would revise reporting requirements for the corporations.

EXTENSION OF CERTAIN AUTHORITIES (SEC. 205)

Current law

In addition to providing ongoing authority to furnish readjustment counseling to Vietnam-theater veterans and other veterans who served in a theater of combat operations or in certain areas of armed conflict after the Vietnam War, VA is authorized to provide readjustment counseling to veterans of the Vietnam era who seek such counseling before January 1, 2000. VA is required, through December 31, 1999, to evaluate the health status of dependents of Persian Gulf War veterans, and to distribute a newsletter to veterans listed in VA's Gulf War registry.

House bill

The House bill (H.R. 2116, section 205) would extend through January 1, 2003, the date by which Vietnam era veterans must apply to be eligible for readjustment counseling services.

Senate bill

The Senate bill (S. 1076, section 135) would extend the requirements relating to Gulf War veterans for three years.

Conference agreement

The Senate recedes to the House with a modification that would extend until December 31, 2003, the period within which Vietnam era veterans may apply for and receive counseling. The House recedes with a modification that would extend the expiring provisions relating to Persian Gulf veterans for four years.

REESTABLISHMENT OF COMMITTEE ON POST-TRAUMATIC STRESS DISORDER (SEC. 206)

Current law

Section 7321 of title 38, United States Code, directs VA to establish and support a Committee on Care of Severely Chronically Mentally Ill Veterans to carry out a continuing assessment of VA's capacity to meet effectively the treatment needs of severely mentally ill veterans and to advise on specific program matters. The Under Secretary of Health is required to report to Congress annually through February 1, 2001 on the committee's findings and recommendations and on the steps taken to improve VA treatment of such veterans.

Section 110 of Public Law 98–528 directed VA to establish a Committee on Post-Traumatic Stress Disorder which is to serve as an advisory committee, to carry out a continuing assessment of VA's capacity to treat PTSD, and to make recommendations on specific program matters. The requirement that VA report to Congress annually regarding the committee's findings and recommendations and steps taken thereon lapsed with the requirement of a report by October 1, 1993.

House bill

The House bill (H.R. 2116, section 205) would extend the requirement that VA submit reports (through 2003) to Congress related to the work of the Committee on Care of Severely Chronically Mentally Ill Veterans, and renew the requirement that VA submit reports (through 2004) related to the work of the Committee on Post-Traumatic Stress Disorder.

Senate bill

The Senate bill contained no similar provision.

Conference agreement

The Senate recedes to the House regarding the reestablishment of the Committee on Post-Traumatic Stress Disorder. The provision does not extend the reporting requirements for the Committee on Care of Severely

Chronically Mentally Ill Veterans; that reporting requirement does not lapse until next year. The Committees on Veterans' Affairs defer action on this provision with no prejudice to the important work done by this body.

STATE HOME GRANT PROGRAM (SEC. 207)

Current law

Current law provides a framework for VA to award grants to States for construction or renovation of nursing homes and domiciliaries for veterans. The law calls for VA regulations which are to include direction as to the number of beds for which grant support is available. The law also sets requirements States must meet in filing applications for such funds. That law also specifies the relative priority to be assigned applications. An application from a State that has made its funding available in advance is to be accorded the highest priority for funding. In assigning priority among such pre-funded State projects, current law provides that priority is to be given to construction or acquisition of nursing home or domiciliary buildings.

House bill

The House bill (H.R. 2116, section 206) would provide greater specificity in directing VA to prescribe regulations for the number of beds for which grant assistance may be furnished (providing that such regulations are to be based on projected demand (ten years after the bill's enactment) by veterans who would be 65 or older and who reside in the state). Under such regulations, VA is to establish criteria for determining the relative need for additional beds on the part of a State which already has such State home beds. Section 206(b) would strengthen the requirements governing award of a grant. It would also revise provisions governing the relative priority of each application (among those projects for which States have made their funding available in advance). It would differentiate among applications for new bed construction by reference to the relative need for such beds; by assigning a higher priority to renovation projects (with a total cost exceeding $400,000) than under current law (with highest priority to renovations involving patient life or safety); and by assigning second highest priority to an application from a State that has not previously applied for award of a VA construction grant or a grant for a State nursing home. Section 206(c) would establish a ''transition'' rule providing that current law regulations and provisions governing applications for State home grants would continue in effect with respect to applications for a limited number of projects. Those ''grandfathered'' projects are limited to those projects on the list of approved projects (described in title 38, United States Code, section 8135(b)(4)), established by the Secretary of Veterans Affairs on October 29, 1998 for which States had made sufficient funds available so that the project could proceed upon approval of the grant without further action required by the State to make the funds available for that purpose.

Senate bill

The Senate bill contained no similar provision.

Conference agreement

The Senate recedes to the House with a modification to the transition provision, which takes into account the publication by the Secretary of Veterans Affairs on November 3, 1999, of a new list of approved projects. The revised transition measure retains the ''grandfathering'' provided for under the House bill while adding a second tier of grandfathered projects. The second tier consists of those ''priority one'' projects on the VA's FY 2000 list (projects for which States have made their funding available in advance and are identified as ''priority group one'' on that list) submitted by States which have not received FY 1999 grant monies and are not included in the first-tier of grandfathered projects.

EXPANSION OF ENHANCED-USE LEASE AUTHORITY (SEC. 208)

Current law

VA is authorized to enter into long-term agreements under which VA real property may be leased and improved for uses that are not inconsistent with VA's mission and at least part of the use of the property under the lease is to provide space for an activity contributing to a VA mission. A lease involving construction or substantial renovation may be for up to 35 years (or otherwise for up to 20). VA must receive fair consideration, whether monetary, or in services or facilities. Seventy-five percent of funds received, after deduction of expenses of leasing, are to be deposited in the Nursing Home Revolving Fund; the remainder are to be credited to the medical care account for use of the facility at which the property is located. VA's authority to enter into enhanced-use leases expires on December 31, 2001.

House bill

The House bill (H.R. 2116, section 207) would establish an additional, independent basis for entering into a long-term agreement under which VA real property may be leased and improved—namely on a determination that applying the consideration under such a lease to provide medical care (pursuant to a business plan) would demonstrably improve services to eligible veterans in the network where the leased property is located. The provision would extend the maximum lease term to 75 years, and authorize VA to provide in the terms of the lease for it to use minor construction funds for capital contribution payments. The section would also provide that funds received under such arrangements (after required deductions) would be deposited in the new fund under section 202 of the bill; VA would be required to make no less than 75 percent of the amount attributable to that lease available to the network in which the property is located. The section would also repeal the termination provision.

Senate bill

The Senate bill (S. 1076, section 111) would extend until December 31, 2011, VA's authority to enter into ''enhanced-use'' leases; extend the maximum authorized term for such leases to 55 years; and authorize the expenditure of minor project construction account funds for capital activities on property leased under that authority. It would require VA to provide training to VA medical center staff on approaching potential lessees in the medical or commercial sectors regarding the possibility of such leasing. The measure would also require VA to secure an independent analysis of opportunities for enhanced-use leasing. The analysis, to be based on a survey and assessment of VA facilities, is to include an integrated business plan for each facility with leasing potential. VA would be authorized to lease property identified as having development potential if the proposed lease is consistent with such a business plan.

Conference agreement

The Senate recedes to the House with modifications that address the duration of leasing authority and the policy regarding training of medical center personnel. The conference agreement also includes a provision derived from the Senate bill which would require VA to contract with an appropriate entity or entities to obtain needed expertise in identifying opportunities for leasing. The conferees do not intend, however, that the conduct or planned conduct of any such analyses should impede or delay the VA from developing enhanced-use leasing opportunities which it may identify independent of this provision. The House recedes to the Senate in eliminating provisions of the bill that would have repealed provisions of section 8162 of title 38, United States Code, that prohibit enhanced use agreements unless specifically authorized by law at the West Los Angeles VA Medical Center.

LICENSURE REQUIREMENT FOR VA HEALTH PROFESSIONALS (SEC. 209)

Current law

As reflected in section 7402 of title 38, United States Code, a health care professional must be licensed (or, in some instances, registered or certified) in a State to be eligible for appointment to a position in such profession in the VA. Current law does not specifically address the situation of a professional having lost his or her license to practice in one jurisdiction while still being licensed in another.

House bill

The House bill (H.R. 2116, section 208) would provide that an individual may not be employed as a title 38, United States Code, health care professional if a State has terminated for cause that individual's license, registration, or certification or such an individual has relinquished such license, registration, or certification after being notified in writing by the State of a potential termination for cause.

Senate bill

The Senate bill contained no similar provision.

Conference agreement

The Senate recedes.

VA/DOD PROCUREMENT COORDINATION (SEC. 210)

Current law

VA and DoD both operate programs to procure pharmaceuticals and medical supplies to support the health care systems of the respective departments.

Senate bill

The Senate bill (S. 1076, section 136) would require the Secretaries of the Departments of Veterans Affairs and Defense to submit to Congress, no later than March 31, 2000, a report on cooperation between the departments on procurement of pharmaceuticals and medical supplies.

House bill

The House bill contained no provision relating to this matter.

Conference agreement

The House recedes.

REIMBURSEMENT FOR MEDICAL CARE IN ALASKA (SEC. 211)

Current law

VA has authority to set payment rates for treatment furnished by community providers.

Senate bill

The Senate bill (S. 1076, section 137) would require that for one year VA, in making payments under section 1728 of title 38, United States Code, use the payment schedule in effect for such purposes as of July 31, 1999 rather than the Participating Physician Fee Schedule under the Medicare program.

House bill

The House bill contained no similar provision.

Conference agreement

The House recedes with the understanding that the intent of this section is to provide a transition to a modified payment schedule.

TITLE III—MISCELLANEOUS MEDICAL PROVISIONS

CHANGES IN OPERATIONS AND PROGRAMS (SEC. 301)

Current law

VA is under no obligation to provide Congress advance notice of proposed changes to the operation of individual facilities unless such changes would in any fiscal year reduce staffing at a facility by a specified percentage. In the event of such a ''reorganization'', as defined in section 510 of title 38, United States Code, VA would be required to defer implementation for a specified period to permit congressional review. Under section 1706(b) of title 38, United States Code, VA is to maintain its capacity to provide for the specialized treatment and rehabilitative needs of disabled veterans (including among other specified groups, veterans with mental illness) within distinct programs or facilities dedicated to those specialized needs.

House bill

The House bill (H.R. 2116, section 301) would establish new reporting requirements. It would require VA to report and provide justification to Congress on, and defer for a period, plans to ''close'' within any fiscal year more than half the beds within a ''bed section'' of a VA medical center (as those quoted terms are defined). This provision is intended to provide assurance that proposals which would further shrink programs serving veterans with severe mental illness or who require intensive rehabilitation, for example, are making adequate provision for otherwise meeting the special needs of such patients.

Section 301 would also require VA to notify Congress annually as to the number of (and circumstances regarding) medical and surgical service beds closed during the fiscal year, and as to the number of nursing home beds that were the subject of a mission change during that period.

Senate bill

The Senate bill contained no similar provision.

Conference agreement

The Senate recedes.

VA CANTEEN SERVICE (SEC. 302)

Current law

Current law limits the scope of service which VA's canteens may offer visitors and employees to the sale of merchandise or services for consumption or use on the premises.

House bill

The House bill (H.R. 2116, section 302) would lift the restrictions on VA's canteen service relating to off-premises consumption and use, and would make technical changes to revise references in law from ''hospitals and homes'' to ''medical facilities.''

Senate bill

The Senate bill contained no similar provision.

Conference agreement

The Senate recedes with a modification limiting the provision to removing the sales restrictions on off-premises consumption.

CHIROPRACTIC TREATMENT (SEC. 303)

Current law

VA has specific authority to provide eligible veterans (in addition to hospital care and nursing home care) with needed ''medical services'', a term defined to include ''rehabilitative services'' and other unspecified services that ''the Secretary determines to be reasonable and necessary.'' VA has determined that it has authority (and in some instances has exercised that authority) to provide certain veterans chiropractic treatments under ''fee-basis'' arrangements. Current law does not require (or specifically authorize) VA to furnish veterans with chiropractic treatment nor to have a policy on such treatment.

House bill

The House bill (H.R. 2116, section 304) would require the VA Under Secretary for Health, in consultation with chiropractors, to establish a policy regarding chiropractic treatment.

Senate bill

The Senate bill contained no similar provision.

Conference agreement

The Senate recedes.

HOSPITAL NAMING (SEC. 304)

Current law

Under section 531 of title 38, United States Code, VA facilities (or any major portion of a facility) shall be named only for its geographic location except as expressly provided by law.

House bill

The House bill (H.R. 2116, section 305) would designate the hospital replacement building under construction at the Ioannis A. Lougaris Veterans Affairs Medical Center in Reno, Nevada, as the ''Jack Streeter Building.''

Senate bill

The Senate bill (S. 1076, section 112) contains a substantively identical provision.

Conference agreement

The conference agreement includes the provision.

TITLE IV—CONSTRUCTION AND FACILITIES MATTERS

AUTHORIZATION OF CONSTRUCTION (SEC. 401)

Current law

Section 8104 of title 38, United States Code, provides that no funds may be appropriated for any fiscal year, and VA may not obligate or expend funds (other than for planning and design) for any medical construction project involving a total expenditure of more than $4 million unless funds for that project have been specifically authorized by law.

House bill

The House bill (H.R. 2116, section 401) would authorize renovations to provide a domiciliary in Orlando, Florida, using previously appropriated funds and construction of a surgical addition at the Kansas City, Missouri, VA Medical Center.

Senate bill

The Senate bill (S. 1076, section 141) would authorize construction of a long-term care facility at the Lebanon, Pennsylvania, VA Medical Center, construction of a surgical addition at the Kansas City, Missouri, VA Medical Center, and renovations at VA medical centers in both Fargo, North Dakota, and Atlanta, Georgia.

Conference agreement

The conference agreement incorporates all the projects authorized by either bodies and also includes authorization for demolition of buildings at the Leavenworth, Kansas, VA Medical Center.

AUTHORIZATION OF LEASING (SEC. 402)

Current law

Section 8104 of title 38, United States Code, provides that no funds may be appropriated for any fiscal year, and VA may not obligate or expend funds for any medical facility lease involving an average annual rental of more than $600 thousand unless funds for that lease have been specifically authorized by law.

House bill

The House bill (H.R. 2116, section 402) would authorize leases of an outpatient clinic in Lubbock, Texas, and of a research building in San Diego, California.

Senate bill

The Senate bill contained no similar provision.

Conference agreement

The Senate recedes.

AUTHORIZATION OF APPROPRIATIONS (SEC. 403)

House bill

The House bill (H.R. 2116, section 403) would authorize appropriations for fiscal years 2000 and 2001 of $13 million for construction, and $2,178,500 for the leases.

Senate bill

The Senate bill (S. 1076, section 141) would authorize appropriations for fiscal years 2000 of $225.5 million for construction.

Conference agreement

The conference agreement would authorize appropriations for fiscal years 2000 and 2001 of $57.5 million for construction, and $2,178,500 for the leases.

LEGISLATIVE PROVISIONS NOT ADOPTED

MEDICAL SERVICES FOR DEPENDENTS

Current law

The VA has authority to treat non-veterans under ''sharing agreements'' authorized under section 8153 of title 38, United States Code. VA lacks authority, however, to recover from insurance companies and other third parties for the cost of care provided to nonveterans.

House bill

The House bill (H.R. 2116, section 106) would authorize VA to establish a three-year pilot program in which VA may provide primary health care services to dependents of veterans in up to four networks, provided that such care would not deny or delay access to care for veterans. Participants must have the ability to pay for such care directly or through reimbursement or indemnification by a third party. This section would also require that GAO monitor the pilot program, report its findings to VA and for VA to act on these recommendations as appropriate.

Senate bill

The Senate bill contained no similar provision.

ENHANCED SERVICES PROGRAM AT FACILITIES UNDERGOING MISSION CHANGES

Current law

Section 510 of title 38, United States Code, authorizes the Secretary of Veterans Affairs to eliminate or redistribute the functions of VA facilities. Section 510 requires, with respect to an administrative reorganization (a term defined as a reduction in the number of full-time equivalent employees of a specified percentage), that such a reorganization not be implemented for at least 45 days after the Secretary has provided the Committees a detailed report on such proposed reorganization.

House bill

The House bill (H.R. 2116, section 107) would establish a process under which VA would (1) conduct studies to identify medical centers which should undergo mission changes, and (2) develop plans for such mission changes and for reallocating savings resulting from such change to improve veterans' access to care and quality of services provided. Section 107 would set limits on VA's authority to change medical center missions or close medical centers. It would require: (1) VA to determine (based on market and data analysis) both that the facility

(in whole or in part) can no longer be operated efficiently and at optimal quality (because of such factors as the projected need for care-capacity, functional obsolescence, and cost of operating and maintaining physical plant) and that the patients who use the facility can receive care of appropriate quality under contract arrangements or at another VA medical center; (2) that VA consult with and provide for veterans organizations, unions, and other interested parties to participate in the development of a facility realignment plan; (3) VA to provide specified protections for employees who would be displaced under any such plan; (4) VA to maintain ongoing oversight of any hospital care provided under contract under a realignment plan; (5) that 90 percent of operational savings under a realignment be retained by the pertinent VA network and be used to establish new clinics or other means of improving patient access and service; and (6) VA to defer implementing a realignment plan pending the passage of at least 45 days following submission of a report to Congress on the plan.

Senate bill

The Senate bill contained no similar provision.

VETERANS TOBACCO TRUST FUND

Current law

Any monies which the United States might recover (other than under existing recovery provisions of title 38, United States Code) attributable to VA's cost of providing care to veterans for tobacco-related illnesses would be for deposit as miscellaneous receipts in the Treasury.

House bill

The House bill (H.R. 2116, section 203) would require that if the United States pursues recovery (other than a recovery currently authorized under title 38, United States Code, for health care costs incurred by the United States that are attributable to tobacco-related illnesses) VA is to: (1) retain the proportional amount of the recovery which is attributable to VA's cost of providing care to veterans for tobacco-related illnesses; and (2) deposit such funds in a trust fund (the ''Veterans Tobacco Trust Fund'') in the Treasury to be available after fiscal year 2004 for medical care and research.

Senate bill

The Senate bill contained no similar provision.

TERMS OF OFFICE FOR VA UNDER SECRETARIES

Current law

Appointments to the positions of Under Secretary for Benefits and Under Secretary for Health in the Department of Veterans Affairs shall be for a four-year period, with reappointment permissible for successive like periods; if the President removes such official before the completion of the term, the President is to communicate the reasons for the removal to Congress.

Senate bill

The Senate bill (S. 1076, section 138) would strike the provision which sets the term of appointment for the Under Secretary of Benefits and of Health and which requires the President to communicate to Congress the reasons for a removal from office.

House bill

The House bill contained no similar provision.

TITLE V—BENEFITS AND EMPLOYMENT MATTERS

SUBTITLE A—COMPENSATION AND DIC

DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES OF FORMER PRISONERS OF WAR (SEC. 501)

Current law

Dependency and indemnity compensation (DIC) is paid to the surviving spouse or children of a veteran when the veteran's death is a result of a service-connected disability. In addition, DIC payments may be authorized for the survivors of veterans who die as a result of their service-connected disabilities if the veteran was rated totally disabled due to a service connected cause for a period of ten or more years immediately preceding death. The survivors of former prisoners of war are eligible for DIC benefits under the same rules as other veterans. However, many former POWs will not meet the ''10-year rule,'' and their surviving spouses would therefore not be eligible for DIC.

House bill

The House bill (H.R. 2280, section 102) contained a provision that would authorize dependency and indemnity compensation to the surviving spouses of former prisoners of war who were rated totally and permanently disabled and who had one of the conditions which the law presumes a prisoner of war incurred while in service. Under the House bill, DIC would be payable even though the veteran died of a nonservice-connected disability and irrespective of the ten-year rule.

Senate bill

The Senate bill (S. 1076, section 204) authorizes DIC to those surviving spouses of certain former prisoners of war who have died from nonservice-connected causes if the former POW was rated totally disabled due to any service-connected cause for a period of one or more years (rather than 10 or more years) immediately prior to death.

Conference agreement

The House recedes.

REINSTATEMENT OF CERTAIN BENEFITS FOR REMARRIED SURVIVING SPOUSES OF VETERANS UPON TERMINATION OF THEIR REMARRIAGE (SEC. 502)

Current law

Surviving spouses of veterans entitled to veterans benefits lose their eligibility for those benefits if they remarry. Section 8207 of Public Law 105–178 reinstated eligibility for dependency and indemnity compensation to former DIC recipients whose remarriages are terminated. However, ancillary survivor benefits for CHAMPVA medical care, education, and home loan benefits were not reinstated upon termination subsequent marriages.

House bill

The House bill (H.R. 2280, section 104) restores CHAMPVA medical coverage, educational assistance, and housing loan benefits to those surviving spouses whose eligibility had been severed as the result of remarriage. This provision extends legislation passed in the 105th Congress (Public Law 105–178) allowing the reinstatement of dependency and indemnity compensation benefits to this group of surviving spouses.

Senate bill

The Senate bill contained no similar provision.

Conference agreement

The Senate recedes.

PRESUMPTION THAT BRONCHIOLO-ALVEOLAR CARCINOMA IS SERVICE-CONNECTED (SEC. 503)

Current law

Section 1112(c)(2) of title 38, United States Code, provides veterans who participated in a ''radiation-risk activity'' with eligibility for service-connected compensation benefits based upon a presumption that certain cancers and other diseases were incurred or aggravated during active military service. The presumption applies if the veteran develops one of the specific diseases within 40 years after the last date of exposure to radiation.

House bill

The House bill (H.R. 2280, section 102) contained a provision that would add bronchiolo-alveolar carcinoma to the list of presumed service-connected illnesses in veterans exposed to radiation. Scientific research has found that this is not a smoking-related lung cancer.

Senate bill

The Senate bill contained no similar provision.

Conference agreement

The Senate recedes.

SUBTITLE B—EMPLOYMENT

CLARIFICATION OF VETERANS' EMPLOYMENT OPPORTUNITIES (SEC. 511)

Current law

Section 3304(f) of title 5, United States Code, accords preference-eligible veterans and veterans with three or more years of active duty service the opportunity to compete for vacancies in a Federal agency when the agency opens competition to outside applicants. The Office of Personnel Management (OPM) has interpreted this provision to allow veterans covered by the Act to compete and fill job vacancies only under an ''excepted'' hiring authority. That interpretation has the effect of prohibiting such veteran's job advancement on a competitive basis within an agency since ''excepted'' employees do not acquire ''competitive status.''

Senate bill

The Senate bill (S. 1076, section 206) would clarify certain changes in law made under the Veterans Employment Opportunities Act of 1998 (Public Law 105–339). Section 206 of S. 1076 would confer competitive status on veterans hired under the Act, thereby allowing them to compete for internal vacancies.

House bill

The House bill contained no similar provision.

Conference agreement

The House recedes to the Senate provision in modified form. Language has been stricken from the Senate provision which, according to OPM, could be construed to mean that persons hired under the Act would be exempt from serving a probationary period as civilian employees. Further, additional language has been added to permit OPM to promulgate regulations ensuring that those honorably discharged from active duty military service shortly before completing three years of service are not excluded from coverage under the Act.

LEGISLATIVE PROVISIONS NOT ADOPTED

PAYMENT RATE OF BURIAL BENEFITS FOR CERTAIN FILIPINO VETERANS

Current law

Former members of the Philippine Commonwealth Army may qualify for VA disability compensation, burial benefits, and National Service Life Insurance benefits, and their survivors may qualify for dependency and indemnity compensation. These benefits are paid at half the rate they are provided to U.S. veterans.

Senate bill

The Senate bill (S. 1076, section 201) would provide, in cases of death after enactment of section 201, a full-rate funeral expense and plot allowance to Philippine Commonwealth

Army veterans who, at the time of death: (a) are naturalized citizens of the United States residing in the U.S. and (b) are receiving compensation for a service-connected disability or would have been eligible for VA pension benefits had their service been deemed to have been active military, naval, or air service.

House bill

The House bill contained no similar provision.

REPEAL OF LIMITATION ON PAYMENTS OF BENEFITS TO INCOMPETENT INSTITUTIONALIZED VETERANS

Current law

Under section 5503 of title 38, United States Code, VA is prohibited from paying compensation and pension benefits to an incompetent veteran who has assets of $1,500 or more if the veteran is being provided institutional care by VA (or another governmental provider) and he or she has no dependents. Such payments are restored if the veteran's assets drop to $500 in value.

Senate bill

The Senate bill (S. 1706, section 205) would repeal the limitation on benefit payments imposed by section 5503, title 38, United States Code.

House bill

The House bill contained no similar provision.

TITLE VI—MEMORIAL AFFAIRS

SUBTITLE A—AMERICAN BATTLE MONUMENTS COMMISSION

CODIFICATION AND EXPANSION AUTHORITY FOR WORLD WAR II MEMORIAL (SEC. 601); GENERAL AUTHORITY TO SOLICIT AND RECEIVE CONTRIBUTIONS (SEC. 602); INTELLECTUAL PROPERTY AND RELATED ITEMS (SEC. 603)

Current law

Public Law 103–32 authorizes the American Battle Monuments Commission (ABMC) to establish a World War II Memorial in Washington, DC. It will be the first national memorial dedicated to all who served during World War II and acknowledging the commitment and achievement of the entire nation. The memorial is to be funded entirely by private contributions, with donations from individuals, corporations and foundations. Construction of the memorial will begin when all necessary funds have been secured.

House bill

The House bill (H.R. 2280, sections 201, 202, 203) would make various revisions to chapter 21 of title 36, United States Code. The House bill would (a) continue the authorization of the ABMC to solicit and accept contributions for a World War II Memorial in the District of Columbia; (b) codify the existing World War II Memorial fund and modify it to reflect changes made in this legislation; (c) modify the purpose for which funds deposited in the Treasury may be used; (d) provide the Commission the authority to borrow up to $65 million from the Treasury for groundbreaking, construction, and dedication of the Memorial on a timely basis; (e) require that in determining whether ABMC has sufficient funds to complete construction of the World War II memorial, the Secretary of the Interior will consider the $65 million in funds that the ABMC may borrow from the Treasury as funds available to complete the construction of the memorial, whether or not the ABMC has actually exercised the authority to borrow the funds; (f) authorize the ABMC to accept voluntary services in furtherance of the fundraising activities relative to the memorial; and to (1) establish that a person providing voluntary services will be considered to be a federal employee for purposes of chapter 81 of title 5, United States Code, relating to compensation for work-related injuries, and chapter 171 of title 28, United States Code, relating to tort claims, in addition; (2) authorize the ABMC to provide for reimbursement of incidental expenses that are incurred by a person providing voluntary services; and (3) disallow the use of volunteer services to displace or replace any Federal employee; (g) require that a contract entered into by the ABMC for the design or construction of the World War II Memorial not be considered a funding agreement as that term is defined in section 201 of title 35, United States Code; and (h) extend the authority to establish the Memorial to December 31, 2005.

Section 202 would amend section 2103(e) of title 36, United States Code, to specify the conditions by which the ABMC may solicit and receive funds and in-kind donations. It expands the sources from which the ABMC may solicit and receive such funds and requires the ABMC to prescribe guidelines to avoid conflicts of interest.

Section 203 would amend chapter 21 of title 36, United States Code, by adding a new section 2114 entitled ''Intellectual Property and related items'' to (a) authorize the Commission to use and register intellectual property and grant licenses, and enforce such authority; and (b) require that the Secretary of Defense provide the ABMC with a legal representative in administrative proceedings before the Patent and Trademark Office and Copyright Office.

Senate bill

The Senate bill (S. 1706, sections 312, 313, 314) contained substantively identical language.

Conference agreement

The conference agreement contains this provision.

SUBTITLE B—NATIONAL CEMETERIES

ESTABLISHMENT OF ADDITIONAL NATIONAL CEMETERIES (SEC. 611)

Current law

Congress does not direct the Secretary of Veterans Affairs to establish cemeteries in specific areas. The National Cemetery Administration establishes cemeteries based on areas of greatest need, largely as determined by their 1987 and 1994 reports to Congress, both entitled, ''Report on the National Cemetery System.''

House bill

The House bill (H.R. 2280, section 211) would direct the Secretary of Veterans Affairs to: (1) establish a national cemetery in each of the four areas in the United States deemed to be most in need of such a cemetery; (2) obligate fiscal year 2000 advance planning funds (APF) for this purpose; (3) submit a report to Congress within 120 days of enactment setting forth the four areas, a schedule for establishment, the estimated cost associated with establishment, and the amount obligated under the APF for this purpose; and (4) until the four cemeteries are completed, submit to Congress an annual report that updates the information included in the initial report.

Senate bill

The Senate bill (S. 695, section 1) would direct the Secretary of Veterans Affairs to establish a National Cemetery in the following five areas: Atlanta, Georgia, metropolitan area; Southwestern Pennsylvania; Miami, Florida, metropolitan area; Detroit, Michigan, metropolitan area; and Sacramento, California, metropolitan area. Senate Report 106–113 identifies the six areas from both the 1987 and 1994 reports to Congress titled ''Report on the National Cemetery System'' that remain unserved. These areas are: (1) Detroit, Michigan; (2) Sacramento, California; (3) Atlanta, Georgia; (4) Miami, Florida; (5) Pittsburgh, Pennsylvania; and (6) Oklahoma City, Oklahoma. In addition, the Senate bill would require that, before selecting the site for the national cemetery to be established, the Secretary consult with the appropriate state and local government officials of each of the five states and appropriate officials of the United States, including the Administrator of General Services, with respect to land belonging to the United States that would be suitable as a location for the establishment of each national cemetery. Further, the Secretary would submit a report to Congress as soon as practicable after the date of enactment on the establishment of national cemeteries, setting forth a schedule for the establishment of each cemetery and an estimate of the costs associated with the establishment of each cemetery.

Conference agreement

The Senate recedes to the House provision with a modification to require the Secretary to establish a national cemetery in each of the six areas of the United States deemed to be most in need. It is the Committees' expectation that the Secretary shall act on the six areas identified in Senate Report 106–113 as those areas most in need.

USE OF FLAT GRAVE MARKERS AT SANTA FE NATIONAL CEMETERY, NEW MEXICO (SEC. 612)

Current law

Section 2404(c)(2) of title 38, United States Code, requires grave markers to be upright for interments that occur on or after January 1, 1987, except for certain exceptions.

Senate bill

The Senate bill (S. 695, section 2) would authorize the Secretary of Veterans Affairs to provide for flat grave markers at the Santa Fe, New Mexico, National Cemetery. It would also require the Secretary to submit a report to Congress within 90 days assessing the advantages and disadvantages of the National Cemetery Administration using flat grave markers and upright grave markers. The report would have to include upright grave markers and include criteria to be utilized in determining whether to prefer the use of one type of grave marker over the other.

House bill

The House bill contained no similar provision.

Conference agreement

The House recedes to the Senate provision but deletes the requirement for a report with respect to upright and flat markers and deletes inclusion of criteria in determining whether to prefer the use of one type of grave marker over the other. The Committees further direct the Secretary to assure Congress within 90 days that the new flat markers at Santa Fe will be implemented and maintained in a way that is befitting of the honor that national cemeteries are intended to bestow upon our Nation's veterans.

INDEPENDENT STUDY ON IMPROVEMENTS TO VETERANS' CEMETERIES (SEC. 613)

Current law

There is no provision in title 38, United States Code, requiring the Secretary of Veterans Affairs to conduct an independent study on potential improvements to veterans' cemeteries.

House bill

The House bill (H.R. 2280, section 212) would require within 180 days the Secretary of Veterans Affairs to enter into a contract with one or more qualified organizations to conduct a study of national cemeteries. The study would include an assessment of: (a) the one-time repairs required at each national

cemetery under the jurisdiction of the National Cemetery Administration to ensure a dignified and respectful setting appropriate to such cemetery; (b) the feasibility of making standards of appearance commensurate with the finest cemeteries in the world; and (c) the number of additional national cemeteries required for burials after 2005. The report would identify, by five-year periods beginning with 2005 and ending with 2020, the number of additional national cemeteries required during each five-year period and the areas in the United States with the greatest concentration of veterans whose needs are not served by national or State veterans' cemeteries. Not later than one year after the date on which the contract is entered into, the contractor would be required to submit a report to the Secretary setting forth the results and conclusions of the study. Not later than 120 days after the report is submitted, the Secretary would transmit to the Congress a copy of the report with any comments.

Senate bill

The Senate bill contained no similar provision.

Conference agreement

The Senate recedes to the House provision with an additional requirement that the Secretary submit a report to Congress assessing the advantages and disadvantages of the National Cemetery Administration using flat grave markers and upright grave markers. Additionally, the Secretary is required to report on the current conditions of flat marker sections at all national cemeteries. Finally, the study of the feasibility of making standards of appearance at national cemeteries commensurate with standards of appearance of the finest cemeteries in the world is modified to differentiate between active and closed cemeteries.

In conducting the study of national cemeteries, the report shall identify as a base but not necessarily be limited to: (1) The number of national cemeteries necessary to ensure 90 percent of America's veterans reside within 75 miles of a national or State cemetery; (2) the number and percentage of veterans in each State who would reside within 75 miles of an open national or State cemetery; (3) an estimate of the expected construction costs and the future costs of staffing, equipping and operating the projected national cemeteries in (1) and (2) above; and (4) in addition to projecting cemetery needs at five-year intervals beginning in 2005 and ending in 2020, the report should take into account cemeteries which will close to new burials and the age distribution of local veterans' populations during the reporting periods.

SUBTITLE C—BURIAL BENEFITS

INDEPENDENT STUDY ON IMPROVEMENTS TO VETERANS' BURIAL BENEFITS (SEC. 621)

Current law

There is no provision in title 38, United States Code, requiring the Secretary of Veterans Affairs to conduct one-time or periodic independent assessments of the adequacy and effectiveness of the current burial benefits administered by VA.

House bill

The House bill (H.R. 2280, section 212) would require that within 180 days, the Secretary of Veterans Affairs enter into a contract with one or more qualified organizations to conduct a study of national cemeteries, including potential enhancements to burial benefits such as an increase in the plot allowance.

Senate bill

The Senate bill contained no similar provision.

Conference agreement

The Senate recedes to the House provision with modifications. Not later than 60 days after the date of enactment, the Secretary shall enter into a contract to independently examine (a) the adequacy and effectiveness of the current burial benefits administered by the Department under chapter 23 of title 38, United States Code, in serving the burial needs of veterans and their families; (b) options to better serve the burial needs of veterans and their families, including modifications of burial benefit amounts and eligibility, together with estimated costs for each such modification; and (c) expansion of authority of the Department to provide burial benefits for burials in private sector cemeteries and to make grants to private sector cemeteries.

The contractor shall submit a report to the Secretary within 120 days of entering into a contract making appropriate recommendations pursuant to the study findings. Within 60 days after receipt of the report, the Secretary shall transmit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a copy of the report, together with any comments the Secretary considers appropriate.

TITLE VII—EDUCATION AND HOUSING MATTERS

SUBTITLE A—EDUCATION MATTERS

AVAILABILITY OF MONTGOMERY GI BILL BENEFITS FOR PREPARATORY COURSES FOR COLLEGE AND GRADUATE SCHOOL ENTRANCE EXAMS (SEC. 701)

Current law

Veterans may not use Montgomery GI Bill education benefits to take preparatory courses for college and graduate school entrance examinations. However, VA does have the authority to pay for preparatory post-educational professional examinations, such as CPA or Bar exams.

Senate bill

The Senate bill (S. 1402, section 3) would amend section 3452(b) of title 38, United States Code, to include as a ''program of education'' for which the Montgomery GI Bill (MGIB) may be used (a) preparatory courses for a test that is required or utilized for admission to an institution of higher education and (b) a preparatory course for a test that is required or utilized for admission to a graduate school.

House bill

The House bill contained no similar provision.

Conference agreement

The House recedes.

DETERMINATION OF ELIGIBILITY PERIOD FOR MEMBERS OF THE ARMED FORCES COMMISSIONED FOLLOWING COMPLETION OF OFFICER TRAINING SCHOOL (SEC. 702)

Current law

Section 3011(a) of title 38, United States Code, requires that MGIB participants complete their initial obligated period of service to receive MGIB benefits. Exceptions to this requirement are limited to individuals whose service is cut short due to disability or hardship, the convenience of the government (if the individual has completed 30 months of a three-year enlistment or 20 months of a two-year enlistment), or due to reduction in force by the service branch. A servicemember who, after a period of continuous active duty and following successful completion of officer training school, is discharged to accept a commission as an officer in the Armed Forces. Under current law, if the discharge occurs before completion of the minimum period of active duty needed to establish MGIB eligibility, the servicemember is ineligible for education benefits.

Senate bill

The Senate bill (S. 1402, section 7) would create an additional exception to the requirement that enlistees complete their initial obligated period of service in order to be eligible for MGIB benefits. Individuals who are discharged from service so that they may accept a commission would remain eligible for MGIB benefits if they complete the service obligation incurred in accepting the commission.

House bill

The House bill contained no similar provision.

Conference agreement

The House recedes to the Senate provision in modified form to address the following: The conference agreement would allow the two periods of active duty (pre-commissioned and commissioned) to be considered as one, thus allowing these individuals to remain eligible for the MGIB program. Also, under the conference agreement, the eligibility period for using entitlement to educational assistance allowances under the MGIB expires on the later of (1) the end of the 10-year period beginning on the date of enactment, or (2) the end of the 10-year period beginning on the date of the individual's last discharge or release from active duty.

REPORT ON VETERANS' EDUCATION AND VOCATIONAL TRAINING BENEFITS PROVIDED BY THE STATES (SEC. 703)

Current law

Title 38, United States Code, contains no requirement that VA report annually to the Congress on veterans' education and vocational training benefits provided by the States.

Senate bill

The Senate bill (S. 1402, section 10) would require that VA, in consultation with the Departments of Defense, Education, and Labor, report annually to the Congress on veterans' education and vocational training benefits provided by the States. The first such report would be due not later than six months after enactment. In addition, section 10 expresses the sense of the Senate that the States should admit qualified veterans to State-supported educational institutions without payment of tuition.

House bill

The House bill contained no similar provision.

Conference agreement

The House recedes to the Senate provision in modified form. Not later than six months after the date of enactment, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on veterans' education and vocational training benefits provided by the States. Benefits to be considered as veterans' education and vocational training benefits include any such benefits provided by a State for which persons are eligible by reason of service in the Armed Forces, including, in the case of persons who died in the Armed Forces or as a result of a disease or disability incurred in the Armed Forces, benefits provided to their survivors or dependents.

The term ''veteran'' includes a person serving on active duty or in one of the reserve components and a person who died while in the active military, naval, or air service.

The Committees note that the conference agreement also lists and defines matters specifically to be included in the Secretary's report.

SUBTITLE B—HOUSING MATTERS

EXTENSION OF AUTHORITY FOR HOUSING LOANS FOR MEMBERS OF THE SELECTED RESERVE (SEC. 711)

Current law

The Department of Veterans Affairs' authority to guarantee home loans for members of National Guard and Reserve (Selected Reserve) components expires on September 30, 2003.

House bill

The House bill (H.R. 2280, section 301) would provide permanent eligibility for former members of the Selected Reserve for veterans housing loan guaranties. Individuals would continue to be required to serve at least six years in the Reserve or National Guard to be eligible.

Senate bill

The Senate bill contained no similar provision.

Conference agreement

The Senate recedes in modified form. Eligibility for members of the Selected Reserve for veterans housing loan guarantees is extended to 2007.

LEGISLATIVE PROVISIONS NOT ADOPTED

MONTGOMERY GI BILL ENHANCEMENTS

Current law

Except for certain exceptions, chapter 30 of title 38, United States Code, generally provides active duty servicemembers a one-time opportunity to disenroll from the basic educational assistance program under the Montgomery GI Bill, which establishes eligibility for a monthly educational assistance allowance of $536 per month (as of October 1, 1999) for 36 months and requires a $100 monthly pay reduction over 12 months and the fulfillment of minimum service requirements. Chapter 35 of title 38, United States Code, provides a monthly survivors' and dependents' educational assistance allowance of $485 per month for full-time enrollment.

Senate bill

The Senate bill (S. 1402) would make the following changes to the educational assistance programs under chapter 30 of the Montgomery GI Bill: (a) increase the basic monthly educational assistance allowance to $600 (section 4); (b) allow servicemembers who have not opted out of Montgomery GI Bill participation to increase the monthly rate of educational benefits they receive after service by making contributions, during service, over and above the $1,200 basic pay reduction (section 6); (c) authorize servicemembers who had opted out of Montgomery GI Bill (MGIB) participation to reverse their decision to waive their participation by accepting a $100 per month pay reduction for 15 months, or by ''buying into'' participation by making a lump sum $1,500 payment (section 8); and (d) authorize VA to make accelerated payments under the terms of regulations that VA would promulgate to allow MGIB participants to receive benefits for a semester, a quarter, or a term at the beginning of the semester, quarter or term (section 9).

S. 1402 would increase the rates of survivors' and dependents' educational assistance to $550 per month.

House bill

The House bill contained no similar provisions.

TITLE VIII—DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATIVE MATTERS

ENHANCED QUALITY ASSURANCE PROGRAM WITHIN THE VETERANS BENEFITS ADMINISTRATION (SEC. 801)

Current law

There is no provision in title 38, United States Code, requiring the Veterans Benefits Administration (VBA) to maintain a quality assurance program that meets governmental standards for internal control, separation of duties, and organizational independence.

House bill

The House bill (H.R. 2280, section 502) would require the Secretary of Veterans Affairs to develop and implement a program to review and evaluate initial decisions made by the Veterans Benefits Administration on claims for compensation, pension, education, vocational rehabilitation and counseling, home loans, and insurance benefits.

The legislation gives discretion to the Department in the organization, number of full-time employees (FTE) and structure of the quality review program. This provision addresses problems identified by the General Accounting Office and the VA Inspector General in their reviews of VBA quality assurance matters. The Secretary is directed to design the program so that it complies with the governmental standards for independence and internal control recommended by the General Accounting Office in its March 1, 1999 report, ''Veterans'' Benefits Claims: Further Improvements Needed in Claims-Processing Accuracy.''

Senate bill

The Senate bill contained no similar provision.

Conference agreement

The Senate recedes.

EXTENSION OF AUTHORITY TO MAINTAIN A REGIONAL OFFICE IN THE REPUBLIC OF THE PHILIPPINES (SEC. 802)

Current law

Section 315(b) of title 38, United States Code, provides the authority for the Secretary of Veterans Affairs to operate a regional office in the Republic of the Philippines through December 31, 1999. Congress has periodically extended this authority at VA's request in recognition that a regional office in the Philippines is the most cost-effective means of administering VA programs for beneficiaries residing there, in addition to providing an on-site presence to prevent potential fraud.

Senate bill

The Senate bill (S. 1076, section 202) would extend to December 31, 2004, VA's authority to operate a Veterans Benefits Administration regional office in the Philippines.

House bill

The House bill contained no similar provision.

Conference agreement

The House recedes in modified form. VA's authority to operate a regional office in the Philippines is extended to December 31, 2003.

EXTENSION OF ADVISORY COMMITTEE ON MINORITY VETERANS (SEC. 803)

Current law

Public Law 103–466 established the VA's Advisory Committee on Minority Veterans. The Advisory Committee provides advice and consultation on the needs, problems, and concerns of the minority veterans community. The Advisory Committee's statutory authority expires on December 31, 1999.

House bill

The House bill (H.R. 2280, section 503) would extend the Advisory Committee on Minority Veterans from December 31, 1999 to December 31, 2004.

Senate bill

The Senate bill (S. 1076, section 203) contained substantively identical language.

Conference agreement

The Senate recedes in modified form. The Advisory Committee on Minority Veterans is extended to December 31, 2003.

TITLE IX—HOMELESS VETERANS

HOMELESS VETERANS' REINTEGRATION PROGRAMS (HVRP) (SEC. 901)

Current law

Section 738(e)(1) of the Stewart B. McKinney Act, section 11448(e)(1) of title 42, United States Code, authorizes $10 million for fiscal year 1998 and $10 million for fiscal year 1999 for the Secretary of Labor to carry out Homeless Veterans' Reintegration Projects (HVRP). The HVRP appropriations authority expired on September 30, 1999.

House bill

The House bill (H.R. 2280, section 302) would create a new section 4111 of chapter 41, title 38, United States Code, to authorize appropriations to the Department of Labor of $10 million in fiscal year 2000, $15 million in fiscal year 2001, $20 million in fiscal year 2002, $25 million in fiscal year 2003, and $30 million in fiscal year 2004 for the Homeless Veterans' Reintegration Projects.

Senate bill

The Senate bill (S. 1076, section 123) would amend section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act to authorize appropriations to the Department of Labor of $10 million in fiscal year 2000 and $10 million in fiscal year 2001 for the HVRP.

Conference agreement

The Senate recedes in modified form. Appropriations are authorized for the HVRP at $10 million in fiscal year 2000, $15 million in fiscal year 2001, $20 million in fiscal year 2002, and $20 million in fiscal year 2003.

EXTENSION OF PROGRAM OF HOUSING ASSISTANCE FOR HOMELESS VETERANS (SEC. 902)

Current law

VA furnishes assistance to homeless veterans through various mechanisms, both directly and by assisting community-based not-for-profit entities that furnish assistance to homeless veterans. VA assistance to community-based organizations takes two primary forms: VA transfers VA-acquired residential properties to such entities for their use to house homeless veterans and their families, and VA makes grants to such entities to assist them in establishing new programs to furnish outreach, rehabilitative services, vocational counseling and training, and transitional housing services. Congress extended these two authorities for a two-year period in the Veterans' Benefits Act of 1997, Public Law 105–114. Such authority expires on December 31, 1999.

Senate bill

The Senate bill (S. 1076, section 121) would extend VA's authority to furnish assistance to homeless veterans through various mechanisms, both directly and by assisting community-based not-for-profit entities that furnish assistance to homeless veterans, for two years, to December 31, 2001.

House bill

The House bill contained no similar provision.

Conference agreement

The House recedes to the Senate in modified form. VA's authority to furnish housing assistance to homeless veterans is extended until December 31, 2003.

HOMELESS VETERANS PROGRAMS (SEC. 903)

Current law

Section 3 of the Homeless Veterans Comprehensive Service Program Act of 1992, authorizes VA (through September 30, 1999) to make grants to public or non-profit entities to establish new programs to provide outreach, rehabilitative services, vocational assistance, and transitional housing to homeless veterans. In requiring VA to set criteria

for the award of such grants, the law limits to 20 the number of programs incorporating the procurement of vans for which grant support may be provided. To carry out the Act, Public Law 102–590 authorized annual appropriations of $48 million through Fiscal Year 1997, and provided further that nothing in the public law should be construed to diminish funds for continuation or expansion of existing programs.

House bill

The House bill (H.R. 2116, section 205) would extend through September 30, 2002, VA's authority to make grants (under the Homeless Veterans Comprehensive Service Program Act of 1992, as amended) for new programs to combat veteran homelessness, and would eliminate the limitation on grant support for programs involving van procurement.

Senate bill

The Senate bill (S. 1076, section 122) would extend through September 30, 2001, VA's authority to make grants under the 1992 Act and would permit grants to assist in expanding existing programs as well as grants to establish new programs. It would also authorize annual appropriations of $50 million to carry out the Act.

Conference agreement

The conference agreement incorporates the provisions of both the House and Senate bills, with a modification to extend the authority under the grant program through September 30, 2003.

PLAN FOR EVALUATION OF PERFORMANCE OF PROGRAMS TO ASSIST HOMELESS VETERANS (SEC. 904)

Current law

The Government Performance and Results Act requires federal departments and agencies to assess and evaluate the effectiveness and outcomes of the programs they administer. The Committees note that the General Accounting Office has determined that the effectiveness of VA programs is unclear. [''Homeless Veterans: VA Expands Partnerships, but Homeless Program Effectiveness is Unclear'' (HEHS–99–53, April 1, 1999)]

Senate bill

The Senate bill (S. 1076, section 124) would require the Secretary of Veterans Affairs to submit a report, not later than three months after enactment, containing a detailed plan for the evaluation of VA programs to assist homeless veterans. Such plan would be required to contain an identification of outcome measures adopted by VA to determine whether veterans who are provided housing and employment-related services are housed and employed six months after securing services under such programs.

House bill

The House bill contained no similar provision.

Conference agreement

The House recedes to the Senate provision in modified form. The Secretary of Veterans Affairs is required to submit a plan, in consultation with the Secretaries of Labor and Housing and Urban Development, for evaluating the effectiveness of programs to assist homeless veterans.

TITLE X—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SUBTITLE A—TRANSITIONAL PROVISIONS TO STAGGER TERMS OF JUDGES

EARLY RETIREMENT AUTHORITY FOR CURRENT JUDGES (SEC. 1011)

Current law

Under section 7296(b)(2) of title 38, United States Code, a judge of the Court is eligible to retire at the completion of the term for which the judge was appointed if the judge is not re-appointed for another term. There is no provision for the retirement of judges before the completion of their term except for judges who meet age and service (''Rule of 80'') requirements of section 7296(b)(1), title 38, United States Code.

House bill

The House bill (H.R. 2280, section 407) would provide for the early retirement of up to five judges.

Senate Bill

The Senate bill (S. 1076, section 403) would provide a one-time buy-out for judges who meet the Rule of 80 retirement criteria. The Senate bill would also provide for temporary service of judges who retire or complete their terms.

Conference agreement

The Senate recedes with modifications to restrict to two the number of judges who may retire early. In addition, the compromise includes provisions which require that a judge who retires early must continue to serve until the judge's successor is appointed or the date on which the judge's original appointment would have expired. During this transitional service, the judge could continue to accrue credit toward a full retirement benefit and would receive a combination of salary and retirement benefits equal to the salaries of other judges. Judges who retire early may elect to be placed in recall status and thereby qualify for post-retirement increases in retirement pay.

MODIFIED TERMS FOR NEXT TWO JUDGES APPOINTED TO THE COURT (SEC. 1012)

Current law

Under section 7253(c) of title 38, United States Code, all judges are appointed for a term of 15 years.

Senate bill

The Senate bill (S. 1076, section 402) would provide for 13–year terms for judges appointed to a position on the Court that becomes vacant in the year 2004.

House bill

The House bill contained no similar provision.

Conference agreement

The House recedes with a modification to change to 13 years the term of office of the first two judges who are appointed after the date of enactment.

SUBTITLE B—OTHER MATTERS RELATING TO RETIRED JUDGES

RECALL OF RETIRED JUDGES (SEC. 1021)

Current law

There is no provision in current law for the recall of retired judges.

House bill

The House bill (H.R. 2280, section 402) would provide for a recall of judges who elect at the time of retirement to be eligible for recall. Judges who elect to be eligible for recall would receive increases in the amount of their retired pay.

Senate bill

The Senate bill (S. 1076, section 401) contains a provision that permits judges who have retired or whose terms have expired to continue serving on the court on a temporary basis.

Conference agreement

The Senate recedes.

JUDGES' RETIREMENT PAY (SEC. 1022)

Current law

There is no specific provision authorizing judges to receive an increase in the amount of pay received after retirement.

House bill

The House bill (H.R. 2280, section 404) would authorize increases in the amount of retired pay for judges who elect to be recalled for service. Judges who do not elect to be eligible for recall would have the amount of their retired pay frozen at the amount for which they are eligible upon leaving office. The House bill also would authorize a cost of living increase for disability retirement benefits paid to judges who retire due to disability.

Senate bill

The Senate bill contained no similar provision.

Conference agreement

The Senate recedes with a modification to delete provisions concerning coordination with military retired pay.

SURVIVIOR ANNUITIES (SEC. 1023)

Current law

In order to qualify for a survivor annuity under section 7297 (the program available to judges of the Court), title 38, United States Code, a surviving spouse must have been married to the judge for at least two years immediately preceding the judge's death, unless there are children born of the marriage. There is no provision for payment of a survivor annuity if a retired judge marries after leaving the bench. Judges are required to contribute 3.5 percent of their pay if they wish to participate in the survivor annuity plan.

House bill

The House bill (H.R. 2280, section 405) would reduce the period of marriage needed to qualify for a survivor annuity to one year immediately preceding the judge's death. Provision would be made for a judge to participate in the survivor's benefit plan if the judge marries after leaving the bench. The financial contribution of judges would be changed to reflect the same contribution made by judges who participate in the United States Court of Federal Claims survivor annuity program.

Senate bill

The Senate bill contained no similar provision.

Conference agreement

The Senate recedes.

LIMITATION ON ACTIVITIES OF RETIRED JUDGES (SEC. 1024)

Current law

There is no provision in title 38, United States Code, limiting the activities of retired judges.

House bill

The House bill (H.R. 2280, section 406) would provide for limitation of the activities of retired judges who are recall eligible.

Senate bill

The Senate bill contained no similar provision.

Conference agreement

The Senate recedes.

SUBTITLE C—ROTATION OF SERVICE OF JUDGES AS CHIEF JUDGE OF THE COURT

Current law

The Chief Judge is appointed for a term of 15 years. Section 7254(d) of title 38, United States Code, provides that in the event of a vacancy, the associate judge senior in service shall serve as ''acting'' Chief Judge unless the President designates another judge to so serve.

House bill

The House bill contained no similar provision.

Senate bill

The Senate bill contained no similar provision.

Conference agreement

The bill would implement a policy that eliminates the requirement of a separate appointment to the Chief Judge position. Instead, the Chief Judge would be the most senior judge in regular active service on the Court. In the event that two eligible judges had the same seniority in commission, the judge senior in age would be selected.

This person would serve as Chief Judge for five years and then the next most senior judge would rotate into the position. This provision is modeled on the provision for the Chief Judge for the United States Court of Appeals for the Armed Forces. The conference agreement also eliminates the salary distinction between the Chief Judge and the other judges.

LEGISLATIVE PROVISIONS NOT ADOPTED

AUTHORITY TO PRESCRIBE RULES AND REGULATIONS

Current law

There is no general authority for the Court to prescribe rules and regulations to carry out the provisions of chapter 72 of title 38, United States Code. The Court has specific authority to promulgate rules concerning the filing of complaints with respect to judicial conduct and rules of practice and procedures governing proceedings before the Court.

House bill

The House bill (H.R. 2280, section 401) would provide for the Court to promulgate rules and regulations to carry out chapter 72 of title 38, United States Code.

Senate bill

The Senate bill contained no provision.

CALCULATION OF YEARS OF SERVICE

Current law

Title 38, United States Code, is silent as to the calculation of years of service for purposes of retirement.

House bill

The House bill (H.R. 2280, section 403) would treat 183 days or more of service on the Court as a full year for purposes of retirement.

Senate bill

The Senate bill contained no similar provision.

TITLE XI—VOLUNTARY SEPARATION INCENTIVE PROGRAMS

Current law

VA does not currently have the authority to offer voluntary separation incentives.

House bill

The House bill contained no provision.

Senate bill

The Senate bill contained no provision.

Conference agreement

The conference agreement provides authority to VA for one year to offer voluntary separation incentives to a limited number of FTEE.

BOB STUMP,
CHRIS SMITH,
JACK QUINN,
CLIFF STEARNS,
LANE EVANS,
CORRINE BROWN,
MIKE DOYLE,
Managers on the Part of the House.

ARLEN SPECTER,
STROM THURMOND,
JAY ROCKEFELLER,
Managers on the Part of the Senate.

NO INTERNET TAXATION

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

Mr. PITTS. Mr. Speaker, our country and even our world economy have experienced unprecedented growth thanks to a new frontier we know as the Internet. It has been a tremendous success.

The moratorium that we have established has allowed e-commerce to flourish and grow at tremendous rates. Yet we are already hearing rumblings of a new user fee regime of taxation on electronic commerce that could have serious repercussions for this booming segment of our economy.

Mr. Speaker, we have seen, without Internet taxes, State and local governments are collecting record tax revenues, growing at almost twice the rate of inflation. In fact, the rise of untaxed electronic commerce is helping to generate additional tax revenue for every level of government because the Internet has helped create new businesses and new high-paying jobs. By extending the moratorium established under the Internet Tax Freedom Act of 1998, we can keep the Internet free of discriminatory taxes.

Let us not ruin a good thing. Let us make the moratorium permanent and see this unprecedented growth continue.

FOREIGN POLICY DEFICIENCIES

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

Mr. BROWN of Ohio. Mr. Speaker, let me make sure I understand this. While he was in Istanbul yesterday, President Clinton called on Turkey to correct its human rights abuses so it could be admitted into the European Union. Yet at the same time that our President was admonishing Turkey, our U.S. Trade Representative was in Beijing signing a trade deal that could one day give the People's Republic of China membership in the World Trade Organization.

Are we to infer that the Kurds in Turkey count for more than Tibetans in China or that Greek Cypriots count for more than Chinese Christians or that the European Union is a more exclusive and principled organization than the World Trade Organization?

Or, this could not be it, could it? Are American corporations more involved with bigger investments and have more at stake in China than they are in Turkey? Does that explain why Time Warner's CEO recently gave Chinese President Jiang Zemin a bust of Abraham Lincoln?

Earlier this year we fought a war for human rights in Kosovo. Today we will not raise a tariff for human rights in China.

NO TAXES ON MINING INDUSTRY

(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, recently Vice President AL GORE announced a scheme to impose a new $2 billion tax on the mining industry. At a time when America's mining industry has been crippled and forced to lay off thousands of employees, the Vice President now wants to impose a new $2 billion tax that will only serve as a death knell for this industry.

It appears that Mr. GORE's motto is that when the good guy is down, let us pick his pocket. There is always a dollar or two left somewhere.

Mr. Speaker, the U.S. mining industry provides America with the resources that allow us to enjoy the standard and quality of life we need and respect today. Now the Vice President wants to jeopardize the future of America, our economy, and this vital industry by oppressing it with a $2 billion tax in order to fund his political agenda.

Mr. Speaker, this is the true mentality of the Vice President, to tax an industry until it is destroyed just so he can use the revenue for his own political gain. Mr. Speaker, let us put personal agendas aside. America needs the mining industry, but it does not need a $2 billion tax.

RESPONSIBLE GUN SAFETY LAWS CRITICAL FOR OUR COUNTRY

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

Ms. SLAUGHTER. Mr. Speaker, I rise this morning to pay special tribute to a school in my district that has taken the initiative to speak out on an issue that is of the utmost importance to all Americans, and that is school violence.

Last week the Irondequoit High School in Rochester, New York, presented me with a petition signed by 468 members of the student body asking Congress to resist the temptation of influential lobbyists and, in turn, pass legislation that ensures the peace and tranquility for our Nation's next generation of students.

I am sure I do not need to remind my colleagues that the House is currently poised and ready to adjourn for the year without any possibility of passing responsible gun safety measures that will help curb this epidemic of violence that is permeating our schools.

When we return to the session next year, I urge the majority of this body to display the same courage and common sense that was demonstrated by the 468 constituents in my district. For the sake of our Nation's students, I implore the leadership to remove the legislative roadblocks that it has placed in the way and allow for a vote on responsible gun safety once and for all.

AMERICAN TAXES SUPPORTING CHINESE DICTATORSHIP

(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, the trade representative is all excited about her new deal with China. I must ask my colleagues, is she a masochist, or what?

Check this out. American cars will have a 25 percent tariff and all American goods will average a 17 percent tariff. Meanwhile, Chinese cars and all of their other products will average a 2 percent tariff. Unbelievable. Monty Hall could have made a better deal for us.

There must be one explanation only, Mr. Speaker. This administration must be in bed with the Chinese, because right now, our tax money is propping up a Communist dictatorship that has missiles pointed at us as I speak.

Beam me up here. I yield back the danger and stupidity of this most recent sweetheart deal for China.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces 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.

RECORD votes on postponed questions may be taken in two groups, the first occurring before debate has concluded on all motions to suspend the rules and the second after debate has concluded on remaining motions.

STATE FLEXIBILITY CLARIFICATION ACT

Mr. REYNOLDS. Mr. Speaker, I move to suspend the rules and pass the bill H.R. (3257) to amend the Congressional Budget Act of 1974 to assist the Congressional Budget Office with the scoring of State and local mandates, as amended.

The Clerk read as follows:

H.R. 3257

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 ''State Flexibility Clarification Act''.

SEC. 2. FLEXIBILITY AND FEDERAL INTERGOVERNMENTAL MANDATES.

(a) COMMITTEE REPORTS.—Section 423(d) of the Congressional Budget Act of 1974 (2 U.S.C. 658b(d)) is amended—

(1) in paragraph (1)(C) by striking ''and'' after the semicolon;

(2) in paragraph (2) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(3) if the bill or joint resolution would make the reduction specified in section 421(5)(B)(i)(II), a statement of how the committee specifically intends the States to implement the reduction and to what extent the legislation provides additional flexibility, if any, to offset the reduction.''.

(b) CONGRESSIONAL BUDGET OFFICE ESTIMATES.—Section 424(a) of the Congressional Budget Act of 1974 (2 U.S.C. 658c(a)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) ADDITIONAL FLEXIBILITY INFORMATION.—The Director shall include in the statement submitted under this subsection, in the case of legislation that makes changes as described in section 421(5)(B)(i)(II)—

''(A) if no additional flexibility is provided in the legislation, a description of whether and how the States can offset the reduction under existing law; or

''(B) if additional flexibility is provided in the legislation, whether the resulting savings would offset the reductions in that program assuming the States fully implement that additional flexibility.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. REYNOLDS) and the gentleman from Massachusetts (Mr. MOAKLEY) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. REYNOLDS).

GENERAL LEAVE

Mr. REYNOLDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, and to include extraneous material.

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

There was no objection.

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

Mr. Speaker, our State and local governments were historically burdened by unfunded Federal mandates that more often than not forced these governments to spend money they did not have on things they did not need nor could not use. That is why in 1995 Congress passed sweeping reforms with the Unfunded Mandates Reform Act which attempted to restrict the Federal Government from opposing burdensome, unnecessary, and unfunded mandates.

Unfortunately, the Congressional Budget Office had a different perspective on Federal mandates than what Congress clearly intended. CBO exempted more than two-third of the mandatory programs from coverage under the Unfunded Mandates Reform Act.

During remarks at a White House conference on small business, President Ronald Reagan noted that the Federal Government's view of the economy could be summed up in a few short phrases: ''If it moves, tax it. If it keeps moving, regulate it, and if it stops moving, subsidize it.''

Coming up through the ranks as a town councilman and a county legislator and State assemblyman of New York, I would make one addition to President Reagan's observations. If the Federal Government has an expensive and often unnecessary program, let somebody else pay for it.

As a local and State official, I have seen firsthand how unfunded mandates have busted local budgets. As a Member of Congress, we have had the opportunity and a responsibility to stop placing this burden on the backs of State and local governments.

Mr. Speaker, this bipartisan bill is a simple, technical clarification of Congress's intent under the Unfunded Mandates Reform Act of 1995.

Mr. Speaker, the State Flexibility Clarification Act corrects the CBO interpretation in three ways. First, it clarifies the goal of UMRA, which is that any cut or cap or safety net programs constitutes an intergovernmental mandate, unless State and local governments are given new or additional flexibility to implement the restriction or funding reduction.

□ 1215

Second, the bill requires committees to include in their reports an explanation of how the committee intends the States to implement the reduction in funding and what flexibility, if any, is provided in the legislation.

Third, the bill requires CBO to prepare in its mandates statement how the States could implement the reductions under existing law. If such legislation does not provide additional flexibility, then CBO must include in its report an estimate of whether the savings from an additional flexibility would offset the reduction in Federal spending.

Mr. Speaker, this Congress responded to our States and localities when they requested needed relief from unfunded mandates. This clarification will ensure that they get it.

Mr. Speaker, I would like to thank the gentleman from Massachusetts (Mr. MOAKLEY) for all of his efforts on this measure. I urge my colleagues to restore fairness to the Federal budget and pass H.R. 3257.

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

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

Mr. Speaker, today's suspension deals with the confusing issue of unfunded mandates, which have become a very bad word here in the halls of Congress. Mr. Speaker, contrary to popular belief, unfunded mandates are not always bad. Unfunded mandates keep our food safe, keep our air clean, keep our civil rights strong. But they can also impose enormous costs. I believe that the Members should know these costs before they are asked to vote on any bill.

Today we are considering under suspension of House rules a clarification to the unfunded mandates point of order. The substance of this bill, Mr. Speaker, is relatively noncontroversial. Today's bill clarifies the definition of a Federal mandate. It says,

A bill must be scored by the Congressional Budget Office if it increases costs for State or local governments by expanding an existing program, but fails either to pay for the increased costs or to provide for the flexibility to absorb those costs.

This bill will expand the Congressional Budget Office requirements as Congress had originally intended.

I really want to take this time to thank my chairman, the gentleman from California (Mr. DREIER), and his entire staff, the gentleman from New York (Mr. REYNOLDS), and all the other Members of the Committee on Rules for addressing the problems that we had with them.

We informed them of our concerns and they amended the bill accordingly. Thanks to their very gracious acceptance of our suggestions, I have no major concerns with this bill, and I urge my colleagues to support it.

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

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

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

Mr. Speaker, the gentleman from Massachusetts (Mr. MOAKLEY) will be very happy that I have taken the well to speak, because along with complimenting the gentleman from New York (Mr. REYNOLDS), I want to thank him for his hard work and that of his staff, who worked with the gentleman from New York (Mr. REYNOLDS) and his staff in putting together what I think is a very important measure.

As has been pointed out, this has twice passed the House before through the Unfunded Mandates Reform Act, and we have had difficulty getting that legislation through. So I believe that the gentleman from New York (Mr. REYNOLDS) was absolutely right on target in stepping up to the plate and saying that we needed to move this State flexibility clarification measure.

In 1996, the CBO estimate exempted committee-reported bills that limit resources available to State and local governments from budget scoring as defined by the 1995 Unfunded Mandates Reform Act, legislation which sought to lift that burden of unfunded Federal mandates.

As both the gentleman from Massachusetts (Mr. MOAKLEY) and the gentleman from New York (Mr. REYNOLDS) have pointed out, this is a technical point but it is a very important one, because without such scoring, committees would be unable to consider the ramifications of proposed legislation on State and local governments.

This bill that the gentleman from New York (Mr. REYNOLDS) has carefully crafted will stipulate that any new changes to entitlement programs that do not provide new flexibility would be construed by the Congressional Budget Office as an intergovernmental mandate as defined by the Unfunded Mandates Reform Act.

This bill has been endorsed by a wide range of groups, including the National Governors Association, the National Conference of State Legislators, and other major State and local organizations.

I would like to simply say that I believe it is a very important measure that we move through. I am glad that it enjoys strong bipartisan support. As we have delved into the annals of history in the Committee on Rules, it appears that this may be if not the first time, the first time in a heck of a long time that the Committee on Rules has moved legislation which is being considered under suspension of the rules.

Mr. Speaker, it is with this bipartisan spirit that I would like to congratulate the gentleman from New York (Mr. REYNOLDS) for his hard work on this, and urge my colleagues to support this measure.

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

Mr. REYNOLDS. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. LINDER), chairman of the Subcommittee on Rules and Organization of the House of the Committee on Rules.

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

Mr. Speaker, I rise in strong support of the State Flexibility Clarification Act, and I commend the hard work in the gentleman from New York in ensuring its passage.

Mr. Speaker, as the chairman of the Committee on Rules subcommittee with jurisdiction over the mandates legislation, I held a hearing earlier this year on the effectiveness of the 1995 Unfunded Mandates Reform Act and proposals to expand that Act.

We have now had 3 full years to observe how the law has worked. It has worked well. The bill has simply forced Members to review reliable information from the CBO in an effort to increase not only Member consciousness of the cost of legislation, but also public awareness.

The bill under consideration today is similar to language in the Mandates Information Act that we considered in February of this year. I am pleased that the State Flexibility Clarification Act will now pass as a stand-alone bill today.

The reason this bill is necessary is because in 1996 the Congressional Budget Office decided that Federal entitlement programs such as Medicaid, child nutrition, and foster care are considered exempt from the unfunded intergovernmental mandates requirements if Congress imposes new conditions, places caps on funding, or cuts funding without giving the States the authority to adjust to those changes.

The CBO interpretation exempted more than two-thirds of mandatory entitlement programs from coverage under the 1995 mandates bill. As a result, the point of order against unfunded requirements on State and local governments would not apply in these circumstances.

Therefore, the bill on the floor today will help clarify that any cut or cap of entitlement programs constitutes a Federal intergovernmental mandate, and would require committees and the CBO to report on new or additional flexibility and the authority to offset the cut or the cap.

This is a good bill that clarifies what was intended by the Congress when it passed the original mandates bill in March of 1995. I urge Members to strongly support it.

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

Mr. Speaker, I again want to thank the gentleman from California (Mr. DREIER), the chairman, and the gentleman from Massachusetts (Mr. MOAKLEY) for their assistance in this legislation as we bring it before the House on suspension.

Mr. MORAN of Virginia. Mr. Speaker, I rise in support of this legislation and applaud the gentlemen from California (Mr. CONDIT) and New York (Mr. REYNOLDS) for their work on this issue. My own involvement on the unfunded mandate issue began more than five years ago. Our efforts were successful.

As one of the first acts of the 104th Congress, we passed the Unfunded Mandate Reform Act. We all should all be held accountable for legislation we support regardless of whether it imposes a cost on the public or private sector. The Unfunded Mandate Reform Act gives us this accountability for legislation that affects state and local governments.

Today, the legislation provides a technical fix on the issue of state-administered entitlement programs like food stamps, TANF, and Medicaid. The fix is necessary because the Congressional Budget Office (CBO) has determined that any new entitlement program mandates is exempt from the Unfunded Mandate Reform Act if there is sufficient flexibility within the entitlement program to offset the new mandate's new state and local costs. For example, on June 10, 1996, CBO ruled that a point-of-order would not exist for a proposed cap on federal Medicaid contributions and any other mandatory federal aid programs except food stamps. The effect of this interpretation was to exempt more than two-thirds of all grant-in-aid, the mandatory entitlement program, from coverage under the Unfunded Mandate Reform Act.

What may appear to be an optional federal mandate program from CBO's perspective, such as, expanded Medicaid coverage to pregnant women and children, is not an optional program from the states' perspective. I know of no state willing or reduce Medicaid coverage to pregnant women and children to help offset the cost of a new federal mandate.

The legislation would correct this interpretation problem by adding a few simple words to the Unfunded Mandate Reform Act to clarify that any cut or cap of safety net programs constitutes an intergovernmental mandate unless state and local governments are given new or additional flexibility and the authority to offset the cut or cap. This provision has been endorsed by the five major state and local organizations.

I urge you to vote for this legislation.

Mr. PORTMAN. Mr. Speaker, I rise in support of the State Flexibility Clarification Act (H.R. 3257) sponsored by my friend from New York, Mr. REYNOLDS. This bill is a technical correction to the Unfunded Mandates Reform Act of 1995. And as one of the lead authors of that measure, I believe it is entirely consistent with the legislative intent of that law.

The State Flexibility Clarification Act clarifies that any legislation capping or decreasing federal financial participation in state-administered entitlement programs is an intergovernmental mandate if it doesn't provide new or expanded authority for the states to deal with the change.

It would also make the cap or decrease subject to the CBO unfunded mandates scoring process and procedural points of order. This fix will help facilitate state and local input in the drafting of new federal entitlements and changes to current entitlements.

This is a commonsense technical correction to the Unfunded Mandates Reform Act, and it has been endorsed by all of the leading organizations representing state and local governments who were so instrumental in supporting UMRA, including: the National Governors Association, the National Conference of State Legislatures, and the National Association of Counties.

Nearly identical provisions have already passed the House of Representatives twice in versions of the Mandates Information Act in both the 105th and 106th Congresses.

I commend the gentleman from New York for his leadership, and I commend the Committee on Rules for moving this important correction forward.

Mr. WAXMAN. Mr. Speaker, H.R. 3257, the State Flexibility Clarification Act, amends the Unfunded Mandates Reform Act (UMRA) to require Congressional committees and the Congressional Budget Office to give States guidance on how to reach program goals if Congress decides to reduce funding to the States. This bill does not change the definition of an unfunded mandate. Therefore, only those funding reductions for programs already defined as an unfunded mandate under the existing law would be subject to these additional analyses.

As originally introduced, H.R. 3257 would have amended the definition of an unfunded mandate to include Medicaid and other entitlement programs. Under existing law, the Congressional Budget Office has determined that these entitlement programs are exempt from UMRA because States are given sufficient flexibility to meet minimum Federal requirements without undue burden. If this definition was changed to include Medicaid, then any legislation that tightens quality standards; improves nursing home requirements; protects funding for rural or community health centers with a prospective payment system; or enhances benefits or services provided under Medicaid would become subject to a point of order on the House floor and the other procedural requirements under UMRA.

Because of our concerns, the bill's sponsors agreed to remove this change in definition. The gentleman from Georgia implied in his statement that this bill would change the definition of an unfunded mandate to include Medicaid and other entitlement programs. He was referring to the bill as originally introduced. The bill we are considering today would not amend the definition of an unfunded mandate. Therefore, Medicaid and other entitlement programs would continue to not be subject to UMRA and Congress will still be able to provide necessary oversight to ensure that States are using Federal funds for these programs for their intended purposes.

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

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from New York (Mr. REYNOLDS) that the House suspend the rules and pass the bill, H.R. 3257, as amended.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RELEASING REVERSIONARY INTERESTS IN CERTAIN PROPERTY IN WASHINGTON COUNTY, UTAH

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2862) to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange.

The Clerk read as follows:

H.R. 2862

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

SECTION 1. RELEASE OF REVERSIONARY INTERESTS IN CERTAIN PROPERTY IN WASHINGTON COUNTY, UTAH.

(a) RELEASE REQUIRED.—The Secretary of the Interior shall release, without consideration, the reversionary interests of the United States in certain real property located in Washington County, Utah, and depicted on the map entitled ''Exchange Parcels, Gardner & State of Utah Property'', dated April 21, 1999, to facilitate a land exchange to be conducted by the State of Utah involving the property.

(b) INSTRUMENT OF RELEASE.—The Secretary shall execute and file in the appropriate office or offices a deed of release, amended deed, or other appropriate instrument effectuating the release of the reversionary interests required by this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, H.R. 2862, introduced by myself on September 14, 1999, would direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange.

This legislation was introduced at the request of the Bureau of Land Management. The exchange at issue was designed to facilitate desert tortoise protection. The State of Utah wants to trade certain parcels of State land to some private parties.

Unfortunately, because these parcels were originally received from the Bureau of Land Management pursuant to the Recreation and Public Purposes Act, they have a BLM reversionary clause clouding the title. If the State were to trade these parcels to a private party, the BLM could take title from the private party. This makes the land exchange unworkable unless Congress passes legislation releasing these reversionary interests.

This bill would remove those revisionary clauses so that the State could pass clear title in the land exchange. The completion of the exchange would further the habitat conservation plan for the desert tortoise.

Mr. Speaker, this is a good bill, and I urge my colleagues to support it.

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

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROMERO-BARCELÓ asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, H.R. 2862 would require the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, for the stated purpose of facilitating a land exchange.

Evidently, the lands in question were granted to the State of Utah pursuant to the Recreation and Public Purposes Act for inclusion in Snow Canyon State Park. It is our understanding that the State now wishes to exchange this land with a private party in order to acquire other lands that will be used for desert tortoise habitat.

However, under the Recreation and Public Purposes Act, the State is precluded from making such an exchange because the State park land carries a clause reverting the lands back to the United States if it is used for other than a public purpose.

H.R. 2862 is being brought to the floor without having ever been considered by the Committee on Resources, but we have been assured by the gentleman from Utah (Mr. HANSEN) that this legislation is noncontroversial. Although we have no formal views from the administration and others on this, it does appear that there is no controversy associated with the proposal.

That being the case, we will not object to the consideration of H.R. 2862 by the House today.

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

Mr. HANSEN. 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 on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2862.

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.

CLARIFYING LEGAL EFFECT OF LAND ACQUISITION IN RED CLIFFS DESERT RESERVE

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2863) to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah.

The Clerk read as follows:

H.R. 2863

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

SECTION 1. TREATMENT OF CERTAIN LAND IN RED CLIFFS DESERT RESERVE, UTAH, ACQUIRED BY EXCHANGE.

(a) LIMITATION ON LIABILITY.—In support of the habitat conservation plan of Washington County, Utah, for the protection of the desert tortoise and surrounding habitat, the transfer of the land described in subsection (b) from the city of St. George, Utah, to the United States shall convey no liability on the United States that did not already exist with the United States on the date of the transfer of the land.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is a parcel of approximately 15 acres of land located within the Red Cliffs Desert Reserve in Washington County, Utah, that was formerly used as a landfill by the city of St. George.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, H.R. 2863, introduced by myself on September 14, 1999, would clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah.

This legislation was introduced at the request of the Bureau of Land Management. This bill deals with the problem with an anticipated land exchange between the city of St. George and the BLM. This exchange is also designed to facilitate the Washington County, Utah, habitat conservation plan for the desert tortoise.

A certain parcel of land that the BLM wants to acquire used to be a landfill. The BLM wants to acquire the lands in the exchange, but they do not want to accept liability for any unknown toxic material that may be in the landfill.

This bill would leave liability for the landfill in the hands of the city. Thus, the BLM would not be forced to accept liability. The BLM refuses to go through with the lands exchange unless this bill is passed. Both the BLM and the city are in favor of this legislation. Mr. Speaker, this is a good bill, and I urge my colleagues to support it.

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

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROMERO-BARCELÓ asked and was given permission to revise and extend his remarks.)

□ 1230

Mr. ROMERO-BARCELÓ. Mr. Speaker, H.R. 2863 would clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in Utah. It is our understanding that the Bureau of Land Management and the City of St. George, Utah, are negotiating a land exchange designed to facilitate a Habitat Conservation Plan for the desert tortoise. We have been told that one of the parcels the Bureau of Land Management wants to acquire was formally used as a landfill. Obviously, the BLM is concerned about acquiring this land and thus being liable for any unknown materials that may be in the landfill.

H.R. 2863 would leave legal liability for the landfill in the hands of the city. We understand that this is agreeable to both the city and the Bureau of Land Management.

Mr. Speaker, like H.R. 2862, this bill is also being brought to the floor without ever having been considered by the Committee on Resources. However, there appears to be a clear public benefit to the United States in this legislation and as such, we have no objection to the House considering the measure today.

Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2863.

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.

ADJUSTING THE BOUNDARIES OF GULF ISLANDS NATIONAL SEASHORE TO INCLUDE CAT ISLAND, MISSISSIPPI

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2541) to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi, as amended.

The Clerk read as follows:

H.R. 2541

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

SECTION 1. BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The first section of Public Law 91–660 (16 U.S.C. 459h; 84 Stat. 1967) is amended—

(1) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F);

(2) by striking ''shall comprise the following gulf coast'' and inserting the following: ''shall comprise the following:

''(1) The gulf coast''; and

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

''(2) Only after acquisition by the Secretary from a willing seller, the approximately 2000 acres of land on Cat Island, Mississippi, generally depicted on the map entitled 'Boundary Map, Gulf Islands National Seashore, Cat Island, Mississippi', numbered 635/80085, and dated November 9, 1999 (hereinafter referred to as the 'Cat Island Map'). The Cat Island Map shall be on file and available for public inspection in the appropriate offices of the National Park Service of the Department of the Interior.''.

(b) ACQUISITION AUTHORITY.—Section 2 of Public Law 91–660 (16 U.S.C. 459h–1; 84 Stat. 1967) is amended—

(1) in the first sentence of subsection (a), by inserting ''submerged lands,'' after ''lands,''; and

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

''(e)(1) The Secretary is authorized to acquire, from a willing seller only—

''(A) the approximately 2,000 acres of land depicted on the Cat Island Map;

''(B) an easement over the approximately 150-acre parcel depicted as the 'Boddie Family Tract' on the Cat Island Map for the purpose of implementing an agreement with the owners of the parcel concerning the development and use of the parcel; and

''(C) lands and interests in lands on Cat Island outside the 2,000-acre area depicted on the Cat Island Map and submerged lands that lie within 1 mile seaward of Cat Island; however submerged lands owned by the State of Mississippi or its subdivisions may be acquired under this subsection only by donation.

''(2) Lands and interests in lands acquired under this subsection shall be administered by the Secretary, acting through the Director of the National Park Service.

''(3) The boundary of the seashore shall be modified to reflect the acquisition of such lands.''.

(c) REGULATION OF FISHING.—Section 3 of Public Law 91–660 (16 U.S.C. 459h–2; 84 Stat. 1968) is amended—

(1) by inserting ''(a)'' before ''The Secretary''; and

(2) by adding at the end the following:

''(b) Nothing in this Act shall be construed to give the Secretary authority to regulate fishing activities, including shrimping, outside of the boundaries of the seashore.''.

(d) AUTHORIZATION OF MANAGEMENT AGREEMENTS.—Section 5 of Public Law 91–660 (16 U.S.C. 459h–4; 84 Stat. 1968) is amended—

(1) by inserting ''(a)'' before ''Except''; and

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

''(b)(1) The Secretary is authorized to enter into agreements—

''(A) with the State of Mississippi and its political subdivisions for the purposes of managing resources and providing law enforcement assistance, subject to State law authorization, and emergency services on or within any lands on Cat Island and any waters and submerged lands within 1 mile seaward from Cat Island; and

''(B) with the owners of the approximately 150-acre parcel of land depicted as the 'Boddie Family Tract' on the Cat Island Map concerning the development and use of such land.

''(2) Nothing in this subsection shall be construed to authorize the Secretary to enforce Federal regulations outside the land area within the designated boundary of the seashore.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 11 of Public Law 91–660 (16 U.S.C. 459h–10; 84 Stat. 1970) is amended—

(1) by inserting ''(a)'' before ''There''; and

(2) by adding at the end the following:

''(b) In addition to the funds authorized by subsection (a), there are authorized to be appropriated such sums as are necessary to acquire lands and submerged lands on and adjacent to Cat Island, Mississippi.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, I rise in support of H.R. 2541, as amended. This bill, introduced by the gentleman from Mississippi (Mr. TAYLOR), would adjust the boundaries of the Gulf Islands National Seashore to include an area of land known as Cat Island. Cat Island is approximately 2,100 acres in size at the western end of Gulf Islands National Seashore, which consists of a number of coastal barrier islands.

Mr. Speaker, we are considering this bill with amendments that we have all agreed on. The amendment addresses a number of concerns that have been expressed by the primary owners of Cat Island, by the Park Service, and also by the author of the legislation, the gentleman from Mississippi (Mr. TAYLOR). This amendment effectively excludes 156 acres of private property on Cat Island from inclusion within the boundaries of the national seashore. It also assures that acquisition of any property and any easement is by willing seller only and clarifies that the Secretary can acquire the submerged land within 1 mile of Cat Island, owned by the State of Mississippi, only by donation.

The substitute also authorizes the Park Service to enter into necessary and appropriate agreements with the State of Mississippi and the private property owners. This bill authorizes such sums necessary to acquire Cat Island.

Mr. Speaker, this bill is supported by the administration and the minority, and I urge my colleagues to support H.R. 2541.

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

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROMERO-BARCELÓ asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, the Gulf Islands National Seashore stretches for 150 miles along the Gulf Coast from Mississippi to Florida. The seashore is more than 135,000 acres in size and includes portions of both the mainland and a chain of barrier islands just offshore.

When the seashore was first conceived, it was hoped that Cat Island, the western-most island this chain, would be included. In fact, based on its size and diversity of unspoiled natural resources, Cat Island was expected to be the ''crown jewel'' of the new national seashore. However, the family which owned most of the island declined to be included at that time and the creation of the seashore went forward without Cat Island.

We now have an opportunity to change that. It is our understanding that the family is now willing to have 2,000 acres of their land be included in the seashore and an agreement for the National Park Service to acquire the land is in the works.

H.R. 2541, sponsored by our colleague, the gentleman from Mississippi (Mr. TAYLOR) would alter the boundary of the existing seashore to add these lands.

Mr. Speaker, this legislation and the eventual land purchase it authorizes, have been the subject of extensive negotiations involving the National Park Service, the family which owns the island, and the gentleman from Mississippi.

During consideration of this measure by our committee, the gentleman from Utah (Mr. HANSEN) chairman of the Subcommittee on National Parks and Public Lands, offered an amendment attempting to address many of the unresolved issues, but in a way which we opposed. However, with the amended bill the House is considering today, these differences have been resolved in a manner that will allow the NPS to manage the portion of Cat Island they will acquire effectively while also protecting the rights of the remaining property owners on the island.

The gentleman from Mississippi (Mr. TAYLOR) deserves great credit for his efforts to move this important legislation forward. It is clear that Cat Island is a beautiful area, as several witnesses testified at hearings on this bill, it will be a valuable addition to the Gulf Islands National Seashore. We urge our colleagues to support this bill, as amended.

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

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

Mr. Speaker, I understand that there is a little problem with this piece of legislation regarding duck hunting. A lot of folks know when this was really put together the first time under the section of the bill it states that: The Secretary shall permit hunting and fishing on island and waters within the seashore in accordance with applicable Federal and State laws.

So, Mr. Speaker, I would just hope that people realize that maybe the superintendent is expanding his power a little bit, because we understand he is not doing this. It is my sincere hope that this hunting issue is resolved with the satisfaction of the Florida Fish and Wildlife Conservation Commission before this bill becomes law. It worries me, as chairman of the Subcommittee on National Parks and Public Lands, when I see a superintendent expand the authority that the law has given him. And I am sure his heart is in the right place. And I am sure we can resolve this minor issue, but I hope this could be resolved. And I just wanted to bring that to the attention of the body.

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

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not see why this issue could not be resolved and we will work with the gentleman from Mississippi (Mr. TAYLOR) to see that the issue is resolved.

Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) for yielding me this time.

Mr. Speaker, H.R. 2541 would address the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi.

In 1971, Congress authorized the Gulf Islands National Seashore ''. . . in order to preserve for public use and enjoyment certain areas possessing outstanding natural, historic and recreational values'' (Public Law 91–660). The Gulf Islands National Seashore includes a series of coastal islands stretching from Florida to Mississippi. Cat Island was not a part of the original legislation creating the Gulf Islands National Seashore, although it was considered the most desirable island from an ecological standpoint. At the time, it was not available for sale and it was not included.

The primary owners of the island, the Boddie family, have now come forward as willing sellers to offer approximately 2,000 acres of land on Cat Island for inclusion in the Gulf Islands National Seashore. This legislation would give the Department of the Interior the authority to acquire this property. Approximately 156 acres of land on Cat Island would remain in private ownership, and all the land below the mean line of ordinary high tide would remain under the jurisdiction of the State of Mississippi. These tracts of land, waters, and submerged lands would remain outside the boundary of the Gulf Islands National Seashore. Furthermore, the bill makes it absolutely clear that all activities, including fishing and shrimping, would remain regulated by the State of Mississippi.

The amendments that are included in this motion to suspend the rules and pass H.R. 2541 make several changes to the bill as reported by the House Committee on Resources. These additional changes addressed all the concerns outlined in the ''Additional Views'' as filed on November 4 of this year.

With development booming along the Mississippi Gulf Coast, the threat of development on Cat Island is intense and very real. I wish to thank all of my colleagues, especially the gentleman from Utah (Mr. HANSEN), the gentleman from Alaska (Chairman YOUNG), the gentleman from California (Mr. MILLER), ranking member, and the gentleman from Puerto Rico (Mr. ROMERO-

BARCELÓ) for giving this bill their personal attention. It is essential that we expedite enactment of this legislation as these are willing sellers who have extended this offer for only a limited period of time.

Cat Island is a diverse habitat for a wealth of marine life and shore birds and one of the best surf fishing spots on the entire Gulf Coast.

More to the point, Mr. Speaker, Cat Island is, in my opinion, one of the last remaining places on the Mississippi Gulf Coast where one can still see the hand of God. And whether it is a beautiful osprey or a mother dolphin or something as strange-looking as an alligator or a horseshoe crab, it is all part of the hand of God and deserves to be protected. Mr. Speaker, I thank my colleagues for making this possible.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I have no further speakers on this issue, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2541, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PROHIBITING OIL AND GAS DRILLING IN MOSQUITO CREEK LAKE IN CORTLAND, OHIO

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2818) to prohibit oil and gas drilling in Mosquito Creek Lake in Cortland, Ohio.

The Clerk read as follows:

H.R. 2818

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

SECTION 1. PROHIBITION.

After the enactment of this Act no person may commence any drilling activity (including any slant or directional drilling) to extract oil or gas from lands beneath waters under the jurisdiction of the United States in Mosquito Creek Lake in Cortland, Ohio. The Attorney General of the United States may bring an action in the appropriate United States district court to enforce the prohibition contained in this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, I rise in somewhat reluctant support of H.R. 2818, a bill to prohibit oil and gas drilling beneath Mosquito Creek Lake in Cortland, Ohio, introduced by the gentleman from Youngstown, Ohio (Mr. TRAFICANT).

The bill reflects the concerns of some of the gentleman's constituents in Trumbull County, Ohio regarding the U.S. Army Corps of Engineers-administered project known as Mosquito Creek Lake for which the Department of the Interior is considering leasing the oil and gas rights beneath this reservoir. The Bureau of Land Management has prepared a planning analysis and environmental analysis in preparation for a decision whether to lease approximately 11,100 acres of minimal estate acquired by the Federal Government when the Corps of Engineers impounded this drainage basin, creating a reservoir about 1 mile wide and 9 miles long.

Nonetheless, local opposition to the BLM proposal remains, primarily, upon concerns of spills and contaminant discharges from drilling upon surface and groundwater resources. However, I will yield to the wishes of the elected House Member from this affected area. He will have to deal with that with his constituents.

Mr. Speaker, I urge my colleagues to vote for this bill.

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

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROMERO-BARCELÓ asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, H.R. 2818 was introduced by the gentleman from Ohio (Mr. TRAFICANT) to address concerns raised by his constituents in Trumbull County, Ohio relating to a U.S. Army Corps of Engineers-administered project known as Mosquito Creek Lake. This area is currently under consideration for development of Federal oil and gas rights beneath the man-made reservoir.

The U.S. Bureau of Land Management field office in Milwaukee, Wisconsin, has developed a proposed planning analysis, environmental analysis preparatory to a decision on whether to lease 11,100 acres of mineral estate acquired by the Federal Government when the Corps impounded this drainage basin creating a reservoir about 1 mile wide and 9 miles long.

There are significant oil and gas deposits beneath Mosquito Lake which various entities have expressed desires and interest in developing. Despite stipulations and other safeguards which the BLM and the Corps of Engineers have promised to provide, as well as a long history of oil and gas development in the area, some local residents continue to oppose any new oil and gas activity.

These stipulations are not sufficient to resolve the concerns of the gentleman from Ohio (Mr. TRAFICANT), therefore, his bill would bar any person from any drilling activity including slant or directional drilling to extract oil or gas from lands beneath Mosquito Creek Lake in Cortland, Ohio. Under the bill, the U.S. Attorney General would have the authority to file suit in the U.S. District Court to enforce this prohibition.

Mr. Speaker, the Clinton administration opposes this bill. Not only do they perceive an opportunity to raise Federal revenues through the development of oil and gas resources, they also cannot prevent drainage from surrounding private lands if they do not develop the area beneath Mosquito Creek Lake.

Given these concerns, I have some reservations about the bill. However, the gentleman from Ohio (Mr. TRAFICANT) has expressed a great desire to see this bill enacted and, since it affects his district, we do not intend to oppose it.

□ 1245

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I want to take this time to speak on a bill that I introduced, and I wanted to make a few comments on H.R. 2818, to ban slant drilling at Mosquito Creek Lake.

Now, I have supported capturing revenues from energy sources offshore and will continue to do so. But, Mr. Speaker, I want to point this out to the House, because this is the beginning of probably a policy discussion on an issue that has become and will become more sensitive.

The Bureau of Land Management wanted to slant drill underneath Mosquito Creek Lake, and that is the sole, primary, and only drinking water for the second largest city in my district of 60,000 people, the city of Warren. The City of Cortland also depends upon it as do the aquifer systems of many small communities in the area.

So it is not as if we are just capturing the revenue, which I want to do and which I support. This is a sole-purpose drinking water lake. I think it is bad policy.

I want to make this point very simply to Congress, water running down hill, and any drilling today would be in effect 40 years from now. What tremor might there be or what consequence might occur to impact upon that system and to damage the quality of drinking water for our people? The cost and benefits to the communities are so small that one single incident would obliterate any dollars they have in any of their budget. So Congress is doing much more today than pass this. Congress begins the dialogue and debate on these types of issues.

So I wanted to make this point that every single community impacted upon by this decision was opposed to that drilling. I am strongly opposed. I thank the gentleman from Utah (Mr. HANSEN), chairman, and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), the ranking member, for having supported the bill and hope that

they will help me all the way through to codify this into law and statute.

WHY A LEGISLATIVE REMEDY?

At this stage in the process the only way to stop what could be an environmental catastrophe is legislative action.

My bill, H.R. 2818 would bar any person from any drilling activity, including slant or directional drilling, to extract oil or gas from lands beneath Mosquito Creek Lake. The bill gives the U.S. Attorney General the authority to file suit in U.S. District Court to enforce the prohibition.

BACKGROUND ON THE LAKE

Mosquito Creek Lake is located in a heavily populated area, Trumbull County, Ohio. The county seat, Warren, located at the southern end of the lake, has a population of more than 50,000. Trumbull County has a total population of more than 225,000.

The lake was constructed in 1944 primarily for flood control, low-flow augmentation, municipal water supply, and water quality control. The lake also serves to conserve land and preserve fish and wildlife, including several endangered species.

THE LAKE IS MAIN SOURCE OF DRINKING WATER

Mosquito Creek Lake is the sole source of drinking water for the city of Warren. Let me repeat that: the lake is the sole source of drinking water for the city of Warren.

The city of Cortland also relies on the lake to recharge its aquifers. Surrounding communities also rely, in part, on the lake to supply their drinking water.

Any contamination of the lake would severely compromise the drinking water supply of up to a quarter of a million people. That is why I am here today.

ALL LOCAL GOVERNMENTS ARE OPPOSED

The four local governments that are impacted by this proposal, the cities of Cortland and Warren, Bazetta Township, and Trumbull County, all adamantly oppose the drilling.

Keep in mind that these governments will receive royalties from the drilling.

In addition, every civic, scientific and academic organization involved in the process has raised serious and substantive concerns relative to safety and the worth of the drilling proposal. The Bureau of Land Management (BLM) has ignored local concerns.

STATE AND LOCAL GOVERNMENTS LACK RESOURCES TO MONITOR AND RESPOND TO EMERGENCIES

The state of Ohio does not have the resources to effectively and consistently conduct inspections and monitor water quality.

BLM glosses over this issue by asserting that the state will somehow come up with the necessary resources or that the drillers themselves will hire outside contractors to do the monitoring and inspecting.

While I have great respect for the oil and gas drilling industry, inspection and water quality monitoring are functions that should not be entrusted to the private sector—especially when the private companies have a glaring conflict of interest.

Contrary to what BLM has stated in their planning analysis and environmental assessment (PA/EA) documents, the local governments do not have the necessary equipment, personnel, expertise and resources to adequately cope with a drilling accident.

BLM HAS NOT ADEQUATELY CONSULTED WITH STATE AND LOCAL OFFICIALS

Throughout the process BLM has not adequately consulted with state and local governments. For example, BLM did not adequately consult with the Ohio Environmental Protection Agency.

Given that the proposed drilling will affect the sole source of drinking water for more than a quarter of a million people, BLM should have made every effort to ensure that Ohio EPA played a central role at every step of the environmental assessment process.

Unfortunately, this was not done as evidenced by the fact that not a single individual from Ohio EPA was part of the team that prepared the proposed PA/EA.

BENEFITS VERSUS RISKS

Under a best case scenario, the local governments could receive a total of $150,000 a year.

A single accident could shut down the drinking water supply for the cities of Warren and Cortland, and surrounding communities.

The planning and assessment documents prepared by BLM do not address the key issue of how or where these government entities would get safe drinking water.

A single accident could have devastating and lasting consequences.

NO PLACE TO TURN BUT CONGRESS

I, along with the local governments involved, have tried to work with BLM. Our concerns have been laid out in great detail. We have been involved in the planning and assessment process at every stage. We have done everything by the book.

The Congress is our last resort. I urge the House to approve H.R. 2818. Don't let the federal government impose a program on a community that the entire community does not want.

In closing, I'd like to quote from a 9/28/98 letter submitted to BLM by David D. Daugherty, assistant law director for the city of Warren, as part of the PA/EA process.

There is no gas shortage at present and even if there were, the relative small size of the potential gas resources under the reservoir would do little to solve any national energy crisis. The overall economic benefit to the area is slight while the potential for harm is great. Mitigation measures by their definition imply the possibility of harm; and while they may reduce the probability of harm the possibility still exists, particularly where the mitigation measures rely on questionable enforcement as well as disaster containment capabilities. If no action is taken the mitigation measures are unnecessary and the probability of a spill or other contamination from drilling under Federal lands is zero.

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

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2818.

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.

MINERAL LEASING ACT AMENDMENTS REGARDING TRONA MINING

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3063) to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State, and for other purposes.

The Clerk read as follows:

H.R. 3063

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

SECTION 1. FINDINGS.

The Congress finds and declares that—

(1) The Federal lands contain commercial deposits of trona, with the world's largest body of this mineral located on such lands in southwestern Wyoming.

(2) Trona is mined on Federal lands through Federal sodium leases issued under the Mineral Leasing Act of 1920.

(3) The primary product of trona mining is soda ash (sodium carbonate), a basic industrial chemical that is used for glass making and a variety of consumer products, including baking soda, detergents, and pharmaceuticals.

(4) The Mineral Leasing Act sets for each leasable mineral limitations on the amount of acreage of Federal leases any one producer may hold in any one state or nationally.

(5) The present acreage limitation for Federal sodium (trona) leases has been in place for over five decades, since 1948, and is the oldest acreage limitation in the Mineral Leasing Act. Over this time frame Congress and/or the BLM has revised acreage limits for other minerals to meet the needs of the respective industries. Currently, the sodium lease acreage limitation of 15,360 acres per state is approximately one-third of the per state Federal lease acreage cap for coal (46,080 acres) and potassium (51,200 acres) and one-sixteenth that of oil and gas (246,080 acres).

(6) Three of the four trona producers in Wyoming are operating mines on Federal leaseholds that contain total acreage close to the sodium lease acreage ceiling.

(7) The same reasons that Congress cited in enacting increases in other minerals' per state lease acreage caps apply to trona: the advent of modern mine technology, changes in industry economics, greater global competition, and need to conserve the Federal resource.

(8) Existing trona mines require additional lease acreage to avoid premature closure, and are unable to relinquish mined-out areas to lease new acreage because those areas continue to be used for mine access, ventilation, and tailings disposal and may provide future opportunities for secondary recovery by solution mining.

(9) Existing trona producers are having to make long term business decisions affecting the type and amount of additional infrastructure investments based on the certainty that sufficient acreage of leaseable trona will be available for mining in the future.

(10) To maintain the vitality of the domestic trona industry and ensure the continued flow of valuable revenues to the Federal and state governments and products to the American public from trona production on Federal lands, the Mineral Leasing Act should be amended to increase the acreage limitation for Federal sodium leases.

SEC. 2. AMENDMENT OF MINERAL LEASING ACT.

Paragraph (2) of subsection (b) of section 27 of the Mineral Leasing Act (41 Stat. 448; 30 U.S.C. 184(b)(2)) is amended by striking ''fifteen thousand three hundred and sixty acres'' and inserting ''30,720 acres''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman

from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, I rise in support of H.R. 3063, a bill to amend the Mineral Leasing Act of 1920 with respect to limitations upon the amount of acreage an entity may hold within any one State. This bill would grant discretion to the Secretary of the Interior to raise the statutory limitation upon the amount of acreage a company may hold on a statewide basis for sodium leases and permits.

Mr. Speaker, the current limit was established by a 1948 amendment to the Mineral Leasing Act and was set at 15,360 acres, a reasonable size at that time during mining. But, Mr. Speaker, a modern operation requires a mine-plant complex which may cost well over $300 million to build.

Like other industries today, consolidation to achieve higher efficiency is taking place in this soda ash business. H.R. 3063 before us today would give the Secretary of the Interior the authority to raise the now too low acreage limit, after he has, in due course, determined it would not be anticompetitive to do so. Otherwise, Federal lessees may need to surrender mined-out leases before backfilling underground voids with tailings currently stored on the surface, a method which the Bureau of Land Management would like to see remain available.

Also, solution mining of the underground pillars left in place cannot occur if the leases are returned to the Government prematurely. From a royalty flow viewpoint, it is desirable for our domestic industry to have these options available.

The administration testified last month before the Subcommittee on Energy and Mineral Resources in support of H.R. 3063.

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

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

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROMERO-BARCELÓ asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, H.R. 3063 would amend the Mineral Leasing Act to grant the Secretary of the Interior the discretion to increase a number of Federal leases which may be held by any one producer in a single State.

The present acreage limitation for sodium leases of 15,360 acres has been in place for 5 decades. The bill would increase the limitation to 30,720 acres per producer.

The U.S. soda ash producers, four of which are in Wyoming, are competitive with one another for a share of their relatively flat domestic market. They are also faced with strong international competition. Wyoming generates approximately 2 million tons of soda ash per year. Other countries, including China and India, with vast supplies of Trona have erected tariff and nontariff barriers to support their own less efficient producers, making it difficult to export U.S. soda ash.

The gentlewoman from Wyoming (Mrs. CUBIN) believes that giving the Secretary of Interior the discretion to raise acreage limitations will have a beneficial effect on the industry's ability to remain competitive.

Congress set forth acreage limits in the Mineral Leasing Act to ensure that no single entity held too much of any single mineral reserve. The lease limitation ensures that there is sufficient competition while providing an incentive for development of these reserves and ensuring a reasonable rate of return to the Federal and State treasuries.

We expect any future Secretary of the Interior who uses this discretionary authority to raise acreage limitations for sodium leases to include a finding that raising an acreage for a producer would not have a negative effect on either Federal royalty revenues or competition.

The Clinton administration testified in favor of this bill. We have no objections on passing this under the suspension of the House rules.

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

Mr. HANSEN. Mr. Speaker, I have no further speakers on this, and I yield back the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I support the current bill.

Mr. ROMERO-BARCELÓ. 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 on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3063.

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.

GENERAL LEAVE

Mr. HANSEN. 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. 2862, H.R. 2863, H.R. 2541, H.R. 2818, and H.R. 3063.

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

There was no objection.

CONDEMNING ARMENIAN ASSASSINATIONS

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 222) condemning the assassination of Armenian Prime Minister Vazgen Sarksian and other officials of the Armenian Government and expressing the sense of the Congress in mourning this tragic loss of the duly elected leadership of Armenia.

The Clerk read as follows:

H. CON. RES. 222

Whereas on October 27, 1999, several armed individuals broke into Armenia's Parliament and assassinated the Prime Minister of Armenia, Vazgen Sargsian, the Chairman of the Armenian Parliament, Karen Demirchian, the Deputy Chairman of the Armenian Parliament, Yuri Bakhshian, the Minister of Operative Issues, Leonard Petrossian, and other members of the Armenian Government;

Whereas Armenia is working toward democracy, the rule of law, and a viable free market economy since obtaining its freedom from Soviet rule in 1991; and

Whereas all nations of the world mourn the loss suffered by Armenia on October 27, 1999: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) deplores the slaying of the Prime Minister of Armenia, Vazgen Sargsian, the Chairman of the Armenian Parliament, Karen Demirchian, the Deputy Chairman of the Armenian Parliament, Yuri Bakhshian, the Minister of Operative Issues, Leonard Petrossian, and other members of the Armenian Government struck down in this violent attack;

(2) strongly shares the determination of the Armenian people that the perpetrators of these vile acts will be swiftly brought to justice so that Armenia may demonstrate its resolute opposition to acts of terror;

(3) commends the efforts of the late Prime Minister and the Armenian Government for their commitment to democracy, the rule of law, and for supporting free market movements internationally; and

(4) continues to cherish the strong friendship between Armenia and the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 222.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, I support the motion to suspend the rules and pass this concurrent resolution, H. Con. Res. 222, introduced by the gentleman from California (Mr. ROGAN), which is identical to the language of a

resolution introduced by a bipartisan group of Members of the Senate. It is hoped that this will have the support of my colleagues in the House as well.

The killings that took place in Yerevan, Armenia, on October 27 were deplorable. While the perpetrators claimed to be acting on behalf of the Armenian people, their means of acting, the murders of top officials, are certainly not the way to build a true democracy of Armenia or another such struggling countries.

This resolution properly calls for the trial of those accused of these murders. We hope that the process of fair trial and judgment can help Armenians better understand the motive behind these murders. This process should be as much a part of democracy in Armenia as it is here. True democracy cannot be created by senseless murders.

Armenia faces serious difficulties, not just the economic and political difficulties that face all the States in the former Soviet Union, but the need for a peaceful resolution of a conflict with neighboring Azerbaijan that has been merely suspended by cease-fire for the past 5 years.

The murders of top officials in Armenia certainly did not help that small nation to resolve their serious problems, but the adoption of this concurrent resolution by the House may be helpful by making it clear to the Armenian people that our Nation continues to support democracy and their nation and opposes such acts of terrorism.

Mr. Speaker, I fully support the motion to suspend the rules and pass this concurrent resolution, and I invite my colleagues to join in support.

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

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

Mr. Speaker, I rise in strong support of this resolution. The original version of this legislation was cosponsored by 50 Members of this House from both sides of the aisle, evidence of the widespread sense of sadness felt by all of us over the tragic events in Armenia on Wednesday, October 27.

On that day, Prime Minister Vazgen Sarksian was assassinated in an attack by four gunmen who stormed into Parliament while it was in session of the Armenian capital of Yerevan. Other lawmakers and government officials were killed in the attack in the parliament chamber, including the chairman of the National Assembly, in effect the Speaker of Parliament, Karen Demirchian.

While we mourn the loss of all of these dedicated public servants, I want to stress, Mr. Speaker, that democracy in Armenia is strong. The commitment on the part of Armenia's elected government leaders and the vast majority of Armenia's people to democracy, to the orderly transfer of power, to peace and stability within Armenia and in the region, all remain as strong as ever.

Clearly, Armenia is still reeling from the shock of recent events. But I think special praise and recognition is appropriate for the way Armenia's president, Robert Kocharian, and the entire Armenian government have moved swiftly to restore stability to the political leadership.

A special session of Parliament recently elected a new speaker and two deputy speakers. President Kocharian appointed Aram Sarksian, the 36-year-old brother of the slain prime minister, to the post of prime minister. The new prime minister is a relative new-comer to politics, although he has been active in a major veterans' organization.

As President Kocharian stated during a special session of Parliament, ''Our state structure is stable and has proved to be able to deal with such crisis.'' The Parliament's choices for the new leadership posts will help ensure stability, since they come from the ruling coalition that enjoys a majority under the Unity banner. The new Speaker of Parliament, Armen Khachadrian, said, ''All programs that were envisioned will be implemented.''

Mr. Speaker, the events of 3 weeks ago have been a source of shock and sadness for all the friends of Armenia in this Congress and for all the American friends of Armenia, including more than 1 million Americans of Armenian descent. But our sadness is tempered by the knowledge that Armenia will continue to move forward with the political and economic reforms it began when it won its independence more than 8 years ago.

For me and many of my colleagues here, there was a particularly haunting and poignant feeling when we heard of the death of Prime Minister Sarksian. The prime minister was our guest in this very Capitol building just a few weeks ago, on September 30. More than 30 Members of Congress, and many of our staff, had the opportunity to hear the prime minister give a very strong speech in which he stressed his commitment to continuing with economic reforms while working for a settlement of the Nagorno Karabagh conflict and greater integration between Armenia and her neighbors. We also had the opportunity to chat with the prime minister on an informal basis.

Vazgen Sarksian had only been prime minister since May of this year, following nationwide elections for the National Assembly. His party was the Unity Federation. Prior to becoming prime minister, he served as defense minister from 1995 to 1999.

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And like many political figures in Armenia, his involvement in politics began in 1988 as the Soviet Union was collapsing. That year he joined the National Liberation Movement for the Independence of Armenia and Constitutional Self-Determination of Nagorno Karabagh. Also, like many of the political leaders of today's Armenia, Prime Minister Sarksian was quite young. He was only 40 years old, and had an extremely bright future ahead of him as the leader of his country.

Prime Minister Sarksian was committed to the goal of reform, rebuilding the Nation after decades of Soviet domination. He supported integration of Armenia's economy with the region and the world, and he sought to promote a society that protects private property with a stable currency and a balanced budget, while providing social protections to its citizens. During his visit to Washington, he had the opportunity to meet also with Vice President GORE as well as other Members of Congress.

I wanted to say also, Mr. Speaker, that Speaker Demirchian had been the leader of Armenia during Soviet times, but in the post-Soviet Armenia had emerged as a champion of reform. I had the opportunity to meet with him during a congressional delegation to Armenia that I participated in this summer with four of my colleagues, and I know the sponsor of this resolution, the gentleman from California, also had the opportunity to travel to Armenia this summer to meet with the Prime Minister and the Speaker.

I think I can take the liberty of characterizing all of my colleagues as being as impressed as I was with the new leadership, a sort of triumvirate of President Kocharian, Prime Minister Sarksian, and Speaker Demirchian, to represent an extremely strong team poised to lead Armenia into a new era of economic prosperity and peace. While I am sure President Kocharian will work to continue that legacy, he has lost two valuable partners; Armenia and the world have lost fine leaders.

I also wanted to say, Mr. Speaker, that as elected Members of our Nation's legislative branch, we are particularly horrified that elected representatives, our counterparts in Armenia, were attacked while conducting the people's business. Our thoughts and prayers are with their families, friends, and colleagues; and we hope and pray for the complete recovery of those who were wounded in this deplorable act of violence.

I also want to take this opportunity to commend President Kocharian for his decisive leadership during the actual crisis, for bringing it to a peaceful conclusion with no further bloodshed. The effective response of Armenia's government, its security forces, help to maintain calm in Yerevan and throughout the Nation. Given the potentially destabilizing nature of this attack, it was imperative for the government to assure the Armenian people and the rest of the world that this isolated act of violence did not represent a fundamental threat to Armenia's democracy.

Mr. Speaker, this is an important week for Armenia and the surrounding region. Later this week, in Istanbul, Turkey, President Clinton will join with a number of other heads of state and government for the annual summit of the Organization for Security and Cooperation in Europe. The President

will meet with both President Kocharian and the President of Armenia's neighbor, President Aliyev. A group of us in the House are currently circulating a letter to President Clinton urging that these meetings be an opportunity for the U.S. to strengthen our ongoing effort to conclude the Nagorno Karabagh peace process as well as to enhance opportunities for regional cooperation.

In addition, we are strongly encouraging President Clinton to extend President Kocharian an official invitation to Washington. While his counterparts in Azerbaijan and Georgia have paid official visits to the U.S. in the past, President Kocharian has not had the same opportunity; and we believe that such a visit will further strengthen the U.S.-Armenia relationship and is long overdue.

Finally, Mr. Speaker, the fact that the upcoming summit is taking place in Turkey, Armenia's neighbor to the west, is particularly significant. Turkish-Armenian relations have been difficult for, among other reasons, the hostile blockade that Turkey still maintains against Armenia. There have been, however, some potentially hopeful signs of a trend towards better relations. This summer when I traveled to Armenia with a bipartisan group of my colleagues, we saw firsthand evidence of moves towards a new cross-border relationship between the Armenian city of Gyumri and the Turkish city of Kars. Also, I was very encouraged to see that Turkey sent a delegation to Prime Minister Sarksian's funeral last month. I encourage President Clinton to use the considerable U.S. clout with Turkey to urge that country to improve its relation with Armenia and also to persuade Turkey to use its influence with Azerbaijan to promote increased cooperation with Armenia.

Despite our grief, we want to take this opportunity to emphasize our belief in Armenia's commitment to democracy, economic reform, peace, and stability within Armenia and throughout the region. We take this opportunity to reiterate our full confidence that this commitment is deeply held by the government and by the majority of the Armenia people. Armenia has been cruelly deprived of gifted politicians and statesmen who were leading it into a new millennium. While we mourn their loss, we encourage President Kocharian to redouble their efforts to keep Armenia free and strong. And as Members of the U.S. Congress, we stand ready to assist in any way that we can.

Mr. CAMPBELL. 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, I rise as a member of the Armenia Caucus in strong support of this resolution condemning the violence against Armenia's Prime Minister and Speaker and mourning their loss, along with other members of the democratically-elected Armenian government. Armenians have suffered for many years not only from the Turkish genocide, but persecution throughout this world. This sad incident was a setback in what has been an increasingly stable role towards stability in Armenia.

My good friend from Fort Wayne, Zorhab Tazian, had just had the opportunity to join the victims in Armenia to discuss the current political situation. Zorhab's clear impression at that meeting was that all the participants shared increasing optimism that the government would continue its successes in expanding the Armenian democracy and developing a healthy economy. It is a tragedy that their leadership was cut short in such an untimely and ugly way.

Our best memorial to the victims of the Armenian violence is to help continue their work. We cannot and will not allow acts of political violence to deter us from our support to the course of freedom and the opportunity that has so promisingly begun in Armenia. I commend President Kocharian's strong response to this incident and swift efforts to ensure the stability of Armenia's government.

I hope my colleagues will continue to support the causes of democracy, stability, and a free market economy in Armenia. We can do so through supporting economic assistance to promote privatization and tax reform, capital market development, legal reform, and other steps critical to continuing progress on advancing the Armenia economy. We can also continue to help Armenia by supporting it on the issue of Nagorno Karabagh, including our vigilance over providing American aid to Azerbaijan in light of its continued blockades.

Although it is a sad and difficult time in Armenia, we should also view it as a time of continued optimism for the great potential that lies in Armenia's future. We should let nothing deter us in our continued progress together towards peace and freedom, and I am confident Armenia's great people will continue to move ahead in building a great nation. There can be no more or better fitting tribute to the fallen Armenian heroes.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

A few weeks ago, the Armenia people suffered a tragic loss. A group of armed terrorists broke into Armenia's parliament and assassinated eight political leaders, including Armenia's prime minister. These political leaders were killed in the midst of exercising their duty as elected political representatives.

This resolution before the House today deplores these outrageous assassinations and expresses the sense of the House that the perpetrators of these vile acts must be brought swiftly to justice. Our resolution also commends the efforts of the late prime minister and the Armenian government for their deep commitment to democracy, to the rule of law, and to their support of free market reforms.

As a result of the late prime minister's leadership, Mr. Speaker, Armenia is considered today one of the most politically stable countries in the region and one of the most market oriented. Armenia has approved the most liberal trade legislation among the newly independent states of the former Soviet Union. Unfortunately, Armenia's economic development has been severely impeded by the protracted conflict over Nagorno-Karabagh, the Armenian populated autonomous enclave in neighboring Azerbaijan.

The war has taken a heavy toll on both sides of the conflict, Mr. Speaker, but in recent months there has been some movement on the possible settlement of this conflict. All of us in this body earnestly hope that progress will continue despite these horrible assassinations.

Mr. Speaker, the brother of Armenia's late prime minister has been selected to replace him, and I want the new prime minister to know that the United States stands ready to continue to assist Armenia as it develops its economy and attempts to bring peace and stability to the region.

Now, these recent assassinations in Armenia have been particularly difficult on our fellow citizens of Armenian-American ancestry. Armenian-Americans must know that the United States Congress is not only following developments closely, but we will remain actively engaged in helping the people of Armenia to achieve the peace and prosperity they have fought for for so long and that they so richly deserve.

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

Mr. CAMPBELL. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROGAN).

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

Mr. Speaker, it is with a great heaviness in my heart that I rise and ask my colleagues to join me in supporting House Concurrent Resolution 222, honoring the victims of the recent terrorist attack in Yerevan, the capital of Armenia.

Armenian Prime Minister Vazgen Sarksian, Chairman of the Armenian Parliament Karen Demirchian, Deputy Chairman of the Armenian Parliament Yuri Bakhshian, Deputy Speaker of Parliament Rouben Miroyan, Minister of Operative Issues Leonard Petrossian, and Members of the Armenian Parliament Mikael Kotanyan, Henrik Abrahamyan and Armenak Armenakyan were murdered by terrorists in the parliament building in Yerevan.

I came to know the late Prime Minister during my recent trip to Armenia

and Nagorno Karabagh, which was organized by the Armenian Assembly. I again met with the Prime Minister here in Washington just three weeks before his death. He and his slain colleagues were moving their country forward by dealing with economic reform, the rule of law, seeking a resolution of the Nagorno Karabagh conflict, and regional cooperation.

Armenia has taken great strides since gaining independence over eight years ago. Then Armenia was a captive nation, struggling to preserve its centuries-old traditions and customs. Today, the Republic of Armenia is an independent, freedom-loving nation and a friend to the United States and to the democratic world.

As evidence of this progress, communities throughout Armenia recently held local elections that were deemed free and fair by the European Community. This signaled to the world the accomplishments of Prime Minister Sarkisian and his slain colleagues. It also signaled that the future of Armenia, even after the loss of these men, is a bright one that bodes well for the advancement of democracy. As a testament to Prime Minister Sarkisian and the other slain officials' patriotism and leadership, well over 100,000 Armenians paid their respects when they were laid to rest.

On a more personal note, the loss of these Armenian martyrs has deeply affected my district, which is home to nearly 100,000 Armenian-Americans. As Armenia now turns toward the task of rebuilding its government, I trust the Congress will join me in expressing continued friendship with Armenia and with Nagorno Karabagh.

Additionally, we must express our support for a just and speedy resolution to the Nagorno Karabagh conflict, and that all economic blockades in the region will be speedily lifted so that prosperity and peace will be enjoyed by all.

In honor of the great sacrifice made by Armenia's leaders, and in recognition of their commitment to pursuing democracy, I ask my colleagues to join me in supporting this important resolution.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Speaker, I want to thank the gentleman from California (Mr. ROGAN) for introducing this resolution condemning the assassination of Vazgen Sarksian.

I, being one of only two Members of the House and Senate of Armenian descent, feel compelled to come to the floor today and voice my support very strongly for this resolution.

There has been a lot of comment and discussion about this resolution and about the horror of this unprecedented attack.

Let me just say this: knowing the Armenian spirit as I do, I believe Armenia is going to continue to move forward, will not be deterred towards establishing itself as a strong democracy and a strong ally of our great country.

I say this primarily because and out of recognition of my own grandfather's history and his past. My grandfather came to this country, Mr. Speaker, before World War I and returned to his homeland to fight against tyranny and fascism, earning two Russian medals of honor. He came back to this country and made a life for his family and for us.

I know the Armenian spirit is strong; and I know that, with our proper support, as this resolution will provide, Armenia will prevail.

And I like most others demand that the men who committed these vile acts be brought to justice. I was appalled to see this horror take place in my own grandfather's homeland. The assassination of Prime Minister Vazgen Sarksian, as well as several other duly-elected officials is a tragedy beyond words. As Armenia moves forward with its strong commitment to the ideals of democracy, after a history filled with so much tragedy, these incomprehensible acts of terror might seem to make it more difficult to move toward self rule but I currently believe that it will not deter the Armenian spirit. Armenia has shown itself to be a valued ally of the United States, and of the world. Further, this tragic loss comes at a time when we should be praising Armenia's strength and determination in working toward democracy, the rule of law, and a viable free market economy since obtaining its freedom from Soviet rule in 1991. Not only would I like to express my most deep and heartfelt sympathies to the people of Armenia, but I would like to commend them for continuing the drive toward democracy, even in the face of great adversity.

I am proud to share a common heritage with the Armenian people. My own grandfather was a native Armenian, raised in a land ravaged by hate, and a witness to the genocide of his people. The experiences of his childhood fueled his desire for freedom for his homeland in the First World War, so he returned there, where he was awarded two Russian Medals of Honor for his bravery in the fight against fascism.

Mr. Speaker, my grandfather is a singular example of the esprit de corps that lies deep in the heart of every Armenian. This determination to be free continues today and was clearly shown through the life's work of the late Prime Minister Sarksian. I share in the Armenian people's loss of a great leader, but take comfort in knowing that they shall overcome this loss and move toward greater things, as they have so many times before.

Mr. KNOLLENBERG. Mr. Speaker, I rise today in strong support of this resolution and join my colleagues in condemning the assassination of Armenian Prime Minister Sargsian and other officials of the Armenian Government, and I appreciate the opportunity to express my sorrow at the loss of the duly elected leadership of Armenia. On October 27th of this year, Armenian Prime Minister Vazgen Sargsian, his ally, Parliamentary Speaker Karen Demirchyan, Deputy Parliamentary Speakers Yuri Bakhshyan and Ruben Miroian, Operative Issues Minister Leonard Petrossian, and other members of the Armenian Government, including a senior economic official, Michael Kutanian, were killed when gunmen burst into the Parliament Chamber in Yerevan, Armenia.

The purported leader of the gunmen claimed they were targeting Sargsee-ehn and were launching a coup to quote—unquote ''restore democracy'' and end poverty. Mr. Speaker, I fail to see how assassinating and holding hostage members of a democratically elected government will accomplish that goal. I have met Prime Minister Sarksyan personally and have witnessed first-hand his commitment to a peaceful, economically successful, democratic Armenia. I am shocked and saddened by this terrible act of violence. My thoughts and prayers are with the people of Armenia and with the families and friends of those who were killed. This deplorable attack, however, must not deter Armenia and the United States from pursuing our mutual goals of democracy, open markets, and peace in the Southern Caucasus. We cannot allow the very small minority of individuals who oppose the peace process to thwart the valiant efforts made by all parties involved. Significant progress has been made in recent months in Armenia's transition from a socialist republic to a democratic, free-market country. Free and fair local elections were held in Armenia earlier during the week of the attack. In addition, recent meetings between Armenian President Kocharian and Azerbaijan's President Aliyev have produced positive signs in negotiations over the Nagorno-Karabagh peace process.

At this difficult time we must remain focused on supporting the people of Armenia and the Armenian government. Now we must reaffirm our commitment to assist Armenia in its continued progress toward a proud, democratic nation.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in support of H. Con. Res. 222, condemning the assassination of Armenian Prime Minister Vazgen Sargsian and other Armenian Government officials. A total of nine people were killed—in addition to the Prime Minister, Speaker of Parliament Karen Demirchian was shot, as were two deputy speakers of parliament. Indeed, it seemed as if much of Armenia's political elite, except for President Robert Kocharian, had been removed in one surreal afternoon. The horrifying events of October 27 were all the more shocking considering that Armenia appeared to have established a framework for political stability and efficient government. After the May 1999 parliamentary elections, President Kocharian, Prime Minister Sargsian and Speaker Demirchian constituted the legs of a troika uniting the three most influential politicians in Armenia. They had practically reached agreement on the budget, one of the most pressing problems facing Armenia. Perhaps most important, President Kocharian apparently had the support of his Prime Minister and Speaker of Parliament, as well as other Armenian political leaders, in his bilateral negotiations on Nagorno-Karabakh with Azerbaijani President Heydar Aliev. Those talks, which began this spring, have been the most promising development in the long road to resolving the conflict. In short, there was reason for cautious optimism on any number of fronts in the South Caucasus.

Alas, the murder of the Prime Minister, the Speaker and others has set back the talks on Nagorno-Karabakh. Judging by public statements in Baku and Yerevan last week, instead

of an agreement, which many had been hoping for, only a general statement of principles might be signed this week at the OSCE Summit in Istanbul. But, Mr. Speaker, I trust that despite the tragedy of October 27, Presidents Kocharian and Aliev will continue their efforts to find a solution to this knottiest of problems. There is some consolation, at this time of sober reflection and mourning, in that these two leaders obviously understand that peace is in the best interest of their peoples.

Mr. Speaker, the perpetrators are in custody and the investigation into the events of October 27 continues. Many questions remain unanswered about their motives and the possible involvement of other conspirators. In the last week, Armenian authorities have arrested several more people, including a member of parliament. It is imperative to get to the bottom of this matter, and the United States should offer any assistance Yerevan may request to accelerate and facilitate the inquiry. It is important to show the Armenian public, Armenia's neighbors, and all the world that despite the tragedy of October 27, Armenia is a stable country—able and willing to address its problems, to pursue peace with its neighbors and to take its rightful place in the international community.

Mr. PORTER. Mr. Speaker, I rise in strong support of this resolution. The tragedy that occurred in Yerevan on October 27th was deplorable. It has become clear that the gunmen involved in this incident were acting alone and not part of a larger group. President Kocharian's personal intervention in ending the stand-off with the gunmen and containing the potential repercussions of this event were very admirable. I encourage him to remain strong and continue to rebuild the leadership of the government and bring stability back to Armenia.

Armenia has made important progress on many domestic and foreign policy fronts, and this tragedy should not hamper the continuation of these developments. To be sure that progress in Armenia continues, it is critical that the U.S. continue to strongly support President Kocharian, his government and the people of Armenia.

I extend my condolences to the families, friends and colleagues of those that were slain. To properly honor these individuals, it is imperative that Armenia not waiver in the policies it is pursing. None is more important than the resolution of the Nagorno-Karabagh conflict.

I have followed very closely the Nagorno-Karabagh conflict. For the first time in many years, significant progress is in the making. President Kocharian and his Cabinet officials have spent many hours with their counterparts in Azebaijan developing the terms for an agreement. I am hopeful that they are continuing their work and will have some resolution to present at the OSCE Summit that is scheduled to begin in Istabul next week. President Kocharian should not let this progress be sidelined by the tragedy in Parliament. Peace in Nagorno-Karabagh is imperative for long term prosperity in the region and there is a real opportunity for such a resolution.

I will continue to strongly support President Kocharian, his government and the people of Armenia as they struggle to cope with the deaths of their elected officials. I encourage all of my colleagues in Congress to do the same.

Ms. ESHOO. Mr. Speaker, I rise today in support of H. Con. Res. 222 with great sorrow for the losses that gave rise to this legislation and the tragedy it decries.

On October 27th, a small group of terrorists stormed the Armenian Parliament building murdering the Prime Minister, the Speaker of the Parliament, and seven other members of the Armenian government.

This bill condemns their assassinations and expresses the sense of the Congress in mourning the tragic loss of the duly elected leadership of Armenia.

The loss and bloodshed is tragic but Armenia's government and its people have not and will not allow this event to destabilize the country. Their remarkable spirit continues in Armenia, showing the worldwide community of their dedication to democracy, to the rule of law, and to the importance of peace.

After separating from the Soviet Union in 1989, many wondered if the newly established nation would be able to survive.

The Republic of Armenia has not only done that, but has also built a democratic nation for its people during unsettled and difficult times.

Prime Minister Sargsian has fought for reforms to bring Armenia into the next century with a market economy and strong democratic traditions. This will not end with the tragedy that occurred.

The efforts of President Kocharian are to be applauded to bring the recent tragedy to a peaceful resolution as he leads Armenia forward during this arduous time.

Let us reaffirm America's strong support for and renew our commitment to Armenia by supporting H. Con. Res. 222 today.

Mr. MCKEON. Mr. Speaker, I rise today to honor the victims of the terrorist attack in Yerevan last month. Like many of my colleagues, I was shocked and deeply saddened by the fatal shootings in the Armenian Parliament.

For this reason, I rise in support of H. Con. Res. 222 to denounce the terrorist attack and express our sympathies in mourning this devastating loss of the leadership in the Armenian government.

When a tragedy as horrific as this one occurs, it is important to extend our support for the families of the victims as well as the people and leaders of Armenia. We must encourage them to follow the beliefs and ideals practiced by those who were victims of this tragedy.

Since its independence over eight years ago, Armenia has struggled to promote democracy for its people. These important strides must not be forgotten during this time of mourning and great loss. It is my hope that the people of Armenia will continue build upon the principles of freedom they have worked so hard to achieve.

For this reason, I commend my colleague and friend from California (Representative JAMES ROGAN) for introducing this resolution to condemn the attack and commend the leaders of Armenia for their commitment to democracy.

I urge all of my colleagues to support this resolution.

Mrs. MORELLA. Mr. Speaker I rise in strong support of H. Con. Res. 222 condemning the assassination of Armenian Prime Minister Sargsian, the Chairman of the Armenian Parliament, Karen Demirchian and other Government officials and Members of Parliament.

Mr. Speaker, I had the honor of leading a Congressional delegation to the caucus region earlier this year. During this trip I had the opportunity to meet with Prime Minister Sargsian and Chairman Demirchyan and was very impressed by their dedication to the well-being of the country and its people. They repeatedly articulated their deep sense of commitment to bringing peace and prosperity to the region. Their loss will be acutely felt—and even more so because of the real strides that have been made to establish an open and democratic Armenia and in seeking a meaningful and lasting peace with Nagorno-Karabakh and Azerbaijan.

Prime Minister Sarksian addressed the people of Armenia in late July, shortly before our Congressional delegation arrived in Yerevan. During this television broadcast he articulated the window of opportunity that Armenia had for the peace process as well as the opportunities to increase international trade. He also squarely addressed the problem of corruption, the need to prevent it and his vision for transparency and openness in the government. He received tremendous applause because it was indeed a very courageous and heartfelt speech. He will be greatly missed.

Mr. Speaker, when speaking of courage, President Kocharian must also be commended for his decisive leadership in responding to this tragedy and in bringing it to a conclusion without further loss of life.

Regrettably, it seems that acts of violence are becoming all too common. However, may the deeds of these brave men who lost their lives far overshadow this senseless act.

This tragedy must not be permitted to deter Armenia's resolve and commitment to democracy, the rule of law, economic reform, peace and stability.

Mr. Speaker, I urge support for this resolution.

Ms. STABENOW. Mr. Speaker, I rise today to express my support for H. Con. Res. 222. This important resolution deplores the slayings of the Prime Minister of Armenia, Vazgen Sargsian; the chairman of the Armenian Parliament, Karen Demirchian; the deputy chairman of the Armenian Parliament, Yuri Bakhshian; the minister of operative issues, Leonard Petrossian; and other members of the Armenian government struck down in a violent attack on Parliament on October 27, 1999.

This important resolution demonstrates to our friends in Armenia that we support them in this time of great tragedy for their nation. While condemning these violent acts, this resolution also shares the determination of the Armenian people that the perpetrators of these acts be swiftly brought to justice. The bill also commends the efforts of the late prime minister and the Armenian government for their commitment to democracy.

Mr. Speaker, I am proud to be a cosponsor of H. Con. Res. 216, the initial legislation which H. Con. Res. 222 is based upon. I want to express my support for this resolution and urge the adoption of this important measure.

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

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

The SPEAKER pro tempore (Mr. BALLENGER). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 222.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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EXPRESSING SUPPORT OF CONGRESS FOR RECENT ELECTIONS IN REPUBLIC OF INDIA

Mr. CAMPBELL. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 211) expressing the strong support of the Congress for the recently concluded elections in the Republic of India and urging the President to travel to India.

The Clerk read as follows:

H. CON. RES. 211

Whereas the Republic of India is a longstanding parliamentary democracy where citizens may freely change their government;

Whereas India has a thriving multiparty system where a broad spectrum of political views are represented;

Whereas India recently conducted a successful round of elections, involving over 650,000,000 registered voters and resulting in a 60 percent voter turnout and re-election of Prime Minister Atal Bihari Vajpayee;

Whereas India and the United States share a special relationship as the world's most populous democracy and the world's oldest democracy, respectively, and have a shared commitment to upholding the will of the people and the rule of law;

Whereas the President has expressed his continued desire to travel to South Asia; and

Whereas India continues to be a shining example of democracy for all of Asia to follow: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) congratulates the people of the Republic of India on the successful conclusion of their recent national elections;

(2) congratulates Prime Minister Atal Bihari Vajpayee on his re-election;

(3) calls on the President to travel to India as part of any trip to South Asia; and

(4) urges the President to broaden our special relationship with India into a strategic partnership.

The SPEAKER pro tempore (Mr. BALLENGER). Pursuant to the rule, the gentleman from California (Mr. CAMPBELL) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CAMPBELL).

GENERAL LEAVE

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 211.

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

There was no objection.

Mr. CAMPBELL. Mr. Speaker, I yield myself such time as I may consume for just a brief comment on the importance of this resolution to recognize the remarkable achievements of the largest democracy in the world, to recognize the recent election in India and the importance of ending the remaining sanctions of an economic nature that were imposed so that relations with India can continue to improve for the benefit of our country.

Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER), the subcommittee chairman.

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

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

Mr. Speaker, H. Con. Res. 211 was considered by the Subcommittee on Asia and the Pacific on October 27 and was unanimously approved. It is introduced by the gentleman from New York (Mr. ACKERMAN), the gentleman from New York (Chairman GILMAN), and others.

The resolution rightly congratulates the people of India on a successful election where over 350 million voters cast their ballots.

The reelection of Prime Minister Vajpayee reflects a vibrant multiparty system where parties with strongly differing views can compete in a way that is uniquely Indian. We certainly wish the BJP party and its ruling coalition well as it prepares to continue to lead the country.

The resolution rightly alludes to the strategic relationship between the United States of America and India. We certainly have such a strategic relationship with India, just as we have a strategic relationship with many other countries in the region.

I urge adoption of the resolution.

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

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

Mr. Speaker, first I want to commend my distinguished colleague, the gentleman from New York (Mr. ACKERMAN), for introducing this resolution, as well as my colleagues on the other side, the gentleman from New York (Mr. GILMAN), the chairman of the committee; the gentleman from Nebraska (Mr. BEREUTER), the chairman of the subcommittee on Asia and the Pacific; and my good friend, the gentleman from California (Mr. CAMPBELL).

I also want to commend the gentleman from Connecticut (Mr. GEJDENSON), the ranking Democrat on the committee, for his efforts in bringing this legislation before the body.

Our resolution, Mr. Speaker, expresses our strong support and admiration for the recently concluded elections in India. It is not easy to have a society with over 650 million registered voters, many of them living in conditions of dire poverty, to undertake this monumental democratic effort. But the Indian government got the job done by stretching the elections out over a period of a month, by mobilizing civil servants, students, and other volunteers to ensure that the elections are fair, professional, and accurate.

Often, Mr. Speaker, when we talk about the Subcontinent, we immediately focus on the relationship between India and Pakistan; and this is not an inappropriate moment to focus on that relationship.

While India undertook this monumental free and democratic election, there was a military coup in Pakistan where the democratically elected government was thrown out of office and its leaders imprisoned.

I think it is important for all of us, Members of Congress and presidential candidates, to understand that a military coup is not something that should be applauded by the American people or Members of our Congress or any political figure.

One of the most important relationships we have is the relationship with the world's largest political democracy, India.

For a long time, Mr. Speaker, people were making comparisons between China and India, pointing out how effective China's leadership has been in bringing economic progress, even though they maintain their police state and their dictatorship.

In recent years, we have come to see with great pleasure that India was not only able to maintain its political democracy but was able to make tremendous strides in the economic field.

The resolution before us today commends the Indians on their recent elections, congratulates Prime Minister Vajpayee on his reelection, and calls on our President to visit India as part of his scheduled South Asia trip and urges the President to further broaden and strengthen our relations with our fellow democracy, India.

I urge my colleagues to support H. Con. Res. 211.

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

Mr. LANTOS. Mr. Speaker, I am delighted to yield such time as he may consume to the gentleman from Connecticut (Mr. GEJDENSON), the distinguished ranking member of the Committee on International Relations.

Mr. GEJDENSON. Mr. Speaker, I want to join my colleagues, particularly the gentleman from California (Mr. LANTOS), in his articulate support for the resolution commending India on its election.

India stands in stark contrast to almost all of its neighbors from Burma and over to China, obviously, and the very sad situation recently with the coup in Pakistan.

What we see is India, which is among the poorer countries in the world, having an incredibly vibrant democracy. Oftentimes we think there is a certain fundamental level of economic strength before countries can have democratic institutions. India continues to build its democratic institutions, its economic reform package will

help, but it has sustained a democratic government for over 50 years and does stand in stark contrast to many of the countries in its regions.

I am frustrated that we are not going to be apparently able to bring forward the resolution on Pakistan because I think it is important for this Congress to speak clearly about the importance of democratic institutions. India and the United States have a strong relationship that is going to continue to grow.

As the gentleman from California pointed out, some people in obviously a misguided assessment have felt that somehow a coup in Pakistan would bring stability. Pakistan has already had its coups and more than its share of coups, and one lasted almost a dozen years. It did not lead to an improved and perfect democracy.

The only way to improve democracy and perfect it is the same way we do it here in the United States, the same way that India does it, to improve its institutions, its court systems, to make the government process more transparent, and to build confidence in its citizenry.

So I am thrilled to be here with my colleagues today recognizing India's achievement in an area of the world where very few others have had democratic institutions, but also to note my objection to the fact that this House is apparently thwarting the will of the Members of the Committee on International Relations in the failure to bring forward the resolution recognizing the damage that the coup in Pakistan will do to democratic institutions in Pakistan.

The SPEAKER pro tempore. Without objection, the gentleman from New York (Mr. GILMAN) will control the time for the majority.

There was no objection.

Mr. GILMAN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. ROYCE), the distinguished chairman of our subcommittee.

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

Mr. Speaker, let me just say that this resolution brings a very needed focus on what should be one of our most important bilateral relations, and that is our relationship with the Republic of India.

For many years during the Cold War, relations between India and the United States were cool, at best. We had tensions. We had political and economic and security tensions at the time.

Thankfully, those relations have changed. They have changed because, in part, India has changed. Economic reform has allowed the Indian people to begin to realize their very considerable economic potential. And India's foreign policy is now free of Cold War shackles.

As a matter of fact, on the economic front, Prime Minister Vajpayee has called for considerable economic reforms this week, and we look forward to working with India. Many of us in Congress have been working to see that U.S. policy changes to deal with this new India.

As this resolution states, the President should travel to India. This trip would be most welcomed and would go a long way towards ringing in a new era of U.S.-India relations.

One thing that has not changed is India's commitment to democracy. This resolution congratulates the people of India on a successful conclusion of their recent national elections. These were elections, as we have heard, that involved 650 million people. Indians are proud, and rightfully so, that theirs is the world's largest democracy.

India, of course, faces many challenges ahead. Poverty and pockets of religious extremism exist. Economic reform must be accelerated, and India confronts grave security threats.

The United States needs to be part of the solution of these challenges. India is too important a country for the United States to ignore. We have a direct stake in India's security and in its prosperity, and this resolution is a way of bringing attention to the many interests the United States shares with India. I urge all of my colleagues to support it.

Mr. Speaker, I thank the gentleman from Nebraska (Mr. BEREUTER), the chairman of the subcommittee, for bringing this forward.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to my friend and colleague, the gentleman from Ohio (Mr. BROWN), who has been one of the most effective members of the Committee on International Relations.

Mr. BROWN of Ohio. Mr. Speaker, I thank my colleague for yielding me the time.

Mr. Speaker, I rise in strong support of this resolution because it does exactly what we should be doing here in Congress. We should be encouraging and supporting nations that have made the choice to become democracies.

That is something we do not do enough here in Washington. I think we need to start rewarding countries like India and Taiwan that give their people the right to live under the rule of law.

Last month, India had an election that saw over 350 million people choose to show up at the polls to select a new government, easily the largest election in world history.

□ 1330

Think about that. A country of nearly 1 billion people with a middle class of 300 million, with more Muslims than any other country in the world except for Indonesia. A country that just 50 years ago was still a colony of England and before that had been ruled by the same feudal system for thousands of years. It is pretty clear that if this country of one billion people can overcome its problems and elect a government that serves the people's needs, then our State Department, our U.S. Trade Representative's Office and the Republicans in this Congress should quit lavishing all their attention on the People's Republic of China and start working with our sister democracy in India to bring stability to South and to East Asia.

Before closing, Mr. Speaker, I would like to note last week when the Committee on International Relations unanimously approved this resolution, we also overwhelmingly approved a resolution condemning the military coup in Pakistan and calling for the immediate restoration of democratic rule in that country. The Republican leadership deliberately prevented this resolution from coming to the floor which sends the wrong message to would-be dictators around the world, whether they are in Nigeria or Pakistan or North Korea. Instead, we need to support and encourage the development of democratic institutions. While I urge my colleagues to support this resolution, I hope the Republican leadership will condemn the ouster of Pakistan's elected government by yet another military dictatorship.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. ROHRABACHER), a member of the Committee on International Relations.

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of this resolution commending India for having yet another free election which again underscores India's commitment to democracy. Over the last four decades, however, let us recognize that India has not, and I repeat, not been a friend of the United States. During the Cold War, India consistently voted against the United States, consistently condemned everything that they could about the things we were doing while overlooking misdeeds of the Soviet Union.

They were, in fact, a friend of Russia and the Soviet Union and not a friend of the United States. However, with that said, the Cold War is over and India's commitment to democracy, as demonstrated by this free election, I think should bring the United States and India closer together in the future. Yes, we should forget any disagreements we had in the past and work on those things that bind us together with this great, huge democracy. I agree with the gentleman from Ohio (Mr. BROWN). Our businessmen and people of the United States should look to India, this democracy, in terms of investment and in terms of trying to work together economically and politically rather than with the world's worst human rights abuser in China.

And so I rise in support of this resolution and hope it draws attention of the American people to the great opportunities that India has to offer now. Let me just say that with the Cold War being over and with us dealing now with a democracy that has reached its hand out as we are trying to reach our hand out in friendship to India, let us also recognize that we share a common threat and it is a threat to world peace as well.

The aggressiveness of Communist China is nowhere more felt than in the subcontinent in India. If we are to preserve the peace in the world, let us recognize that while India is moving forward with democracy, Communist China is not, and the expansion of Communist China's military power is a threat to both India and the United States and all free people. Let us recognize democracy counts and applaud India for the election that it just had.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE) who is using this opportunity of expressing himself probably more frequently and more eloquently than any of us in this whole body.

Mr. PALLONE. Mr. Speaker, I rise in support of the resolution offered by the gentleman from New York (Mr. ACKERMAN). I want to thank the gentleman from California (Mr. LANTOS) for those kind remarks and for yielding me the time.

I want to say, Mr. Speaker, I think as representatives in what is often referred to as the People's House here in the United States it is most appropriate that we should pay tribute to the successful elections in India and to their democracy and to offer our best wishes to those who were elected and reelected, who are our counterparts.

I want to say, though, it is disturbing to me as has been mentioned by some of my colleagues already that the resolution with regard to Pakistan is not coming up at this time. I am not sure I understand the reason, but I think that it is unfortunate because I think it is very appropriate at this time for us to basically call attention to the fact that we as a Congress and as a House of Representatives are not happy with the military coup d'etat in Pakistan and at the developments that have taken place there which are in sharp contrast to the democracy and the election that took place in India.

In fact, in the past few weeks, the headlines from South Asia have been dominated by the news from Pakistan where the coup took place. It was a very disturbing development which has been condemned by me and many of my colleagues here in Congress. Unfortunately, there is often a tendency to lump India and Pakistan together, to see all developments in South Asia as a function of the conflicts between India and Pakistan.

In fact, Mr. Speaker, what we now see in South Asia are two great nations moving in completely different directions. While Pakistan is mired in military coups and economic collapse, India sticks to its path of democracy and economic reform. We are seeing some indications that U.S. policy is beginning to accommodate some of the important distinctions between these two countries.

Last year after India and Pakistan conducted nuclear tests, a wide range of economic sanctions were imposed on both countries. About a year ago, Congress and the President acted to waive these sanctions for 1 year. Last month, under the renewed waiver authority, President Clinton waived the economic sanctions on India but kept most of the sanctions against Pakistan in response to the coup. The White House National Security Council noted this difference between the two. So while I am here today and I am very happy about this resolution, I do want to point out that we should have had the other resolution on the floor; and I hope that it will be brought to the floor soon.

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

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

Mr. GILMAN. Mr. Speaker, I want to thank the chairman and the ranking minority member of the Subcommittee on Asia and the Pacific for crafting this resolution. I commend the gentleman from Nebraska (Mr. BEREUTER) for his continuing leadership and expertise in crafting appropriate legislation regarding the Asia and Pacific region. I also want to commend our distinguished cochairman of the India caucus, the gentleman from New York (Mr. ACKERMAN), for his efforts to ensure that Indian Americans have a voice on Capitol Hill. It is well known and appreciated that he does that continually.

The President recently waived some of the economic sanctions against India. Two weeks ago, the gentleman from Connecticut (Mr. GEJDENSON) and I sent a letter to the President urging that he waive the last remaining economic sanction against India. That sanction requires that the United States oppose international financial institution loans to India. These loans are critically needed for infrastructure projects in the poorest areas of India.

Moreover, a waiver of these loans will benefit U.S. companies that want to work on those projects. India recently went through its third general election in 3 years. That election started on September 5 and it ended October 4. The process took about a month because there were some 600 million voters and thousands of polling stations spread throughout that large nation. It was an orderly process even though it was such a mammoth undertaking.

Our mutual faith in the rule of law, the process of democracy, and the deep respect for the world's different religious traditions are what tie our two peoples so closely together. It is due to these similar core values that India and the United States see eye to eye on so many regional concerns. China's hegemony; the spread of Islamic terrorism spilling out of Afghanistan and Pakistan; the narco-dictatorship in Burma; and the occupation of Tibet. These are all serious matters that will only be resolved by a teamwork of leaders of our two nations working closely together. A closer relationship with India is long overdue. I urge my colleagues to support H. Con. Res. 211.

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

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, I thank the gentleman from California for yielding me this time. For many of us, we came of age at a time when India was providing a very independent voice in world councils. For many of us, we grew up reading about Mahatma Gandhi and his contribution to nonviolent resistance and the struggle that he led for independence of the Indian subcontinent. We recognized that India, although a very complex place, was playing a crucial role in the emerging world and respected that role.

I think that it is important for our country to recognize that as the world's largest democracy, representative democracy, that we have a special relationship with India where we may be the longest standing constitutional democracy but India is the largest. And to nurture this relationship, to have our President visit India in his forthcoming travels, is important for the American presence in world affairs. So I would like to join with my colleagues in complimenting India for what it has accomplished, urging it to continue to stay the course, and affirming the friendship and support of this institution for our friends in the Indian subcontinent.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume. In concluding the discussion on our side, I again would like to urge my colleagues to support this resolution. There is such a sharp contrast between the Communist authorities in China cracking down on a spiritual movement which by nonviolent means expresses the desire for brotherhood among all peoples, the Falun Gong, which has been persecuted, its members imprisoned and beaten, in some cases killed, and the democratic developments in India.

We are indeed fortunate that this large and great country of one billion people has steadfastly adhered to democratic principles ever since its establishment as an independent country. I think we are extremely pleased in this body to be able to pass this resolution, to pay tribute to a fellow democracy, to pay tribute to the Indian people who have recognized the enormous importance of preserving free elections, parliamentary procedures and open society. I urge all my colleagues to support this resolution.

Mr. SOUDER. Mr. Speaker, I rise in strong support of H. Con. Res. 211. I would like to congratulate Prime Minister Atal Bihari Vajpayee on his re-election. More importantly, I wish to salute the citizens of the Republic of India. With a 60 percent voter turnout, the people of the Republic of India have once again stabilized the largest democracy in the world. In relative political turmoil in the region over the past six months, India has successfully completed a round of national elections.

I am continually impressed at the level of political activity and involvement of the Indian people. Particularly inspiring is the fact that this involvement spans social and economic classes. While election violence in India has been an issue, the election in October was one of the most peaceful in recent history. The determination of the Indian citizens to be part of the political process and to preserve their parliamentary democracy should serve as an example to democracies around the globe, including the United States. The people of the Republic of India deserve our support and congratulations. Often it seems that our government is more anxious to develop relationships with and provide aid to governments that are not democratic. Sometimes dealing with democracies is more difficult, more complicated. But why wouldn't this be a priority condition to be a valued American friend. I urge members to join me in supporting this resolution.

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

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

The SPEAKER pro tempore (Mr. BALLENGER). The question is on the motion offered by the gentleman from California (Mr. CAMPBELL) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 211.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on eight motions to suspend the rules.

Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which the motion was entertained.

Votes will be taken in the following order:

H.R. 3257, by the yeas and nays;

H. Con. Res. 222, by the yeas and nays;

H. Con. Res. 211, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

STATE FLEXIBILITY CLARIFICATION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3257, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. REYNOLDS) that the House suspend the rules and pass the bill, H.R. 3257, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 401, nays 0, not voting 32, as follows:

[Roll No. 587]

YEAS—401

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—32

Ackerman
Barcia
Berman
Collins
Davis (VA)
Dunn
Ehrlich
Engel
Ewing
Fossella
Gutknecht
Hill (MT)
Hilliard
Jones (NC)
LaHood
McCrery
McIntyre
Meehan
Metcalf
Miller, Gary
Ortiz
Oxley
Payne
Radanovich
Reyes
Shadegg
Shuster
Smith (MI)
Waters
Watkins
Waxman
Wise

□ 1408

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONDEMNING ARMENIAN ASSASSINATIONS

The SPEAKER pro tempore (Mr. BALLENGER). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 222.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 222, on which the yeas and nays were ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 399, nays 0, not voting 34, as follows:

[Roll No. 588]

YEAS—399

Abercrombie
Aderholt
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—34

Ackerman
Allen
Barcia
Berman
Collins
Davis (VA)
Dunn
Ehrlich
Ewing
Fossella
Hill (MT)
Hilliard
Jones (NC)
LaHood
Maloney (CT)
McCrery
McIntyre
Meehan
Metcalf
Miller, Gary
Ortiz
Oxley
Payne
Radanovich
Reyes
Rush
Salmon
Shadegg
Shuster
Smith (MI)
Waters
Watkins
Waxman
Wise

□ 1417

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. ALLEN. Mr. Speaker, on rollcall No. 588, had I been present, I would have voted "yea."

EXPRESSING SUPPORT OF CONGRESS FOR RECENT ELECTIONS IN REPUBLIC OF INDIA

The SPEAKER pro tempore (Mr. BALLENGER). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 211.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CAMPBELL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 211, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 396, nays 4, not voting 33, as follows:

[Roll No. 589]

YEAS—396

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi

Peterson (MN)	Scarborough	Terry
Peterson (PA)	Schaffer	Thomas
Petri	Schakowsky	Thompson (CA)
Phelps	Scott	Thompson (MS)
Pickering	Sensenbrenner	Thornberry
Pickett	Serrano	Thune
Pitts	Sessions	Thurman
Pombo	Shaw	Tiahrt
Pomeroy	Shays	Tierney
Porter	Sherman	Toomey
Portman	Sherwood	Towns
Price (NC)	Shimkus	Traficant
Pryce (OH)	Shows	Turner
Quinn	Simpson	Udall (CO)
Rahall	Sisisky	Udall (NM)
Ramstad	Skeen	Upton
Regula	Skelton	Velazquez
Reynolds	Slaughter	Vento
Riley	Smith (NJ)	Visclosky
Rivers	Smith (TX)	Vitter
Rodriguez	Smith (WA)	Walden
Roemer	Snyder	Walsh
Rogan	Souder	Wamp
Rogers	Spence	Watt (NC)
Rohrabacher	Spratt	Watts (OK)
Ros-Lehtinen	Stabenow	Weiner
Rothman	Stark	Weldon (FL)
Roukema	Stearns	Weldon (PA)
Roybal-Allard	Stenholm	Weller
Royce	Strickland	Wexler
Rush	Stump	Weygand
Ryan (WI)	Stupak	Whitfield
Ryun (KS)	Sununu	Wicker
Sabo	Sweeney	Wilson
Salmon	Talent	Wolf
Sanchez	Tancredo	Woolsey
Sanders	Tanner	Wu
Sandlin	Tauscher	Wynn
Sanford	Tauzin	Young (AK)
Sawyer	Taylor (MS)	Young (FL)
Saxton	Taylor (NC)	

NAYS—4

Bonior	Markey
Chenoweth-Hage	Paul

NOT VOTING—33

Ackerman	Hilliard	Payne
Barcia	Jones (NC)	Radanovich
Bass	LaHood	Rangel
Berman	Lee	Reyes
Collins	McCrery	Shadegg
Davis (VA)	McIntyre	Shuster
Dunn	Meehan	Smith (MI)
Ehrlich	Metcalf	Waters
Ewing	Miller, Gary	Watkins
Fossella	Ortiz	Waxman
Hill (MT)	Oxley	Wise

□ 1426

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2420

Mr. OWENS. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 2420.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2112, MULTIDISTRICT, MULTIPARTY, MULTIFORUM TRIAL JURISDICTION ACT OF 1999

Mr. SENSENBRENNER. Mr. Speaker, by direction of the Committee on the Judiciary, I move to take from the Speaker's table the bill (H.R. 2112), to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and to provide for Federal jurisdiction of certain multiparty, multiforum civil actions, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 1 hour.

Mr. CONYERS. Mr. Speaker, I support the motion to go to conference on the "Multidistrict, Multiparty, Multiforum Jurisdiction Act of 1999." I would like to begin by expressing thanks to Chairman COBLE and Ranking Member BERMAN as well as Representative SENSENBRENNER for their hard work and on this legislation which is being sought by the federal judiciary.

The most important provision of the bill is section 2 which overturns the recent Supreme Court decision in *Lexecon* v. *Milberg Weiss,* which held that a transferee court assigned to hear pretrial matters must remand all cases back for trial to the districts which they were originally filed, regardless of the views of the parties. This decision conflicts with some 30 years of practice by which transferee courts were able to retain such jurisdiction under Title 28. The Judicial Conference has testified that the previous process has worked well and served the interest of efficiency and judicial expedience.

There was a concern raised at the Subcommittee hearing that as originally drafted this provision would have gone far beyond simply permitting a transferee court to conduct a liability trial, but instead, allowed the court to also determine compensatory and punitive damages. This could be extremely inconvenient for harmed victims who would need to testify at the damages phase of the trial. As a result of discussions between the minority and majority, Rep. BERMAN successfully offered an amendment addressing this concern at the Full Committee markup.

Section 3 of the bill also expands federal court jurisdiction for single accidents involving at least 25 people having damages in excess of $75,000 per claim and establishes new federal procedures in these limited cases for selection of venue, service of process, issuance of subpoenas and choice of law. The types of cases that would be included under this provision would be plane, train, bus, boat accidents and environmental spills, many of which are already brought in federal court. However, the provision would not apply to mass tort injuries that involve the same injury over and over again such as asbestos and breast implant cases.

While I traditionally oppose having federal courts decide state tort issues, and disfavor the expansion of the jurisdiction of the already-overloaded district courts, I have been willing to support this provision because it would only expand federal court jurisdiction in a very narrow class of actions and is being affirmatively sought for efficiency purposes by the federal courts. This is in stark contrast to the class action bill, which would completely federalize state law and was strongly opposed by the federal and state courts.

Section 3 was not included in the Senate passed bill, so I am hopeful that we can reach an accommodation which satisfies all of the interested parties and allows the more important *Lexecon* provision to proceed. I would also note that the federal judiciary is also seeking to address a number of additional procedural matters, and I would hope that this body would take the time to enact these measures as well.

Mr. SENSENBRENNER. Mr. Speaker, I have no requests for time. I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. HYDE, SENSENBRENNER, COBLE, CONYERS, and BERMAN.

There was no objection.

EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO DEMOCRACY, FREE ELECTIONS, AND HUMAN RIGHTS IN THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 169) expressing the sense of the House of Representatives with respect to democracy, free elections, and human rights in the Lao People's Democratic Republic, as amended.

The Clerk read as follows:

H. RES. 169

Whereas since the 1975 overthrow of the existing Royal Lao Government, Laos has been under the sole control of the Lao People's Revolutionary Party;

Whereas the present Lao constitution provides for a wide range of freedoms for the Lao people, including freedom of speech, freedom of assembly, and freedom of religion, and Laos is a signatory to international conventions on genocide, racial discrimination, discrimination against women, war crimes, and rights of the child;

Whereas since July 1997, Laos has been a member of the Association of Southeast Asian Nations (ASEAN), an organization which has set forth a vision for the year 2020 of a membership consisting of "open societies . . . governed with the consent and greater participation of the people" and "focus(ed) on the welfare and dignity of the human person and the good of the community";

Whereas, despite the Lao constitution and the membership by Laos in ASEAN, the Department of State's Laos Country Report on Human Rights Practices for 1998 states that the Lao Government's human rights record deteriorated and that the Lao Government restricts freedom of speech, assembly, association, and religion;

Whereas Amnesty International reports that serious problems persist in the Lao Government's performance in the area of human rights, including the continued detention of prisoners of conscience in extremely harsh conditions, and that in one case a prisoner of conscience held without trial since 1996 was chained and locked in wooden stocks for a period of 20 days;

Whereas Thongsouk Saysangkhi, a political prisoner sentenced to 14 years imprisonment in November 1992 after a grossly unfair

trial, died in February 1998 due to complications of diabetes after having been detained in harsh conditions with no medical facilities;

Whereas there are at least 5 identified, long-term political prisoners inside the Lao Government's prison system and the possibility of others whose names are not known;

Whereas there continue to be credible reports that some members of the Lao Government's security forces commit human rights abuses, including arbitrary detention and intimidation;

Whereas two United States citizens, Mr. Houa Ly, a resident of Appleton, Wisconsin, and Mr. Michael Vang, a resident of Fresno, California, were traveling along the border between Laos and Thailand on April 19, 1999;

Whereas the families of Messrs. Ly and Vang have been able to learn very little from the United States Government regarding the whereabouts or current circumstances of their loved ones; and

Whereas the Congress will not tolerate any unjustified arrest, abduction, imprisonment, disappearance, or other act of aggression against United States citizens by a foreign government: Now, therefore, be it

Resolved, That—

(1) it is the sense of the House of Representatives that the present Government of Laos should—

(A) respect internationally recognized norms of human rights and the democratic freedoms of the people of Laos and honor in full its commitments to those norms and freedoms as embodied in its constitution and its participation in international organizations and agreements;

(B) issue a public statement specifically reaffirming its commitment to protecting religious freedom and other basic human rights;

(C) institute fully a democratic electoral system, with openly contested, free, and fair elections by secret ballot, beginning no later than the next National Assembly elections, currently scheduled to be held in 2002; and

(D) allow unrestricted access by international human rights monitors, including the International Committee of the Red Cross and Amnesty International, to all prisons and to all regions of the country to investigate alleged abuses of human rights, including those against the Hmong minority; and

(2) the House of Representatives—

(A) decries the disappearance of Houa Ly and Michael Vang, recognizing it as an incident worthy of congressional attention;

(B) urges the Lao Government to return Messrs. Ly and Vang, or their remains, to United States authorities and their families in America at once, if it is determined that the Lao Government is responsible for the disappearance of Messrs. Ly and Vang;

(C) warns the Lao Government of the serious consequences, including sanctions, of any unjustified arrest, abduction, imprisonment, disappearance, or other act of aggression against United States citizens; and

(D) urges the Department of State and other appropriate United States agencies to share the maximum amount of information regarding the disappearance of Messrs. Ly and Vang.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. Gilman).

□ 1430

GENERAL LEAVE

Mr. GILMAN. 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. 169.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from New York?

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, I want to commend the gentleman from Nebraska (Mr. BEREUTER), chairman, and the gentleman from California (Mr. LANTOS), ranking minority member of the Subcommittee on Asia and Pacific, for their excellent work on this resolution. Their tireless efforts on behalf of human rights, the rule of law, and democratic freedom are well known. The committee is especially grateful for the leadership of the gentleman from Nebraska (Chairman BEREUTER) in this matter.

I also wish to commend the gentleman from Wisconsin (Mr. GREEN), the gentleman from Minnesota (Mr. VENTO), and the gentleman from California (Mr. RADANOVICH) for their work in support of this resolution. Without their efforts, the resolution would not have had the necessary support.

This past summer, Senator HELMS and I sent a staff delegation to Vientiane to speak with U.S. embassy staff regarding the disappearance of the two Hmong-Americans this past April on the border of Thailand and Laos.

The embassy staff informed the Staffdel of their efforts to locate the men and that the government of Laos was doing all that it could to be helpful. They also told our delegation that, to date, there was no solid information with regard to the whereabouts of the men or the circumstances that led to their disappearance. In fact, embassy staff added that there was no record or report that the men had even crossed into Laos. When the Staffdel left the country, it received a different assessment of the situation.

Given the current repression policies of the LPDR regime, it remains impossible to conduct secure research and meetings with dissidents or political opposition leaders inside Laos. It is impossible to receive information about conditions inside Laos from any sources that are not controlled by the government. There is no free press, and international human rights organizations are not permitted into the country.

Mr. Speaker, two Americans are unaccounted for, and it is unacceptable that this government or this committee not do anything that is possible to get to the bottom of the issue and to punish those who are responsible. Accordingly, Mr. Speaker, I urge my colleagues to support H. Res. 169.

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

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

Mr. Speaker, I rise in strong support of this resolution. First of all, I would like to commend the distinguished gentleman from Minnesota (Mr. VENTO) for taking the initiative in introducing this resolution. I also want to commend the gentleman from New York (Chairman GILMAN) and the gentleman from Nebraska (Mr. BEREUTER), chairman of the Subcommittee on Asia and the Pacific, and the gentleman from Connecticut (Mr. GEJDENSON), ranking Democrat on the Committee on International Relations, for their support of this resolution.

Mr. Speaker, the human rights situation in Laos is deteriorating as we speak. According to Amnesty International, prisoners of conscience are held without trial for years, political prisoners die while in prison, and two Americans of Laotian extraction have disappeared.

The people of Laos do not enjoy the most elementary principles and practices of human rights. The resolution before us expresses the view of this body that the government of Laos must begin to respect human rights, institute a democratic electoral process, allow unrestricted access by international human rights organizations to all political prisoners.

I trust, Mr. Speaker, that passage of this resolution will raise the visibility internationally of the horrendous human rights situation in Laos and to encourage other countries to join us in challenging the government of Laos to behave in a civilized fashion.

I urge my colleagues to support H. Res. 169.

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

Mr. GILMAN. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from Nebraska (Mr. BEREUTER), chairman of our Subcommittee on Asia and the Pacific.

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

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

Mr. Speaker, I rise in support of H. Res. 169, addressing concerns related to democracy, free election, and human rights in Laos.

This resolution was introduced by the distinguished gentleman from Minnesota (Mr. VENTO). I appreciate the cooperation and support of the distinguished gentleman from California (Mr. LANTOS), the ranking member of the Asian and Pacific Subcommittee, and especially the assistance of the distinguished gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, and the gentleman from Connecticut (Mr. GEJDENSON), ranking minority member, for their support for the members effort to secure a compromise during the committee mark-up. That was helpful to the gentleman from California (Mr. LANTOS) and to me, and I know we both appreciate it.

We did our best to craft a resolution that combined the essence and important elements of several resolutions.

The people of Laos, especially Lao-Hmong, continue to experience gross violations of fundamental human rights at the hands of the Communist Lao regime. House Resolution 169 calls upon the Laotian government to respect international norms for the protection of human rights and democratic freedoms; issue a public statement reaffirming their commitment to protecting religious freedoms and basic human rights; fully institute a process of democracy with open, free, and fair elections; and allow access for international human rights monitors, including the International Committee of the Red Cross and Amnesty International to visit inside Lao prisons and to all regions within Laos to investigate allegations of human rights abuses. This Member, therefore, of course, urges approval of H. Res. 169.

The resolution was amended in committee, Mr. Speaker, to address the understandable concerns and energetic efforts of the gentleman from California (Mr. RADANOVICH) and the gentleman from Wisconsin (Mr. GREEN), who have constituents who have been missing after traveling near the Laos-Thailand border. I especially commend these two Members. The amended resolution expresses concern for these Lao-Americans' welfare and asks the U.S. Government to provide additional information it may have to obtain the knowledge of the whereabouts of these two individuals.

Mr. Speaker, I congratulate the distinguished gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, the distinguished gentleman from Connecticut (Mr. GEJDENSON), the ranking Democrat, the gentleman from Wisconsin (Mr. GREEN), the gentleman from California (Mr. RADANOVICH), the gentleman from California (Mr. LANTOS), and others who have assisted this Member in working cooperatively on this revised resolution to send a strong message to the government of Laos. We are doing it in a resolution originally introduced by the distinguished gentleman from Minnesota (Mr. VENTO) and I certainly commend him for his initiative.

This Member urges adoption of H. Res. 169.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 4 minutes to the gentleman from Minnesota (Mr. VENTO), author of this resolution.

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

Mr. VENTO. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, I rise, of course, in strong support of this resolution, H. Res. 169, which I introduced earlier, and has numerous sponsors, including the gentleman from Wisconsin (Mr. KIND), the gentleman from Wisconsin (Mr. GREEN), the gentleman from California (Mr. RADANOVICH), and the gentleman from California (Mr. ROHRABACHER).

I have really been gratified by the support and interest that the members of this committee, the Committee on International Relations, have demonstrated with regards to our concern in trying to represent our constituents.

Mr. Speaker, there are about 250,000 Hmong-Americans now that reside in the various States of California, Minnesota, Western Wisconsin, and throughout the Nation, but are concentrated in the areas of the authors of this resolution. But I must say that the response of the committee has been overwhelming and gratifying with regards to trying to respond to the justifiable concerns of these Hmong-Americans who have relatives and roots in southeast Asia.

As my colleagues know, the Hmongs were allies of the United States during the war in Vietnam. When we left, they were left really without their major supporter. As Laos was overrun by the Communist leadership, they, of course, were very much at risk of persecution. They fled to various refugee camps and out of the country. Those that remained in, I think there was understandably great concern as to what their treatment has been and will be in the future.

Of course, even now, as we are closing the last refugee camps in Thailand, many of them are choosing, obviously, to go home back to Laos, I think there are great concerns in the context of what is happening within their legal system, within their prisons, with the lack of human rights.

Obviously, we have relied greatly on the U.N. High Commissioner on Refugees to monitor what is happening to refugees in the camps in Thailand and to what happens during resettlement. But they have really a very, very, very narrow focus. The fact of the matter is the international monitoring groups, whether it is Amnesty International or the Red Cross or many other objective sources, simply have no opportunity to go into Laos and to report what the treatment is of minorities such as the Hmong that have returned to Laos or have persisted in being there.

The concern here, of course, results in mistreatment of prisoners, which is articulated in my detailed statement, where certainly the prisons and political prisoners that are present are being abused.

The disappearance of, in fact, Hmong-Americans that were making inquiries that were on the border someplace between Laos and Thailand, and they have simply disappeared, and that has been for almost a half year now, and we still have not had cooperation from the Laotian government.

Furthermore, of course, the repressive suppression of various protestors that have occurred in Laos, again which is articulated, and I have made the repeated statement that the administration and the small diplomatic force or corps that they have there simply have not received the type of cooperation so that they can make definitive judgments about what the conduct and circumstances of the people of Laos.

Yet, of course, today Laos seeks freer trade with the United States, chooses or wants to be part of the family of Nations. But I think that this resolution and the concern that is being expressed by those of us that obviously represent Hmong-Americans and that represent, really, the values that we stand for are, I think, serving notice that we will not have normal trade relations; we will not have normal diplomatic relations until, in fact, they begin to conduct themselves in line with proximate values concerning human rights, free elections, nonpersecution, freedom in prisons.

I think the best antiseptic for this problem, of course, is to have the internationally recognized groups as observers in this country.

Mr. Speaker, on behalf of the Lao-Hmong community in my district of St. Paul, MN, across the Nation and inside of Laos, I rise in strong support of my Laos human rights resolution. I would like to thank Congressman BEREUTER, Congressman GEJDENSON, Congressman LANTOS, and Chairman GILMAN for their support throughout the committee process with the special assistance to improve the language and recognizing the importance of my resolution. By its action, the committee has placed Congress on record against the human rights abuses of the Lao Government. By focusing justifiably on the continued reports of abuses against the Lao-Hmong, H. Res. 169 is an important first step to bring international pressure on the Lao government to implement basic democratic reforms. I am pleased that H. Res. 169 has also been amended to incorporate significant recent events and important questions surrounding the disappearance of two Hmong-American citizens; Michael Vang and Houa Ly, whose daughter resides in my district in St. Paul, MN. On April 9, 1999, these two Hmong-Americans with United States passports and appropriate papers disappeared along the Thailand-Laos border. According to eyewitnesses, men thought to be Laotian security officials abducted Michael Vang and Houa Ly. The Lao Government continues to deny knowledge of the whereabouts of Mr. Vang and Mr. Ly or the role of government security forces in abducting them. Unfortunately, after 6 months of investigation, there are no answers to this incident. If Laos has nothing to hide, then they should allow complete access for capable and credible international human rights monitors inside of Laos to investigate the disappearances of Mr. Vang and Mr. Ly. In addition, the amended version demands the cooperation of the Laotian Government in the ongoing investigation of this matter. This matter was the specific focus of an ad-hoc hearing organized by the Congressional Human Rights Caucus in October. This important hearing highlighted the very serious nature of the disappearance, unanswered questions and lack of good faith cooperation from the Laotian Government. I have cosponsored this as a separate resolution recently and credit Rep. GREEN and Rep. RADANOVICH for their initiative.

The Vento Resolution calls upon the government of Laos to hold free and open elections, respect basic human rights for the Lao people and provide access to international human right monitors to investigate alleged abuses of human rights, including abuses against the Lao-Hmong. Human rights abuses by the government of Laos continue to be an international concern. The people of Laos, especially the Lao-Hmong, continue to experience gross violations of fundamental human rights at the hands of the Communist Lao regime. In many cases this oppression amounts to retribution against the Lao-Hmong who fought alongside United States troops over 20 years ago. While our forces have long since pulled out of Southeast Asia, the plight and sacrifices of our loyal friends and allies inside of Laos must not be forgotten.

Earlier this month, Thai news reports suggest that the Communist Lao Government arrested up to 31 people in late October for peacefully protesting against government failure to tackle mounting economic problems and demanding free elections. Not surprisingly, the Laotian Government denies such reports. Sources from the Bangkok newspaper the Nation reported that the protesters included students and teachers from the Dong Dok National University and the Vientiane High School. This clearly demonstrates anew that the Government of Laos has not committed itself to democratic reform and human rights, punctuating the importance of my resolution with this recent act.

Although the Laotian Communist Government does not allow independent human rights observers in Laos, there are numerous credible reports of persecution and abuse of the Lao people. Lao-Hmong families are threatened daily by the Communist regime, and many Hmong are reported to have been imprisoned, tortured, and even killed. According to the State Department Country Reports on Human Rights Practices for 1998, the Laotian Government severely restricts the freedoms of speech, assembly and religion. Amnesty International also reports gross human rights violations including the detention of political prisoners and the treatment of such prisoners in a manner that is degrading, abusive, and inhumane. In February of last year, one political prisoner, Thongsouk Saysanghi, died in a remote prison camp in Laos. In addition, other political prisoners still remain in Laotian prisons. Amnesty International has made repeated appeals to the Lao authorities to improve the conditions of detention of the prisoners. These appeals have been ignored, resulting in the tragic death of Thongsouk. This demonstrates not only the Lao Government's complete lack of care for its political prisoners, but its contempt for the opinion of the international community.

Specifically, my resolution calls upon the Laotian Government to respect international norms for the protection of human rights and democratic freedoms; issue a public statement reaffirming its commitment to protecting religious freedoms and basic human rights; fully institute a process of democracy with open, free, and fair elections; and allow access to international human rights monitors, including the International Committee of the Red Cross and Amnesty International, inside Lao prisons and to all regions within Laos to investigate allegations of human rights abuse, especially against the Lao-Hmong. Extreme sacrifices were made by the Lao-Hmong in the jungles and in the highlands, whether in uniform or in the common clothing of the laborer. Thousands of U.S. soldier's lives were spared because of the Lao-Hmong patriot's support and help as they fought alongside the United States forces in the Vietnam war. For their efforts, the Lao-Hmong deserve our thanks, our refuge and shelter and certainly fundamental human rights, freedoms, and fair elections in Laos. This resolution is an important statement concerning the contemporary and unsatisfactory status of human rights in Laos today and is a further step toward promoting and implementing improved human rights standards and democracy in Laos. However, much more work needs to be done. We certainly have a moral obligation to the people of Laos to remain diligent in the effort to restore their human rights. I urge all my colleagues to support this important human rights resolution.

So with that said, Mr. Speaker, I include for the RECORD a document or letter that I received from the State Department which tries to go through a chronology of what has happened with regards to the investigations concerning the disappearance of these two Hmong-Americans who have relatives in our communities, as follows:

U.S. DEPARTMENT OF STATE,
Washington, DC, November 3, 1999.

Hon. BRUCE VENTO,
House of Representatives.

DEAR MR. VENTO: Thank you for your letter of October 13 to Secretary Albright in which you inquire about the two missing U.S. citizens believed to be in Laos.

Let me assure you that the State Department is committed to resolving this case, and that it is an issue of great importance in our bilateral relationship with Laos. The welfare of American citizens overseas is a highest priority for us, and this case has received our full attention since the disappearances were first reported in May.

The FBI-led investigation is ongoing, and no conclusions have yet been reached. Our missions in Laos and Thailand are pursuing all credible leads in their efforts to resolve the disappearance of these two U.S. citizens. The region in which the men were last reported is marked by rugged terrain and poor infrastructure. There have also been extended delays in Lao government approvals of access to the area. Incomplete and contradictory reports regarding their disappearance have further complicated the investigation.

At every opportunity, U.S. officials raise this case with Lao officials to press for their cooperation in ascertaining the whereabouts of these two U.S. citizens. We have not been completely satisfied with the cooperation from the Lao government, which has been slow to respond to our requests for access to the area and has tried to place restrictions on our investigators. Nevertheless, the Department of State and the FBI believe that cooperation with the Lao is necessary to conduct this investigation. Laos is a sovereign country, and we need the Lao government's assistance to gain access to certain areas and officials.

Regarding the release of classified materials relevant to this case, we have received a Freedom of Information Act request from the Ly family via the office of Representative Mark Green (R–WI). While the request involves various agencies and hence may be time consuming, we are doing our best to process it as expeditiously as possible. In the meantime, we are enclosing a brief chronology outlining the actions we have taken during the investigation of this case. For more details on the investigation itself, we would refer you to the FBI.

Lastly, you may be interested to know that Ambassador Chamberlin left Laos in June of this year and no longer serves as our Ambassador there. A new Ambassador has not yet been named.

We hope that this information is useful to you. Please feel free to contact us again if we may be of further assistance on this or any other issue.

Sincerely,

BARBARA LARKIN,
Assistant Secretary Legislative Affairs.

Enclosure: Chronology of events.

CHRONOLOGY OF EVENTS—MISSING AMERICAN CITIZENS IN LAOS

May 1999—present, updated: 10/27/99a

04 May 1999: Two individuals report to the American Consulate in Chiang Mai, Thailand that two U.S. citizens crossed into Laos at Ban Houayxay, Bokeo province, on April 19, 1999 an had not yet returned or had contact with their families. U.S. Consulate in Chiang Mai confirms the two missing are U.S. citizens. This information is relayed to the U.S. Embassy in Vientiane.

05 May 1999: U.S. consular staff in Vientiane repeatedly attempt to contact officials in Ban Houayxay and also ask Lao immigration officials to obtain more information about the two citizens.

06 May 1999: U.S. consular staff in Vientiane and Chiang Mai continue to investigate the case, as details remain sketchy.

07 May 1999: Embassy Vientiane sends an urgent diplomatic note seeking consular access and an explanation of the situation to the Lao Ministry of Foreign Affairs (MFA). A meeting with Lao Ministry of Interior officials is held that day; MFA officials schedule appointments for the next working day, Monday, May 10.

10 May 1999: U.S. Ambassador in Vientiane meets with Minister to the President's Office to express strong USG concern and again press for consular access. Concurrently, U.S. Acting Deputy Chief of Mission meets with Lao MFA officials, and U.S. consular officer meets with Lao officials from the Consular Affairs Department to further underscore the USG's need for a prompt reply. None of the inquiries results in nay new information.

12 May 1999: U.S. Ambassador meets with Deputy Foreign Minister to press the Lao government strongly for an investigation of the case. In Washington, D.C., State Department desk officer for Laos meets with wives of the two citizens as well as Dr. Pobzeb of the Lao Human Rights Council. Pobzeb presents a copy of a letter sent to Congress by the two men who first reported the disappearance, alleging that the Laotian government has imprisoned one and killed the other of the two missing U.S. citizens.

13 May 1999: Embassy Vientiane receives copy of the same letter and presents it to the MFA. Senators Feinstein, Boxer, Kohl and Feingold send a letter about Vang and Ly to A/S for Consular Affairs Mary Ryan.

14 May 1999:

Lao government officials report to the U.S. Embassy that it has no record of entry for the two U.S. citizens into Laos.

East Asia and Pacific Affairs Deputy Assistant Secretary calls in the Lao Ambassador to the U.S. to continue to press our concerns and demand an immediate explanation and investigation. He also notes Congressional interest in this case. The Lao Ambassador cites the difficulty of investigating the case because the two did not cross into Laos at an international checkpoint.

17 May 1999: Embassy Vientiane receives a copy of Congressional letter to the Assistant Secretary for Consular Affairs on this matter. U.S. Ambassador continues to raise the case with Lao officials.

18 May 1999: U.S. Ambassador in Vientiane calls on Lao Vice Prime Minister to demand immediate consular access, reiterating the Lao government's responsibility under the Vienna Convention. Ambassador also states that the USG holds the Lao government accountable for the two citizens.

19 May 1999: Lao MFA officials inform Ambassador that the Deputy Prime Minister ordered officials in Bokeo to conduct an investigation. A letter about Ly and Vang is sent to the Secretary from Representatives Gilman, Green, McKinney, Smith and Kind.

21 May 1999: State Department officials meet again with Dr. Pobzeb of the Lao Human Rights Council about this case.

22–23 May 1999: U.S. officials in Chiang Mai continue to investigate the case.

25 May 1999: U.S. officials in Vientiane inquire again with Lao MFA officials about any progress on the case.

26–27 May 1999: United States Government efforts to obtain information about this case continue in Chiang Mai and Vientiane.

28 May 1999: Assistant Secretary for Consular Affairs Mary Ryan calls in the Lao Ambassador to the United States to emphasize the importance the United States places on the safety and welfare of welfare of United States citizens overseas and to express concern about the lack of information. The Ambassador pledges his government's cooperation, but provides no new information.

31 May 1999: United States Ambassador in Vientiane meets with Lao Prime Minister to underscore the importance of resolving this case.

1–3 June 1999: U.S. investigation efforts continue.

4 June 1999: Lao authorities inform Embassy in Vientiane that they have determined that the two Americans did not request visas to enter Laos, and based on their investigation, there was no evidence about the Americans' whereabouts in Laos, United States Ambassador proposes to Lao Deputy Foreign Minister a joint United States-Lao investigation of the case; United States Embassy in Vientiane sends a follow up diplomatic note.

7 June 1999: United States Ambassador in Vientiane requests a meeting with Lao authorities to express dissatisfaction with their investigation conclusions.

8 June 1999: United States Ambassador in Vientiane meets with MFA Permanent Secretary to object formally to the Lao response on the welfare and whereabouts of Vang and Ly. Ambassador also presses Lao to agree to a joint United States-Lao investigation.

10 June 1999: United States Ambassador calls on Lao Deputy Prime Minister and Foreign Minister who indicates preliminary support for a joint United States-Lao investigation of the case. United States Ambassador urges Lao to make an official reply.

11 June 1999: United States officials in Vientiane postpone plans for travel to Bokeo to wait and see if the Lao will agree to a joint investigation.

14 June 1999: Department of State officers from the East Asia and Pacific Affairs Bureau brief Congressional staffers (hosted by office of Representative Ron Kind) on status of missing Amcits case.

16 June 1999: Lao Ministry of Foreign Affairs Europe and Americas Department Acting Director General informs United States charge that the Lao Government agrees to the United States proposal to form a joint investigation team to look into the case of the missing Americans. Lao representation on the team is still being decided by the ministries concerned. The United States side will most likely include our Legal Attache or Assistant Legal Attache from Embassy Bangkok, plus a consular officer, political officer and translator from Vientiane.

17–20 June 1999: Preparations for joint investigation get underway.

21 June 1999: Lao MFA Americas Department Director General calls in United States Chargé to deliver a diplomatic note formally agreeing to the United States proposal for a joint, cooperative investigative effort to resolve the case. He requested a proposed plan of action and noted local authorities would also need to be consulted.

22 June 1999: United States Embassy in Vientiane draws up a draft plan, which the joint team would use for the purpose of planning and coordinating investigative efforts. Embassy confers with the State Department on the draft plan.

23 June 1999: United States Embassy in Vientiane receives concurrence for the plan from the State Department. Embassy officials present the draft plan to the Lao Government.

24 June 1999: Lao MFA calls United States Embassy to schedule a meeting for the joint investigative team. Assistant Legal Attaché from United States Embassy Bangkok arrives in Vientiane.

25 June 1999: United States-Lao Joint investigative team meets for the first time and discusses investigative plan. Plans for departure tentatively set for June 29.

26-29 June 1999: United States Embassy and Lao officials make travel arrangements.

29 June 1999: U.S. Consul General in Chiang Mai meets with Dr. Vang Pobzeb of the Lao Human Rights Council, who was visiting Thailand.

30 June 1999: U.S.-Lao joint investigative team departs for Bokeo via an overnight stay in Luang Prabang.

01 July 1999: U.S.-Lao joint team arrives in Ban Huay Xai, Bokeo province. (Note: flight cancellations are responsible for the delayed arrival.)

02–05 July 1999: U.S.-Lao joint team conducts investigation in Ban Huay Xai.

06 July 1999: U.S.-Lao joint team returns to Vientiane. The team suggests following up leads in Thailand.

07 July 1999: Staffers from HIRC and SFRC meet with senior Lao officials from the Ministries of Foreign Affairs and Interior to review progress in the investigation and to reiterate USG concern.

07–13 July 1999: Assistant Legal Attaché in Bangkok heads up continuation of investigation in Thailand.

14 July 1999: Assistant Legal Attaché travels to Chiang Mai to continue investigative efforts and to interview witnesses.

16 July 1999:

U.S. Charge in Vientiane raises the case with the Lao MFA's Permanent Secretary, who acknowledges the importance of the case and promises to follow up.

DIA briefs HIRC/SFRC staffers.

19 July 1999: U.S. Embassy Vientiane task force meets to review investigative efforts and to consider next steps.

20 July 1999: U.S. Embassy Vientiane contacts head of Lao team for joint investigation for a meeting of the joint team to review findings and discuss next steps (per original investigation plan). Head of Lao team responds following day that other members of joint team are out of town; a meeting day may be possible after Buddhist Lent (July 28).

21 July 1999:

During her initial call on MFA America's Department Director General, newly arrived U.S. Charge again reiterates Embassy concern about this case.

Embassy formally requests a meeting of the U.S.-Lao joint investigative team.

29 July 1999: Congressman Mark Green of Wisconsin sends a letter to the Department of State requesting a meeting with members of Houa Ly's family.

30 July 1999:

U.S. Chargé in Vientiane calls on MFA's Americas Department Acting Director General (Amphone) and repeats request for follow-up meeting of U.S.-Lao joint investigative team.

U.S. Embassy sends diplomatic note to MFA requesting a follow-on visit for Assistant Legal Attaché to continue field investigations based on information developed from recent inquiries conducted in Thailand.

DIA briefs Representative Mark Green and various staffers.

Lao Human Rights Council, Inc. provides Department of State with its ''Reports on the Fact-Finding Mission to Thailand, June 17–July 8'' on the missing Americans.

04 August 1999: EAP Deputy Assistant Secretary Skip Boyce (joined by desk officer and Consular Affairs representative) brief Congressman Mark Green (R–WI).

05 August 1999: U.S. Embassy official in Vientiane meets with Director for Consular Affairs at the Lao MFA to discuss meeting of joint investigative team.

05–06 August 1999: Investigative efforts in Bangkok continue.

09 August 1999: EAP Assistant Secretary Stanley Roth calls in Lao Ambassador to express our dissatisfaction with the pace of the investigation.

18 August 1999: Lao MFA, Director of Consular Affairs calls in U.S. consular officer to discuss the case.

19 August 1999: Lao MFA member of the joint team calls Embassy to confirm meeting of the joint investigative team on August 26. Lao MFA member also says that Lao Ministry of Interior is working on assistant legal attache's follow up visit to Ban Huay Xai.

20 August 1999: Embassy task force convenes to discuss strategy for August 26 meeting. Embassy requests Department's input.

23 August 1999: State Department follows up with Lao Embassy to reiterate the need for quick approval of assistant legal attache's visit to the region.

24–25 August 1999: U.S. officials in Chiang Mai, Thailand consult with Thai officials near the Lao border, but discover no new information.

26 August 1999: Joint U.S.-Lao investigation team meets in Vientiane. The Lao request a list of places to visit and people to interview in Ban Huay Xai.

27 August 1999: Interagency group meets at the State Department to discuss next steps.

01 September 1999: Embassy officials in Vientiane submit a diplomatic note to Lao officials with a list of locations and people to see in Ban Huay Xai. State Department officials try to facilitate FBI briefings for the families of the two missing Americans.

02 September 1999: Senator Shelby, during a visit to Laos, presses the Lao Deputy Prime Minister and Foreign Minister to do everything possible to resolve this case. The Foreign Minister replied that the Lao government has no information the two entered Laos, but would continue its investigative efforts.

07 September 1999: Congressman Mark Green writes to the State Department to request the release of classified and other documents pertaining to Mr. Ly to the Ly family.

09 September 1999: State Department officials meet with Dr. Vang Pobzeb of the Lao Human Rights Council to discuss this case.

13 September 1999: Article appears in Bangkok Post entitled, ''Cash-toting, armed U.S. men missing.''

17 September 1999: U.S. consular officer in Vientiane meets with Lao MFA Consular Affairs Director to discuss Embassy's outstanding request for second visit to Bokeo. Lao officials apologizes for delay in responding to Embassy's August 30 dip note and promises to respond soon in writing.

20 September 1999: State Department official calls the Lao Embassy to request their assistance in expediting the request for travel to Bokeo.

23 September 1999: Article appears in the Fresno Bee entitled, ''Protesters seek return of Fresno man.''

27 September 1999: EAP A/S Stanley Roth meets with Lao FM during the UNGA bilateral meeting to discuss this case. Embassy in Vientiane attempts to contact Consular Affairs chief at MFA to press for a response to our diplomatic note requesting the second trip to Huay Xai.

01 October 1999: U.S. Charge in Vientiane calls on MFA Americas Acting DG to press for a quick decision on the joint investigation team's proposed visit to Huay Xai.

04 October 1999: Visiting Office Director for Burma, Cambodia, Laos, Thailand and Vietnam meets with Permanent Secretary of the Lao MFA and Director-General of the Americas department to press for a second trip to Huay Xai.

07 October 1999: Embassy officials in Vientiane consult with Thai Embassy officials in Laos about this case. The Thai officials express their concern and agree to continue to work with the U.S. Embassy in Bangkok.

08 October 1999: Lao MFA official calls in consular officer to discuss the trip to Huay Xai. The GOL approved a second joint field investigation with certain conditions.

12 October 1999: Embassy Vientiane's task force meets to discuss the Lao government's response.

13 October 1999: Embassy Vientiane consults with legat's office in Bangkok and requests Department's input before responding to Lao government. Department officials meet with family members at a meeting hosted by Rep. Green.

14 October 1999: Department relays to Lao Embassy our concerns about continued GOL cooperation.

15 October 1999: Department instructs Embassy in Vientiane to impress upon the Lao the need to set a date as soon as possible.

18 October 1999: Embassy requests a meeting of the join investigative team.

22 October 1999: Embassy officials and Legal Attache from Bangkok meet with Lao MFA Director of Consular Affairs to discuss second field trip to Huay Xai. The Lao official does not commit to a date and requests a second meeting, to include more Lao officials, for October 27, the next working day after the two day Lao holiday.

27 October 1999: Embassy officials meet with Lao officials to discuss issues of access and conditions. The team is able to resolve most issues. The joint team is set to depart for Huay Xai November 14 or 15.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I want to begin by thanking the gentleman from New York (Chairman GILMAN) for his help and leadership and support on this issue. Of course, I need to thank the gentleman from Minnesota (Mr. VENTO) for his work authoring this resolution. I think it is an important statement.

I also want to thank the gentleman from Nebraska (Mr. BEREUTER). Without his hard work and leadership on this, we would not have gotten to this point. He has done a tremendous job.

Finally, I thank the gentleman from California (Mr. RADANOVICH) who was my partner in developing some of the language that was added in committee, and he deserves the gratitude of all of us who are concerned about human rights.

My concern, my interest in this resolution does, in fact, grow out of the plight of constituents of mine. Back some months ago, April, two American citizens, Mr. Houa Ly, who was from Appleton, Wisconsin, and Mr. Michael Vang, who was from the district of the gentleman from Fresno, California (Mr. RADANOVICH), were traveling along the Thai-Lao border, and they disappeared.

Eye witnesses suggest that they were last seen in the company of representatives of the Lao government on a river boat. All available evidence, whether it be those eye witnesses or the congressional research mission that the gentleman from New York (Mr. GILMAN) referred to, or relevant nongovernmental organizations, points, in fact, to the involvement of the Lao government in the disappearance of these two citizens.

Since April, unfortunately, precious little seems to have happened. The State Department has entered into a joint investigation with the Lao government in this matter. The problem is, of course, that is the very government that is likely to have been involved in the disappearance.

I would suggest to my colleagues that it should be no wonder that little has happened in that investigation if, in fact, the Lao government was involved. Let us not forget the Lao government is a government with an atrocious human rights record.

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Is it any wonder that the investigation really has not gotten very far?

The families involved have suffered 7 months of near silence. They have been told almost nothing about their loved ones. Not only nothing from the Lao government, which I guess is to be expected given its treatment of human rights issues, but also nothing, unfortunately, or almost nothing from our own government, from our own State Department, from America. It has gotten so bad that these families have had to file a Freedom of Information Act request to get any information at all, even declassified information, and they are still waiting, weeks later, for a formal response to their request. I hate to say it, but I cannot help but wonder if these U.S. citizens were not of Hmong descent but perhaps of another ethnic group or race, perhaps we would be taking this issue more seriously.

Why are we bringing this resolution forward? People often ask why it is that we make such statements of policy here in the House. Well, they are, in fact, that, statements of policy. They are designed to send a public message. So here goes. Here is a public message: To the government of Laos, we say that these men are U.S. citizens. Any hope of an improved relationship with this country, in my view, must ride upon the Laos government's willingness to answer questions and to help us determine the whereabouts of these citizens.

To our own State Department: Again, these men are U.S. citizens. Not second-class citizens, but full U.S. citizens. Show their families that citizenship means something; give them the information and give them the help which they are entitled to.

Finally, to the families of Houa Ly and Michael Vang, who are U.S. citizens, we want them to know that they are not forgotten. It may seem like precious little consolation; but here today, before the public, we want them to know that they are not forgotten. We are remembering; we will push forward; and we will get some answers.

Mr. LANTOS. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. KIND), who has become one of the most effective foreign affairs spokesmen on our side.

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

Mr. KIND. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of this resolution and commend my friend, the gentleman from Minnesota (Mr. VENTO), for authoring it. This resolution expresses the sense of the House of Representatives with respect to democracy, free elections, and human rights in the Lao People's Democratic Republic.

The Lao People's Democratic Republic is a one-party Communist state ruled by the Lao People's Revolutionary Party. The Lao People's Revolutionary Party exercises absolute control over the state and its institutions. Sadly, the Lao government is intolerant of political diversity and the existence of political and religious groups or organizations with differing viewpoints.

Independent human rights organizations, such as Amnesty International, have testified before the Congressional Human Rights Caucus that the Lao government bars information from flowing out of the country. In fact, foreign journalists are assigned ''minders'' by the Lao government security services to monitor their movements and activities. This type of activity demonstrates the Lao government's complete control over all institutions, including the media.

Mr. Speaker, Laos is the homeland of more than 3,000 of my district's constituents. In fact, the State of Wisconsin has the second largest Hmong population in the Nation. The Hmong assisted our Nation in our fight against Communist forces in southeast Asia. Since first coming to the United States in 1975, the Hmong community has contributed to our Nation's economic prosperity and are dependable hard-working members of Wisconsin's work force.

The Hmong are now raising a new generation of American citizens. Despite this, Hmong-Americans are concerned about the continued human rights violations that are practiced by the Lao government on Lao Hmong, many of whom are members of their

own family. While the Communist Lao government does not allow independent human rights observers in Laos, there are numerous reports of persecution and abuse of the Lao people. Reports indicate that Lao Hmong families are often threatened; and many Hmong are reported to have been in prison, tortured, and even killed.

In fact, last April, two Hmong Americans with U.S. passports and appropriate papers disappeared along the Lao-Thailand border. According to American eyewitnesses, men thought to be Laotian security officials abducted the men. After more than 7 months of joint investigation by the U.S. State Department, U.S. Embassies in Laos and Thailand, the Lao and Thai government, not a trace of the men have been found. This is intolerable and unacceptable. It is imperative that all information regarding the disappearance, whereabouts and current circumstances of these two men are expeditiously released and made public to the men's families and to this Congress.

Moreover, with the return of approximately 1200 Hmong to their native Laos from the Ban Napho refugee camp in Thailand, we in Congress need to ensure that these people are not subjected to retribution or oppression by the hands of the Lao government. Passage of this resolution will send such a message.

Mr. Speaker, this resolution is an important first step toward promoting and implementing better human rights standards and, hopefully, democracy in Laos. The Hmong were America's friends during our time of need, we must not forget their sacrifices today.

This body and this Nation has a moral obligation to send a clear message that we are interested in the restoration and the respect of human rights for the people of Laos and we will not tolerate business as usual by the Lao government. I would encourage all my colleagues to support this very important resolution.

Mr. LANTOS. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I appreciate the ranking member yielding this time to me.

I just wanted to thank the gentleman from New York (Mr. GILMAN) for his outstanding interest and support in this and the chairman of the subcommittee, the gentleman from Nebraska (Mr. BEREUTER), who provided extraordinary cooperation, I am deeply grateful, as well as, of course, our Ranking Members, the gentleman from California (Mr. LANTOS) of the subcommittee, and the gentleman from Connecticut (Mr. GEJDENSON), our Ranking Member. I very much appreciate the cooperation.

I think it should be borne in mind that but for these Hmong Americans many other U.S. lives would have been lost during the Vietnam conflict, and I think it behooves us to, in fact, step up and to speak to the human rights of the people that remain in Southeast Asia, especially these Hmong Americans who are in Laos and who are suffering under these consequences. These promises on paper do not mean anything unless they are translated into reality in terms of what is happening to the people, the minorities, in Laos.

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

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. VENTO) for his supportive and kind remarks.

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

The SPEAKER pro tempore (Mr. BALLENGER). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H. Res. 169, as amended.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING UNITED STATES POLICY TOWARD THE SLOVAK REPUBLIC

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 165) expressing United States policy toward the Slovak Republic.

The Clerk read as follows:

H. CON. RES. 165

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. FINDINGS.

The Congress finds the following:

(1) Elections held in May 1999 brought the first ever popularly elected President of the Slovak Republic to office and demonstrated the commitment of the Slovak people to full economic reforms, democratic government, and western ideals.

(2) The parliamentary elections held in September 1998 brought to office a coalition government in the Slovak Republic which has shown its commitment to economic reforms through economic austerity measures approved in May 1999, increased foreign investments through privatization of markets that were formerly state controlled, and discipline in government and currency policies.

(3) The Government of the Slovak Republic formed after the elections of September 1998 has renewed efforts to ensure the proper treatment of its citizens, regardless of ethnic background, including those of ethnic Hungarian background through the placement of three ethnic Hungarians in the cabinet of the Government (including the Deputy Premier for Human and Minority Rights), and through the passage of the Minority Language Use Act on July 10, 1999, in accordance with European Union guidelines, which will take effect on September 1, 1999, to protect the rights of all citizens.

(4) The Government of the Slovak Republic has made Slovakia's integration into pan-European and trans-Atlantic institutions, including the European Union and the North Atlantic Treaty Organization (NATO), the highest foreign policy priority, and through active participation with the Visegrad Four, the Slovak Republic has undertaken efforts to promote stability in the region.

(5) The Government of the Slovak Republic has stated its continuing support for the mission of NATO in supporting democratization and stability across Europe, and the Government demonstrated its commitment to these principles by fully cooperating with NATO during the recent conflict in Kosovo, allowing NATO full access to Slovak airspace, highways, and railways.

(6) The Slovak Republic subsequently provided military engineers to assist the peacekeeping force of NATO in Kosovo (KFOR), approved a $2,000,000 humanitarian aid package for Kosovo, and housed over 100 refugees from the conflict.

(7) The Government of the Slovak Republic has continually worked to retain civilian control of its military through participation with NATO forces and has been an active participant in the Partnership-for-Peace program.

(8) The Slovak Republic has provided military personnel for participation in and support of multinational peacekeeping operations such as the United Nations operations in Rwanda and Liberia.

SEC. 2. POLICY TOWARD THE SLOVAK REPUBLIC.

It is the policy of the United States—

(1) to promote the development in the Slovak Republic of a market-based economy and a democratic government that respects the rights of all of its citizens, regardless of ethnic background; and

(2) to support the eventual integration of the Slovak Republic into pan-European and trans-Atlantic economic and security institutions.

SEC. 3. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) the Government of the Slovak Republic formed after the elections of September 1998 is to be commended—

(A) for its efforts to address the issue of proper treatment of its citizens, regardless of ethnic background, particularly those of ethnic Hungarian background;

(B) for its efforts to improve the economic situation in the Slovak Republic and for its efforts to accelerate the privatization of state-owned enterprises in a fair and transparent process; and

(C) for its support for the North Atlantic Treaty Organization (NATO) in the recent conflict in Kosovo;

(2) the Government of the Slovak Republic should continue to implement programs that may qualify the Slovak Republic for entrance into the European Union and NATO and is to be commended for its continued support of the NATO effort to ensure stability and democratization across Europe; and

(3) the United States should support efforts for the eventual integration of the Slovak Republic into pan-European and trans-Atlantic institutions and should view such integration as an important factor in consolidating democratic government and economic stability in the Slovak Republic.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 165.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of House Concurrent Resolution 165 and to have joined the gentleman from Florida (Mr. MICA) in introducing this measure earlier this year.

Slovakia is an important country in the region of Central and Eastern Europe; and for that reason, our Nation and our allies in the North Atlantic Alliance and the European Union have sought to build a stronger relationship with Slovakia.

The collapse of communism is, however, a mere 10 years behind us, and the fall of the Berlin Wall and the end of the Communist regimes in Eastern Europe in 1989 was just the start of a very difficult process for Slovakia and for many other countries in that region. Even the most prosperous of those countries, new democracies like Poland, like Hungary, and the Czech Republic, continue to face difficult issues and challenges to reforms. But Slovakia has had an added challenge, it has not really existed as an independent state for hundreds of years.

After becoming independent in 1993, the newly independent state of Slovakia then experienced a political struggle that ensued between those who want to integrate Slovakia into pan-European and transatlantic institutions by carrying out real reforms, and those who, while calling for such integration, actually made such reforms difficult to achieve.

The parliamentary elections of September 1998 brought to power a new coalition government, a government that appears to be working toward implementing genuine reform and ensuring that the rights of all the citizens of Slovakia are respected regardless of ethnic background.

Mr. Speaker, I believe that this resolution is a timely expression of our support for the new government in Slovakia and for the process of economic and political reforms in that country. It also makes it clear that the United States supports Slovakia's eventual integration into the pan-European and transatlantic community of Democratic states.

Mr. Speaker, I fully support the passage of this resolution, and I urge my colleagues to join in support.

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

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

First of all, I want to commend my friend and colleague, the gentleman from Florida (Mr. MICA), for taking the initiative in introducing this resolution.

Mr. Speaker, Central and Eastern Europe constitutes one of the most complex, intriguing, and difficult parts of this globe; and the Slovak Republic is no exception. During the Second World War, an independent fascist established Slovak Republic had a singularly dismal record, resulting in the mass murder of innocent people and the enthusiastic participation in Hitler's war efforts.

For a long period during the Cold War, Slovakia, then part of the Czechoslovakia, represented an oppressive Communist dictatorship. And while there was a brief period in 1968, commonly referred to as the Prague spring, during which communism attempted to put on a human face, forces of repression prevailed. During the last months of the Cold War, Czechoslovakia represented one of the most repressive Communist regimes in Central and Eastern Europe.

□ 1500

With the leadership of Vaclav Havel, who was joined by both Czech and Slovak democrats, a Velvet Revolution unfolded and Czechoslovakia became part of the democratic world. Shortly thereafter, these two parts of Czechoslovakia separated peacefully.

I think history will long remember the dramatic difference between the peaceful separation of the Czech and Slovak republics and the bloody separation of the constituent republics of the former Yugoslavia.

For years, Slovakia was run by an individual of no democratic convictions, a man by the name of Meciar. Those of us who had the opportunity of visiting with him in Bratislava time and time again were appalled at his total failure, unwillingness, or inability to understand the new winds of democracy that are blowing throughout Europe.

Last year, new parliamentary elections were held in Slovakia and a democratic coalition government came to power. We are here to congratulate and wish the very best to that democratic government.

Earlier this year, Mr. Speaker, the people of the Slovak Republic chose in free elections their first ever popularly elected president; and we are here to salute him.

The new government of the Slovak Republic has recognized the equal rights of all ethnic minorities. It has recognized the importance of the freedom of religion, freedom of press, freedom of speech, freedom of association, freedom to create political organizations to provide a vehicle for the people of Slovakia to advocate their views.

During the recent engagement in Kosovo, the Slovak authorities granted NATO full access to Slovak airspace, highways and railways; and Slovakia provided military engineers to assist in our peacekeeping efforts in Kosovo.

The greatest hope of the Slovak people at this time is to be fully integrated into Europe and to be accepted into NATO. If they continue in their democratic ways, which we are so delighted and pleased to observe on a daily basis, it is certainly our hope that the European Union will welcome them as a full and free member of the newly united democratic Europe; and, in due time, they will be entitled to NATO membership and participation, which will strengthen their security and add to the collective strength of NATO.

I strongly support this resolution, Mr. Speaker.

Let me just say, in conclusion, that last week a few of us had the pleasure of meeting the new prime minister of Slovakia, who represents the best democratic tradition of central and Eastern Europe. We look forward to working with him and with his government in making Slovakia a full, effective, and democratic member of a united and democratic Europe.

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

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

Mr. Speaker, the gentleman from Florida (Mr. MICA) helped to arrange a CODEL visit for us to Slovakia last year at about this time. It was at his insistence that we were the first CODEL delegation to visit Slovakia since its independence. And we were grateful for that opportunity.

Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Florida (Mr. MICA), the sponsor of this resolution.

Mr. MICA. Mr. Speaker, first of all, I would like to thank and express my appreciation to the gentleman from New York (Chairman GILMAN) for both his expeditious consideration and handling of this resolution today and also for his personal support of Slovakia as it moves forward to take its place among the universe of free, independent, and democratic nations.

It is my honor, as an American of Slovak heritage, to speak in support of and also to help author House Concurrent Resolution 165.

I also want to pay tribute to the gentleman from California (Mr. LANTOS), serving as the ranking member of the Committee on International Relations, and thank him for his kind words in support of this resolution and also in support of the great progress the Slovak Republic and Slovak people have made in the last few years.

There are a few people on the Committee on International Relations or in the Congress who are more familiar with this area than the gentleman from California, so his words are particularly well taken today.

Mr. Speaker, neither fate nor history could provide a better time than today, November 16, for consideration of this resolution by the United States Congress. It was exactly 10 years ago today that Slovak students took to the

streets of their capital, the city of Bratislava, to demonstrate against Communist domination and plead for freedom and self-rule.

This month in the Slovak and also in the Czech capitals, the two presidents of those nations, their citizens, world leaders, and even our United States Secretary of State, Madeleine Albright, will gather to celebrate the 10th anniversary of the Velvet Revolution.

And just in Washington during the past few weeks, we have been celebrating from the White House to the Congress to Embassy Row that special revolution that took place in the Czech and Slovak Republic. That occasion and this resolution by Congress are special for every one of the millions of Slovak Americans and also for the people of the Slovak Republic.

This resolution properly recognizes the accomplishments of Slovakia's government during the past year. What many fail to comprehend or understand is the centuries of domination and difficulty that have been endured by the Slovak people to reach this day of recognition.

After a millennium of domination from Prague, Vienna, Budapest, Moscow and Berlin, the sovereign Slovak Republic now stands as an independent, free, and democratic nation. Despite incredible attempts over those centuries to destroy the culture, heritage, and language of the Slovak people, their spirit has somehow miraculously survived.

Since January 1, 1993, its first day of independence, Slovakia has worked to align itself with free markets and with Western security arrangements. With the great progress that we recognize in this resolution, it is my hope and the prayer of many that Slovakia will take its rightful place among the most respected nations of the world.

Last week, the Slovak Republic's prime minister, Mikulas Dzurinda, placed the first bust of a patriot and freedom fighter in the Ronald Reagan Building's Woodrow Wilson Center. Thirty-one years ago, that Slovak freedom fighter, Alexander Dubcek, held the 1968 rebellion against Communism that was crushed by Soviet tanks.

Today, we in Congress hope to remove some of those last shackles that have held back the Slovak people. It is my hope that this resolution will honor them as they march forward to meet their rightful destiny.

I would like to at this time also pay some very special recognition to the first popularly elected Slovak president, Rudolph Schuster. As my colleagues heard, they elected their first independent president by popular election this spring.

I would also like to recognize the accomplishments of Prime Minister Dzurinda, the former United States ambassador Ralph Johnson, the former Slovak ambassador Lichardus, and current Ambassador Butora and all of the Slovak parliamentarians from each of their parties who helped make this progress possible.

Finally, the location of Slovakia in Europe is critical to the future of NATO and our Western security alliances.

Please note, and I brought this along because many people do not know where Slovakia is, but it was part of the Czech Republic. It is located between Poland, Hungary, and Austria. Its capital, Bratislava, is less than 40 miles from Vienna. And we can see with that strategic location that it is so important that the Czech Republic, that Poland and Hungary, which are now part of NATO, have also included the Slovak Republic, which is in this island in between.

For the future security of both Slovakia and this region, it is indeed important that we support Slovakia as it seeks to join Western security and international free markets in the West.

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

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

Mr. Speaker, in closing debate on our side, I too want to remember those heady days 10 years ago when the gentleman from Missouri (Mr. GEPHARDT), the distinguished Democratic leader, and I visited the capital of the then Czech-Slovak Republic. We had the opportunity of marching with the students as they were demanding democracy, as they were calling for their hero, Vaclav Havel, to be placed in the palace up on the hill, symbolically demonstrating that at long last democracy has returned to the Czech-Slovak Republic.

It is indeed a joyous occasion when a democratic Czech Republic and the democratic Slovak Republic can come to the United States to be honored and congratulated for their achievements.

As we close this debate, we all wish the Czech people and the Slovak people a truly democratic and prosperous future.

Mr. SMITH of New Jersey. Mr. Speaker, as chairman of the Helsinki Commission, I watched for several years as the human rights situation in Slovakia deteriorated under the leadership of former Prime Minister Vladimir Meciar. I saw how the fledgling democratic institutions of that new country were undermined, how parliamentary and constitutional processes were threatened, and how the rule of law was slowly but surely choked. I, joined by colleagues from the Commission, raised these issues time and again with Slovak officials, as did other officials of the U.S. Government. Unfortunately, Mr. Meciar was not very receptive to our arguments.

As it happened, however, the fate of the democratic process in Slovakia was not left to the tender mercies of Vladimir Meciar. A year ago, the people of Slovakia took matters into their own hands. In an election carefully monitored by the OSCE, voters returned to office a coalition government that ended Meciar's increasingly authoritarian rule.

Initially, this broadly based—some might even say weak—coalition seemed to stand only for one thing: it was against Meciar. But in the year that has passed, we can not say that this government is not simply united in its opposition against the former regime, it is united in its commitment for democracy, for the rule of law, for a free market economy, for a transparent privatization process that is accountable to the people, and for a community of democracies dedicated to the protection of their common security.

Mr. Speaker, the process of transition that Slovakia struggles with today is not an easy one. In fact, many of the commemorations held this month to celebrate the fall of the Berlin Wall and the end of communism have focused on just how difficult this transition has been, including for Slovakia's closest neighbors. In spite of this, the Slovak Government has proceeded to make some very tough decisions this year. I am particularly impressed by the willingness of Prime Minister Dzurinda to make decisions that, while necessary for the long term, economic well-being of his country, may be very politically unpopular in the short term. That takes courage.

I know, of course, that Slovakia still has a lot of work ahead. As in most other European countries, there is much that should be done in Slovakia to improve respect for the human rights of the Romani minority. But there is much that Slovakia has accomplished in the past year and—especially as someone who has been critical of Slovakia in the past—I want to acknowledge and commend those achievements. Mr. Speaker, I hope others will join me in sending this message and will support H. Con. Res. 165.

Mr. STUPAK. Mr. Speaker, I am pleased today to be able to speak on behalf of this resolution. I trace my own ancestry to an area of what is now the Slovak Republic, and I watch with interest and concern developments in this area of Europe.

There are dangers and threats to these new democracies, which were created from the totalitarian governments of the former Soviet satellite nations. These threats stem from economic disparities, disappointment in the pace of growth, old ethnic animosities, and untested political structures.

That is why, Mr. Speaker, it is important that the Congress of the United States, the world's foremost democracy, commend the government of the Slovak Republic for its efforts to address the issue of minority rights and improve the economic well-being of all its citizens.

I would also like to commend the former government of Vladimir Meciar for its role in guiding the Slovak Republic through its early days of democracy. I know that politics often sharpens the public dialogues and that the many voices of democracy often contain words of rancor and ill-will. However, as outside observers, we can look with favor—and favor with our praise—peaceful transitions of power and the subservience of the machinery of government to the will of the people.

I encourage all my colleagues to support this resolution with the same hope that I feel for the future of the Slovak Republic, of Eastern Europe, and of young democracies everywhere.

I look forward to that best measure of success, the full integration of the Slovak Republic into the community of Europe.

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

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 165.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING GRAVE CONCERN REGARDING ARMED CONFLICT IN NORTH CAUCASUS REGION OF RUSSIAN FEDERATION

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 206) expressing grave concern regarding armed conflict in the North Caucasus region of the Russian Federation which has resulted in civilian casualties and internally displaced persons, and urging all sides to pursue dialog for peaceful resolution of the conflict, as amended.

The Clerk read as follows:

H. CON. RES. 206

Whereas during the Russo-Chechen War of 1994–1996, Russian Federation military forces used massive force against civilians in Chechnya, causing immense human casualties, gross human rights violations, large-scale displacement of individuals, and destruction of property;

Whereas Chechnya has been the site of internal lawlessness and numerous kidnapings, including that of United States citizen Fred Cuny, whose exact fate is still unknown;

Whereas in recent months, extremist forces based in Chechnya have mounted armed incursions into the adjacent Russian Federation Republic of Dagestan and attempted to establish a political entity therein against the wishes of the majority of the population of Dagestan;

Whereas almost 300 persons have died as a result of unsolved terrorist bombings in Russia that coincided with the armed incursions into Dagestan and Russian authorities have attributed the terrorist bombings to Chechen insurgents;

Whereas the United States recognizes the territorial integrity of the Russian Federation;

Whereas Russian Federation armed forces have conducted armed attacks against Chechnya and positioned forces with the stated intention of sealing Chechnya's borders and creating a security zone in the region;

Whereas such attacks and indiscriminate and disproportionate use of force have harmed innocent civilians and given rise to over 100,000 internally displaced persons, most of whom have escaped into neighboring regions of Russia;

Whereas such indiscriminate attacks are a violation of paragraph 19 of the Code of Conduct on Politico-Military Aspects of Security, approved at the 1994 Summit of the Organization for Security and Cooperation in Europe, held in Budapest, Hungary, which states that in the event of armed conflict, participating States ''will seek to create conditions favorable to the political solution of the conflict. They will cooperate in support of humanitarian assistance to alleviate suffering among the civilian population, including facilitating the movement of personnel and resources to such tasks'', and paragraph 36, which states, ''If recourse to force cannot be avoided in performing internal security missions, each participating State will ensure that its use must be commensurate with the needs for enforcement. The armed forces will take due care to avoid injury to civilians or their property.'';

Whereas the conflict in the North Caucasus may threaten democratic development, the rule of law, and respect for human rights throughout Russia;

Whereas authorities in Moscow and other cities of the Russian Federation have used terrorist bombings as a pretext to intensify a campaign against individuals from the North Caucasus region, including the detention and forcible expulsion of such individuals from these cities; and

Whereas in response to Russian attacks the elected Government of Chechnya has declared its solidarity with renegade Chechen forces in opposing Russian attacks: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) urges the Government of the Russian Federation and all parties to cease the indiscriminate use of force against the civilian population in Chechnya, in accordance with commitments of the Organization for Security and Cooperation in Europe;

(2) urges all parties, including the Government of the Russian Federation, to enter into negotiations on the North Caucasus conflict with legitimate political representatives of the region, including President Maskhadov and his Government, and to avail itself of the conflict prevention and crisis management capabilities of the Organization for Security and Cooperation in Europe, which helped broker an end to the 1994–1996 War;

(3) urges the Chechen authorities to use every appropriate means to deny extremist forces located in its territory a base of operations for the mounting of armed incursions that threaten peace and stability in the North Caucasus region;

(4) urges the Chechen authorities to create a rule of law environment with legal norms based upon internationally accepted standards;

(5) cautions that forcible resettlement of internally displaced persons would evoke outrage from the international community;

(6) urges that the Government of the Russian Federation seek and accept international humanitarian assistance to alleviate the suffering of the internally displaced persons from Chechnya, so as to reduce the risk of civilian casualties; and

(7) calls on the Government of the United States to express to all parties the necessity of resolving the conflict peacefully, with full respect to the human rights of all the citizens of the Russian Federation, and to support the provision of appropriate international humanitarian assistance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 206.

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

There was no objection.

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

Mr. Speaker, I support the resolution introduced by our colleague, the gentleman from New Jersey (Mr. SMITH). I believe that it makes important points with regard to the current hostility in the region of Chechnya and Russia.

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Most importantly, this measure calls attention to the tens of thousands of innocent civilians who are suffering terribly due to the Russian government's indiscriminate use of force, and that Russia is violating its own commitments as a member state of the Organization on Security and Cooperation in Europe. This resolution states the obvious.

A peaceful settlement is what is required in Chechnya if the suffering of those innocent civilians is to end soon. This resolution also states, and I think quite appropriately, that there has been a wave of internal lawlessness and kidnappings within Chechnya in recent years and an armed attack on a neighboring region of Russian by extremist forces from Chechnya. Although that does not excuse the current military actions by Russia in Chechnya, it underlines why there is no clear consensus yet as to what the international community should do with regard to this latest conflict in that region.

However, I would like to take this opportunity to state my belief that the latest Russian military offensive will very likely do little to address the underlying causes of instability in the North Caucasus region and indeed throughout Russia. Those underlying problems include vast corruption at all levels of the Russian government and an absence of real economic reforms, allowing the North Caucasus region to slip into grinding poverty that is in turn breeding yet more instability.

This resolution, Mr. Speaker, makes several important statements; but I would specifically point out the resolution's statement that Russia's use of indiscriminate force in Chechnya is in direct violation of its commitments as a member state of the Organization on Security and Cooperation in Europe, just as its previous military operation in Chechnya was in violation of those OSCE commitments. I would also note that Russia has violated the treaty on conventional forces in Europe in the course of this operation.

The summit of the OSCE heads of state is to be held in Istanbul within the next few days. Mr. Speaker, it is time for our government to call Russia to task for its violation of those OSCE commitments and its disregard for the CFE treaty, a treaty that, in fact, has already been revised to meet the Russian demands. The OSCE summit is a perfect venue in which to do just that. We may not see it on our television

screens, but many innocent people are suffering terribly from the indiscriminate force used by Russia in Chechnya as well as from the extremism of some of those on the Chechen side. It is time to bring the two sides to the table. As this resolution points out, the OSCE can help, if Russia lives up to its commitments. Accordingly, Mr. Speaker, I would support adoption of this motion suspending the rules and passing this resolution.

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

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of H. Con. Res. 206.

Mr. Speaker, first I want to commend my good friend and distinguished colleague the gentleman from New Jersey (Mr. SMITH), chairman of the Subcommittee on International Operations and Human Rights of the Committee on International Relations for introducing this resolution. It is a resolution which is overdue, and it is a resolution which I honestly hope this body will pass unanimously.

The issue is not a simple one, Mr. Speaker, and not all the angels are on one side, if indeed there are any angels on any side of this conflict. Extremist, terrorist fundamentalists from Chechnya a few months ago invaded a neighboring republic, with extravagant statements, threats, visions of great conquests. It was easily predictable that having humiliated Russia once before, 4 years ago in the first Russian-Chechen war, they will not get away with it this time.

And for a whole set of complex reasons, including internal political reasons of the current prime minister, Mr. Putin, Russia has decided to finally put an end to Chechnya as a military entity. This resolution properly calls on the Russian Federation to stop this indiscriminate and brutal assault on the civilian population of Chechnya with vast numbers of utterly innocent Chechens, men, women, and children, dying, being maimed, made homeless as the winter approaches.

As a matter of fact, there is reasonable anxiety, Mr. Speaker, that the tens of thousands of refugees from and within Chechnya, displaced persons, will not even have the tentlike protection that we were planning for the displaced people of Kosovo just a few months ago. I think it is appropriate for the United States Congress to call on Russia to terminate this brutal, nondiscriminating military assault on a whole people, to accept the mediation of the Organization for Security and Cooperation in Europe, and to recognize that as a major power, it has a responsibility for the safety of all the citizens living within its borders.

Now, I understand, Mr. Speaker, the annoyance and irritation that the Russian leadership and the people of Russia felt. I was in Moscow a few weeks ago when presumably Chechen terrorists engaged in terrorist activities, costing the lives of several hundred innocent civilian citizens of the capital city of Moscow. But the reaction has been indiscriminate and excessive. It is out of proportion to anything the terrorist tragedy has created in Moscow.

It is clear that the current Russian government is taking full advantage of a patriotic upsurge which has swept Russia in the wave of these terrorist attacks to put an end once and for all to Chechen extremism. Nevertheless, Russia is a civilized country and it is high time it returned to civilized behavior. It must accept European observers who have been excluded from many territories where the warfare currently is unfolding, it must accept western humanitarian aid, and it must cooperate with the civilized world in seeing to it that the innocent people of Chechnya get through this very difficult, very cruel winter which is so typical of that area.

I believe, Mr. Speaker, also, that our government officially must take cognizance of what is happening in Chechnya. There is no way of averting our eyes from what is, in fact, a bloodbath unfolding in the Caucasus. I call on our government to join us in the Congress in expressing its displeasure with the current Russian government which pursues a policy of indiscriminately killing large numbers of innocent civilians.

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

Mr. GILMAN. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from New Jersey (Mr. SMITH), the chairman of the Subcommittee on International Operations and Human Rights who is the sponsor of this resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I want to thank the gentleman from New York (Mr. GILMAN) the chairman of the full committee and the gentleman from California (Mr. LANTOS) for their eloquent remarks today.

Mr. Speaker, I rise in very strong support of H. Con. Res. 206. This resolution addresses an issue of utmost urgency, the war in Chechnya and the plight of innocent people caught in the Russian military onslaught. In August and September of this year, Islamic extremists based in Chechnya, independent of the government of Chechnya, twice staged armed incursions into the neighboring Russian Federation Republic of Dagestan with the intent of creating a separate political entity within Dagestan.

In response, the Russian government has sent its army to reoccupy Chechnya, an area that had won de facto independence from Russia as a result of a very bloody war from 1994 to 1996. The Russian government is justified in rebuffing armed aggression against its territorial integrity. Moreover, one can certainly sympathize with Russia's frustration when unsolved bombings kill almost 300 persons in Russia.

But this does not justify reactivating a war against a civilian population in Chechnya. Several news reports have, in detail, described the air raids and the artillery shelling of noncombatant villages, homes, and farms. The November 6 edition of the Guardian, for example, in Great Britain said, and I quote, missiles smash into a crowded marketplace, killing and maiming hundreds. A tank shell explodes among a group of village boys playing football; seven die, others lose legs or eyes. Orphans of an earlier war shake and sob with terror as warplanes on bombing runs boom low over their outdoor camp.

Mr. Speaker, the death toll is in the hundreds, perhaps thousands, and the number of internally displaced persons is now put at around 200,000. This figure, of course, does not include those persons trapped in the besieged Chechen capital of Grozny. Many of these are elderly ethnic Russians with absolutely nowhere to flee. The government of Chechnya has not been entirely blameless as my friend from California pointed out earlier in this situation. Since achieving de facto independence from Russia in 1994, Chechnya has degenerated into a morass of lawlessness and violence with a government powerless to establish law and order and an economy unable to recover from the devastation of war.

Mr. Speaker, specifically H. Con. Res. 206 urges the government of the Russian Federation and all parties to cease the indiscriminate use of force against the civilian population in Chechnya. The government of Russia and all parties are urged to enter into negotiations and to avail themselves to the capabilities of the OSCE which helped broker the end of the war in 1996.

Additionally, this resolution calls upon Chechen authorities to make every effort to deny bases to radical elements committed to violent actions in the North Caucasus and urges Chechen authorities to create a rule of law environment with legal norms based on internationally accepted standards.

Finally, H. Con. Res. 206 calls upon our own government to express to all parties the necessity of resolving the conflict peacefully and to express the willingness of the U.S. to extend appropriate assistance toward such resolution, including humanitarian assistance as needed.

Mr. Speaker, I commend to the reading of my colleague an excellent article in the Wall Street Journal, an op-ed piece by Zbigniew Brzenski who, as we all know, was National Security Advisor and a very prominent and insightfull leader is in international affairs. He points out that unlike the earlier war, this time the Russians have no intention of engaging in costly street fighting against the entrenched and determined Chechens.

Instead, their plan is to use new weapons to launch devastating attacks from a safe distance. Using a combination of explosives and chemical agents,

they will aim to wipe out the thousands of Chechen fighters squeezed by Russian pressure into compressed urban ruins. There have been reports that gas masks have already been distributed to the Russian troops. Among the new weapons will be so-called fuel air explosives which blanket targeted terrain with a flammable vapor cover and following a massive explosion precipitate a lethal vacuum. Even deeply dug-in Chechens will be exterminated.

The cumulative result of this tragedy will be the killing of most fighting-age Chechen males. Mr. Brzenski goes on to state and I quote, so far the Clinton administration has been callously passive while international reaction has been muted even though a Russian success in the war would have wide and negative consequences. Then he goes on to further develop that case.

Mr. Speaker, I want to emphasize that this resolution is not anti-Russian or pro-Chechen. Many observers who wish to see a prosperous and democratic Russia have been deeply disturbed by the present campaign in Chechnya. Recently, the chairperson of the Moscow Helsinki Group, Ludmilla Alexeeva, and Dr. Elena Bonner and several other prominent human rights activists in Russia issued an appeal in which they condemned the Russian government for having chosen full scale war in Chechnya as the means to fight terrorism.

□ 1530

The appeal states, and I quote, ''We believe that authorities' actions will not solve the problem in Chechnya. The most that they will accomplish will be a long-term occupation of Chechnya which will deform Russian democratic institutions and will once and for all transform Russia into a police state,'' close quote.

Mr. Speaker, last week the State Department accused Moscow of failing to meet human rights standards set out in both the Geneva Conventions and the codes of conduct of the OSCE, a very welcome statement on behalf of our government. Unfortunately, when Attorney General Janet Reno visited Moscow last month, her evasive comments about the war in Chechnya prompted the October 23, 1999, edition of the Moscow Times to conclude that, and I quote, ''Reno's Quiet Gave War a Green Light.'' Hopefully, the administration will continue, as it has begun now, to speak with one voice in the future and to avoid any such mixed messages.

Meanwhile, Mr. Speaker, criticism of Russia's actions in Chechnya is mounting throughout the world. From the European Union and the Council of Europe to the United Kingdom, Germany and Canada; the government of Bahrain is reportedly taking steps to have the humanitarian situation in Chechnya considered by the U.N. Security Council. The proposal to win IMF funding for Russia while it continues its bloody outrage in Chechnya is an excellent idea, and I would hope that the Congress would consider it when the next session opens in January.

Finally, in an editorial entitled ''No Funds for Russia's War,'' this past Sunday, the Washington Post called for an end to IMF funding for Russia and wrote, and I quote: ''Few would oppose a Russian campaign to eliminate terrorism, the stated purpose of the military campaign. But Russia's violence against Chechen civilians has become so indiscriminate and massive that no one can take seriously any longer the official justifications. Just on Friday, a Russian prime minister flatly stated that ''Chechnya's capital will be destroyed.''

I urge support for the resolution.

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

As we approach the millennium, there will be a great deal of glib oratory about this new and civilized and highly developed society that we have evolved. But we are getting too many reminders almost on a monthly basis from Kosovo to East Timor and now to Chechnya that man's inhumanity to man has taken no pause.

As we enter the 21st century, it will be increasingly clear that the dominant theme of the next century will be the struggle for human rights wherever they are violated, in Kosovo, in East Timor, in Chechnya, in Cuba, in Tibet, in China, wherever the ruling authorities, using their power, attempt to squash and destroy and eliminate and pulverize those who choose to disagree with them.

This episode we are dealing with today is far from Washington, but it is not far from our central concerns, because clearly, we cannot have normal relations with Russia, as much as we would like to, as long as the Russian government perpetrates a policy of indiscriminate slaughter. Innocent Chechen children are dying as we speak, and it is the responsibility of the Congress to speak out on this issue. I strongly urge my colleagues to support this resolution.

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

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. SANFORD), a member of our Committee on International Relations.

Mr. SANFORD. Mr. Speaker, I rise in support of this resolution, because I think it makes common sense and because I think that it points out two glaring inconsistencies that need to be addressed. I think that what this resolution really gets at is, first of all, proclaiming that what is going on over there is not okay.

Mr. Speaker, it is interesting to me that the Chechen foreign minister came out in today's press conference, actually in Prague with Radio Free Europe and Radio Liberty, and his words were these: ''Moscow is creating a Chechnya, basically around a zone of total destruction in which everything that moves is doomed to death.''

My colleague from New Jersey made comments that pointed out Mr. Brzezinski's comments, that so far, the Clinton administration has been callously passive to this zone of death that is being talked about over in Prague just a few hours ago.

What I think is interesting is that this same administration said that what is going on in Kosovo is absolutely unacceptable based on world standards today; and, therefore, we have to do something about it. They led the effort toward $15 billion of taxpayer money being spent over there to do something about it; they led the effort in aircraft carriers and submarines and jets going over there to do something about it. Yet, in this episode, they are very, very quiet. There is just a huge inconsistency there. I think that this resolution gets at that inconsistency.

The other thing that this resolution gets at is the fact that with these civilian atrocities, I think that there is breach of the Helsinki agreement, there is breach of the Geneva Convention, there is breach of a number of different international standards that Russia has signed on to, and the result of the signing of those agreements is that it is then permissible for them to get U.S. taxpayer funding indirectly through the IMF. I think the answer has to be a very strong no.

As we may remember, last year Russia received $4.5 billion through the IMF; and indirectly, that means Americans are helping to finance these atrocities. So I think there is a giant inconsistency here. The issue needs to be raised. This resolution does so.

I thank the chairman for both granting me the time and for leading the efforts on this.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, but I am pleased to yield such time as he may consume to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I appreciate the gentleman yielding me this time.

I will respond to my friend who has just spoken, because this is the last time to engage in cheap partisan rhetoric. There is an enormous difference between Kosovo and Chechnya; and the difference between Kosovo and Chechnya is not the difference in the suffering of the innocent civilians, but in the obvious fact that Russia today has a vast reservoir of nuclear weapons; it is still a nuclear superpower. It would be utterly irresponsible on the part of our government not to recognize this difference. We simply cannot ignore or pretend that we are unaware of military realities. We have taken on the regime of Milosevic because this was a dictatorship of most limited military capabilities. No one in his right mind would advocate engaging in military action against a nuclear-equipped Russia.

What we have to do is what we are doing here and what our administration is doing: denouncing the uncivilized actions of the Russian military; calling for a cease-fire; calling for the Russians to accept Western assistance so that the long-suffering people of Chechnya will be able to get through this winter.

We did not start the war in Chechnya, neither did Congress nor this administration. Chechen terrorists started this particular military engagement, and to take this opportunity to slam the administration, I think, is singularly inappropriate and out of place.

This body is effective when it speaks with a bipartisan voice.

Mr. GILMAN. Mr. Speaker, would it be possible for the gentleman from California, Mr. LANTOS, to get his time back?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman may request unanimous consent to retrieve his time.

Mr. LANTOS. Mr. Speaker, I ask unanimous consent to reclaim my time.

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

There was no objection.

Mr. GILMAN. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from New York (Mr. GILMAN) has 4 minutes remaining, and the gentleman from California (Mr. LANTOS) has 12½ minutes remaining.

The gentleman from California (Mr. LANTOS) may proceed on his own time.

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

I had earnestly hoped that we can pass a resolution on denouncing excessive Russian military action, the mindless assassination of innocent civilians on a bipartisan basis without taking cheap shots at our administration, which is no less concerned by these developments as are Members of this body, every single Member of this body, the gentleman on the other side, and myself included. I would hope that we can conclude this debate by recognizing the irresponsible action of the Russian government, by criticizing their action, by calling for the restoration of peace in the region, and avoiding any partisan attacks which are so uncalled for in this particular situation.

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

Mr. LANTOS. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I applaud the gentleman's efforts. He has been such a great advocate for human rights around the globe. My only point is this: I am not ignoring the nuclear realities that exist in the former Soviet Union. My simple point is this, and I do not mean this as a political cheap shot: there has been a disparity where the administration has been concerned in talking about the human rights of Kosovars and the human rights of the people in Chechnya. All I am suggesting is that maybe if we looked at a squeeze on IMF funding, it might get their attention. That is all I am raising.

Mr. LANTOS. Mr. Speaker, if I may reclaim my time, I am very happy to have this clarification from my friend.

It is important to be discriminating in the arena of foreign policy. When the outrages are perpetrated by Milosevic and his thugs, there are no overriding reasons why the United States should act with great caution or should speak with great caution. With respect to Russia, we have a tremendous range of issues on the plate, most importantly the presence of tens of thousands of nuclear weapons in Russian possession. It would be utterly irresponsible for our government not to be cognizant of this fact in taking positions on the matter of Chechnya.

If my friend will look at the statements of the appropriate officials of our Department of State and the White House on this issue, he will find to his satisfaction that the Chechen outrages have been denounced by our government as they should have been; but at the same time, a different policy is called for vis-a-vis Serbia and vis-a-vis Russia.

Mr. SANFORD. Mr. Speaker, if the gentleman would yield for one more minute, I am in complete agreement on his pronouncements. I guess the divergence here is on what has been actually done, because in Kosovo, very strong action was taken. My suggestion is that a limit, a freeze, on IMF funding is a very limited and curtailed activity. It is something we could do, but it has not been talked about from the administration. What I am looking for from the administration is simply action. That is all.

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

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. WOLF).

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

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

I rise in strong support of this resolution. I have visited Chechnya. I was in Chechnya from May 28 to June 2 of 1995. And while I am not here to attack anyone, I think at this time it is fair to say that this administration could have done more to be a force in Chechnya.

One of the recommendations that we made after our trip was that the administration appoint a prominent American with negotiating experience such as former Secretary of State James Baker, or former Senator George Mitchell, who frankly probably deserves a Nobel Peace Prize for what he has done in Ireland, or former Senator Sam Nunn, to help bring the Chechnya situation to a close.

We were in the village of Samashki where a massacre took place, and the people came up and told us about the Russian soldiers who came into the village and took the heroin that they carry when they are wounded and mixed the heroin with fruit juices and injected it into their veins and shot up the whole time. We have pictures of the town on video. We have the interviews with the people. Now, if my colleagues looked at The Washington Post the other day, the Russian soldiers have gone back into the same town and have bombarded the town.

□ 1545

So rather than laying blame, although I do think the administration could have done more, I think it would be important to do what the gentleman from South Carolina (Mr. SANFORD) said, what I heard him say, which is to put some pressure on the government with regard to aid.

I think the situation is different than Kosovo, although I was one of the 31 Republican Members that voted for the bombing of Kosovo. But there are a large number of people, and I believe for many, the fact that Chechnya is so far away and the fact that they are Muslims and the fact that few people have visited there, the fact that very few people are willing or able to speak out on the part of the West, makes it a difficult issue.

So this resolution is very, very good. I hope it passes with a unanimous vote. I would also ask that perhaps the administration could pick one person with strong negotiating skills, who would go not with a club, but go to Russia and try to do everything possible to stop the shelling and the bombing. If they do not, this winter will be so brutal.

I would be one who would support aid by the Western governments, including ours, to the people who have gotten out of there and gone into Ingushetia. But we should do more, and bring some pressure on the Russians to stop the activity which is taking place. With that, I hope the resolution passes with a unanimous vote.

Mr. LANTOS. Mr. Speaker, I strongly urge all colleagues to vote for this concurrent resolution. I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 206, as amended.

The question was taken.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

SENSE OF HOUSE REGARDING DIABETES

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 325) expressing the sense of the House of Representatives regarding the importance of increased support and funding to combat diabetes.

The Clerk read as follows:

H. RES. 325

Whereas diabetes is a devastating, lifelong condition that affects people of every age, race, income level, and nationality;

Whereas diabetes is a serious disease that has a devastating impact, in both human and economic terms, on Americans of all ages;

Whereas an estimated 16 million Americans suffer from diabetes, and millions more are at greater risk for diabetes;

Whereas the number of Americans with diabetes has increased nearly 700 percent in the last 40 years, leading the Centers for Disease Control and Prevention to call it the ''epidemic of our time'';

Whereas approximately 800,000 people will be diagnosed with diabetes in 1999, and diabetes will contribute to an estimated 198,000 deaths this year, making diabetes the sixth leading cause of death;

Whereas diabetes costs our Nation an estimated $105 billion each year;

Whereas more than 1 out of every 10 health care dollars in the United States and about 1 out of every 4 medicare dollars is spent on the care of people with diabetes;

Whereas more than $40 billion a year in tax dollars are spent treating people with diabetes through medicare, medicaid, veterans care, Federal employee health benefits, and other Federal health programs;

Whereas diabetes frequently goes undiagnosed and an estimated 5.4 million Americans have the disease but do not know it;

Whereas diabetes is the leading cause of kidney failure, blindness in adults, and amputations;

Whereas diabetes is a major risk factor for heart disease, stroke, and birth defects and shortens average life expectancy by up to 15 years;

Whereas 800,000 Americans have type one diabetes, formerly known as juvenile diabetes, and 15.2 million have type two diabetes, formerly known as adult onset diabetes;

Whereas 18.4 percent of Americans age 65 years or older have diabetes and 8.2 percent of Americans age 20 years or older have diabetes;

Whereas Hispanic, African, Asian, and Native Americans suffer from diabetes at rates much higher than the general population, including children as young as eight years old who are now being diagnosed with type two diabetes;

Whereas there is currently no method to prevent or cure diabetes and available treatments have only limited success in controlling its devastating consequences;

Whereas reducing the tremendous health and human burden of diabetes and its enormous economic toll depends on identifying the factors responsible for the disease and developing new methods for treatment and prevention;

Whereas improvements in technology and the general growth in scientific knowledge have created unprecedented opportunities for advances that might lead to better treatments, prevention, and ultimately a cure;

Whereas after extensive review and deliberations, the Diabetes Research Working Group—established by Congress and selected by the National Institutes of Health—has found that ''many scientific opportunities are not being pursued due to insufficient funding, lack of appropriate mechanisms, and a shortage or trained researchers'';

Whereas the Diabetes Research Working Group has developed a comprehensive plan for diabetes research funded by the National Institutes of Health and has recommended a funding level of $827 million for diabetes research at the National Institutes of Health in fiscal year 2000; and

Whereas the House of Representatives as an institution and Members of Congress as individuals are in unique positions to help raise public awareness about the need for increased funding for research and for early diagnosis and treatment: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the Federal Government has a responsibility—

(A) to continue to increase research funding, as recommended by the Diabetes Research Working Group, so that the causes of, and improved treatment and cure for, diabetes may be discovered;

(B) to endeavor to raise awareness about the importance of the early detection and proper treatment of diabetes; and

(C) to continue to consider ways to improve access to, and the quality of, health care services for diagnosing and treating diabetes;

(2) all Americans should take an active role in fighting diabetes by using all the means available to them, including watching for the symptoms of diabetes, such as frequent urination, unusual thirst, extreme hunger, unusual weight loss, extreme fatigue, and irritability; and

(3) national and community organizations and health care providers should endeavor to promote awareness of diabetes and its complications and should encourage early detection of diabetes through regular screenings, education, and by providing information, support, and access to services.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentlewoman from Colorado (Ms. DEGETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on House Resolution 325.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of House Resolution 325. Over 16 million Americans suffer from diabetes and its complications. Tragically, diabetes is one of the leading causes of death and disability in the United States. I call it the silent disease, if you will, the silent killer.

As we all know, insulin is not a cure for diabetes. Therefore, we must increase funding for the research necessary to end this terrible disease. As chairman of the Subcommittee on Health and Environment of the Committee on Commerce and a member of the Congressional Diabetes Caucus, I am committed to achieving that goal. I have endorsed, along with so many others, a proposal to double Federal funding for the National Institutes of Health over 5 years.

The budget agreement passed by Congress last year made a sizeable downpayment toward that goal by providing a 15 percent increase in funding for the NIH. I am hopeful that we can continue that promising trend this year.

I have heard from many constituents about the lack of sufficient funding for diabetes research. I had the opportunity to share these concerns directly with Dr. Harold Varmus, the NIH Director, in a meeting in my office earlier this year.

I was also pleased to secure enactment of new preventative health benefits under Medicare as part of the 1997 balanced budget law. Under these provisions, which were based on legislation which I helped to author, Medicare beneficiaries who are diabetic are reimbursed for outpatient self-managing training and supplies, such as blood testing strips.

House Resolution 325 serves to remind us all of the terrible toll diabetes extracts each year in our Nation. We should also take this opportunity to commend the tireless efforts of advocates of diabetes research. Mr. Speaker, for the millions of people whose lives have been touched by diabetes, we must renew and strengthen our commitment to end this terrible disease.

I urge my colleagues to support passage of House Resolution 325.

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

Ms. DEGETTE. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, as the co-chair of the Congressional Diabetes Caucus and as an original cosponsor of this legislation, I would especially like to thank the gentleman from New York (Mr. LAFALCE) for his tireless efforts on behalf of this resolution. A similar resolution passed the other body 93 to zero, and I commend the gentleman from New York (Mr. LAFALCE) for bringing this quickly to the attention of the House of Representatives.

Mr. Speaker, there are several forms of diabetes, as we all know. I would like to focus in my remarks on how diabetes affects the lives of the children of this country.

Juvenile diabetes or Type I diabetes represents only a small percentage of the total cases of diabetes, yet the mortality of Type I diabetes is more than double the mortality of Type II diabetes. This disease affects over 1 million children nationwide. It strikes when they are young and it stays with them the rest of their lives. Type I diabetes is one of the most costly chronic childhood diseases, and it is one you never outgrow.

In Type I diabetes, someone's pancreas produces little or no insulin. Although the causes are not entirely

known, scientists believe the body's own immune system attacks and destroys insulin-producing cells in the pancreas. Because insulin is for life, people with Type I diabetes must take several insulin injections and many finger-prick blood tests per day.

People have assumed for a long time that because people with Type I diabetes do not immediately die, that insulin is a cure. However, anyone who deals with diabetes on a daily basis knows that diabetes is one of the leading causes of death in this country. It is a major risk for heart diseases and stroke. It is still the leading cause of adult blindness, kidney failure, and amputations. It affects an estimated 16 million Americans, and it is the sixth leading causes of death due to disease in the United States, and the third leading cause in some minority groups.

Yet, diabetes research has received woefully little attention over the last number of years, and many of us, including myself, the gentleman from New York (Mr. LAFALCE), and the gentleman from Washington (Mr. NETHERCUTT), the co-chair of the diabetes caucus, are working to make sure that this changes.

For every statistic that we see on the floor today, there is a human face behind it. This summer 100 children from all across the country visited us here in Washington to lobby on diabetes issues. One of the people they met with was the Secretary of Health and Human Services, Donna Shalala. A little boy, Preston Dennis from Phoenix, Arizona, gave the Secretary a doll which had hundreds of pins stuck in it to represent the hundreds of shots he has had to take since he was diagnosed with diabetes.

When I met with the Secretary about this issue earlier this fall, she showed me that doll, and she promised to keep it in her office until we find a cure for diabetes. There is good news here. We are at a critical point in diabetes research, and now it is time for Congress to step up and do its part to find a cure.

Last spring I had the honor of visiting the Joslin Diabetes Center at Harvard University, and visited with many of our leading scientists who are on the cusp of major breakthroughs. This disease I believe can be cured within 10 years if Congress will fully fund the diabetes research outlined in the congressionally-mandated Diabetes Research Working Group.

The DRWG recommended $827 million for diabetes research. Yet, under the current budget outline for the National Institutes of Health, Centers for Disease Control and Prevention and other agencies, diabetes will be lucky to get $500 million. This is certainly a substantial step in the right direction, but frankly, we are too close to a cure to fail to make the full commitment that we need.

We must expand epidemiological studies to include children with Type I diabetes. We also need to explore the critical role epidemiology plays in developing an effective public health strategy to address the startling growth in the number of children with Type II diabetes.

Again, I would like to thank the gentleman from New York (Mr. LAFALCE) for introducing this legislation so Congress can act together and with a strong voice to point out how much must be done to fight to cure diabetes.

I would also like to thank the gentleman from Pennsylvania (Mr. WELDON), our Vice-Chair of the caucus, for all of his efforts. I would especially like to thank the gentleman from Florida (Mr. BILIRAKIS), the chairman of my subcommittee on the Committee on Commerce, for his diligent efforts in this way. I hope this resolution will be the first of many efforts by this Congress to find a cure for diabetes.

Finally, I would like to say what the children say. Angela Bailey, a 10-year-old with diabetes, said this: ''I could become blind, have a heart attack, or kidney disease. When I get old, I might even have to get an amputation. If there is a cure, then I won't have to worry.''

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

Mr. BILIRAKIS. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from California (Mr. BILBRAY), a member of the committee.

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

Mr. BILBRAY. Mr. Speaker, I rise today to support House Concurrent Resolution 325, expressing the sense of Congress regarding the importance of increasing support for the funding to combat diabetes and the research related thereto.

The fact is that diabetes is not only a great burden on the seniors of America, but it is also a great burden on many of the children of America. In the United States alone, 16 million people have diabetes, and another 6 million do not even know they have diabetes. Everyone knows somebody who is affected by diabetes. My mother is a diabetic. Some who served in this House a while back will remember that my nephew, Representative Bilbray from Las Vegas, died from diabetes or complications thereof.

Each year diabetes contributes to over 178,000 deaths because of associated complications with heart disease, kidney failure, stroke, not to speak of the blindness and the amputations related to the problem.

In addition to the pain and disruption of the disease to countless families, we need to talk about the billions of dollars it costs society overall in health care costs. I know we should not be talking about just dollars and cents, and we are not, but human misery does come at a price that goes beyond just human misery.

Mr. Speaker, I am proud in San Diego to have a program called the Human Mapping Research Project going on which will help many diseases, but especially diabetes. I ask us to continue this program of figuring out why the body does what it does, and the human mapping program will give us the ability to do that.

Mr. Speaker, I will continue to fight for increased resources for the National Institutes of Health, and I think all of us recognize that in the 1960s John Kennedy asked us to set a sight within 10 years to put a man on the moon. Maybe it is time that all of us, Democrat and Republican, get behind the next great challenge, and that is to put diabetes back into the history of the past, and make sure that generations of the future do not have to confront this health scourge.

Ms. DEGETTE. Mr. Speaker, I am very pleased to yield 4½ minutes to the gentleman from New York (Mr. LAFALCE), the sponsor of the resolution.

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

Mr. LAFALCE. Mr. Speaker, 16 million Americans suffer from diabetes. That is perhaps the principal reason that the Centers for Disease Control and Prevention recently called diabetes the epidemic of our time.

□ 1600

The impact diabetes has on the health of our population, on the national budget, is staggering. Every year, diabetes causes about 24,000 more people to lose their sight, 28,000 more people to undergo dialysis or transplantation for kidney failure, and 77,000 more people to lose their lives from heart disease. These diabetes-related side effects, in combination, shorten life expectancy by an estimated 15 years.

In the year 1999, approximately 800,000 people will be diagnosed with diabetes, and the disease will contribute to almost 200,000 deaths. In the United States, the number of Americans with diabetes has increased nearly 700 percent in the last 40 years, again a primary reason that the CDC has called it the epidemic of our time.

The public and private costs of diabetes are enormous an estimated $105 billion annually, including over $40 billion a year in federal dollars. More then 1 out of every 10 health care dollars in the U.S. and about 1 out of 4 Medicare dollars is spent on diabetes care. In New York State, almost 600,000 people and 10% of our seniors have been diagnosed with diabetes at an annual public and private cost of about $8 billion.

Diabetes kills one American every 3 minutes, and a new case of diabetes is diagnosed in the United States every 40 seconds. And, unfortunately, an estimated 5½ million Americans have diabetes right now and do not even know it.

But, Mr. Speaker, new research is filled with promise. The Diabetes Research Working Group created by Congress in 1997 has developed a comprehensive plan for future research that would cost $827 million next year.

Congress mandated this study, Congress has received its mandated report; and yet last year, we gave $448 million, about half of what is called for, only 3 percent of the total NIH budget for diabetes. That is simply $28 per patient. That is not enough.

Yet, Mr. Speaker, every day research and new technologies are improving diabetes diagnosis and treatment. For example, current diagnostic methods cannot always detect adult onset diabetes at the earliest stage of the disease, but a new technology has been developed that will diagnose adult onset diabetes as much as 5 years earlier than any current method by scanning the eye retina with low intensity florescent light. An early diagnosis can significantly reduce the risk of serious complications. We need to increase research for diagnosis.

Blood testing is also becoming less obtrusive. A continuous glucose monitoring system recently approved by the FDA continuously and automatically monitors glucose levels underneath the skin. Future generations of this device may permit the patient to monitor blood levels and connect to an insulin pump for seamless care.

A GlucoWatch, a device worn like a wristwatch, will test blood levels easily and painlessly. This device, which is pending FDA approval, is as successful at blood testing as conventional methods that require pricking the finger multiple times every day and causes only a slight tingling sensation. We need to increase research for blood monitoring.

We also must increase research for treatment. For example, we are at the brink of developing an ability to inhale insulin rather than inject it into the body multiple times per day.

Another burden for people with diabetes is the need to inject themselves with insulin. Several new drugs, taken orally, may reduce the need to take insulin injections. One class of drugs, called insulin sensitizers, helps to lower blood glucose primarily by reducing insulin resistance in muscles. Other groups of drugs work by suppressing glucose production from the liver, increasing insulin production by the pancreas, or decreasing sugar absorption from the intestine. For those who will still need insulin, a power is being developed that can be inhaled so that injections might not be necessary. We need to increase research for treatment.

In juvenile diabetes (type 1), insulin-producing cells, called islets, are destroyed, making daily insulin injections necessary. The Juvenile Diabetes Foundation (JDF) has established three Centers for Islet Transportation, which will attempt to transplant healthy islets to cure juvenile diabetes and find new ways to prevent transplant rejection and other dangerous side-effects. The NIH and the JDF are also developing new ways to manipulate the immune system by inhibiting harmful immune responses while keeping protective ones intact. We need to increase research for cures.

Ultimately, genetics may hold the key to a cure. The American Diabetes Association has initiated the Genetics of Non-Insulin Dependent Diabetes Mellitus (GENNID) Study in order to maximize the rapid identification of the gene or genes involved in adult-onset diabetes. This study has established a national database and cell-bank to store information and specimens from families with long histories of the disease. The Human Genome Project, which is currently mapping the entire human genetic structure, may also provide significant clues to the nature of diabetes. Again, we need to increase research for treatment.

But the fight goes on. We must increase support and research for diabetes for diagnosis, for monitoring, for treatment, and ultimately for a cure.

Mr. BILIRAKIS. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. NETHERCUTT), who co-founded the Diabetes Caucus here in the House with our former colleague who retired after last year, Mrs. Elizabeth Furse from Oregon. I hope that Elizabeth is viewing in now to see that we are trying to carry on the fight, and she is being replaced, if that is the right word, by the gentlewoman from Colorado (Ms. DEGETTE) who is constantly talking in committee about the need to do something about diabetes.

Mr. NETHERCUTT. Mr. Speaker, I thank the gentleman from Florida (Mr. BILIRAKIS) for yielding me this time, and I certainly join virtually every other Member of this body in congratulating him for his leadership in this whole effort to try to cure this disease.

I also congratulate the gentleman from New York (Mr. LAFALCE) for his sponsorship of this resolution and certainly the gentlewoman from Colorado (Ms. DEGETTE), my colleague and friend, for her leadership as cochair with me of the Diabetes Caucus in the House, along with the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from New York (Mr. LAFALCE) who serve as co-vice chairs of the Diabetes Caucus. It is a great effort that we are undertaking.

Mr. Speaker, I was touched by everyone who has spoken today already on this resolution. They spoke of the Diabetes Research Working Group product, which was a creation of this Congress. Through the Committee on Appropriations, money was budgeted to allow a study to be done. The product was this publication, ''Conquering Diabetes.'' This is a publication that outlines a strategic plan for the 21st century to cure this disease.

It requires money. It requires commitment. It requires dedication. All of that is available through the efforts of this Congress and through the efforts of those people who work so many long hours to put this together, not the least of whom was Dr. Ronald Kahn, the Chair of the Diabetes Research Working Group, who worked tirelessly to make this report a reality and this cure a reality for the millions and millions of people who suffer from this very serious disease.

Mr. Speaker, we need to keep track, I think, of the statistical evidence relative to other diseases that are equally as difficult for people in the society, but I think it is illuminating and it is illustrative to see that this chart shows that there is an increasing incidence of death in connection with diabetes when, in fact, there seems to be in our country a decreasing incidence of death for cancer, for cardiovascular disease and stroke. They have all been very much on the minds of Americans to try to cure these diseases and undertake efforts to relieve the misery that comes from them, but diabetes is on the upswing.

The World Health Organization projects that diabetes will become, quote, ''One of the world's main disablers and killers within the next 25 years.'' That is very serious and something that the Congress has to pay very clear and serious attention to.

This next chart looks at the economics of diabetes. The cost of diabetes to patients in society is $6,562 per year to the person affected by diabetes. But the investment in diabetes research is $30 per year per person. That is a trend that must change, in my judgment, and that is what we are able to change with this report, ''Conquering Diabetes,'' and implementation of the Diabetes Research Working Group plan.

The budget recommendations for this program of ''Conquering Diabetes'' increase each year, but the goal is to cure the disease and apply research through the National Institutes of Health to good research opportunities that are out there. We know they are there. We know there are lots of opportunities available, it is just the need is there to make the commitment to fund those disease research efforts in order to cure this disease.

We cannot talk about the Diabetes Research Working Group or ''Conquering Diabetes'' without mentioning the efforts that are undertaken by the interest groups that support the efforts to cure diabetes. The American Diabetes Association, the Juvenile Diabetes Foundation, the American Association of Diabetes Educators, the Joslin Diabetes Center, the Centers for Disease Control and Prevention, the Indian Health Service, and private companies including Eli Lilly, Merck, and Johnson & Johnson. They are all part of the team.

Mr. Speaker, the disease of diabetes is indiscriminate. It disproportionately hurts minorities. It hits all of us where we live, in our families. It is incumbent upon this Congress to pass this resolution and implement this plan.

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ).

(Mr. ROMERO-BARCELÓ asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, I urge our colleagues to support this resolution that aims to focus attention on a disease that has reached epidemic proportions throughout the Nation. In every single one of our districts, thousands of individuals suffer from diabetes. In fact, nationally, diabetes has increased 700 percent in the past 40 years.

For some reason that is not scientifically known, diabetes affects our minority populations in even more significant numbers than the rest of the population. Hispanics in general, and Puerto Rican Americans in specific, are especially at risk. The most recent statistics from the Centers for Disease Control indicate that Puerto Rico has the highest number of individuals diagnosed with diabetes in the entire Nation. The rate in Puerto Rico is almost double that of most States and three times that of many States. One out of every four inhabitants in Puerto Rico over 45 years of age has diabetes.

Mr. Speaker, there is a tremendous need for a national diabetes strategy targeting the Hispanic population nationwide. This resolution is an important step to underscore the need for increased support and funding to combat diabetes. Right now, we have already approved in the House in Puerto Rico a bill to start a diabetes center for study of the diabetes high incidence in Hispanics, and the Senate has committed to approve funding for that center. Now, we need more funding. That is not enough. We need as much funding as we can get, and I think all of us should support this resolution.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY).

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

Mr. SWEENEY. Mr. Speaker, I thank the gentleman from Florida (Mr. BILIRAKIS) for yielding me this time. I congratulate the gentleman from New York (Mr. LAFALCE), my colleague and friend, for this important piece of legislation which I rise today in strong support of as a member of the House Diabetes Caucus.

Mr. Speaker, the statistics, we have heard them from a number of folks, but I would like to focus those from my district on the relevant information existing out there. There are more than 30,000 people in my district who combat this disease every day. In fact, every day 36 children are diagnosed with diabetes. Despite the fact that both children and adults are diagnosed, the gentleman from New York (Mr. LAFALCE) pointed out very accurately that over one-third of Americans go undiagnosed.

This is why I think it is of particular importance that we here in Congress take this up as a national issue, an issue of great priority, and move forward to try to find a cure. Insulin, as has been pointed out by the gentleman from Florida, is indeed not a cure. The National Institutes of Health recently estimated that diabetes is the single most expensive disease in the United States in terms of direct costs.

Like those who preceded me today, I support this resolution for people like 4-year-old Ivy Cerro from Moreau, New York, in my district whose mother worries every night that if she does not check her daughter's blood count again before she and her husband go off to bed that little Ivy will not make it through the night.

Mr. Speaker, I support H. Res. 325 for people like 41-year-old Tambrie Alden from Glens Falls, New York, a good friend of mine, who walks a blood sugar tightrope, staying just above the minimum level, because having high blood sugar can lead to serious problems in the long term. But by keeping her blood sugar down, Tambrie is often balancing on the brink of a diabetic coma.

Mr. Speaker, I will have the honor of addressing the Juvenile Diabetes Foundation Ball in Saratoga Springs this weekend celebrating the courage of Tambrie, Ivy, and thousands of others in my district who battle this disease every day. I am proud to have the opportunity this weekend to share with my constituents that Congress is fighting for the people with diabetes by passing House Resolution 325.

As I said, I think it is an important piece of legislation; and I urge my colleagues to support it.

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I thank the gentlewoman from Colorado (Ms. DEGETTE), my good friend, for yielding me this time, and I congratulate her and all the other leaders of our congressional Diabetes Caucus for their invaluable work.

Mr. Speaker, we learn from our young people on our staff. My top research assistant, a young gentleman, graduate of Dartmouth who has had diabetes since childhood, has been my teacher on diabetes; and I publicly want to acknowledge my debt to him.

I also want to acknowledge my debt to a young lady, a 16-year-old page whom I had the privilege and pleasure of appointing from the City of San Bruno in California, who a few weeks ago unexpectedly was discovered to have juvenile onset diabetes. Her parents flew in from California. Her condition has stabilized, and she is back on the job, and we are proud of her.

It is important to get beyond the statistics. Mr. Speaker, 16 million Americans have diabetes; 198,000 this year will die from complications of diabetes. What brings this disease home to each of us, however, is our child, our colleague, our friend who has it and who is on the verge of losing his life if proper care is not provided, if proper monitoring is not provided. But most importantly, if proper funds for research are not provided.

□ 1615

Diabetes research is an invaluable investment in lives and in dollars. The more we understand about this horrible disease the easier it will be to halt its spread and limit its complications.

Eighty years ago, Mr. Speaker, those afflicted with diabetes would die within months. During the intervening years, we have witnessed the invention of synthetic insulin, home glucose monitoring, insulin pumps, the thousand-dollar devices. We are asking for $827 million in diabetes research at the National Institutes of Health; and on a bipartisan basis, we ought to get it.

Mr. BILIRAKIS. Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Florida for yielding me this time, but I also thank him for sponsoring this very important resolution. I thank the gentleman from New York (Mr. LAFALCE), our colleague on the other side of the aisle.

I also want to thank our co-chairs of the Congressional Diabetes Caucus, the gentleman from Washington (Mr. NETHERCUTT), the gentlewoman from Colorado (Ms. DEGETTE), and all of the Members who have come to rally for this very important resolution to call attention to it. I am very proud of being a member of the Congressional Diabetes Caucus, also.

The magnitude of the problem we have heard from the speakers today, it is clearly defined by these simple facts, and I think they bear some repeating that diabetes currently affects an estimated 16 million Americans, about 800 new cases diagnosed each year.

I want to point out that diabetes spares no group. It attacks men, women, children, the elderly, and people from every racial background. African, Hispanic, Native and Asian Americans, some of the fastest growing segments of our population are particularly vulnerable to diabetes and its most severe complications.

Diabetes strikes both ends of the age continuum. Children and young adults with type 1 diabetes face a lifetime of daily insulin injections and the possibility of early complications whose severity will likely increase over time.

I remember when the Juvenile Diabetes Foundation's Childrens Congress came to Capitol Hill and met with us, and we all found constituents within their group. I remember Jamie Langbein from Olney, Maryland; Rebecca Guiterman from Chevy Chase, Maryland, among the few. I remember their slogan was ''Promise to remember me, promise to remember me.''

Also, elderly diabetics are frequently debilitated by multiple complications.

Given all those statistics that we have heard, it is no wonder that the cost of diabetes is staggering. In one year alone, the Nation spends over $105 billion in diabetes. More than one in every 10 U.S. health care dollars is spent for diabetes and one in every four Medicare dollars pays for health care of people with diabetes.

Mr. Speaker, I am very pleased that the overall level of funding for the National Institutes of Health, which is in the district that I am honored to represent, has again been increased by nearly $3 billion above fiscal year 1999.

Unfortunately, the current funding and scope of diabetes research fall far short on what is needed to capitalize on many opportunities that are currently available. Approximately $450

million was spent on diabetes-related research in fiscal year 1999.

While this amount has steadily increased since 1981, there was unanimous agreement in the Diabetes Research Working Group, established by Congress to identify research steps that were necessary to find a cure for diabetes, that this amount is far short of what is required to make progress on this complex and difficult problem.

Actually, the current budget for diabetes research represents less than one-half of 1 percent of the annual cost of diabetes. The Federal investment in diabetes represents about 3 cents out of every dollar or 3 percent of the NIH research budget.

Although it is impossible to determine what is an appropriate funding level for the many compelling and competing needs of NIH research funds, 3 percent is clearly a small investment for a disease that affects 6 to 7 percent of the population and accounts for more than 10 percent of all health care dollars.

The proportion devoted to diabetes research relative to the entire NIH budget has actually decreased by more than 30 percent since 1981 when the death rate due to diabetes has increased by 30 percent.

Well, we all know that real advances can be made by a significant investment in research and that it will greatly speed progress and understanding in conquering this disease and its complications. I ask this body to look to the importance of increasing this Federal investment and combatting diabetes and to agree to H. Res. 370.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA).

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

Mr. HINOJOSA. Mr. Speaker, as an original cosponsor of this resolution and a member of the Congressional Diabetes Caucus, I rise to express my strong support for increased Federal funding for diabetes research and prevention.

I represent the 15th Congressional District of Texas, comprised of south Texas and the Rio Grande Valley. With the help of Dr. Maria C. Alen of the Texas Diabetes Council, I am well informed on this issue, as all of my colleagues who have spoken before me. For us, we know all too well the need to find a cure for this life-threatening disease.

It is staggering to realize that nearly 75,000 individuals of the Rio Grande Valley suffer from diabetes. More troubling, it is estimated that over 40 percent of diabetes in Texas are Hispanic.

The cost to the Nation is staggering, estimated at $105 billion each year. More than one out of every 10 health care dollars in the United States and about 1 out of every Medicare dollars is spent on diabetes care.

The number of Americans with diabetes has increased nearly 700 percent in the last 40 years.

I believe we can find a cure for diabetes in our lifetime if Congress is willing to provide the necessary funds for the research. By adequately funding the fight, we will continue to make headway in stamping out diabetes once and for all.

I urge my colleagues on both sides of the aisle to express their support and vote to increase funding to combat diabetes.

Mr. BILIRAKIS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Utah (Mr. COOK).

Mr. COOK. Mr. Speaker, I rise in support of House Resolution 325. I want to thank the gentleman from Florida (Mr. BILIRAKIS) for yielding me this time. I also want to thank the gentleman from New York (Mr. LAFALCE) and my other colleagues on the Diabetes Caucus for their efforts to bring this important measure to the floor before the end of this session.

Diabetes is a disease which is affecting over 16 million Americans, many of whom are children. My father suffers from diabetes, and I know firsthand the pain and anguish this has caused him and my family.

I am also reminded of Natalie Sadler, a young girl in my district, who is courageously fighting diabetes, who came to Washington as Utah's representative at the Juvenile Diabetes Congress to ask for our help.

At least one in 10 Medicare beneficiaries are diagnosed with diabetes, and as our baby boomer population ages, this ratio will undoubtedly rise. Currently, 25 percent of Medicare costs are consumed by treating diabetes. Utah alone incurred almost $615 million in direct and indirect costs because of diabetes.

While we were learning more about how to manage diabetes and minimize its complications, the message is not getting out. Many of our citizens, particularly Medicare patients, are not aware of what they need to do to prevent serious complications from diabetes. While they know to get annual physicals, 60 percent never receive annual eye exams, despite the fact that diabetes is one of the leading causes of blindness.

Prevention and maintenance, while important, are not a cure. We need to do all we can to ensure that all children and our elderly no longer have to suffer from this disease.

This legislation acknowledges the Federal Government's responsibility and role to improve access to treatment, raise awareness, and fund the necessary research to find a cure for diabetes.

I urge my colleagues to support this bill.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I rise in support of House Resolution 325, expressing the sense of the House of Representatives that the Federal Government should increase funding for diabetes research, raise awareness about the importance of early detection and treatment, help improve access to diabetes diagnoses and treatment, and that all Americans should help to fight the national epidemic of diabetes.

I and the San Antonio, Texas, community recently lost a good friend, State Senator Greg Luna, to diabetes and the complications of diabetes. Senator Luna's passing is a testimony to the seriousness of the diabetes within the Hispanic population.

The disease affects nearly one in two Hispanics across this country and in our own backyards. Diabetes is the sixth leading cause of death in the United States. Cardio-vascular diseases, which are prevalent among Hispanics, is the leading cause of death among people with diabetes, accounting for more than one-half of all deaths.

It is crucial that we not only increase research into prevention and treatment of diabetes, but that our communities increase outreach to the high-risk populations.

In my congressional district in south Texas, statistics indicate that juveniles are more likely to acquire type 2 diabetes than any other. I ask the House to make sure that we fund this diabetes research.

Mr. BILIRAKIS. Mr. Speaker, I understand I have the right to close. Right now it does not appear like I have any further requests for time, and I reserve the balance of my time.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. REYES.)

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

Mr. Speaker, I tell my colleagues that I rise today in support of H. Res. 325 because I know personally the impact of diabetes, as both my mother and mother-in-law are diagnosed with it; and I have seen their daily struggles to manage this terrible disease.

Mr. Speaker, one of the most difficult things that I have done in recent months is to keynote a breakfast that was sponsored by the Juvenile Diabetes Foundation where I heard personal testimony from young people that are affected by this terrible disease.

Although there is currently no cure for diabetes, there are many effective treatments to head off diabetes-related complications such as blindness, kidney disease, amputations, heart disease, and other diseases that affect millions of people each and every day.

But, Mr. Speaker, diabetes has an even more debilitating impact in the Hispanic community, as some of my colleagues have pointed out. For example, among individuals over 20 years of age, Mexican-Americans are twice as likely than non-Hispanic whites to have this terrible disease, and more than 21 percent of Hispanics over the age of 65 have been diagnosed with diabetes.

These disproportionate numbers affect districts with significant Hispanic

populations, such as mine in El Paso. This impact will only worsen because the Census Bureau projects that the Hispanic population in Texas will double over the course of the next 25 years. Thus, the future health of America will be affected substantially by our success in improving the health of racial and ethnic minorities.

Research also provides the tools to improve access to community-based quality health care and the delivery of preventative and treatment services. The most important thing in my opinion that Congress can do for diabetes prevention and treatment is to prorate dollars to government health organizations for research and for treatment.

I urge each of my colleagues to support H. Res. 325.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 1 minute to the esteemed gentleman from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I certainly want to thank the gentlewoman from Colorado for yielding me this time.

Let me just add my voice in strong support to all of the sentiments that have already been expressed by my colleagues. All of us have indicated that one does not have to go very far to see the impact, the effects of diabetes. My own mother died of kidney failure. My brother-in-law probably at this moment is undergoing dialysis treatment. The chairman of my political organization just a few months ago, one of my young associates who was a childhood diabetic, I used to take in between meetings, I would drop him off to get his dialysis treatment.

Here is an opportunity for this House, for this Congress, for all of America to get on board with a resolution that will provide the kind of resources for the research, the education, the treatment, the information that we really need to enhance the quality of life for millions.

□ 1630

Ms. DEGETTE. Mr. Speaker, I yield myself the balance of my time.

I do not think that we could be any more clear here today. We need to adequately fund diabetes research, and we need to do it now. There are over 260 Members of the Congressional Diabetes Caucus, which the gentleman from Washington (Mr. NETHERCUTT) and I chair. It is the largest caucus in Congress. There are 109 cosponsors of this piece of legislation. Every Member of Congress is touched in some way by a relative, by a friend, by a constituent with diabetes. The diabetes working group report sets out a clear path. The research we need to do is not useless, it is not frivolous, it is targeted, and it needs to be done.

I do not think we can say any more clearly to the administration and to the National Institutes of Health that we appreciate what they are trying to do but that they need to do more. They need to increase the funding for diabetes research so that we can cure this disease and we can do it in the American spirit, in the way we always tackle all of these problems.

Again I wish to thank the gentleman from New York (Mr. LAFALCE) for bringing this resolution forward. It is important. And I would like to thank the hard efforts of everyone who continues to fight so that we may cure this deadly disease and that we may do it soon.

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

Mr. BILIRAKIS. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, I made the comment earlier that I call this the invisible disease, but God knows even though it has been an invisible disease its effects are far from invisible. We heard here today the tremendous effect that diabetes has on the blood vessels. It causes poor circulation, which leads to so many other terrible things. The eyes, decreased vision and ultimately blindness. Poor kidney function and kidney failure. It affects the nerves, the autonomic nervous system. It affects the skin, with sores and deep infections; diabetic ulcers, poor healing, the blood, an increased susceptibility to infection, especially the urinary tract and skin.

Mr. Speaker, this resolution, of course, calls for increased funding for research, and many of us recently signed a letter to the administration suggesting again very strongly the need of increased funding for research. We here in the House have been reluctant in the past to earmark funding for specific diseases, feeling it is not really our purview, that we do not have the knowledge to know and leaving it in the hands of NIH. But there have been times when we have basically said to them, even though we do not want to specify specific dollars, that there should be increased dollars for things such as Parkinson's, diabetes, cancer, et cetera, et cetera.

So, Mr. Speaker, it is imperative that research continue and be improved so that we can finally lick this disease, because as we said earlier, insulin and some of the treatments do not really lick it, but it is also important for the American people to realize there are things they can do to maybe keep from getting diabetes, particularly when it is genetically in their family and they know that they are very susceptible to it. So I am hopeful what we are doing here today will be very helpful in that regard.

Mr. Speaker, I thank again the gentlewoman from Colorado (Ms. DEGETTE), along with the others, the gentleman from New York (Mr. LAFALCE) for bringing up the resolution, the gentlewoman from Colorado and the gentleman from Washington (Mr. NETHERCUTT), who have been fantastic about teaching us about diabetes, and, of course, the gentleman from Pennsylvania (Mr. WELDON) and the others, who have been so much at the forefront.

Mr. MCKEON. Mr. Speaker, I join my colleagues today in supporting the fight against diabetes.

Today, nearly 16 million people in the United States have diabetes—many of which are not aware that they have the disease. With every passing day, over 2,000 Americans discover they have diabetes. By the end of the year, almost 800,000 people will have been diagnosed as diabetics

The most difficult part about treating and preventing diabetes is that most people are not aware they are diabetics until after they develop one of its life-threatening complications; including blindness, kidney disease, nerve amputations, and stroke. In fact, studies show that diabetes is the leading cause for blindness as well as kidney failure. Also, over sixty percent of diabetics suffer from nerve damage, which can lead to limb amputations. Diabetics are also two to four times more likely to suffer a stroke.

Because of these serious complications, diabetes is one of the most costly health problems in America. It is estimated that the costs associated with diabetes treatments and overall health care for patients with diabetes costs $92 billion each year. Diabetics also incur almost $8,000 per year more in medical bills than those who are not diagnosed with diabetes.

Due to the high cost and life-threatening implications of diabetes, I believe it is imperative that we raise awareness about the disease. Knowing the early signs of diabetes and its risk factors are a patient's best defense against diabetes. It would be a tragedy if more Americans were forced to suffer from diabetes without an increased effort to ensure people are aware of the steps they can take to best prevent the disease.

Members of my own family have suffered from diabetes. I have witnessed firsthand the devastating effects of this disease and am committed to finding a cure. Like many of my colleagues here today, I am a member of the Congressional Diabetes Caucus, chaired by my colleague from Washington state. We have worked tirelessly to increase the awareness of diabetes in Congress and to promote greater research into diabetes.

For this reason, I stand in strong support of H. Res. 325. This resolution underlines the importance of increasing research funding for diabetes so that improved treatments and a cure may be discovered. It also highlights the need to raise awareness about the importance of the early detection and proper treatment of diabetes.

I am proud to rise in favor of this initiative to help the millions of Americans who suffer from diabetes. I strongly support this resolution and sincerely hope my colleagues will join me today in passing H. Res. 325.

Ms. KILPATRICK. Mr. Speaker, I rise in support of H. Res. 325, which expresses the sense of this chamber that our efforts to fight against diabetes deserve increased support and funding. I would like to take this opportunity to thank the sponsor of this resolution, the gentleman from New York, Representative LAFALCE, for raising the American public's awareness of this important issue.

Our efforts to find new and improved treatments for diabetes and ultimately a cure are a personal issue for me.

I am a diabetic.

This disease has threaded its way through generations of my family, and it impacts on my daily life. Each day begins with an intake of insulin. Each meal is carefully selected to help me manage my diabetes. Each daily schedule sets time aside for physical exercise as a means of reducing the risk of diabetes-related complications.

Sixteen million Americans live with diabetes. In the last 40 years, the number of Americans with diabetes has increased nearly 700 percent. This dramatic growth gave cause for the Centers of Disease Control to call it the ''epidemic of our time.'' America spends $40 billion annually treating people with diabetes through Medicare, Medicaid and other health care programs.

Diabetes is the sixth deadliest disease in America. Since 1980 the mortality rate due to diabetes has increased 30 percent. This trend is significant when compared to the mortality rates of heart disease and stroke, which have decreased over the same time period. The life expectancy of diabetics average 10 to 15 years less than that of the general population. The damage caused by diabetes is gradual. It occurs over a period of years, and it affects virtually every tissue of the body with long-term and severe damage.

In Michigan, nearly 400,000 adults (or 5.7 percent of the adult population) have been diagnosed as diabetics. But another 2,600,000 persons in Michigan are at increased risk of undiagnosed diabetes because of the risk factors of age, obesity and a sedentary lifestyle. Diabetes contributed to the death of 7,433 Michigan residents. Research has established that African- and Hispanic-Americans exhibit a greater prevalence of diabetes than the general population. And African-American males often suffer disproportionately. For example, diabetes is the leading cause of debilitating disease and death in African-American men. Persons affected by diabetes suffer higher rates of serious, but preventable complications, including: blindness, lower extremity amputations and end stage renal disease.

This spring the Diabetes Research Working Group (DRWG) presented a report to Congress identifying hundreds of scientific opportunities that could lead to better treatments for the 16 million Americans with diabetes and hopefully bring about a cure. It suggested a number of research plan recommendations, including increasing the budget for diabetes research.

The Labor—HHS—Education Appropriations bill increased funding by over 13 percent, and it instructed the National Institutes of Diabetes and Digestive and Kidney Diseases to move forward with the recommendations of the Working Group. The National Institutes of Health (NIH) will draw on the resources from related research disciplines to increase funding for diabetes research by 15 percent overall. The bill also urged the Institute to focus increased efforts into areas of diabetes research that could lead to a cure in the short term, such as beta cell replacement and supply. For this, I appreciate the work of the gentleman from Illinois, Rep. JOHN PORTER, for assigning diabetes research a high priority in NIH's Fiscal Year 2000 funding allocations.

I look forward to continuing the work of my colleagues who share my interest in diabetes and diabetes research and in finding the resources necessary to increase our investment in research efforts that could lead to new treatments and, hopefully, a cure for diabetes.

Mr. WAXMAN. Mr. Speaker, I rise to join my fellow cosponsors of H. Res. 325 in highlighting the importance of expanding research, treatment and education on diabetes.

I am particularly pleased to recognize the work of the American Diabetes Association on World Diabetes Day, which was observed by the World Health Organization and more than one hundred international scientific and patient advocacy groups this past Sunday November 14.

Today, managing their diabetes is a health priority for more than 140 million people across the world. Even before its clinical symptoms were recorded by an Egyptian physician in the 15th century B.C., diabetes was a chronic disease affecting people across the world. Only today, as research into genetic and environmental factors continues, can it be said that real hope exists for finding a cure to diabetes.

In the United States, diabetes is the sixth leading cause of death. Disproportionately affecting the elderly and communities of color, diabetes is a heavy burden on the health of patients, the lives of their families and communities, and upon our system of health care. It is therefore fitting that Congress should join patients and their families in renewing a commitment to preventing and to finding a cure for diabetes.

Finally, recognizing that important discoveries are often made where we least expect, and that research in one field will often spark crucial insights in others, I hope in the future that Congress will act upon legislation to further enhance the work of the National Institutes of Health on juvenile diabetes as well as on other auto immune diseases, such as multiple sclerosis, rheumatoid arthritis and Sjögren's Syndrome.

I congratulate Ms. DEGETTE and Mr. NETHERCUTT, the chairs of the Congressional Diabetes Caucus, and Mr. LAFALCE, the sponsor of the resolution, for having advanced this resolution before the Congress adjourns.

Mr. LARSON. Mr. Speaker, I rise today in support of H. Res. 325, which expresses the critical need for increased funding and education to combat diabetes. My commitment to helping those with this disease is not limited to H. Res. 325. When I became a Member of Congress earlier this year, I joined the Congressional Diabetes Caucus.

Diabetes, which is the sixth leading cause of death in the United States, is currently an incurable disease. This disease is also the foremost cause of adult onset blindness, and several debilitating health complications such as heart disease, stroke, and kidney disease. In the United States sixteen million individuals have diabetes. 800,000 Americans have type one (formerly known as juvenile diabetes), and while 10.2 million have been diagnosed with type two diabetes, roughly 5 million are unaware that they have it. In my district alone, approximately 37,000 of my constituents and their families have been struck with this deadly disease.

Funding for diabetes treatment, prevention education, and research is extremely vital and indispensable. I cannot emphasize enough how important it is to fully fund these programs in order to find a cure for diabetes, and to find ways to prevent or delay the onset diabetes through early identification of individuals who are at high risk.

Although research continues to try to identify the causes of the disease and ways to prevent it, it can only go so far with limited funding. The Diabetes Research Working Group was established by Congress and selected by the National Institute of Health to develop a comprehensive plan for all NIH funded diabetes research efforts. It has stated that there may be possible cures, solutions, and opportunities for discovery in diabetes research that are not being pursued due to the lack of funding. In the Diabetes Research Working Group's summary of its report and recommendations, there are over 70 major recommendations for research. There is no reason why these recommendations should not be funded.

We desperately need to increase funding for and awareness for this disease. Diabetes affects everyone; it does not discriminate based on age, race, or creed. That point was painfully expressed to me in a letter from a constituent named Michael Hoefling who is 13 years old. He writes, ''I really want a cure for diabetes so I don't have to test my blood sugar all the time, and then I can do whatever I want without worrying, like playing sports and having more freedom.'' For Michael and the 16 million other Americans living with this disease, Congress must provide that freedom my funding diabetes research and prevention.

I urge my colleagues to join me in support of H. Res 325.

Mr. SMITH of New Jersey. Mr. Speaker, today I rise in support of H. Res. 325, a resolution expressing the will of the House that the Federal Government has an important responsibility to appropriately fund vital life-saving and life-affirming research to treat and cure diabetes. As a co-sponsor of this resolution, and as a member of the Congressional Diabetes Caucus, I believe the goal of understanding the causes of diabetes, and thereby discovering a cure, is both attainable and appropriate for our nation.

Diabetes affects 16 million Americans and is one of the leading causes of blindness, amputations, kidney disease, and heart disease. Researchers at the National Institutes of Health (NIH), at our hospitals and medical centers, and at our nation's research-based pharmaceutical companies, are all working hard to find a cure for diabetes. But they need the full support of Congress, because the problem is simply too big for any one segment of our society to conquer on its own.

Through this resolution, Congress is putting itself on record advocating the funding level of $827 million dollars recommended by the Diabetes Research Working Group. This is the amount of NIH funding deemed to be necessary to wage a full-fledged war on diabetes. I hope the National Institutes of Health (NIH) takes a careful look at this vote on H. Res. 325 as they compile their research priorities in the coming years.

In the U.S., there are currently 123,000 persons under age 20—most of them children—suffering from diabetes. We know these children because they live in every community in America. One such child is Charlie Coates, a precocious young boy from Highstown, New Jersey, who visited my office in Washington, D.C., along with his father, David Coates. Charlie has diabetes, and Charlie's future, and

the futures of thousands of children just like him, depend in part on the decisions made here in Congress and in Bethesda, Maryland, the headquarters of the NIH. Diabetes affects virtually every tissue and organ in Charlie's body, and it can create serious medical complications for him. His mother and father have to be constantly vigilant to make sure Charlie's diabetes is kept under control with insulin. Right now, the average life expectancy of a person with diabetes is 15 to 20 years less than for those without the disease. Indeed, the stakes for children like Charlie are very high in this fight. Children like him need a medical breakthrough, and they need it now.

We are at a crucial decision point in the war on diabetes. Will we try to wage this war on the cheap, with proverbial sticks and rocks? For the sake of 16 million Americans, I sure hope not. Or will we use the full array of life-affirming and life-saving technology at our nation's disposal, and fund the fight at the level recommended by the Diabetes Research Working Group?

As a nation, we need to refocus and rededicate ourselves to finding the cure for diabetes. Despite great progress to date at the NIH, we are still not designating diabetes among our top priorities. For instance, from FY 1980 through 1999, NIH-funded diabetes research as a percentage of the total NIH budget has never exceeded 4.1 percent, despite the fact that diabetes-related illnesses during the same period represented 12 to 14 percent of the health care expenses in the United States. Right now, only $30 per year in federal research is spent per person affected with diabetes. That is less than a family might spend for a movie and a pizza! Affected persons need more care and relief than $30 per person per year can buy.

Diabetes costs our nation an estimated $105 billion annually in health care costs. In addition, seniors are also at a great risk for diabetes. Fully one out of every four Medicare dollars is spent on caring for diabetes, totaling about $28.6 billion per year and making diabetes and its related complications Medicare's single largest expense. And the human costs of diabetes are simply incalculable.

Diabetes is not a discriminatory disease. It is a lifelong condition that affects people of every age, race, income level, and nationality. The number of Americans with diabetes has increased nearly 700 percent in the past 40 years, leading the Centers for Disease Control and Prevention to call it the ''epidemic of our time.'' Nearly 123,000 children and persons under 20 suffer from some form of diabetes.

The cost would most likely be lower if diabetes were detected earlier. Too frequently this epidemic goes undiagnosed: 5.4 million Americans have the disease but do not know it. About 197,000 Americans die each year from the complications of diabetes, and there are approximately 800,000 newly diagnosed cases each year.

But there is hope, if only Congress will set aside the necessary resources to track down promising leads and research proposals. Early detection and preventive medicine is crucial in assisting Americans become better aware and educated about diabetes. If we can teach patients to know the warning signs and symptoms of diabetes, we can lower the risks of further infection an complications.

With the information technology revolution upon us, I believe a cure is in sight. I voice my enthusiastic support for H. Res. 325, and urge every one of my colleagues to do the same.

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and agree to the resolution, House Resolution 325.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING AND HONORING WALTER PAYTON AND EXPRESSING CONDOLENCES OF THE HOUSE TO HIS FAMILY ON HIS DEATH

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 370) recognizing and honoring Walter Payton and expressing the condolences of the House of Representatives to his family on his death.

The Clerk read as follows:

H. RES. 370

Whereas Walter Payton was born in Columbia, Mississippi, on July 25, 1954;

Whereas Walter Payton was a distinguished alumnus of Jackson State University, home of the Jackson State Tigers and the nationally renowned Sonic Boom of the South;

Whereas Walter Payton was known by all as ''Sweetness'';

Whereas Walter Payton serves as the highest example of his Christian faith and his sport in countless public and private ways;

Whereas Walter Payton was truly a hero and role model for all Mississippians who had the privilege of watching him play the game he loved so much;

Whereas Walter Payton was viewed by his friends and former classmates as a fun-loving, warm, and smiling man with a joy for life, his family, and his sport;

Whereas Walter Payton played the game of football with unparalleled determination, passion, and desire;

Whereas Walter Payton, an extraordinary Mississippian and the National Football League's greatest running back of all time, died leaving us great memories of personal and athletic achievements;

Whereas Walter Payton received national acclaim as a running back and was the Chicago Bears' first pick, and was chosen fourth overall, in the 1975 draft;

Whereas Walter Payton played 13 seasons in the National Football League;

Whereas Walter Payton played a critical role in helping the Chicago Bears win Super Bowl XX in 1986;

Whereas Walter Payton was inducted into the College Football Hall of Fame in 1996;

Whereas Walter Payton was inducted into the Professional Football Hall of Fame in 1993;

Whereas Walter Payton holds the National Football League record for career yards—16,726 yards;

Whereas Walter Payton holds the National Football League record for career rushing attempts—3,838 attempts;

Whereas Walter Payton holds the National Football League record for yards gained in a single game—275 yards in a game against the Minnesota Vikings on November 20, 1977;

Whereas Walter Payton holds the National Football League record for seasons with 1,000 or more yards—10 seasons, 1976 to 1981 and 1983 to 1986;

Whereas Walter Payton holds the National Football League record for consecutive seasons leading the league in rushing attempts—4 seasons, from 1976 to 1979;

Whereas Walter Payton holds the National Football League record for most career games with 100 or more yards—77 games;

Whereas Walter Payton holds the National Football League record for combined net yards in a career—21,803 yards;

Whereas Walter Payton holds the National Football League record for combined attempts in a career—4,368 attempts;

Whereas one of Walter Payton's greatest achievements was the founding of the Walter Payton Foundation, which provides financial and motivational support to youth and helps children realize that they can raise the quality of their lives and the lives of those around them;

Whereas the Walter Payton Foundation's greatest legacy has been the funding and support of children's educational programs, as well as programs assisting abused or neglected children; and

Whereas Walter Payton died on November 1, 1999, of liver disease: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and honors Walter Payton—

(A) as one of the greatest professional football players;

(B) for his many contributions to Mississippi and the Nation throughout his lifetime; and

(C) for transcending the game of football and becoming a timeless symbol of athletic talent, spirited competition, and a role model as a Christian gentleman and a loving father and husband; and

(2) extends its deepest condolences to Walter Payton's wife Connie, his children Brittany and Jarrett, his mother Alyne, his brother Eddie and sister Pam, and the other members of his family on their tragic loss.

SEC. 2. The Clerk of the House of Representatives shall transmit an enrolled copy of this resolution to the family of Walter Payton.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT).

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 370.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

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

Mr. Speaker, I rise in support of House Resolution 370, which recognizes and honors Walter Payton and expresses the condolences of the House of Representatives to his family on his death; and I want to thank the gentleman from Mississippi (Mr. PICKERING) for introducing this important resolution.

We are here today to honor the life of Walter Payton, number 34 for the Chicago Bears. The tragic and all too early end to his life November 1 cannot obscure his greatness, not just as a football player but as a human being. It is not just his eight NFL records, from career rushing yards to number of 1,000 yard rushing seasons to yards gained in a game. It is not just his 28 Chicago Bears' records. The Bears often had great individuals. Walter Payton meant so much more to the team than just individual statistics.

I still remember attending the 1963 NFL championship game in Chicago where the Bears beat the New York Giants 14 to 10. Unfortunately, this would be the last time any of us would see the Bears in the playoffs, that is until Walter Payton arrived. He began to carry the Bears with his work ethic, determination, and relentless pursuit of excellence. Sometimes it seemed that he was the only weapon the Bears had. And, finally, he led the Bears back up to the top in Super Bowl XX in 1986.

Over the years that Walter Payton played, Chicago saw a renaissance in its sports teams. The White Sox and the Cubs made the playoffs, and Michael Jordan began to take the Bulls to the top. But Walter Payton was the first and the brightest, and the Bears owned Chicago because of him.

More importantly, Walter Payton made his mark off the football field in a way that few athletes do. In truth, he gave back to Chicago more than Chicago could ever have given to him. He coached high school basketball, read to children in literacy programs, and made significant charitable contributions during and after his NFL career. His Walter Payton Foundation funds educational programs and helps countless abused and neglected children throughout the country.

He was a successful businessman, always open to new ventures, from his restaurants to an Indy car racing team. But perhaps, most importantly, he was a successful father and husband. When his daughter Brittney joined his wife Connie in accepting the Life Award for him at the Arete Courage in Sports awards in late October, and when his son Jarrett addressed the media 2 weeks ago, we could see the same poise in them that the world saw in Walter Payton.

Lucky are those whose lives were touched by this special man. Like most Chicagoans, I feel that somehow I knew Walter Payton; that he was one of us and we were better off for that.

To his wife Connie, his son Jarrett, his daughter Brittney, and to all his friends, we are proud to send the Nation's condolences, and to remind them how much Walter Payton meant to the American people. His sweetness remains with us forever.

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

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

Mr. Speaker, over the last several weeks, this Nation has endured numerous reports of tragedies and deaths. Last week I came to the floor to express condolences on behalf of this body for the unexpected death of the great Payne Stewart, and in a few minutes I will do the same for Joe Serna, Jr., the recently decreased mayor of Sacramento, California.

I followed the news reports of the 217 people who died on board Egypt Air Flight 990, and the gunman in Hawaii who shot and killed his office workers. But in all of these stories of death and despair is a story of life and how we choose to live each and every day of it.

Walter Payton began his football career in 1975 at the age of 21. He was 5 feet 10 and 200 pounds. As the Bears' first-round choice out of Jackson State in Mississippi, he was an awesome human being. Payton, the NFL's career rushing leader, was called ''Sweetness'' because of the gritty and defiant way he ran the ball. His sweetness extended off the field, where he was known for his humor and consideration of others.

House Resolution 370 recognizes Walter Payton for his career triumphs and for establishing the Walter Payton Foundation, which provides financial and motivational support to youth and helps children realize that they can raise the quality of their lives. This resolution cites Payton as a Christian who was viewed by his friends and former classmates as a fun-loving, warm and smiling man with a joy of life, his family and his sport.

On February 2, when Walter Payton announced that he was suffering from a rare liver disease, he was frail and emotional. I shall never forget sitting at the television and watching him as the tears rolled down his face. Payton brought joy into the lives of millions of fans, but at 45 years old, only 45 years old, he needed the gift of life. His liver disease could only be cured by an organ transplant, a transplant he would never, unfortunately, receive.

On November 1, Walter Payton died of a disease malignancy of the bowel duct. He had undergone chemotherapy and radiation treatment to stem the cancer. But because of the aggressive nature of the malignancy, and because it had spread to other areas, a liver transplant, even if a donor were available, could no longer save Walter Payton's life.

By encouraging the 20,000 fans who attended a memorial service for Payton to register as organ donors, Walter Payton's family used his death to highlight the importance of organ donations and the gift of life. In other words, it was their effort to try to bring out of his death new life.

I could not help but think of Walter Payton when it was reported that in my own district of Baltimore, Maryland, a 60-year-old mother of three from Bowie donated a kidney to a 51-year-old father from California. What was special about this situation was that it was a Good Samaritan organ donation. Good Samaritan organ donations, in which the donor offers an organ to a recipient who is a complete stranger, are very unusual. Most live organ donors are relatives or friends of the recipient.

The donor, Sue Rouch, read about the desperate need for an organ donor in a newspaper and called various local hospitals offering to become a donor. She is quoted as saying, ''It's a gift. I'm a generous person, and giving and receiving is all part of the same circle of life.'' Last Friday, she gave her gift to Rick Sirak. If not for Sue Rouch, a generous and compassionate human being, Rick Sirak may have suffered the same fate as our hero, Walter Payton.

Like Rouch, Walter Payton was a generous and caring man. He was famous and world renowned but he was a Good Samaritan who cared for the abused and the needy among us. He celebrated life and brought joy into the lives of so many he touched.

Gregory Brown, coach of the Calumet Park Rams, a youth league team in Chicago, stated, ''Walter Payton was a true greatness, true poetry. We tell our kids to run like Payton on the field and act like Payton in your life.''

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

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Mrs. BIGGERT. Mr. Speaker, I am proud to yield 3 minutes to the gentleman from Mississippi (Mr. PICKERING), my esteemed colleague and the sponsor of House Resolution 370.

Mr. PICKERING. Mr. Speaker, I rise in support and as a proud sponsor of this resolution before us.

The gentlewoman from Illinois (Mrs. BIGGERT) and her great State had the privilege of watching Walter Payton play for the Chicago Bears. But in Mississippi, he was our native son and he made us all proud in a place that takes football very seriously, where there is Bret Favre, Jerry Rice, the NFL MVPs that we see and watch today on Sundays.

But it was Walter Payton, it was sweetness, that first broke through and created the greatness and the pride that we have in Mississippi. He was a tremendous ambassador and representative of our State and one of the greatest running backs of all time.

I am sad to say that, with his passing, we will no longer enjoy his example off the field, but we will have the memory and the legacy of what he did both on the field and as a person and as a father.

I remember well watching his son introduce him and speak for his induction into the Hall of Fame. What pride would any father have to see a son stand and introduce them into the place where their peers and where history records greatness. But to go to a son, something never done before, to make that introduction was a great example of the priorities of Walter Payton's life.

He was a native of Columbia, Mississippi. I am proud to join with my

colleague, the gentleman from Mississippi (Mr. SHOWS), who represents Columbia and who will join us today in speaking of Walter Payton. He was an alumnus of Jackson State University in Jackson, Mississippi, where he received national acclaim as a running back and was chosen fourth by the Chicago Bears in the 1975 draft.

He then went on to play 13 seasons in the NFL, winning a Super Bowl and setting the all-time record for most yards at 16,726.

He was inducted into the college football Hall of Fame in 1996 and to the professional football Hall of Fame in 1993. He was truly a hero and role model for all of us in Mississippi who had the privilege of watching him play the game he loved so much.

My condolences go out to his wife, Connie, and to his children, Brittany and Jarrett.

Walter Payton will always be remembered for his style, class, and outstanding reputation on and off the football field. He was a great ambassador for our home State of Mississippi, and he will be missed by all Mississippians. He may not have been the biggest or the fastest, but it was clear he had the largest heart both on and off the field.

To Walter Payton we simply say, thank you.

Mr. CUMMINGS. Mr. Speaker, it is my pleasure to yield 3 minutes to another distinguished gentleman from Mississippi's Fourth Congressional District (Mr. SHOWS).

Mr. SHOWS. Mr. Speaker, today I would like to take the opportunity and a minute to tell my colleagues and the American people of my thoughts on Walter Payton. Walter's death was untimely, and it is important that we pause to remember this remarkable Mississippian and American.

Walter spent his life giving all he had to his profession, the sport of football. And through his remarkable gift of talent and ability, he gave all, what we call a real American hero.

Walter was a role model of fairness and honesty. With open hands, he often reached down to the opponent he had just out-maneuvered to help him off the turf. With a sweet voice, he always offered praise and encouragement to others in football. And with courage under fire, he never showed a quitter's attitude, right up to the end.

Walter was an American hero. I can honestly say that Walter Payton was a mentor for a lot of young people across our Nation. He was from my congressional district in Columbia, Mississippi, but about 20 minutes from my home.

I can remember when Walter was playing high school football, we heard about this young man that played at Columbia High School who was so fast he could go across the line and turn around backwards and look at his opponents backwards chasing him.

Many of us followed his remarkable career from when he packed out the high school stadiums in my district. He was a streak of lightning down the football field then, as he was years later in the NFL.

Walter humbly rose to star status in our Nation and never let the attention change him. He was always Walter. He touched the lives of everyone, white and black, young and old.

The Bible teaches us about giving and caring, honesty and integrity. I think Walter must have listened well to the preachers in the churches that he attended as a child and throughout his life. Walter embodied those values that make us great and that we all need to value ourselves.

Walter Payton was good for football, he was good for our youth, and he is good for America. I am indebted to Walter Payton for his example. We are all indebted to him for his gift and life.

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

Mr. CUMMINGS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Chicago, Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman from Maryland (Mr. CUMMINGS) for yielding me the time.

I also want to thank the gentleman from Mississippi (Mr. PICKERING) for introducing this resolution. I am pleased to join with the millions of others throughout America and the world who have been inspired, motivated, and stimulated by the life and the legacy of Walter Payton.

Yes, Walter was indeed a great athlete and thrilled millions weekly as he glided, weaved, bobbed, and zipped up and down football fields, chewing up yardage, scoring touchdowns, and helping to win championships.

But Walter Payton was much more than a gifted athlete. He was a gentleman, a good son, a good husband, a good father, a good citizen, and yes, indeed, a role model.

He attended a small school, one of the historically black colleges and universities, Jackson State, in the Southwest Conference, the same conference that I had the opportunity to participate with and in when I attended one of the same small colleges and universities.

Walter proved that it is not always a matter of where we come from as much as it is sometimes a matter of where we are going. He demonstrated to all of us that there can be inspiration in death just as there is inspiration in life. He helped to raise the issue of organ donation and transplantation, even though at the latter part of his life he knew that he would not be able to use one even if it was available.

I want to commend the city of Chicago, my city, for the outstanding tribute that it paid to Walter Payton when thousands of people filled up Soldier Field. Yes, Walter was the best on and off the field. So, on behalf of the people in the Seventh District of Illinois, we celebrate his life and offer condolences to his family and say that all of us are a little bit better because Walter Payton lived.

Mrs. BIGGERT. Mr. Speaker, I reserve the balance of my time to close.

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

Mr. Speaker, I am urging all of our colleagues to support this very, very appropriate resolution. I want to thank the gentleman from Mississippi (Mr. PICKERING) for sponsoring it and all the cosponsors and for all of those who have spoken today.

When one looks back at the life of Walter Payton, I can only help but think about a song that says, ''The times we shared will always be. The times we shared will always be.''

I think Walter Payton brought so much to our lives. One great writer said, he brought life to life. And there is absolutely no question about that. And so, we take a moment today to not be here because he died, but we take a moment to salute him because he lived. He took his God-given talent; and he made the very, very best of them.

And so, to his wife, Connie, and to his children, Brittany and Jarrett and to his relatives, we say to them, thank you very much for sharing Walter Payton with us. He lifted our lives; and, on and off the field, he made our lives better. He, indeed, brought life to life.

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

Mrs. BIGGERT. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, House Resolution 370 provides a fitting memorial to the career and life of Walter Payton. We remember him as an intense competitor on the field and a superb human being and citizen. He dedicated himself fully to his chosen work, and he set an example of humor and grace that we can all admire.

I am proud to speak in his memory, and I join my colleagues in urging swift passage of this resolution honoring a man whose generous life among us was far too brief.

I want to thank again the gentleman from Mississippi (Mr. PICKERING) for introducing this resolution and all the gentlemen from Mississippi and the gentleman from Maryland (Mr. CUMMINGS) who have spoken so eloquently about the life of Walter Payton.

Mr. PORTER. Mr. Speaker, I rise today in support of House Resolution 370, and to celebrate the profound impact of the life of Walter Payton.

This man, who struck fear into the hearts of opposing NFL defenses for 13 years, inspires our hearts today. As unstoppable and resilient as Walter Payton was on the football field, he was caring, as confident as he was uplifting—this irresistible force was also an immovable object of a good man.

Walter Payton exploded into Chicago in 1975. The Bears, having been spoiled by some of the greatest running backs of all time, from Red Grange, to Bronko Nagurski, to Gale

Sayers, were looking for a savior for their backfield. Walter's 66 touchdowns, whopping 6.1 yards per carry, and NCAA scoring record seemed an answer to the Monsters of the Midway's prayer. Chicago chose him with its number one pick. Said Walter's first Bears position coach, Fred O'Connor, upon seeing his new prodigy, ''God must have taken a chisel and said, 'I'm going to make me a halfback.' ''

For the next 13 years Walter ran roughshod over the best athletes in the world. No one has more yards rushing, more rushing attempts, more rushing yards in a game, more 100-yard games, or more all-purpose yards than Walter Payton. He won two MVP awards, led the best football team of all time to victory in Super Bowl XX, and only missed one game in 13 years (a game he insisted he could have played in). Walter made a career out of fighting for the extra yard, never taking the easy run out of bounds, blocking for his teammates, playing through injuries, and leaping into the endzone. He was Sweetness, yet was tougher than Dick Butkus and Mike Ditka. He was also one of the classiest athletes in the history of the NFL—politely handing the ball to officials after scoring, and helping opposing players to their feet after knocking them flat. Ditka, his coach and friend, dubbed him ''the greatest Bear of all,'' and the best football player he'd ever seen.

But for all his successes on the field, Walter was better off it. He was a restaurant owner, an entrepreneur, an investor in forest land and nursing homes, a professional and amateur race-car driver, a television commentator, a motivational speaker, a philanthropist, a father, a husband, and a friend.

While Walter attained amazing financial success in his sporting, business, and speaking pursuits, he turned around and gave back to those who could not fend for themselves. He founded the Walter Payton Foundation to provide financial and motivational support to youth—the foundation continues to fund and support children's educational programs, and to assist abused and neglected children. When faced with fatal liver disease, he turned his illness into a positive force by raising awareness of the need for organ donors. He also helped found and support the Alliance for the Children, which serves the very neediest—the wards of the State of Illinois. In 1998 alone, Walter's foundations provided Christmas gifts for over 35,000 children, helped over 9,000 churches, schools and social services agencies raised by funds by donating autographed sports memorabilia, established college scholarship funds for wards of the State of Illinois, and established a job training program for children 18 to 21 ''graduating'' from the Illinois Department of Children and Family Services system.

Walter is survived by his wife Connie, his children Brittany and Jarrett, his mother Alyne, his brother Eddie, his sister Pam, his loyal teammates, his respectful opponents, his legions of loving fans, and the millions he touched, helped and inspired in some way. He spent the final 9 months of his life, from the day he bravely announced his disease in February, surrounded by these friends and family members. He knew he was loved in the twilight of his life, and we can feel that love for him now that he's passed on. We should all be so blessed.

Walter once, said, ''people see what they want to see [in me]. They look at me and say, 'He's a black man. He's a football player. He's a running back. He a Chicago Bear,' But I'm more than all that. I'm a father, I'm a husband. I'm a citizen. I'm a person willing to give his all. That's how I want to be remembered.''

That's how we'll remember you, Walter, and thank you.

Mr. WICKER. Mr. Speaker, earlier this month our Nation lost a man who earned a lasting place in the hearts of all Americans through his efforts on the football field and in his community. This man, who was affectionately known as ''Sweetness,'' distinguished himself as a father, a citizen, and an American sports icon. Walter Payton's road to success started in Columbia, Mississippi, and wound through the collegiate ranks at Jackson State University and the rough and tumble world of the National Football League. After his playing days, he devoted his time and energy to improving the lives of others.

It is difficult to turn on a television or radio these days and not hear of another instance where a professional athlete has taken a wrong turn or made a bad decision which disappoints legions of fans. They have made commercials to proclaim that they are not role models. Walter never did. They have shied away from placement on a pedestal which would hold them to a higher standard. Walter embraced it. They have failed to realize their influence on children who cheer for them each time they suit up. Walter understood it. They forgot the communities they once called home. Walter never did.

So the next time your kids hear about the latest professional athlete's brush with the law, tell them about Walter Payton. After all, what parent wouldn't want their child to grow up to be like number 34. He was a role model in his public life and as a professional athlete and more importantly in his life off the field as a husband, father, and community leader. Walter, thanks for the memories.

Mr. LIPINSKI. Mr. Speaker, I rise today to honor a great football player and person, Walter Payton. As his old Chicago Bears coach, Iron Mike Ditka, said the day of his passing, some might have been better runners, some might have been better receivers, some might have been bigger or faster, but no one was a better football player than Walter Payton.

Most everyone knows that Sweetness holds the NFL record for rushing yards, total yards, combined yards, and most rushing yards in a game, 275. But what made Payton a great football player was his total package—the blocking, the running, the receiving, and the durability—he only missed one game his entire career, during his rookie season when the coaches held him out despite Payton's insistence on playing through an injury. He was also the Bears emergency kicker, punter, and quarterback—he once played quarterback in 1984 when all of the Bears quarterbacks were injured.

While many people throughout the nation remember Payton along with the dominant 1985 ''Super Bowl Shuffle'' team, true Chicagoans remember the high-kicking Payton in the Bears' lean years, when he carried the team on his shoulders. Walter was a source of pride for Chicagoans in the late 70's and early 80's, and the city identified with the hard-working, lunch-pail attitude that Payton brought to the field.

Walter was a role model on and off the field. He owned many businesses and started a charitable organization, the Walter Payton Foundation. Payton quietly helped collect toys and clothes for children who spent the holidays away from their own families, usually because of abuse or other mistreatment. For some children, the toys were the only gifts they got.

Walter was also a religious man. His former teammate, Mike Singletary, said that Walter found an inner peace the day of his death when the two read scripture together.

Mr. Speaker, it came as a surprise when Walter was diagnosed with his rare liver disease. Still, those who followed Walter's career on and off the field believed that he would overcome the disease just as he had overcome many opponents on the field and in the boardroom. So the big shock came with news of his death. The nation grieved the loss of a sports hero, but Chicago mourned the loss of an icon who touched many.

When Payton was once asked how he wanted to be remembered, he replied, ''I want people to say, 'Wherever he was, he was always giving it his all.' '' Mr. Speaker, I have no doubt that up in heaven, Walter Payton is giving it his all.

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and agree to the resolution, House Resolution 370.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING AND HONORING MAYOR JOE SERNA, JR., AND EXPRESSING CONDOLENCES OF THE HOUSE OF REPRESENTATIVES TO HIS FAMILY AND PEOPLE OF SACRAMENTO

Mr. OSE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 363) recognizing and honoring Sacramento, California, Mayor Joe Serna, Jr., and expressing the condolences of the House of Representatives to his family and the people of Sacramento on his death.

The Clerk read as follows:

H. RES. 363

Whereas Joe Serna, Jr., was born in Stockton, California, on September 3, 1939;

Whereas Joe Serna, Jr., was the loving husband of Isabelle Hernandez-Serna and devoted father of Phillip and Lisa;

Whereas Joe Serna, Jr., was the son of Gerania and Jose Serna and the brother of Maria Elena Serna, Reuben Serna, and Jesse Serna;

Whereas Joe Serna, Jr., grew up the son of an immigrant farm worker, and was widely recognized as ambitious with an irrepressible drive to succeed;

Whereas Joe Serna, Jr., experienced a pivotal point in his life when he became a successful football player on the Lodi Flames as a sophomore qualifying to play on the varsity squad;

Whereas Joe Serna, Jr., graduated from Lodi High School and went to work, where he later lost his job because he endorsed a

strike at the trailer manufacturing facility where he was employed, and decided to further his education, beginning at junior college in Stockton, California, then transferring to Sacramento City College and finally to California State University, Sacramento, where he graduated in 1966;

Whereas Joe Serna, Jr., joined the Peace Corps in Guatemala, where he became involved in the election of a Mayan Indian as mayor of a small town, providing him with a first-hand education regarding the importance of electoral politics;

Whereas Joe Serna Jr., spent more than a decade working with migrant farm workers under the guidance of his role model, Cesar Chavez, and organized food workers and coordinated election campaigns;

Whereas Joe Serna, Jr., began teaching classes on government and ethics at California State University, Sacramento, and became the primary caregiver for his children when his first marriage ended;

Whereas Joe Serna, Jr., was elected to the Sacramento City Council on November 3, 1981, where he served until he was elected mayor on November 3, 1992;

Whereas Joe Serna, Jr., was known as an elected official with profound vision for the future and the energy to implement that vision, who could build coalitions, ignite community involvement, and succeed in achieving his goals;

Whereas Joe Serna, Jr., leaves a legacy in Sacramento of downtown revitalization and growth, more parks and places for Sacramentans to gather and enjoy their families and neighbors, a better public school system, more jobs, more community police, and a higher quality of life; and

Whereas Joe Serna, Jr., faced many challenges in his life, and eventually succumbed to his greatest challenge, the fight against cancer: Now, therefore, be it

Resolved,

SECTION 1. HONORING MAYOR JOE SERNA, JR.

The House of Representatives—

(1) recognizes and honors Sacramento Mayor Joe Serna, Jr.—

(A) as a profoundly successful leader whose drive and energy inspired thousands,

(B) for his many lifetime contributions to Sacramento, the State of California, and the Nation, and

(C) for selflessly devoting his life to the advancement of others through activism, public service, education, and dedication; and

(2) extends the deepest condolences to Mayor Joe Serna's wife, Isabelle, his son, Phillip, and his daughter, Lisa, as well the citizens of Sacramento, California, for the loss of their dedicated mayor.

SEC. 2. TRANSMITTAL OF ENROLLED COPY TO THE FAMILY OF MAYOR JOE SERNA, JR.

The Clerk of the House of Representatives shall transmit an enrolled copy of this resolution to the family of Joe Serna, Jr.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

GENERAL LEAVE

Mr. OSE. 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. 363.

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

There was no objection.

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

Mr. Speaker, I rise in support of H. Res. 363. This resolution honors the recently departed Mayor Joe Serna, a good friend of many of us in this chamber.

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

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

Mr. Speaker, Sacramento Mayor Joe Serna, Jr., was the oldest of four children in a farm-worker family. All four children worked with their parents picking crops and all four went on to careers in public service.

□ 1700

Joe Serna went from picking grapes and tomatoes as a youngster to becoming the first Latino mayor of a major California city. A follower of the late farm labor leader Cesar Chavez, Serna served on the Sacramento-area support committee for the United Farm Workers and was a former member of the Sacramento Central Labor Council. In his youth, he served in the Peace Corps in Guatemala as a community development volunteer specializing in cooperatives and credit unions. He became a professor of government at Cal State in Sacramento where he earned the distinguished faculty award in 1991.

Dubbed the ''activist mayor,'' Joe Serna is credited with revitalizing Sacramento's downtown and reforming the Sacramento city unified school district. Under Serna's leadership, the Sacramento City Council agreed to public-private partnerships to entice developers to build in downtown Sacramento. Serna commissioned a blue-ribbon group to analyze the underperforming school district, then recruited a reform slate of school board candidates.

That slate won and has contributed to the improvements in Sacramento's school district. In 1996, Serna is quoted as saying, my biggest ambition is to be the best mayor I can be so that the next ethnic person who comes along, the next African-American kid or Mexican-American kid who wants to be a mayor can become the mayor, and it won't be a big deal. Joe Serna has left a legacy that certainly makes that true. My condolences and sympathies go out to the Joe Serna family and friends and the hundreds of lives he touched as the mayor of Sacramento.

Mr. Speaker, I ask unanimous consent to allow my good friend, the gentleman from California (Mr. Matsui), to control the remainder of the time on our side.

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

There was no objection.

Mr. OSE. Mr. Speaker, I think it would be appropriate if I were to reserve the balance of my time and allow the senior member, the gentleman from Sacramento, to speak.

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

Mr. MATSUI. Mr. Speaker, I yield myself such time as I may consume. I would first like to thank the gentleman from California (Mr. OSE) for actually yielding time to me before he makes his remarks, and certainly I want to thank the gentleman from Indiana (Mr. BURTON), the chair of the committee, certainly the gentleman from California (Mr. WAXMAN), the ranking member and the gentleman from Maryland (Mr. CUMMINGS) for putting this matter on the floor at this particular time.

Before I begin my remarks, I would like to mention that the gentleman from California (Mr. OSE), the gentleman from California (Mr. DOOLITTLE), and the gentlewoman from California (Ms. ROYBAL-ALLARD) have cosponsored this legislation. We certainly appreciate the bipartisan effort on putting this on the floor.

Mr. Speaker, I rise today in great sadness to pay tribute to a very distinguished leader, to one of the most outstanding public servants that I have known and to a true friend. On Sunday, November 7, the mayor of Sacramento, Joe Serna, lost his courageous battle with kidney cancer. As the Sacramento community mourns his loss, I ask all my colleagues to join with me in saluting his career and his efforts as one of the most extraordinary persons that I have ever known.

Joe was only 60 years old when he passed on that November day. Joe was the son of immigrant farm workers from whom he learned the values and work ethics that exemplified his career. His sister said during the rosary service last week that when his mother brought Joe home, she put him in a crate because they could not afford a crib. From that kind of beginning, he earned his Bachelor of Arts degree in social science in government from Sacramento State College in 1966, and he received a higher degree at the University of California at Davis in political science.

Always wanting to serve others, he entered, as the gentleman from Maryland said, the Peace Corps and worked in Guatemala as a community development coordinator and volunteer specializing in cooperatives and credit unions. Upon his return, he continued his service to others by becoming a teacher. He joined the faculty at Cal State University Sacramento; and in 1969, became a full professor in government. The energy he brought to life was transferred to his students in the classroom; and in 1991, he received the distinguished faculty award at Cal State University.

Continuing his calling in public service, he was elected to the Sacramento City Council in 1981, reelected in 1985, and again in 1989. In 1992, he was elected mayor of Sacramento and was reelected by huge margins in 1996. He leaves a proud legacy of leadership and accomplishments. Most significantly, he worked throughout his career to revitalize Sacramento's downtown. He

initiated the Sacramento Downtown Partnership Association, the Art in Public Places program, and the Thursday Night Market, all of which have made the downtown area a thriving gathering place for all Sacramentoans.

As a result, in 1995 the mayor received the Economic Development Leadership Award from the National Council for Urban Economic Development. But his legacy was most proud in the area of public education. As the gentleman from Maryland had said earlier, in response to the erosion of our community's education system, Mayor Serna established the Mayor's Commission on Education and the City's Future, a coalition of business and civic leaders.

The Mayor's Commission successfully led the recall of members of the board of trustees of the Sacramento City Unified School District and elected a new board. I am pleased to say that the achievement results since that time of our high school, middle school, and grammar school children have increased, which indicates that his efforts were not in vain but will help future generations of children in Sacramento.

His education drive was one of many challenges that are identified under his leadership. For example, when the National Basketball Association Sacramento Kings threatened to leave Sacramento, he began negotiating with the Kings organization, members of the city council and community leaders to forge a role in keeping that basketball franchise in our community, not so much for the purpose of having a major sports franchise but because he knew that having a major sports franchise would create an enthusiasm in the community and bring all segments of our community together.

When our military base closed, the Sacramento Army Depot and had 3,000 employees, Joe rather than curse the darkness, he lit a candle. He immediately sought businesses down in Los Angeles and actually brought up a high-tech industry and business that created 6,000 jobs for many people who were then on public assistance programs and now are gainfully employed.

Over the past three decades, he served on numerous commissions, too many for me to mention today. But just as an example of his diverse leadership, he was co-trustee of the Crocker Art Museum. He was a member of the Sacramento Housing and Redevelopment Commission. He was on the Board of the Sacramento Employment and Training Agency, the Metropolitan Cable Television Commission, and the Air Quality Board of Sacramento County.

But beyond his accomplishments, he was known simply as an elected official with a profound vision for the future and an energy to implement that vision. He knew how to build coalitions, ignite community involvement, and succeeded almost always in achieving his goals. Because of this vision, he leaves a proud legacy in Sacramento's downtown redevelopment area of growth, a stronger public school system, more jobs, more community police and certainly a higher quality of life.

His parting has left a major void for all of us in Sacramento County, people of all walks of life. Four thousand people attended his service last week, people in business suits, and people that were dressed as ordinary citizens. I wish to extend on behalf of this institution our deepest sincerity and heartfelt wishes to Mayor Serna's wife Isabelle, his son Phillip and daughter Lisa and his mother Gerania. I, along with the City of Sacramento and the people of California, mourn with them.

Mr. Speaker, the City of Sacramento has suffered tremendously from the loss of one of our most distinguished and visionary leaders as well as one of our best citizens. We will all miss him very much.

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

Mr. OSE. Mr. Speaker, I yield myself such time as I may consume. I rise today to echo the remarks of my friend from Sacramento. It is interesting to note that as you go through life, you meet certain individuals whose personalities or their achievements or their vibrancy stay with you.

Of all the things that Mayor Serna accomplished during his many years of service, perhaps the most lasting will be his legacy as a teacher. He was a professor of political science at Sacramento State University. I cannot tell you how many young people I have run into who, with a Cheshire smile on their face, remember their long debates in class with Mayor Serna about this or that issue and how much they took away from that time.

As a young man, I came back from school and Mayor Serna, then a city councilman, had been recently elected to the city council. While we were not of the particularly same political persuasion on many things, he came one day to the city council meeting, he saw me sitting in the back of the hall. During a break he came back, put his hand on my shoulder and said, just like a normal person, which he was, are you doing all right? I said, yes, I am, and thank you for asking. At that, he went on about his way.

That was Joe Serna. The ability just to reach out, put his hand on your shoulder, regardless of where you came from. He did not care. He just wanted to know whether he could help. Again, of all the lessons that I take from my acquaintance and friendship with Joe Serna, it is that we are all teachers. Some are further along the curve than others. For some, maybe the curve has ended as it has with Joe. But for the rest of my days, I will remember Joe Serna as a teacher.

Ms. ESHOO. Mr. Speaker, I rise today in support of H. Res. 363, a resolution honoring the late Joe Serna, Jr., Mayor of Sacramento, California, and to express my deep sympathies to his wife, Isabel, and his children, Philip and Lisa.

Mayor Serna was the embodiment of the American dream. He rose from his roots as a farmworker in the 1960's to become the first Latino mayor of California's capitol city. He often told how his parents, poor Mexican immigrants who worked the fields, brought him home from the hospital in a cardboard box.

Joe Serna eventually left those fields to pursue a life of public service but no matter how high he rose in public office, he never forgot his roots. A loyal member of the United Farm Workers Union, Joe organized one of the state's first food caravans to feed striking grape pickers. Union President Arturo Rodriquez described Joe best when he said: ''He continued in every way he could to fight for the low-income (people), for the farmworkers, for the people that, for whatever reasons, were not being provided the respect and dignity they deserved.''

For over 20 years, Mayor Serna helped lead the great City of Sacramento. He served as a member of the City Council from 1975 to 1992 and was elected Mayor in 1992. It was a Mayor that his many accomplishments proved him a true leader.

He may best be remembered for his leadership of a movement to reform the city's public schools. Dissatisfied with the leadership of the school board, he led a movement to recall many of its members and to establish a program of reform that focused on upgrading the schools with a $191 million school bond.

His creative leadership did not stop there. Determined to reinvigorate downtown Sacramento, he established the City's Neighborhood Services Department, which consolidates city services to support and enhance programs for healthy, thriving neighborhoods. He also appointed the city's first Council of Economic Advisors to help frame the city's economic agenda and founded the Mayor's Summer Reading Camp, a literacy program for underprivileged students.

Joe Serna was, first and foremost, a god and decent man who wanted nothing more than to represent the people of Sacramento to the best of his abilities. His close friend and political advisor, Richie Ross, said of him: ''He was never thought of in Sacramento as anything other than Mayor Joe, everybody's mayor.''

Today, the House of Representatives joins the Serna family and the people of Sacramento in sharing their grief over the loss of Mayor Joe Serna, a distinguished American who will be remembered forever.

Ms. PELOSI. Mr. Speaker, on Sunday, November 7 the Mayor of Sacramento, and my good friend Joe Serna, lost his courageous battle with kidney cancer.

Joe grew up the son of an immigrant farm worker, where he was taught the honorable values and hard work ethic that exemplified his career. He earned a Bachelor of Arts degree in social science/government from Sacramento State College in 1966 and attended graduate school at UC, Davis, majoring in political science.

Always wanting to serve others, in 1966 Mayor Serna entered the Peace Corps, working in Guatemala as a Community Development volunteer specializing in cooperatives and credit unions. Upon his return to the States, he continued his service by pursuing one of the most noble of all professiions—he

became a teacher. He joined the faculty at CSU, Sacramento, in 1969 becoming a professor of Government. Of course the energy he brought to life was readily transferred to his students in the classroom, and in 1991 he received the Distinguished Faculty Award.

Continuing his lifelong calling to public service, Joe Serna was first elected to the Sacramento City Council in 1981 and reelected in 1985 and 1989. He was then elected mayor of Sacramento in 1992 and again in 1996.

As Mayor, Joe Serna left a proud legacy of leadership and accomplishments. He worked throughout his career to revitalize Sacramento's downtown which included initiating the Sacramento Downtown Partnership Association, the ''Art in Public Places'' program, and the Thursday Night Market. In 1995, Mayor Serna was selected by the National Council of Urban Economic Development to receive their annual Economic Development Leadership Award.

He also established the Mayor's Commission on Our Children's Health and the Mayor's Commission on Education and the City's Future, which led to a new Sacramento City Unified School District Board of Trustees. As part of his active role in improving the Sacramento City School District, he founded the Mayor's Summer Reading Camp, a literacy program for below average scoring second and third grade students.

Over the past three decades Mayor Serna was a member of numerous organizations including the Regional Transit Board of Directors and the Sacramento Housing and Redevelopment Commission. He was the Co-trustee of the Crocker Art Museum Association and an Advisory Board Member of Senior Gleaners, Inc. He was a former Chair of the Sacramento City/County Sports Commission, member of the Board of the Sacramento Employment and Training Agency, member of the Sacramento Metropolitan Cable Television Commission and Sacramento Air Quality Management Board. From 1970 to 1975, Joe Serna was the Director of the United Farmworkers of America's Support Committee in Sacramento County. Mayor Serna also served as a two-time presidential appointed member of the Board of Directors of ''Freddie Mac.''

Mayor Serna was known as an elected official with profound vision for the future and the energy to implement that vision. He knew how to build coalitions, ignite community involvement, and succeed in achieving his goals. Because of this vision, he leaves a proud legacy in Sacramento of downtown revitalization and growth, a stronger public school system, more jobs, more community police, and a higher quality of life.

What made Mayor Serna such a remarkable leader was his ability and willingness to listen to the community and make himself available to all voices that wanted to be heard. In an era when following the politically expedient route is commonplace, Mayor Serna was never afraid to fight for what he believed in if he knew it was the right thing to do. He never compromised his values and always brought a sense of honor and dignity to the Sacramento community.

On behalf of my family and my constituents, I offer my condolences to Joe's wife Isabel, his son Philip and his daughter Lisa.

[From the San Francisco Chronicle, Nov. 8, 1999]

Sacramento Mayor Joe Serna Jr., who rose from his roots as a farmworker to become Sacramento's first Latino mayor in modern history, died yesterday of kidney cancer and complications from diabetes.

Serna, 60 had briefly slipped into a diabetic coma Wednesday and asked to return home from the hospital Friday. He died at 3:47 a.m. surrounded by his family, said Chuck Dalldorf, a spokesman for the mayor.

Serna was a city councilman for 18 years and became mayor in 1992. He may best be remembered for helping reinvigorate downtown Sacramento and reforming his city's public schools by campaigning on behalf of new school leadership and a $191 million school bond.

''Joe led a movement to recall a large number of school board members, elect a reform slate, adopt a reform program and upgrade standards,'' said Phil Isenberg, a former Sacramento mayor and state assemblyman.

Serna was a loyal friend of the late Cesar Chavez, and the United Farm Workers Union since the 1960s, when he organized one of the state's first food caravans to feed striking grape pickers.

''He continued in every way he could to fight for the low-income (people), for the farmworkers, for the people that, for whatever reasons, were not being provided the respect and dignity they deserved,'' said United Farm Workers Union President Arturo S. Rodriguez.

Serna also transcended ethnic politics, according to close friend and political adviser Richie Ross.

''He was never thought of in Sacramento as anything other than Mayor Joe, everybody's mayor,'' said Ross.

BORN IN STOCKTON

Serna was born in Stockton and used to tell how his parents, poor Mexican immigrants who worked the fields, brought him home from the hospital in a cardboard box. He grew up in Lodi, picking grapes and tomatoes as a youngster to help support his family.

He earned his bachelor's degree from Sacramento State University, and attended graduate school at the University of California at Davis. He served in the Peace Corps in Guatemala as a community development volunteer specializing in cooperatives and credit unions.

Serna dubbed himself an ''activist'' who hoped to ''be the best mayor I can be so that the next ethnic person who . . . wants to be mayor can become the mayor, and it won't be a big deal.''

STRONG LEGACY

''Joe was a true giant in the Latino community, and a visionary leader for all of Sacramento,'' said Lt. Gov. Cruz Bustamante in a statement. ''He leaves a great legacy of public service, whether he was standing in the fields fighting for farmworker rights or visiting the White House advocating for the city he so dearly loved.''

Serna served on the Sacramento-area support committee for the United Farm Workers, and was a former member of the Sacramento Central Labor Council.

He also served on an array of municipal bodies, including the Sacramento Regional Transit board of directors, the Employment and Training Agency, the Metropolitan Cable Television Commission, and the Air Quality Management Board.

Serna and his wife Isabel have two grown children, Philip and Lisa. The family lived in Sacramento's Curtis Park neighborhood.

The mayor announced to the public in June he would not seek a third term because of his deteriorating health.

Since Serna died with more than a year left in his term—a year and a day to be exact—a special election will be held to determine a successor.

Serna's supporters expect a large turnout Wednesday, particularly from among farmworkers, for a funeral march from Cesar Chavez Plaza across from Sacramento City Hall to the Cathedral for the Blessed Sacrament. Serna's family requested that all donations be directed to the UFW union.

Ms. ROYBAL-ALLARD. Mr. Speaker, as chair of the Congressional Hispanic Caucus and as a fellow Californian, I rise in strong support of House Resolution 363, honoring the life of Joe Serna, Jr. I commend my colleague, Representative BOB MATSUI, for sponsoring this important resolution.

I want to express my deepest sympathies to Joe Serna's family and the residents of the City of Sacramento for his passing.

Mayor Serna's death is mourned not only by his family, friends, and the residents of Sacramento, which he so proudly represented, but also by countless individuals for whom he served as a role model by setting an example of what can be achieved through hard work, dedication, and determination to better not only one's own life, but the lives of others.

Joe Serna grew up in Northern California, the son of Mexican immigrant farm workers. Serna worked his way through junior college to become a college teacher, as well as a passionate activist who spent more than a decade working with migrant farm workers under the guidance of his role model, Cesar Chavez.

In 1981, Serna, was elected to the Sacramento City Council where he served until 1992, when he was elected as the first Latino Mayor of Sacramento.

During his tenure as Mayor, Serna developed a reputation as a leader who stood up for the things he believed in, such as quality job opportunities, strong families, good schools, and empowering the communities and people he represented. The City of Sacramento and its residents have truly benefited and will continue to benefit from Joe Serna's vision and leadership.

Joe Serna was a great leader and a great man and he will be truly missed.

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

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

The SPEAKER pro tempore (Mr. BARR of Georgia). The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and agree to the resolution, House Resolution 363.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 2116, VETERANS MILLENNIUM HEALTH CARE AND BENEFITS ACT

Mr. STUMP. Mr. Speaker, I move to suspend the rules and agree to the conference report on the bill (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.

The Clerk read the title of the bill.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the conference report on H.R. 2116.

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

There was no objection.

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

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

Mr. STUMP. Mr. Speaker, the Veterans Millennium Health Care and Benefits Act is the most comprehensive legislation to be acted on in behalf of America's veterans in decades. H.R. 2116 includes landmark legislation mandating access to VA nursing home care for severely disabled veterans and requiring the VA to provide more veterans with alternatives to nursing home care. This legislation also authorizes the VA to pay for emergency care service for veterans who do not have insurance or access to Medicare. Additionally, we are elevating the health care priority for veterans who receive the Purple Heart and providing greater access to VA health care for military retirees.

□ 1715

The Veterans Millennium Health Care and Benefit Act also includes many benefits, including providing special borrowing authority to the American Battle Monuments Commission to assure that groundbreaking on the national World War II Memorial can take place on Veterans' Day next year; making it easier for surviving spouses and children of ex-POWs to qualify for compensation and naming this provision for Mr. Bill Rolen of the American Ex-POWs, who passed away this past September; improving the Montgomery GI Bill benefits for officers who began military service as enlisted personnel and veterans preparing to take entrance examinations; and requiring the VA to begin planning for six new additional cemeteries in recognition of the demographic realities facing our veterans population; and, adding a rare form of lung cancer to the conditions presumed in law to be service connected due to exposure of ionizing radiation.

Mr. Speaker, I urge my colleagues to support this conference report, and I reserve the balance of my time.

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

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

Mr. EVANS. Mr. Speaker, I want to thank the chairman of our committee and salute him for his outstanding leadership. This conference agreement is due in large part to the commitment and determination of the gentleman from Arizona (Mr. STUMP), the chairman of the Committee on Veterans' Affairs, to address the needs of our Nation's veterans. I also want to thank the other House conferees from both sides of the aisle who worked hard together. Every Member of the House can proudly support this agreement. It strongly reaffirms our commitment to America's veterans.

I also want to acknowledge the commitment of the other conferees from the other body to craft this conference agreement. Their cooperation was essential.

Mr. Speaker, there are a number of provisions in the conference agreement which are particularly noteworthy. I will describe only a few at this time.

Mr. Speaker, this conference agreement responds to the long-term care needs of our veterans. This bill mandates that the VA provide nursing home care to enrolled veterans rated 70 percent or more service-connected disabled, and to veterans with a service-connected disability in need of institutional long-term care for that service-connected disability.

Noninstitutional long-term care as part of the basic benefits package as well for VA enrollees. As the author of emergency care legislation, I am particularly pleased that the VA is authorized to provide reimbursement for emergency care not provided in VA facilities to certain enrolled veterans.

As the author of the House legislation requiring the VA to adopt, in consultation with chiropractic providers, a formal policy on chiropractic treatment in the VA, I am very pleased that this requirement is included in H.R. 2116.

I am also pleased that the agreement authorizes the VA Sexual Trauma Counseling Program and the VA's Federal Advisory Committee on Minority Veterans. The conference agreement also contains two important provisions that fortify important, but expensive, programs for vulnerable veterans with severe chronic mental illnesses.

Mr. Speaker, the conference agreement also reauthorizes the Homeless Veterans Reintegration Project for 4 more years. In addition, the amount authorized annually for this vital program is increased incrementally from $10 million to $20 million per year by fiscal year 2002.

This measure also directs the Secretary of Veterans Affairs to establish six areas of the country most in need of cemetery space to serve American veterans and their families. I am certain our committee will be vigilant in its oversight of the Department's compliance with the requirements of this provision.

The Secretary is also required to contract for an independent study on improvements to veterans' burial benefits. I want to thank the gentlewoman from Florida (Ms. BROWN) for her outstanding leadership on this issue.

As the author of the House legislation to establish a rigorous quality assurance program within the VA, I am pleased that the conference agreement mandates a quality review program in the Veterans' Benefits Administration that meets appropriate governmental standards for independence and internal control. Our veterans deserve no less.

Mr. Speaker, this is a conference agreement that we can all be proud of, and I urge my colleagues to support it.

Mr. Speaker, I rise in support of the Veterans Millennium Benefits Act of 1999. H.R. 2116, as agreed to by the conferees, makes significant improvements to the benefits and services provided to America's veterans.

I want to thank the Chairman of the Committee, BOB STUMP for his outstanding leadership. The conference agreement before the House today is due in large measure to BOB STUMP's commitment and determination to address the needs of our Nation's veterans. I also want to thank the other House conferees from both sides of the aisle. Everyone worked well together to produce a conference agreement which every Member of the House can proudly support. It is strong reaffirmation of our commitment to America's veterans.

EXTENDED CARE SERVICES

Defining a direction for VA long-term care is imperative. In my view, the solution must define a clear policy that would preserve and strengthen VA's nursing home program and prompt VA's expansion of the use of non-institutional alternatives to long-term care without forcing unreasonable new costs on VA. This struggle to define appropriate coverage for individuals who need long-term care is confronting our whole health care system right now.

I believe VA's future, in large measure, depends on its ability to address the special needs of veterans. Inasmuch as it fails to address veterans' long-term care needs, particularly for the highest priority veterans, I believe its future is jeopardized. One of the primary reasons I became an original cosponsor and architect of the Veterans' Millennium Health Care Act was to address the evolution of VA's nursing home programs. My staff has collected data from VA medical centers across the country that indicates VA's role in long-term care is diminishing substantially. There is no longer any guarantee to life placement for many veterans as VA shifts its nursing homes to restorative, rehabilitative and palliative care. Veterans assuredly have a need for all of these types of care, but neither these subacute services, nor non-institutional care is always able to substitute for nursing home care needed for the most impaired veterans.

The good news is that this conference agreement will define a direction for VA in managing long-term care—an important, but expensive part of the health care continuum. The legislation initially approved by the House guaranteed extended care and non-institutional care to the system's highest priority users. The goal of the other body was to create a guaranteed package of non-institutional long-term care for all VA enrollees. This

agreement ensures institutional and non-institutional care for veterans with service-connected conditions for their service-connected condition and veterans with service-connected disabilities rated greater than 70%. It also establishes authority for VA to provide non-institutional care to all enrolled veterans.

In addition, VA will be required to maintain the level of in-house extended care services it offered in 1998, while expanding non-institutional care. The extended care provisions also authorize several pilot projects—one based on the successful and cost-effective Program for All-Inclusive Care for the Elderly (PACE) that offers an integrated and comprehensive array of medical and social services to help the frail elderly remain as independent as possible. Another pilot will examine the appropriate use of assisted living for veterans served by VA.

These benefits reassert the importance of long-term care in the continuum of care VA offers to veterans. It also provides a substantial benefit to veterans which VA can accommodate. While setting a new course for long-term care, we have done so in fiscally responsible manner that will not inflict an unfunded mandate on VA.

EMERGENCY SERVICES

The conference agreement on H.R. 2116 contains authority to reimburse hospitals for enrolled veterans' emergency care. Today, too many veterans face frustration and failure when they seek VA reimbursement for their emergency care provided by a non-VA provider. By emphasizing its role as a primary care provider, I believe many veterans have logically assumed VA would be responsible for their emergency care costs. Furthermore, an Executive Order in November 1997 provided all federal agencies conform to the President's Patient Bill of Rights. VA did not provide most veterans reimbursement for treatment received from a non-VA provider in a medical emergency. Veterans' experiences in seeking reimbursement from VA for emergency care, even when ''referred'' to a community provider by VA and refused transfer to VA, indicate that this is a significant problem for many VA users. Emergency care is a potentially catastrophic ''hole'' in the safety net veterans believe they have with VA health care.

The conference agreement authorizes VA to reimburse providers for emergency care provided to any enrolled veteran who has used VA care within the last two years. It uses a ''prudent lay person'' standard, as the recently approved Patient Bill of Rights did, to determine what constitutes a medical emergency. I thank the Senator from West Virginia for agreeing to support legislation offered by the Senate Minority Leader, a companion to the emergency care legislation I authored and introduced in the House. I am also pleased that, in achieving a productive compromise on the legislation I offered in this and the last session of Congress, this measure is now an even more fiscally responsible proposal that will allow VA to better manage this important new benefit to veterans.

SEXUAL TRAUMA COUNSELING SERVICES

The Ranking Democratic Member of the Health Subcommittee, Congressman LUIS GUTIERREZ, has worked diligently to ensure VA's sexual trauma counseling services are preserved and strengthened. The conference agreement provides that VA must offer a sexual trauma program. This is an important change from current law that makes the program discretionary. While the conference agreement does not include a House provision to authorize reservists to receive program services, a study is required to determine the needs for these services within the reservist population. With a strengthened provision on outreach, this agreement insures sexual trauma counseling and treatment programs are a stronger part of VA's core services.

SPECIALIZED SERVICES

The Veterans Millennium Benefits Act incorporates two measures—one approved by each body. To strengthen VA's paramount special emphasis programs, particularly for seriously chronically mentally ill veterans. The conference agreement on H.R. 2116 requires VA to report on bed closures that affect inpatient substance abuse treatment programs, post-traumatic stress disorder programs or other programs for the seriously chronically mentally ill. A report on bed closures is also required for rehabilitation beds. The report requirement is intended to encourage careful consideration by VA facility directors of the importance of continuing treatment(regardless of setting) for vulnerable veterans, not, as some have suggested, to deter bed closures entirely.

The other provision would establish a grant program to allow VA to provide at least $15 million to programs for treatment of post-traumatic stress disorder and substance abuse programs. Restrained budgets have taken a serious toll on these programs that offer care to a very vulnerable population. These two initiatives are intended to restore these very important services that have been diminished due to fiscal constraints.

STATE HOME GRANTS

The VA funds state home grants to construct nursing homes and domiciliaries. This is a beneficial relationship between VA and states that almost every state has embraced. As the State Homes increase, so to does veterans' access to long-term care. This is recognized as a benefit by all.

For some time, however, grant requests from the states to construct new beds have overwhelmed the ability of the Congress to fund them. As a result, the backlog of grant requests for homes from states that long ago made the commitment to serve veterans through State Homes has grown tremendously. In addition, some State Homes have fallen into disrepair over the more than 35-year history of this VA program.

I view the agreement of the conferees as a ''good Government'' proposal. It will allow VA to take care of State Homes that have long cared for veterans and allow VA to give greater priority to states that still have a substantial need for State Home beds. Our veterans will be better served by State Homes because of the conference agreement.

ENHANCED-USE LEASE AUTHORITY

Recently, GAO claimed VA was ''wasting a million dollars a day'' on its overbuilt infrastructure. While I do not fully support this view, it does document the challenge VA has in managing its vast array of capital assets. One tool VA has found useful to maintain properties not now needed for patient care or other uses is enhanced-use leases. These leases allow VA to continue to hold the title to properties, without having the expense of maintaining them, while they are used for productive purposes by non-VA entities.

To make these leases more attractive to those who might consider their use, the conference agreement increases the number of years that developers have use of property from 35 to 75 years. This will allow those who want to make significant investments in property to capitalize on them throughout the useful life of most construction projects.

CHIROPRACTIC TREATMENT

I am pleased the conference agreement includes a provision requiring VA to establish a policy on chiropractic care for veterans. While this requirement does not specify the nature of the policy to be established by VA, VA is directed to consult chiropractors in developing this new policy. For too long, VA has lacked a formal policy on chiropractors and the care that they provide in VA. VA should review the medical literature and consider those studies that have shown chiropractic care for lower back pain is at least as effective as ''traditional'' medical treatment. While chiropractic care is not explicitly restricted in the VA, VA institutional barriers create restrictions for chiropractors who want to practice in VA.

It is clear that more Americans, as well as mainstream medicine, are embracing certain complementary and alternative therapies. Chiropractic care, which has established a licensure process in every state, is a choice many Americans, including veterans, want. I am glad VA will develop this policy and hopeful it will see the wisdom of offering veterans this choice.

DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES OF FORMER PRISONERS OF WAR

As an original co-sponsor of H.R. 784, to amend and liberalize the requirements for Dependence and Indemnity Compensation (DIC) for the surviving spouses of veterans who were Prisoners of War (POW), I strongly support section 501 of the conference agreement. Section 501 of the conference agreement which follows legislation approved by the other body will fully meet the objectives of H.R. 784 to liberalize the requirements for DIC eligibility. I am also pleased that the bill recognizes the tireless efforts of the late John William ''Bill'' Rolen, a former POW who devoted many years of his life to advocating for the needs of his fellow POWs and their families. Bill was a tireless advocate for our Nation's Ex-POW's and it is only fitting that the last piece of legislation he urged the Congress to adopt be named for him.

Section 502 of the conference agreement follows H.R. 708, a measure I authored. This provision restores eligibility for CHAMP–VA medical care, education benefits and home loan assistance to remarried surviving spouses who lost eligibility for these benefits upon remarriage and whose subsequent marriage has ended. During the 105th Congress, legislation was enacted allowing for reinstatement of eligibility for dependency and indemnity compensation (DIC) cash benefits after termination of the remarriage. The present measure completes the restoration of eligibility for all VA benefits lost by a surviving spouse of a service-connected veteran upon remarriage if the subsequent marriage is ended.

As an original co-sponsor of H.R. 690, I am pleased that at long last bronchiolo-aleveolar carcinoma has been added to the list of radiogenic diseases which are presumed to be service-connected for our Nation's Atomic veterans. Unfortunately, other medical conditions which are clearly radiogenic such as lung cancer still require proof by a dose reconstruction procedure which the Institute of Medicine acknowledged is inadequate in its October 20,

1999 report. I am disappointed that many of our Atomic veterans continue to be denied compensation for their exposures while efforts are underway to compensate exposed civilians.

WORLD WAR II MEMORIAL

Both bodies approved legislation which would speed construction of the World War II Memorial, and the compromise measure includes the House language related to this issue.

Public Law 103–32 authorized the building of a national World War II Memorial. This legislation assigned responsibility for designing and constructing the memorial to the American Battle Monuments Commission (ABMC), an independent federal agency created in 1923. The ABMC administers, operates and maintains military cemeteries and memorials in 15 countries around the world. The Commission is also responsible for the establishment of other memorials in the U.S., when directed by Congress.

Under the compromise measure, the ABMC is given authority to borrow funds from the U.S. Treasury for a brief period. Under existing law, groundbreaking for the WWII Memorial may not occur until the ABMC, the Memorial's sponsor, has either received cash donations equal to the estimated cost of the Memorial or has sufficient borrowing authority to assure that the Memorial will be completed. ABMC projects that it will not receive sufficient cash donations until the year 2002 and that construction of the Memorial will take three years. The borrowing authority provided under title VI of the conference agreement will enable the ABMC to begin construction next year. ABMC projects that it will need no more than $11 million in borrowing authority and that borrowed funds will be repaid within three years. It is important that construction on this memorial begin as soon as possible because World War II veterans are dying at the rate of 31,000 per month.

ESTABLISHMENT OF ADDITIONAL NATIONAL CEMETERIES

Approval of legislation by both bodies to expand the national cemetery system clearly demonstrates Congressional concern regarding this issue. Section 211 of H.R. 2280 directed the Secretary of Veterans Affairs to establish a national cemetery in each of the four areas of the United States most in need of cemetery space to serve veterans and their families. S. 695 directed the Secretary to establish a national cemetery in five specific locations. The compromise measure generally follows the House-approved language and requires the Secretary to establish national cemeteries in the six areas of the United States most in need. The Secretary, when determining those six sites, shall take into consideration the under-served areas listed in Senate Report 106–113—Miami, Florida; Pittsburg, Pennsylvania; Detroit, Michigan; Sacramento, California; Atlanta, Georgia, and Oklahoma City, Oklahoma. These are the six areas listed in the 1987 and 1994 VA reports to Congress regarding the national cemetery system that remain unserved.

VA statistics show that the demand for burial benefits will increase sharply in the near future, with interments increasing 42 percent from 1995 to 2010. Unless new national cemeteries are established soon, VA will not be able to meet the need for burial services for veterans in serveral metropolitan areas of the country, and too many veterans will lack access to the final—and for many, the only—veterans benefit they will receive from our grateful Nation.

When the House Committee on Veterans Affairs finally agree last year to enact legislation requested by the VA to enhance the State Cemetery Grants Program, it was only after the Department assured the Committee that the new State program would continue to supplement the national cemetery system—not replace it. However, the Administration's FY 2000 budget for VA failed to include a request for the funding required to initiate any of the needed new national cemeteries. I strongly urge the Administration to include the funding necessary to establish the six new cemeteries required under this provision in its FY 2001 budget.

USE OF FLAT GRAVE MARKERS AT SANTA FE NATIONAL CEMETERY, NEW MEXICO

The compromise agreement of a provision, derived from S. 695, which authorizes the Secretary of Veterans Affairs to provide for flat grave markers at the Sante Fe National Cemetery, New Mexico. Although I supported accepting this Senate provision, I want to make it clear that I continue to strongly believe that upright grave markets should be the standard for the national cemetery system. It is only under very unusual circumstances that flat markers should be approved, and I would not support any effort to eliminate the requirement under current law that requires upright grave markers.

STUDY ON IMPROVEMENTS TO NATIONAL CEMETERIES

The conference agreement includes a provision, based on section 212 of H.R. 2280, to require the Secretary of Veterans Affairs to contract for a study of national cemeteries. The study is to include an assessment of—

1. One-time repairs required at each national cemetery,

2. The feasibility of making appearance of national cemeteries as attractive as the finest cemeteries in the world,

3. The number of additional cemeteries that will be required for the interment of veterans who die after 2010, and

The report must also identify, by five-year period beginning with 2010 and ending with 2030—

1. The number of additional national cemeteries required during each five-year period, and

2. The areas in the U.S. with the greatest concentration of veterans whose burial needs are not served by national cemeteries or State veterans' cemeteries.

Additionally, the report will include information regarding the advantages and disadvantages of using of flat grave markers and upright grave markers in national cemeteries as well as a report on the current conditions of flat marker sections at all national cemeteries. I want to repeat, however, my earlier-stated commitment to requiring, with only occasional exceptions, the use of upright markers in national cemeteries.

Section 212(b)(1)(D) of H.R. 2280 required that an independent study on improvements to veterans' cemeteries required under section 212 include a study of improvements to burial benefits under chapter 23 of title 38, United States Code. This study was to include a proposal to increase the amount of the benefit for plot allowances under section 2303(b) of title 38, to better serve veterans and their families. I am very pleased that the compromise agreement includes a provision based on this section.

Under the compromise agreement, Subtitle C of Title VI requires the Secretary of Veterans Affairs, not later than 60 days after the date of enactment of this Act, to contract for an independent study on improvements to veterans' burial benefits. The matters to be studied under this section include:

1. An assessment of the adequacy and effectiveness of the burial benefits provided under chapter 23 of title 38, United States Code, in meeting the burial needs of veterans and their families.

2. Options to better serve the burial needs of veterans and their families, including modifications to burial benefit amounts and eligibility, including the estimated cost for each modification.

3. Expansion of the authority of the Secretary to provide burial benefits for burials in private-sector cemeteries and to make grants to private-sector cemeteries.

This provision further requires the contractor to submit the report to the Secretary no later than 120 days after the contract is completed. No later than 60 days following receipt of the report, the Secretary is required to transmit the report, together with any comments regarding the report the Secretary considers appropriate, to the House and Senate Committees on Veterans Affairs.

For many veterans, the only benefits they receive related to their military service are those provided at their death. I believe it to be a matter of national honor that the level of burial benefits provided adequately meet the needs of veterans and their families. This report will help us ascertain what changes and improvements need to be made in order to achieve this goal.

AVAILABILITY OF MONTGOMERY GI BILL BENEFITS FOR PREPARATORY COURSES FOR COLLEGE AND GRADUATE SCHOOL ENTRANCE EXAMS

S. 1402 included a provision which would enable veterans to use their benefits under the Montgomery GI Bill (chapter 30, title 38, United States Code) to pay for the costs of (a) preparatory courses for tests that are required or utilized for admission to an institution of higher education, such as the Scholastic Aptitude Test (SAT) and (b) a preparatory course for a test that is required or utilized for admission to a graduate school, such as the Graduate Record Exam (GRE). Many colleges and graduate schools rely heavily on the results of these tests when assessing individuals seeking admission to their schools, and veterans should have the opportunity to take the preparatory courses designed to increase test scores. Accordingly, I am very pleased that this provision is included in the conference agreement.

MONTGOMERY GI BILL ENHANCEMENTS APPROVED BY THE SENATE

S. 1402, the All-Volunteer Force Educational Assistance Programs Improvements Act of 1999, would increase benefits and expand educational opportunities under the Montgomery GI Bill (MGIB) and also increase rates of survivors and dependents educational assistance. Unfortunately, the Senate did not also provide the off-sets required under the Budget Act to pay for their GI Bill amendments. Although I welcome the Senate's interest in veterans' education programs, without offsetting savings the House would not take up for consideration a conference agreement

that included the Senate-approved MGIB amendments.

Because GI Bill enhancement's are long overdue. I introduced H.R. 1071, the Montgomery GI Bill Improvements Act of 1999, earlier this year. I strongly agree with the assertion in the recent report of the Congressional Commission on Servicemembers and Veterans Transition Assistance that ". . . an opportunity to obtain the best education for which they qualify is the most valuable benefit our Nation can offer the men and women whose military service preserves our liberty."

I believe that if the Montgomery GI Bill is to fulfill its purposes as a meaningful readjustment benefit and as an effective recruitment incentive for our Armed Forces, it must be significantly improved. Accordingly, H.R. 1071 would establish a two-tiered program.

Tier I would enhance the GI Bill in the following ways for those who enlist or reenlist for a minimum of four years—

Pay the full costs of tuition, fees, books and supplies.

Provide a subsistence allowance of $800/month (indexed for inflation) for 36 months.

Eliminate the $1,200 basic pay reduction required under current law.

Permit payment for approved specialized courses offered by entities other than educational institutions.

Tier II would enhance the GI Bill in the following ways for those who enlist for fewer than 4 years—

Increase the current basic benefit from $536/month to $900/month.

Eliminate the $1,200 basic pay reduction.

Permit trainees to receive accelerated lump-sum benefits.

Permit payment for approved specialized courses offered by entities other than educational institutions.

It is my hope that next year Congress will adopt a budget resolution that will enable us to enact H.R. 1071 and significantly improve the Montgomery GI Bill.

CONTINUING ELIGIBILITY FOR EDUCATIONAL ASSISTANCE OF MEMBERS OF THE ARMED FORCES ATTENDING OFFICERS TRAINING SCHOOL

I am very pleased that included in the compromise measure is a provision derived from S. 1402 that would allow servicemembers to retain their eligibility under the Montgomery GI Bill (MGIB) if they are discharged during their initial enlistment period to receive a commission as an officer.

The Committee recently learned that an enlisted servicemember who completes Officer Training School (OTS) or Officer Candidate School (OCS) is discharged upon completion of this school in order to accept an immediate commission as an officer. If the discharge occurs before the servicemember completes his or her minimum period of active duty required to establish MGIB eligibility, the servicemember becomes ineligible for education benefits. The Subcommittee on Benefits held hearings on October 28, 1999 on a draft bill to allow the two periods of active duty to be considered as one, thereby permitting these individuals to maintain their MGIB eligibility. Similar language is included in the compromise agreement.

It was not the intent of Congress that certain young men and women selected to attend OTS or OCS to be forced to make a choice between being commissioned and maintaining their GI Bill eligibility. This provision will correct this unintentional inequity in law.

REPORT ON VETERANS' EDUCATION AND VOCATIONAL TRAINING BY THE STATES

The compromise agreement includes a provision, derived from S. 1402, that would require the Secretary of Veterans Affairs to provide a report to the House and Senate Committees on Veterans Affairs listing veterans' education and vocational training benefits provided by the States. This report would include benefits provided, by reason of service in the Armed Forces, to active duty servicemembers, veterans, and members of the Selected Reserve. I believe the information included in this document will be very helpful to veterans, and I urge the VA to update this initial report annually.

EXTENSION OF AUTHORITY FOR HOUSING LOANS FOR CERTAIN MEMBERS OF THE SELECTED RESERVE

Prior to 1992, only individuals who served on active duty qualified for VA housing loan benefits. Public Law 102–547, however, included a pilot program which granted loan eligibility, through October 1999, to persons who had at least six years of honorable service in the Selected Reserve. Under a provision of P.L. 105–368, eligibility was extended through September 30, 2003.

Earlier this year, it was pointed out to me by the executive director of the Enlisted Association of the National Guard of the United States (EANGUS) that, although they greatly appreciated the extension enacted last year, the limitation on the availability of the program hampered their efforts to use this benefit as an incentive to recruit individuals who would agree to six-year enlistments. In response to this very legitimate concern, I introduced H.R. 1603, which would have made this eligibility permanent. The provisions of H.R. 1603 were included in H.R. 2280 and were approved by the House.

Although the other body was unwilling to agree to providing permanent eligibility for VA housing loans for certain Selected Reservists, I am pleased the conference agreement extends this eligibility through September 30, 2007.

QUALITY ASSURANCE

The Quality Assurance provisions of section 801 of the bill are designed to assure that the Veterans Benefits Administration's (VBA) internal quality assurance activities meet the recognized appropriate governmental standards for independence. This will require the establishment within VBA of a quality assurance program which comports with generally accepted government standards for performance audits.

For years our Nation's veterans who filed a claim with the Department of Veterans Affairs (VA) for benefits associated with their military service, particularly service-connected disability compensation, have been forced to contend with a VA claims adjudication process which has been both too slow and too inaccurate. Recent information suggests that after waiting years for a decision, one out of three veterans may find that the rating decision made by VA was wrong. Untimely and inaccurate decision-making by the VA, and particularly the Veterans Benefits Administration (VBA), have been twin problems which have plagued veterans, veterans service organizations and Members of Congress who assist their veteran constituents.

While experience clearly indicated otherwise, between 1993 and 1997, VBA reported that the quality of its work was nearly error free as measured by VBA. Quality standards had been relaxed to the point that VA was reporting an accuracy rate of 97%. To his credit, the Under Secretary of Veterans Benefits, Mr. Joe Thompson instituted, on a trial basis, a new system for measuring the quality of the claims adjudication work performed by VBA. This new quality measure, the Strategic Technical Accuracy Review (STAR) was tested and used operationally in 1998.

STAR use has been focused on claims submitted by veterans which require the VA to rate the claim, make a determination as to whether a medical disability is service-connected or non-service-connected and determine the degree of disability manifest. Using the STAR methodology, the accuracy of various actions taken during the adjudication process are used to determine if the case was correctly or incorrectly decided. A case is either all right or all wrong. Using STAR, the accuracy rate was 64%—fewer than two out of three claims were correctly decided.

While STAR provided a more realistic assessment of the quality of VA claims adjudication, STAR does not currently meet generally accepted governmental standards for independence and separation of duties. Reviews of regional office decisions are made by persons who are also decision makers reporting to managers whose evaluations are enhanced if quality results are shown. There is not sufficient staff whose primary focus is improving the quality of claims adjudication at the regional office level. In order to pinpoint errors, it is important to be able to identify regional offices which have specific high or low accuracy rates and to ascertain the reasons for discrepancies between regional offices.

One measure of quality, the percentage of decisions appealed to the Board of Veterans Appeals (the Board) which are either reversed or remanded back to the regional offices for further work, is particularly disturbing. During fiscal year 1998, 17.2% of the appealed decisions were reversed outright by the Board. An additional 41.2% of the appeals were remanded for further action by the regional offices. Another measure of accuracy is the integrity of data relied upon by the VBA. During 1998, the VA Inspector General issued a report finding that data entered into the VBA computer system was being manipulated to make it appear that claims were processed more efficiently than was actually occurring.

Problems are not confined to the Compensation and Pension Service. In reviewing VA's compliance with statutory financial requirements, the General Accounting Office (GAO) noted that VA's home loan program was unable to perform routine accounting functions and had lost control over a number of loans which were transferred to an outside loan company for continued loan servicing. VA was not able to obtain an unqualified audit opinion as a result of these deficiencies. On February 24, 1999, VA's Inspector General reported that the $400 million vocational rehabilitation program was placed at high risk after the Qualify Assurance Program for that service was discontinued in 1995.

Because of the fundamental importance of accurate and effective claims processing and adjudication by VA regional offices, and the need for effective oversight of Regional Office claims processing and adjudication by the VBA, I requested GAO to review VBA's quality assurance policies and practices. On March 1,

1999, GAO issued a report which determined that further improvement was needed in claims-processing accuracy. In particular, GAO determined that VBA's quality assurance activities did not meet the standards for independence and internal control. These standards are contained in the Comptroller General of the United States, United States General Accounting publication Government Auditing Standards (1994 Revision).

Section 801 of the bill is designed to give VBA sufficient flexibility to design the program in a manner so as to achieve its objective of improving the quality of claims adjudication. I have been informally advised by the General Accounting Office that under VBA's present structure, placement of the functions within the jurisdiction of the Deputy Under Secretary for Management would provide sufficient independence to meet the relevant standards.

In fiscal year 2000, the GAO will pay over $22 billion in monetary benefits to veterans. I expect that the careful development and implementation of a program of quality assurance, which meets generally accepted governmental auditing standards for program performance audits, will provide impartial and independent oversight of the quality of claims adjudication decisions and will improve the confidence of veterans in a system which is designed to recognize the sacrifices our Nation's veterans have made.

With the establishment of independent oversight of the qualify of claims adjudication decisions, the number of claims which are remanded because of the poor quality of claims adjudication will be reduced. With better initial decisions and fewer remands for re-adjudication, veterans will receive a quicker and a more accurate response.

The conference agreement changes the way decisions concerning claims for compensation and pension, education, vocational rehabilitation and counseling, home loan and insurance benefits will be reviewed and evaluated. Employees who are independent of decisions makers will be devoted to identifying problems in the decision-making process. By identifying the kinds of errors made by VA personnel, VBA managers will be able to take appropriate action. I expect that remand rates will be significantly reduced and veterans will find that VA makes the right decision the first time the claim is presented. As the author of the language, I am pleased the conference agreement contains these provisions.

We can not expect any real improvement in the timeliness of claims adjudication unless the barriers to quality decision making are identified and addressed in a systemic fashion. Our nation's veterans deserve to have their claims for VA benefits decided right the first time. By enacting this provision, Congress has put the VA claims adjudication process on the right track. Our veterans deserve no less.

ADVISORY COMMITTEE ON MINORITY VETERANS

The Advisory Committee on Minority Veterans has offered concrete recommendations for the last five years to the Secretary on the special challenges of minority veterans who seek care and benefits from VA. Unlike many other Federal Advisory Committees, the authority for the Advisory Committee on Minority Veterans is temporary. H.R. 2116 as agreed to by the conference extends the authority for this Committee through 2003. I will continue to work to ensure that the authority for the Committee is offered parity with other Federal Advisory Committees and extended indefinitely.

HOMELESS VETERANS' REINTEGRATION PROGRAMS

I am very pleased that the conference agreement reauthorized the Homeless Veterans' Reintegration Programs (HVRP). Under the compromise agreement, this program would be extended for four years through fiscal year 2003. The authorized funding levels for the program would be $10 million in FY 2000, $15 million in FY 2001, $20 million in FY 2002, and $20 million in FY 2003. Although section 302 of H.R. 2280 would have extended this program for five years at authorized funding levels of $10 million for FY 2000, $15 million for FY 2001, $20 million for FY 2002, $25 million for FY 2003, and $30 million for FY 2004, the compromise is a good one. It will enable the community-based organizations across the country that are funded by this program to continue their very effective work helping homeless veterans reenter the workforce.

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

Mr. STUMP. Mr. Speaker, I yield 6 minutes to the gentleman from Florida (Mr. STEARNS), the chairman of our Subcommittee on Health.

Mr. STEARNS. Mr. Speaker, I thank the gentleman for yielding me this time. I commend his leadership in pushing this bill forward. I commend the gentleman from Illinois (Mr. EVANS) and the gentleman from Illinois (Mr. GUTIERREZ), my ranking member. I also want to commend the staff, the senior member, Ralph Immon and Carl Commenator, who is chief of staff for the gentleman from Arizona (Mr. STUMP), for all of the diligence that they did; and many of us know a lot of these bills do not get put together until the staff is implementing them and does the details.

I think it is altogether fitting this afternoon, as we honored America's veterans and fallen heroes last week, that we make this historic bill come to the House and get passage. I think it will be a day that we look back on and note that Congress took two historic steps during this first session of the 106th Congress. One, of course, was passing an additional $1.7 billion for veterans' medical care; and second, I believe, will be the adoption of this bill. It is a bold new step for our veterans for the next millennium, and I am very pleased that we were able to get bipartisan support. It covers a broad spectrum of veterans' benefits, some of the most significant provisions affecting the VA health care system, and I am proud to have introduced this bill.

In working with the other body in conference, we set aside a few contentious issues, adopted a number of Senate provisions, and strengthened some of our own. At its core, however, I say to my colleagues, the conference report achieves a broad goal underlying the millennium health care bill that we voted on overwhelmingly here not too long ago. Most important, the bill provides a blueprint, as I mentioned earlier, for the next millennium.

Like the original House-passed measure, the conference report has four central themes: one, to give the VA much needed direction for meeting veterans' long-term care; two, to expand veterans' access to care; three, to close gaps in current eligibility law; and, four, to make needed reforms that will further improve the VA health care system.

This important legislation tackles some of the major challenges that we face with the VA health care system, and foremost among these are the long-term care of our aging veterans. The challenge has gone unanswered for too long. And of singular importance, this legislation would put a halt to the steady erosion we have seen in the VA long-term care program.

It would establish for the first time that the VA must maintain and operate long-term care programs. It would require that the VA provide needed nursing home care to veterans who are 70 percent or more service-connected disabled and veterans who need such care for service-connected conditions. It would also provide for the VA to furnish alternatives to institutional care to veterans who are enrolled for VA care. Through these and other provisions, it would provide greater assurance that veterans who rely on VA for care would have access to needed services.

The conferees devoted a great deal of time to the issue of long-term care because it is of such importance to our aging veterans population. These are very important provisions to our veterans, and we will certainly monitor their impact in the months and years ahead.

There are a couple of things, Mr. Speaker, that I am a little disappointed about; and one is that we did not contain the question of the obsolete, unused VA hospitals. We had set a particular criteria, limits and safeguards. This was not adopted. Veterans and VA employees would have been better served by the protections we proposed. But they were not part of the bill, and that is for another time.

The measure we take up today, however, helps address the VA's infrastructure challenge. In essence, the VA has an extensive facility infrastructure, and with it, the burden of maintaining thousands of buildings and extensive acreage at more than 180 sites across the country. While the conference report does not specifically address the inevitable need for the VA to deal with these obsolete facilities so that the money spent on them could be used to take care of our veterans, it gives the VA an important tool to improve the management of its capital assets, and I think that is important. It does so by providing VA facility managers considerably more flexibility and incentives to negotiate long-term leases under which unused or under-used VA properties may be developed. Given the capital resources at the VA's disposal, long-term care leasing could be used extensively. Importantly, veterans will be the ultimate beneficiaries of these projects.

The VA health care system has improved significantly, I believe, in the last 4 years; and this comprehensive bill will continue the VA on the course of providing veterans better access to needed care. I am proud, and I believe this bill breaks brand-new ground in such areas as long-term care.

Mr. Speaker, there are many other provisions in this bill. Let me just touch on one. For example, the bill arms the VA for the first time with the means to cover uninsured veterans who cannot reach a VA facility in a medical emergency. It provides assurance that a combat-injured veteran who has not previously sought VA compensation can get priority health care. It offers military retirees improved access to VA care. It extends and expands VA's grant program to assist in combating homelessness among veterans. It continues VA sexual trauma counseling program, it reforms the VA program of grants to the States to assist in the construction and renovation of States' veterans' homes; and lastly, it provides for new revenues which would help place the VA health care system on a sounder footing.

So for all of these reasons, I strongly urge my colleagues to vote for this and adopt the conference report.

Mr. Speaker, I rise in support of the conference report.

It is altogether fitting that after honoring America's fallen heroes last week at Veterans' Day ceremonies across the country, we bring a historic veterans' bill to the floor today.

I believe we will one day look back, and note that the Congress took two historic actions on behalf of America's veterans this session. First, it rejected an Administration budget plan which would have crippled the VA health care system. Instead, we added a record $1.7 billion for veterans' medical care. Second, we adopted this conference report.

While the report covers a broad spectrum of veterans' benefits, some of its more significant provisions affect the VA health care system, and have their genesis in the Veterans Millennium Health Care Act, H.R. 2116, which I am proud to have introduced.

In working with the other body in conference, we set aside a few contentious issues and adopted a number of Senate provisions while strengthening some of our own. At its core, however, the conference report achieves the broad goals underlying the Veterans' Millennium Health Care Act. Most important, this bill provides a blueprint to help position VA for the future.

Like the original House-passed measure, the conference report has four central themes: (1) to give VA much-needed direction for meeting veterans' long-term care needs; (2) to expand veterans' access to care; (3) to close gaps in current eligibility law; and (4) to make needed reforms that will further improve the VA for health care system.

This important legislation tackles some of the major challenges facing the VA health care system. Foremost among VA's challenges are the long-term care needs of aging veterans. That challenge has gone unanswered for too long. Of singular importance, this legislation would put a halt to the steady erosion we have seen in VA long term care programs. Moreover, it would establish a framework for expanding access to needed long-term care services. And it could provide greater assurance than under current law that veterans who rely on VA for care would gain access to needed services. At the same time, we have approached this difficult issue with sensitivity to its costs, and will be monitoring its impact. To illustrate, in our conference with the Senate we substantially modified a provision in S. 1076 which would have required VA to provide an extensive array of services (specifically identified services constituting alternatives to institutional care) to veterans enrolled for VA care. Among the changes to that provision which were adopted by the conferees was language which makes it clear that, in the case of a veteran who has eligibility for such a service (home health care, for example) under another Federal program, VA has no obligation to furnish that service. The expectation, instead, is that VA would refer, or otherwise arrange for that veteran to obtain those services as beneficiary of that other program.

The original House-passed bill confronted the challenge posed by a General Accounting Office audit which found that VA may spend billions of dollars in the next five years to operate unneeded buildings. In testimony before my Subcommittee, GAO stated that one of every four VA medical care dollars is spent in maintaining buildings rather than caring for patients. It is no secret that VA has discussed hospital closures (and has a closure proposal under review at this time). In some locations, changing the mission of a VA facility would certainly make sense. The point is that VA has the authority to take such a step and has already used in an number of instances.

I am disappointed that the conference report does not contain a House-passed provision which focused directly on the question of obsolete, underused VA hospitals. That bill would have set some important limits and safeguards on the process VA employs in realigning its facilities. Veterans and VA employees would have been well served by the protections proposed in that bill—protections which are not provided under current law. In sum, that provision was not aimed at diminishing the services furnished America's veterans, but at improving them.

The measure we take up today does, however, help address the VA's infrastructure challenge. In essence, VA has an extensive facility infrastructure, and with it the burden of maintaining thousands of buildings and acreage across the country. It maintains some 4700 buildings at more than 180 major sites. More than 40 percent of those structure are more than 50 years old; almost 200 of them were built before 1900. Many of its facilities were designed to provide care in a very different manner than the way care is provided today. While VA has made renovations to its older hospitals to keep them operational and safe, many are functionally obsolete.

While the conference report does not specifically address the closure of obsolete facilities or direct VA to confront its infrastructure challenge, it provides VA an important tool to improve the management of its capital assets. It does so by giving VA considerably more flexibility, and incentive, to employ what has to date been a little used authority known as ''enhanced use leasing.'' Under authority created in Public Law 102–86, VA may enter into long-term (up to 35 years) leases under which VA could permit private development of VA property for uses that are not inconsistent with VA's mission, so long as the overall objective of the lease enhances a VA mission. Enhanced use leasing offers VA an opportunity to benefit from unused or underused capital assets. VA has employed this authority to develop such new uses as child care centers, parking facilities, and energy generation projects.

Given the capital resources at VA's disposal, long-term leasing could be used even more extensively to improve VA's health-delivery mission. To that end, this measure would expand VA's enhanced use leasing authority. It would give VA the latitude to enter into such a lease—not simply to enhance VA property with an activity that contribute to the VA mission—but to realize the broader goal of improving services to veterans in the area. So this leasing authority could be used to generate revenue from unneeded VA assets and apply such revenue to improve VA care. To foster that objective, the enabling legislation would be further amended to provide greater incentives for facility management to use this valuable tool. To that end, the measure provides that consideration under such a lease is to be retained locally and used to improve services. It would also expand the maximum lease term from the current 35 years to 75 years, thus overcoming a limitation which can be a formidable barrier to needed financing.

It is noteworthy that VA has in some instances entered into enhanced use leases in which the lessee has obtained financing for the development of facilities through the municipal bond market. The availability of this source of low-cost financing for facilities developed on VA-controlled lands under enhanced-use leases has resulted in significant savings and revenues for VA, furthering its ability to serve veterans. The availability of municipal bond market financing has also encouraged VA to enter into mutually advantageous arrangements with state and local entities which, in turn, has fostered ventures which not only advance VA's mission but benefit local government entities and local communities. Accordingly, the Secretary is encouraged to pursue this type of financing for its enhanced-use lessees. Moreover, any facility, structure or improvement that is subject to an enhanced use lease should be considered a public project owned by and under the general control of the Department of Veterans' Affairs if such facility, structure or improvement was developed, constructed, operated, or maintained pursuant to an enhanced-use lease.

In sum, the VA health care system has certainly improved significantly in the last four years. This comprehensive bill would continue VA on the course of improving veterans' access to needed care. I'm proud that this bill breaks new ground for our veterans in the areas of long term care, emergency care coverage, military retirees' care, and placing the VA health care system on a sounder footing.

We have worked closely with veterans' organizations in developing this legislation; they have recognized the important advances the bill would establish. I particularly want to thank the many veterans organizations—representing millions of veterans—who supported and worked for this legislation. We and they have not achieved all our objectives, but we

have taken a major step toward the new millennium in honoring our commitment to veterans.

Mr. Speaker, I urge Members to join with the many veterans groups and support this important bill.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I too rise in full support of the conference agreement on long-term veterans' health care, and I thank the gentleman from Florida (Mr. STEARNS), chairman of the Subcommittee on Health of the Committee on Veterans Affairs for leading us in a bipartisan bill that we could all support. As the gentleman said, this bill improves and enhances virtually every major program administered by the Department of Veterans' Affairs.

As the ranking Democrat on the Subcommittee on Benefits, there are two provisions I particularly want to mention. Legislation I sponsored in the 105th Congress restored eligibility for dependency and indemnity compensation to former DIC recipients who had lost eligibility for this benefit when they remarried. My provision in Public Law 150–178 restored DIC benefits if a subsequent marriage ended. I am very pleased that section 502 of this agreement expands that legislation and will restore CHAMPVA medical coverage, educational assistance, and housing loan benefits to this group of surviving spouses.

Additionally, I am very pleased that section 901 of this bill reauthorizes and increases funding for the Homeless Veterans Reintegration Program.

I am very satisfied with the compromise in the bill that gradually increases funding to $20 million per year that will enable the Department of Labor's Veterans' Employment and Training Service to effectively administer the program, and the increased funding level will give thousands of homeless veterans the assistance they need to reenter employment.

Finally, I want to commend the conferees for including the House-passed provision which enables veterans to receive chiropractic care through the health care system. Chiropractic is the most widespread of the complementary and alternative approaches to medicine in the United States. Each year, nearly 27 million patients seek the services of doctors of chiropractic, receiving safe and effective and appropriate care from highly trained State-licensed providers. The research record continues to validate the use of chiropractic for a wide range of conditions.

In practically all areas of the Federal health care system, Congress has recognized this rule of chiropractic care by providing beneficiaries with access to services. The VA has chosen not to make chiropractic routinely available to veterans, thereby limiting their choice and their ability to be an active participant in their own health care.

This agreement ensures that the VA will develop, with licensed doctors of chiropractic, a policy that will provide veterans with access to this care. It ensures that veterans, like patients in every other health care system, will have the ability to make health care choices that best address their needs. It affords veterans the best of both worlds by integrating conventional medicine with complementary medicine, so I am pleased to support this provision of the bill.

Mr. Speaker, H.R. 2116 is an excellent agreement that will enhance the lives of millions of veterans and their families. I urge my colleagues to vote in favor of this measure.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. BILIRAKIS), a member of the committee.

□ 1730

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

Mr. Speaker, I rise, too, in strong support of H.R. 2116, the Veterans' Millennium Health Care Act.

In addition to making comprehensive reforms to the veterans health care system, which others have and will describe, this legislation includes provisions to assist the surviving spouses of certain former prisoners of war.

These provisions, Mr. Speaker, are similar to legislation that I introduced earlier this year. Specifically, the provisions included in H.R. 2116 will allow certain spouses of former POWs to qualify for survivor benefits. These women might not otherwise be eligible for such benefits under current law.

The Dependency and Indemnity Compensation, the DIC program, provides monthly benefits to the survivors of veterans who die of service-connected conditions. Under current law, DIC payments may also be authorized for the survivors of veterans whose deaths were not the result of a service-connected disability.

In this case, the spouse only qualifies for DIC benefits if the former POW is rated totally disabled for a period of 10 years or more immediately preceding his death.

There are approximately 20 presumptive service-connected conditions for former POWs who were detained or interned for at least 30 days. Unfortunately, some of these presumptions have been in effect for less than 10 years. This means that a spouse of a former POW may not qualify for DIC benefits if the veteran dies of a non-service-connected condition before meeting the 10-year time requirement.

Even if a presumption has been in effect for 10 or more years, many ex-POWs will not have been rated as totally disabled for the minimum period of time required before their deaths. This may occur for a variety of reasons. For example, the POW may not have filed a disability claim as soon as the presumption was enacted, or it may have taken a while for his claim to be adjudicated. Alternatively, the POW could have a lower disability rating that worsened over time.

This issue was first brought to my attention by a very close friend of mine, Mr. Wayne Hitchcock of Dunedin, Florida. Wayne is the past national commander of the American Ex-Prisoners of War, and is now seriously ill and in the hospital. I credit this portion of H.R. 2116 to ex-POWs Wayne Hitchcock and recently deceased Bill Rolen.

After talking to Wayne, I introduced the bill to waive the 10-year time requirement for the surviving spouses of former POWs. The bill was incorporated into a larger benefits bill which passed the House in June. The provisions that have been included in H.R. 2116 are slightly modified. They will allow the surviving spouse of a former POW to receive DIC compensation if the veteran is rated totally disabled for 1 year prior to his death.

We all know, Mr. Speaker, that military service does not take place in a vacuum. Many POWs experience unimaginable horrors. Today many continue to experience prolonged battles with various illnesses and other disabilities. Consequently, their spouses have spent years caring for them after their release from prisoner of war camps. These women deserve DIC benefits. I urge my colleagues to support this legislation.

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

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, I rise today concerning H.R. 2116, the Veterans' Millennium Health Care Act.

As my colleagues are aware, I have been a strong supporter of veterans since my election to this House. However, this bill, hastily added to the schedule today, could be unfair and detrimental to veterans in the State of Texas.

Section 206 of this bill would reorder the priorities under which state veterans' homes currently receive VA state home construction grants. Under the current priority scheme, Texas would likely receive grants for seven State Veteran Home projects. Our projects hold spots 3–9 on the VA list that was published on November 3 of this year. Section 206 could reduce the number of State Veterans' Homes Texas would receive.

Texas has the third largest veterans' population in the nation, and that population is aging. Until last year, we had never received any funding for these grants. We received grants for four last year, and while those funds have helped, the need for additional homes is still great.

I understand that the new priority scheme would prioritize funding for upgrading existing facilities where there are safety concerns. This is a difficult balance to strike, but what stands out to me is that this process is already underway and the State of Texas has already made plans for these homes. Now we want to change that process in midstream and this legislation would make no accommodation for that.

Nobody wants to vote against veterans health care, so I would urge my colleagues to

delay this legislation so that we can reach an agreement that would treat all of our nation's veterans fairly.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, it is a pleasure to come to the floor today to support the conference report for the Veterans Millenium Health Care Act. This was the first conference involving Members in many years, in fact, 25. We have only had three conferences in 25 years, so I wanted to thank my colleagues and the committee staff for all of their hard work in putting this compromise bill together.

The Veterans Millenium Health Care Act will positively serve veterans in my State of Florida and throughout the Nation. This bill, although not perfect, will offer additional medical and long-term care options for a rapidly aging veterans population, extend vital programs like VA's sexual trauma program, the health evaluation programs for Gulf War veterans, and VA homeless veterans assistance programs; in addition, education benefits and housing loan guarantees, and requiring the Secretary of Veterans Affairs to obligate funds for the establishment of six additional national cemeteries for veterans, and to conduct an independent study on burial benefits.

I have personally worked very hard in support of additional cemetery spaces for our veterans. My State of Florida, which has the oldest veteran population in the Nation, is in desperate need of additional burial space. Today, of the four national cemeteries in Florida, only two remain fully open to the veterans population. For those who served this country with pride and dignity, VA will now be obligated to provide an opportunity to be buried in a national cemetery near their home, an opportunity that is not available to many of our veterans.

Standing on the threshold of a new century, it is our obligation as Members of Congress to again affirm America's solid commitment to her veterans, past, present, and future, and to their families, and to provide the appropriate health care and service promised them. The Department of Veterans Affairs will fully carry out its responsibility to that end.

Mr. STUMP. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona (Mr. HAYWORTH), a member of the committee.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman, the chairman of our committee and the dean of our delegation from Arizona for yielding time to me.

Mr. Speaker, last Thursday, the 11th day of the 11th month of the 11th hour, I joined with veterans in Apache Junction, Arizona, and then later that day in Payson, Arizona, to commemorate their contributions to our national security on Veterans Day.

It is in their honor, and indeed, Mr. Speaker, in honor of all who have worn the uniform of our country in peacetime and in war, that I am pleased to rise today in support of H.R. 2116, the bipartisan Veterans' Millenium Health Care Act.

Mr. Speaker, veterans' benefits are truly earned opportunities. I am very pleased we are able to approach this new century with comprehensive new legislation. This bill makes a number of needed improvements to programs serving veterans, two of which I would like to briefly highlight.

As the gentleman from Arizona (Chairman STUMP) indicated, the bill would authorize the American Battle Monuments Commission to begin construction of the World War II monument here in the District of Columbia.

Mr. Speaker, the World War II generation, as NBC nightly news managing editor and anchor Tom Brokaw has written, is in fact the greatest generation. What greater gift can one generation, in this case, our World War II generation, give to the generations that follow than freedom? And, what more enduring thanks can America give our World War II veterans than to build their memorial, and build it now?

H.R. 2116 also aggressively authorizes appropriations to the Department of Labor for the homeless veterans reintegration program. Mr. Speaker, as we approach a new century, on any given evening it is estimated that more than 275,000 veterans, the equivalent of 17 infantry divisions, will sleep in doorways, in boxes, and on grates in our cities, and in barns, in lean-tos, and on the ground in our towns.

Mr. Speaker, our millenium bill aims to help many of these men and women find jobs by authorizing a 4-year increase in Labor Department funding for this competitively-bid nationwide community-based employment program. I know of no group that wants to break the cycle of homelessness more than America's sons and daughters who have worn the uniform of this country.

Finally, Mr. Speaker, I would note that despite the strong efforts of the gentleman from Arizona (Chairman STUMP), the ranking member, the gentleman from Illinois (Mr. EVANS), and the efforts of our own subcommittee chaired by the gentleman from New York (Mr. QUINN), the House version for the current G.I. bill and the role it hopefully will play in resolving veterans' transition and military recruitment issues in the next century is not part of this legislation, but Mr. Speaker, it will be a top subcommittee priority next year.

Mr. Speaker, H.R. 2116 is the result of bipartisan hard work, for which I thank the Members on both sides of the aisle, and specifically, the members of our Subcommittee on Benefits.

Mr. Speaker, I urge my colleagues to support this millenium bill because it accords veterans opportunities that they have earned; nothing more and nothing less. I thank the chairman of the full committee for his longstanding leadership on behalf of our Nation's veterans, and I thank the ranking minority member for his continued commitment and support, as well.

Mr. Speaker, in closing, I would celebrate the bipartisan nature of this bill, and join with the gentleman from Arizona (Chairman STUMP) and the ranking member, the gentleman from Illinois (Mr. EVANS) in congratulating Ms. Jill Cochran, longtime Democratic member staff director for the Subcommittee on Benefits, on her upcoming retirement after a quarter century, 25 years of dedicated service to our veterans affairs committee.

Mr. Speaker, Jill has made a wonderful contribution. I know my colleagues in this body extend their kindest wishes as she embarks on the next phase of her journey in life.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentleman from Illinois (Mr. EVANS), the ranking minority member, for yielding time to me, and I thank him for his efforts in this area.

Mr. Speaker, there is no doubt that there is a critical need throughout the United States when it comes to our veterans, our homeless veterans that are in need of housing. In Texas in particular, I know that we have been working real hard and got the first initial four. It was one of the first States that did not have any additional homes.

I want to take this opportunity and ask the subcommittee chairman, the gentleman from Florida (Mr. STEARNS) to engage in a colloquy, if he would.

One of the things that I wanted to ask, because I know one of the things as we move into next year, we have allocated $90 million. I feel real strongly that there is a need for additional resources. We know we have a long list.

It is my understanding that one of the new priorities that we have indicated and that we have reranked is based on need, and it is based on identifying the importance of that need in those specific States. I just want to get a clarification from the gentleman from that perspective. In addition to that, I want to get some feedback also from the gentleman in terms of hopefully a drive or push as we move into the year 2000, 2001, and on for stressing the importance of additional resources in this specific area.

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

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

Mr. STEARNS. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I think the gentleman is talking about the home construction program. I certainly think the subcommittee would look favorably next year when we review the budget for the State home construction program, and to look for a recommendation for sufficient funds to meet the needs of States like the gentleman's, Texas, and of course States like mine, Florida, the

Sunbelt, where we have these continued needs for facilities.

We have an influx of veterans, more so than other places. For that, homes for veterans, that whole construction project will be looked favorably upon for more money. I assure the Member we will try and take that up in the spring.

Mr. RODRIGUEZ. In this particular process, we were ranked at a certain level. It is my understanding that that ranking will not necessarily change, but in terms of redefining that ranking based on need.

In addition to grandfathering in some of the 99 projects, those States that had additional homes, for example, it was my understanding that Florida is also very similar to Texas, where the gentleman has not moved either like Texas in terms of trying to get those homes as much as other States have.

If that occurs, then, that means that or my understanding is that we are going to prioritize the 99 projects of some of the old existing homes versus new existing homes, is that correct?

Mr. STEARNS. I think that would be a good approximation of what we will be looking at in terms of the gentleman's State, my State. In fact, I have received letters from other Members from their States, too. So looking at the balance of all this relatively, I assure the gentleman we will look at it in the spring.

Mr. RODRIGUEZ. I thank the gentleman very much.

Mr. STUMP. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), vice-chairman of the Committee on Veterans' Affairs.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the chairman of the full committee, my good friend, the gentleman from Arizona (Mr. STUMP), the gentleman from Florida (Mr. STEARNS), the chairman of the subcommittee, the gentleman from Illinois (Mr. EVANS), and all who have done so much on this important piece of legislation.

Mr. Speaker, this is a great day for our veterans. This legislation is comprehensive. Its name certainly is indicative of what it is, a very forward-thinking bill, the Veterans Millennium Health Care Act. This legislation positions us for the challenges ahead.

I just want to thank the gentleman from Florida (Mr. STEARNS) and the gentleman from Arizona (Mr. STUMP) for including two provisions that I have been working on, one for over 10 years.

One of the widows of a former serviceman, a Navy officer in my state, for years had been denied, denied compensation for his very, very untimely death. He suffered from a very rare disease, a lung cancer that usually is the result of plutonium exposure.

He was one of those who was on the U.S.S. *McKinley* during an atomic test—code named operation wigwam. The Record shows that Tom McCarthy was bathed in an atomic aerosol that more than likely contained plutonium, and then suffered the onset of cancer and a premature death. Bronchiolo alveolar carcinoma, the malady Tom was infected with is a nonsmoking disease that is usually induced by exposure to plutonium.

Unfortunately, his widow, Joan McCarthy, was denied year after year after year when she would put in claims to the VA. That is a profound injustice that my provision sets right. This legislation finally, belatedly recognizes that her claim is legitimate, authentic, and ought to be paid. It seems to me, this is the very least our action can do. As a matter of fact, we owe Joan an apology for our collective indifference for her loss.

Again, I want to thank the chairman, the gentleman from Arizona (Mr. STUMP) throughout two decades, and Mr. Montgomery when he was here was always very supportive of this legislation when he was chairman. We have finally succeeded in righting, to some extent, a terrible wrong which will now help this widow and other widows who have suffered.

I also want to thank the chairman, the gentleman from Arizona (Mr. STUMP) and the gentleman from Florida (Mr. STEARNS) for their support of the respite care provisions.

□ 1745

Respite care is one of those very often unrecognized needs. The caregivers who spend on average about 10½ hours a day helping disabled loved ones, usually their family members. And in this case we are talking about veterans, many of whom are World War II veterans. My legislation, which is now a provision and tax bill, will provide contract care, the ability, the authority for the VA to contract so that that respite care can be given. Under current law, in order to receive respite care benefits, the caregiver has to put the loved one into a VA or State nursing home. That is so onerous and unworkable that in 1998, only 232 cases of respite care was provided by the VA; and we know that the need exceeds that. This new VA authority vests the VA with the ability to contract out for respite care.

Mr. Speaker, I again want to thank all of those who were involved in writing this legislation. Our staff has been extraordinarily effective. We had a very challenging conference with the Senate. But, thankfully, there was a meeting of the minds. Prudent compromises were agreed to. So I salute the gentleman from Arizona (Mr. STUMP) and the gentleman from Florida (Mr. STEARNS) for their extraordinary leadership. They are great friends of the veteran. This is an outstanding bill. I urge support for it.

Mr. EVANS. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. REYES).

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

Mr. REYES. Mr. Speaker, I thank the gentleman from Illinois (Mr. EVANS) for yielding me this time. I also want to thank the gentleman from Arizona (Chairman STUMP) and the gentleman from Illinois (Mr. EVANS), ranking member, for all the hard work and support that they have given our Nation's veterans.

I, too, as the gentleman from Texas was concerned, am concerned about the reprioritization of the veterans' nursing homes. I appreciate the hard work and the reassurances from the gentleman from Florida (Chairman STEARNS) that he will work with us to make sure that these homes are prioritized and we get an opportunity to provide these kinds of facilities for our veterans in States like Texas.

Mr. Speaker, one of the biggest challenges that I see our committee having to deal with is the challenge of addressing the migration of the veterans to the Sunbelt States like Florida, Texas, and Arizona. As we work through this process in the coming year, in the next fiscal year, I hope that all of us are able to provide for all the Nations' veterans.

Mr. EVANS. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. SHOWS).

Mr. SHOWS. Mr. Speaker, this legislation is a step in the right direction. I am encouraged to see this legislation, the Veteran's Millennium Health Care Act. I would like to congratulate the gentleman from Florida (Mr. STEARNS) for bringing forward this comprehensive and ambitious legislation, as well as the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS).

Mr. Speaker, I have 46,000 veterans in my district alone. With a growing and older veterans population in the South, it is particularly important to address long-term care. The Sonny Montgomery Medical Center is in my district. This facility serves a veterans population of 130,000 veterans in 50 central Mississippi counties and six Louisiana parishes. With an ever-growing veterans population, legislation and resources are needed to ensure that long-term care, including nursing home care, assisted living, is required, not just desired.

This legislation will create a 4-year plan requiring the Veterans Affairs Department to provide institutional care to veterans with service-connected disabilities of 70 percent or greater. This is needed legislation. I am proud to be able to vote for this ambitious legislation.

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

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

Mr. Speaker, I want to thank the gentleman from New York (Mr. QUINN) and the gentleman from California (Mr. FILNER), the chairman and ranking member of the Subcommittee on Benefits, for their hard work on this bill. I

would like to express my appreciation to the gentleman from Florida (Mr. STEARNS), the chairman of the Subcommittee on Health, for introducing the health care provisions in the Millennium Health Care Act, as well as the gentleman from Illinois (Mr. GUTIERREZ), the subcommittee's ranking member.

Mr. Speaker, as always the gentleman from Illinois (Mr. EVANS) the ranking member of the full committee, has worked in the committee's traditional bipartisan fashion on this important legislation. I thank the gentleman for his effort and for his efforts on all the legislation that we have had this year.

The House and Senate VA committees came to this agreement over the past week, and I want to express my appreciation to both Senators SPECTER and ROCKEFELLER, the chairman and ranking member of the VA committee on the Senate side, for their cooperative spirit in which they approach all issues considered in conference.

The staff of the House Committee on Veterans' Affairs and the Senate VA committee should be commended for their cooperation demonstrated during our final legislative deliberations of this year. One particular staff member needs to be singled out and I would like to pay tribute to Jill T. Cochran on the occasion of her retirement. Jill leaves after 25 years of service, and we commend her for her service to the House on behalf of our Nation's veterans. We wish Jill all the very best.

Mr. BLILEY. Mr. Speaker, today I rise in support of the Veterans Millennium Health Care Act of 1999 Conference Report. Included in this Conference Report is my bill H.R. 430, the Combat Veterans Medical Equity Act. Due to the broad base of support, my bill gained 177 cosponsors and was endorsed by the Military Order of the Purple Heart, Catholic War Veterans, The Non Commissioned Officers Association of the United States of America, Veterans of Foreign Wars, Legion of Valor, American Veterans Committee and the Jewish War Veterans.

Most people are unaware that under current law, combat wounded veterans do not always qualify for medical care at VA facilities. This bill will change the law to ensure combat wounded veterans receive automatic access to treatment at VA facilities.

It sets the enrollment priority for combat injured veterans for medical service at level three—the same level as former Prisoner of Wars and veterans with service connected disabilities rated between 10 and 20 percent.

We as a nation owe a debt of gratitude to all our veterans who have been awarded the Purple Heart for injuries suffered in service to our country. I would like to thank Chairman STUMP and Chairman SPECTER for including my legislation, the Combat Veterans Medical Equity Act, in this important legislation. I would also like to congratulate the Military Order of the Purple Heart for their hard work and advocacy on behalf of our nations combat wounded veterans.

The Veterans Millennium Health Care Act of 1999 is long overdue. I am proud to support this bill for our nation's veterans and I urge a yes vote.

Mr. PORTMAN. Mr. Speaker, the conference report on H.R. 2116, the Veterans Millennium Health Care Act of 1999, is important legislation designed to lay the ground work for veterans health care into the next century.

Overall, I support many of the provisions of H.R. 2116 that provide needed modifications to the VA health care system, and I will vote for the bill. However, I do have serious concerns about one element of the bill which will unfairly delay funding for a proposed nursing home facility that is desperately needed to serve veterans in southern Ohio. I say unfairly because under current law, the proposed facility in Georgetown, Ohio is well on track to receive final approval by VA for FY 2000 funds to pay the federal share of the project. The problem is that all parties involved—the VA, the State of Ohio, local government officials, and concerned veterans groups—have acted in good faith and followed the rules under the application process. Unfortunately, H.R. 2116 changes those rules in the middle of the game, preventing Georgetown from receiving the federal funds in FY 2000 as planned.

Ohio has a serious shortfall of more than 4,000 VA nursing home beds. In fact, the only VA nursing home serving Ohio is in Sandusky—a 4 or 5 hour drive from southern Ohio—and 160 veterans are on the waiting list. Since only 8 of the home's 650 residents are from southern Ohio, it is clear why the Georgetown facility is vital to the veterans in our part of the state.

The State of Ohio recognizes the urgency of this situation and has committed $4.5 million for its share of the construction money in Ohio's FY 2000 budget. The state has also committed $500,000 for various administrative expenses to see the project to completion for a total of $5 million in state funds. I want to add that Brown County has spent $186,000 of its own funds for land acquisition, an environmental impact study and for other expenses, so there has been a considerable state and local investment in this project. The VA agrees that the Georgetown facility is important to veterans in Ohio, and the Secretary has placed the project on the Department's priority one list to receive the federal share of funding at $7.8 million.

During consideration of the House-passed version of H.R. 2116 in September, I voiced my concerns that the bill would delay the Georgetown project for several years. Chairman STUMP, Chairman STEARNS and ranking members EVANS and GUTIERREZ agree that it is important to move ahead with the project, and they worked with the Senate to include language that will have the effect of placing the Georgetown facility first on the list for federal funding in FY 2001. While I would prefer that the project be funded in FY 2000, I do want to thank the Chairmen, the ranking members and the Senate for listening to the concerns of the veterans in Ohio and seeing that this project remains a priority. I will continue to work with them, Secretary West as well as state and local officials in Ohio to ensure that the Georgetown facility becomes a reality without any further delay,

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

The SPEAKER pro tempore (Mr. BARR of Georgia). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and agree to the conference report on the bill, H.R. 2116.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.

A motion to reconsider was laid on the table.

LEIF ERICSON MILLENNIUM COMMEMORATIVE COIN ACT

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3373) to require the Secretary of the Treasury to mint coins in conjunction with the minting of coins by the Republic of Iceland in commemoration of the millennium of the discovery of the New World by Leif Ericson.

The Clerk read as follows:

H.R. 3373

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

TITLE I—LEIF ERICSON MILLENNIUM COMMEMORATIVE COIN

SEC. 101. SHORT TITLE.

This title may be cited as the ''Leif Ericson Millennium Commemorative Coin Act''.

SEC. 102. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—In conjunction with the simultaneous minting and issuance of commemorative coins by the Republic of Iceland in commemoration of the millennium of the discovery of the New World by Leif Ericson, the Secretary of the Treasury (hereafter in this title referred to as the ''Secretary'') shall mint and issue not more than 500,000 1 dollar coins, which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this title shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5136 of title 31, United States Code, all coins minted under this title shall be considered to be numismatic items.

SEC. 103. SOURCES OF BULLION.

The Secretary may obtain silver for minting coins under this title from any available source, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 104. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this title shall be emblematic of the millennium of the discovery of the New World by Leif Ericson.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this title there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2000''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(b) SELECTION.—The design for the coins minted under this title shall be—

(1) selected by the Secretary after consultation with the Leifur Eiríksson Foundation and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 105. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this title shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only one facility of the United States Mint may be used to strike any particular quality of the coins minted under this title.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this title beginning January 1, 2000.

(d) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this title after December 31, 2000.

SEC. 106. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this title shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—All surcharges received by the Secretary from the sale of coins issued under this title shall be promptly paid by the Secretary to the Leifur Eiríksson Foundation for the purpose of funding student exchanges between students of the United States and students of Iceland.

(c) AUDITS.—The Leifur Eiríksson Foundation shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received by the Foundation under subsection (b).

SEC. 107. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this title.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this title from complying with any law relating to equal employment opportunity.

TITLE II—CAPITOL VISITOR CENTER COMMEMORATIVE COIN

SEC. 201. SHORT TITLE.

This title may be cited as the ''United States Capitol Visitor Center Commemorative Coin Act of 1999''.

SEC. 202. FINDINGS.

Congress finds that—

(1) Congress moved to Washington, District of Columbia, and first convened in the Capitol building in the year 1800;

(2) the Capitol building is now the greatest visible symbol of representative democracy in the world;

(3) the Capitol building has approximately 5,000,000 visitors annually and suffers from a lack of facilities necessary to properly serve them;

(4) the Capitol building and persons within the Capitol have been provided with excellent security through the dedication and sacrifice of the United States Capitol Police;

(5) Congress has appropriated $100,000,000, to be supplemented with private funds, to construct a Capitol Visitor Center to provide continued high security for the Capitol and enhance the educational experience of visitors to the Capitol;

(6) Congress would like to offer the opportunity for all persons to voluntarily participate in raising funds for the Capitol Visitor Center; and

(7) it is appropriate to authorize coins commemorating the first convening of the Congress in the Capitol building with proceeds from the sale of the coins, less expenses, being deposited for the United States Capitol Preservation Commission with the specific purpose of aiding in the construction, maintenance, and preservation of a Capitol Visitor Center.

SEC. 203. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this title referred to as the ''Secretary'') shall mint and issue the following coins under this title:

(1) BIMETALLIC COINS.—Not more than 200,000 $10 bimetallic coins of gold and platinum, in accordance with such specifications as the Secretary determines to be appropriate.

(2) $1 SILVER COINS.—Not more than 500,000 $1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(3) HALF DOLLAR.—Not more than 750,000 half dollar clad coins, each of which—

(A) shall weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(b) $5 GOLD COINS.—If the Secretary determines that the minting and issuance of bimetallic coins under subsection (a)(1) is not feasible, the Secretary may mint and issue instead not more than 100,000 $5 coins, which shall—

(1) weigh 8.359 grams;

(2) have a diameter of 0.850 inches; and

(3) contain 90 percent gold and 10 percent alloy.

(c) LEGAL TENDER.—The coins minted under this title shall be legal tender, as provided in section 5103 of title 31, United States Code.

SEC. 204. SOURCES OF BULLION.

(a) PLATINUM AND GOLD.—The Secretary shall obtain platinum and gold for minting coins under this title from available sources.

(b) SILVER.—The Secretary may obtain silver for minting coins under this title from stockpiles established under the Strategic and Critical Materials Stock Piling Act, and from other available sources.

SEC. 205. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this title shall be emblematic of the first meeting of the United States Congress in the United States Capitol Building.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this title, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2001''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(b) SELECTION.—The design for the coins minted under this title shall be—

(1) selected by the Secretary, after consultation with the United States Capitol Preservation Commission (in this title referred to as the ''Commission'') and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 206. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this title shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular combination of denomination and quality of the coins minted under this title.

(c) FIRST USE OF YEAR 2001 DATE.—The coins minted under this title shall be the first commemorative coins of the United States to be issued bearing the inscription of the year ''2001''.

(d) PROMOTION CONSULTATION.—The Secretary shall—

(1) consult with the Commission in order to establish a role for the Commission or an entity designated by the Commission in the promotion, advertising, and marketing of the coins minted under this title; and

(2) if the Secretary determines that such action would be beneficial to the sale of coins minted under this title, enter into a contract with the Commission or an entity referred to in paragraph (1) to carry out the role established under paragraph (1).

SEC. 207. SALE OF COINS.

(a) SALE PRICE.—The coins minted under this title shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this title at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this title before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales under this title shall include a surcharge established by the Secretary, in an amount equal to not more than—

(1) $50 per coin for the $10 coin or $35 per coin for the $5 coin;

(2) $10 per coin for the $1 coin; and

(3) $3 per coin for the half dollar coin.

SEC. 208. DISTRIBUTION OF SURCHARGES.

All surcharges received by the Secretary from the sale of coins minted under this title shall be deposited in the Capitol Preservation Fund in accordance with section 5134(f) of title 31, United States Code, and shall be made available to the Commission for the purpose of aiding in the construction, maintenance, and preservation of a Capitol Visitor Center.

TITLE III—LEWIS AND CLARK EXPEDITION COMMEMORATIVE COIN

SEC. 301. SHORT TITLE.

This title may be cited as the ''Lewis and Clark Expedition Bicentennial Commemorative Coin Act''.

SEC. 302. FINDINGS.

The Congress finds that—

(1) the expedition commanded by Meriwether Lewis and William Clark, which came to be called ''The Corps of Discovery'', was one of the most remarkable and productive scientific and military exploring expeditions in all American history;

(2) President Thomas Jefferson gave Lewis and Clark the mission to ''explore the Missouri River & such principal stream of it, as, by its course and communication with the waters of the Pacific Ocean, whether the Columbia, Oregon, Colorado, or any other river may offer the most direct and practical water communication across this continent for the purposes of commerce'';

(3) the Expedition, in response to President Jefferson's directive, greatly advanced our geographical knowledge of the continent and prepared the way for the extension of the American fur trade with American Indian tribes throughout the land;

(4) President Jefferson directed the explorers to take note of and carefully record the natural resources of the newly acquired territory known as Louisiana, as well as diligently report on the native inhabitants of the land;

(5) the Expedition departed St. Louis, Missouri on May 14, 1804;

(6) the Expedition held its first meeting with American Indians at Council Bluff near present-day Fort Calhoun, Nebraska, in August 1804, spent its first winter at Fort Mandan, North Dakota, crossed the Rocky

Mountains by the mouth of the Columbia River in mid-November of that year, and wintered at Fort Clatsop, near the present-day city of Astoria, Oregon;

(7) the Expedition returned to St. Louis, Missouri, on September 23, 1806, after a 28-month journey covering 8,000 miles during which it traversed 11 future States: Illinois, Missouri, Kansas, Nebraska, Iowa, North Dakota, South Dakota, Montana, Idaho, Washington, and Oregon;

(8) accounts from the journals of Lewis and Clark and the detailed maps that were prepared by the Expedition enhance knowledge of the western continent and routes for commerce;

(9) the Expedition significantly enhanced amicable relationships between the United States and the autonomous American Indian nations, and the friendship and respect fostered between American Indian tribes and the Expedition represents the best of diplomacy and relationships between divergent nations and cultures; and

(10) the Lewis and Clark Expedition has been called the most perfect expedition of its kind in the history of the world and paved the way for the United States to become a great world power.

SEC. 303. COIN SPECIFICATIONS.

(a) DENOMINATION.—In commemoration of the bicentennial of the Lewis and Clark Expedition, the Secretary of the Treasury (hereafter in this title referred to as the ''Secretary'') shall mint and issue not more than 500,000 $1 coins, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this title shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5136 of title 31, United States Code, all coins minted under this title shall be considered to be numismatic items.

SEC. 304. SOURCES OF BULLION.

The Secretary may obtain silver for minting coins under this title from any available source, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 305. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this title shall be emblematic of the expedition of Lewis and Clark.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this title there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2004'' and the years ''1804–1806''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(3) OBVERSE OF COIN.—The obverse of each coin minted under this title shall bear the likeness of Meriwether Lewis and William Clark.

(4) GENERAL DESIGN.—In designing this coin, the Secretary shall also consider incorporating appropriate elements from the Jefferson Peace and Friendship Medal which Lewis and Clark presented to the Chiefs of the various Indian tribes they encountered and shall consider recognizing Native American culture.

(b) SELECTION.—The design for the coins minted under this title shall be selected by the Secretary after consultation with the Commission of Fine Arts and shall be reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 306. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this title shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only one facility of the United States Mint may be used to strike any particular quality of the coins minted under this title.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this title only during the period beginning on January 1, 2004, and ending on December 31, 2004.

SEC. 307. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this title shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this title at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this title before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales of coins minted under this title shall include a surcharge of $10 per coin.

SEC. 308. DISTRIBUTION OF SURCHARGES.

(a) IN GENERAL.—Subject to section 5134(f) of title 31, United States Code, the proceeds from the surcharges received by the Secretary from the sale of coins issued under this title shall be promptly paid by the Secretary as follows:

(1) NATIONAL LEWIS AND CLARK BICENTENNIAL COUNCIL.—Two-thirds to the National Lewis and Clark Bicentennial Council, for activities associated with commemorating the bicentennial of the Lewis and Clark Expedition.

(2) NATIONAL PARK SERVICE.—One-third to the National Park Service for activities associated with commemorating the bicentennial of the Lewis and Clark Expedition.

(b) AUDITS.—Each organization that receives any payment from the Secretary under this section shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code.

SEC. 309. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this title will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this title unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

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

Mr. Speaker, I rise in support of H.R. 3373, a bill that will, among other things, implement a unique program to issue a millennium commemorative dollar coin.

The bill would permit the simultaneous issuance of a U.S. silver dollar and a silver 1000 Kronor Islandic coin, both produced by the United States Mint and both celebrating the 1000-year anniversary of Leif Ericson's voyage to the New World. Both of these coins would be produced in limited mintages. This will be a significant numismatic event, a 1000-year anniversary, the two countries jointly issuing coins commemorating the same event, and a limited boxed edition of both coins issued by the Mint.

Interestingly, the Icelandic coin will depict Leif Ericson as he appears in a statue that stands today in Reykjavik. The statue of the great explorer was created by the sculptor Stirling Calder, father of Alexander Calder, and was presented by the United States Congress to the parliament of Iceland, known as the Althing, on its 1000th anniversary in 1930.

Mr. Speaker, this bill also authorizes the Secretary of the Treasury to create two other coins commemorating significant events. One, an initiative of the bipartisan leadership in both the House and the Senate, would be the first commemorative coin dated 2001 and would mark the 200th anniversary of the United States Capitol building in which we now stand. Proceeds would be used to help build a Capitol Visitors Center.

Also authorized in this bill is a coin dated 2004 to commemorate the bicentennial of the start of another epic discovery expedition, this one the 8,000-mile trek by Merriwether Lewis and William Clark, with the backing of President Thomas Jefferson, through land that is now part of the States of Illinois, Missouri, Kansas, Nebraska, Iowa, North Dakota, South Dakota, Montana, Idaho, Washington, and Oregon. The gentleman from Nebraska (Mr. BEREUTER) has been a tireless and persuasive sponsor of this initiative.

As my colleagues may recall, similar versions of the Leif Ericson and Lewis and Clark bills passed this chamber under suspension in both this and the last Congress, and the Congressional Budget Office has scored all the coins as budget neutral.

In conclusion, Mr. Speaker, I would like to express my appreciation for the thoughtful judgment and advice of the gentleman from New York (Mr. LAFALCE), my good friend, on this and so many other issues before the committee. I urge adoption of this bill.

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

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

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

Mr. LAFALCE. Mr. Speaker, I rise in support of the bill, H.R. 3373, which authorizes the minting and issuance of

three commemorative coins. Earlier in this session, the House passed under suspension of the rules both the Lewis and Clark commemorative coin to be minted in the year 2004 and the Leif Ericson commemorative coin to be minted next year, the start of the new millennium. The latter coin will be minted in conjunction with the Republic of Iceland, which will simultaneously mint and issue a coin to commemorate the millennium of Leif Ericson's arrival in the New World, a watershed event in the history of our continent. The third coin will commemorate the Capitol Visitors Center, for which Congress has already appropriated $100 million that will be supplemented by private funds.

All three coins are supported by the Commemorative Coin Advisory Committee, the U.S. Mint, and fall within the parameters of the Commemorative Coin Reform Act of 1996, which restricts the minting of commemorative coins to not more than two per calendar year.

All coins also pay for themselves and generate proceeds that are devoted to important activities. For instance, the minting and issuance of the Lewis and Clark commemorative coin will be done at no cost to the American taxpayer, and proceeds from its sale will accrue to the Lewis and Clark Bicentennial Council and the National Park Service. Both of these organizations are currently preparing for the bicentennial celebration of the Lewis and Clark expedition.

Similarly, proceeds from the sale of the Leif Ericson coin will go to the Leifur Eiriksson Foundation for the purpose of funding student exchanges between the United States and Iceland. And, lastly, proceeds from the Capitol Visitors Center coin will accrue to the Capitol Preservation Commission for the purpose of aiding the construction, maintenance, and preservation of a Capitol Visitors Center.

Mr. Speaker, I urge adoption of this bill.

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

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

Mr. LAFALCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, I would like to thank the gentleman from New York (Mr. LAFALCE) for yielding me this time.

Mr. Speaker, I rise as a co-chair of the Friends of Norway Caucus and would like to recognize the contributions of Leif Ericson as the original European to set foot in the North American continent and the establishment of permanent settlements by Scandinavian or Icelandic explorers a thousand years ago.

I know that all of us have grown up learning about Christopher Columbus and what he did with his explorations and the so-called ''founding'' of the New World. But all of us also know that the indigenous residents of this continent had been here for thousands of years before, so it is somewhat of an insult to say that the Europeans ''discovered'' this continent because it had been discovered for centuries and inhabited.

But, Mr. Speaker, it is interesting to note that there are these various hardy souls that ventured forth from Europe looking for new land, new territory to settle, riches, extending the religious beliefs that they held so dearly. It is also interesting to note that as we approach the year 2000, it is a thousand years since Leif Ericson set foot in what is now thought to be Newfoundland.

It is also interesting to note that these Scandinavian settlers in the Western Hemisphere actually established farmsteads and it is estimated there were as many as 400 of them in Greenland and that these settlements endured for several centuries. In fact, longer than many of the regions of the United States have been settled. So, indeed, European peoples were on the North American continent and established settlements for centuries before our beloved Christopher Columbus actually set foot here.

Mr. Speaker, I certainly appreciate the bill that has been introduced by my colleagues and the recognition of Leif Ericson's exploits.

□ 1800

Mr. LEACH. Mr. Speaker, I have no speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARR of Georgia). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 3373.

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.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 374 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 374

Resolved, That it shall be in order at any time on or before the legislative day of Wednesday, November 17, 1999, for the Speaker to entertain motions to suspend the rules, provided that the object of any such motion is announced from the floor at least one hour before the motion is offered. In scheduling the consideration of legislation under this authority, the Speaker or his designee shall consult with the Minority Leader or his designee.

SEC. 2. Provides that House Resolution 342 is laid on the table.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from South Boston, Massachusetts (Mr. MOAKLEY); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. DREIER asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. DREIER. Mr. Speaker, House Resolution 374 provides for consideration of motions to suspend the rules at any time up to and including the legislative day of Wednesday, November 17. It requires the Speaker to consult with the minority leader on the designation of any matter for consideration under suspension of the rules. Finally, it provides that the subject of any motion to suspend the rules be announced from the floor at least 1 hour prior to its consideration.

Under clause 1 of rule XV of the rules of the House, the Speaker may only entertain motions to suspend the rules on Mondays, Tuesdays, and the last 6 days of a session. Since the House has not yet passed an adjournment resolution, the last 6 days of this session, we hope we are in the midst of them, it has not yet been determined. Therefore, Mr. Speaker, it is necessary for us to pass this resolution in order to allow the House to consider suspensions tomorrow.

Mr. Speaker, we have nearly completed our business for the first session of the 106th Congress. To tie up the remaining loose ends and prepare to return to our districts, it is imperative to allow ourselves the utmost flexibility in scheduling and considering the few noncontroversial, yet very important, items of business that remain before us.

The resolution is just an extension of the resolution that we passed here in the House on November 3. It is simple, straightforward, and I urge its adoption.

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

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from California (Mr. DREIER), my dear friend, for yielding me the customary half hour.

Mr. Speaker, here we are again considering a rule making every day a suspension day. Under this rule, the Republican leadership can bypass all the House rules and schedule bills at last minute with only 1 hour's notice.

Two weeks ago when we did the identical rule, I asked my Republican colleagues on the Committee on Rules to give us a 2-hour notice, and they so graciously agreed. Last week, something changed.

Last week, I asked my Republican colleagues for 2 hours' notice; instead,

they gave me 1 hour's notice. I thought I was going to get that same gracious accommodation that I got last week, but something changed. This week, we get nothing.

The problems with the bills coming up too quickly are really not only limited to the minority. Even the majority Members get only 1 hour's notice on bills that they are presumed to support. Some people actually want to read the bills before they vote on them.

These suspension rules are part of a pattern of bypassing the committee process that my Republican colleagues have turned into a state-of-art form. I just cannot support this rule that will make it even easier for my colleagues on the Republican side to bypass committees and rush bills to the floor with only 1 hour's notice.

So I urge my colleagues to oppose this rule.

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

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to say that I suspect that the gentleman's statement was written last week when we thought we might be considering this. We are not asking for every day to be a suspension day, only one day, tomorrow. This expires tomorrow.

I will say, from having been in contact with the gentleman from Texas (Mr. ARMEY), the majority leader, I know that they want to contact the Members, as I said, at least an hour before and maybe even many hours before suspensions come to the floor.

I guess I should also say that, if we continue to hear a real complaint about this, maybe we will not ever be able to make those kinds of modifications to the rules in the future. But we will always take into consideration the very thoughtful arguments that are propounded by the gentleman from South Boston, Massachusetts (Mr. MOAKLEY).

So I urge my colleagues to support this rule.

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

The previous question was ordered.

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

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

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

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

The Sergeant at Arms will notify absent Members.

The Chair also announces that there will be a series of 5-minute votes immediately following this vote on H. Res. 374.

The vote was taken by electronic device, and there were—yeas 214, nays 202, not voting 17, as follows:

[Roll No. 590]

YEAS—214

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Everett
Fletcher
Foley
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Jenkins
Johnson (CT)
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Young (AK)
Young (FL)

NAYS—202

Abercrombie
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Coburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gonzalez
Goode
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Weiner
Wexler
Weygand
Wu
Wynn

NOT VOTING—17

Ackerman
Berman
Dunn
Ewing
Fossella
Gephardt
Hill (MT)
Istook
McIntyre
Meehan
Ortiz
Payne
Quinn
Smith (MI)
Watkins
Waxman
Wise

□ 1829

Messrs. BERRY, ENGEL, RODRIGUEZ and LEVIN changed their vote from ''yea'' to ''nay.''

Messrs. BUYER, NUSSLE and GRAHAM changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1830

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARR of Georgia). Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained, followed by the motion postponed from last Wednesday and approval of the Journal.

Votes will be taken in the following order: House Resolution 169, by the yeas and nays;

House Concurrent Resolution 165, by the yeas and nays;

House Concurrent Resolution 206, by the yeas and nays;

House Resolution 325, by the yeas and nays;

H.R. 2336, de novo; and

Approval of the Journal, de novo.

The Chair will reduce to 5 minutes the time for any electronic vote in this series.

EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO DEMOCRACY, FREE ELECTIONS, AND HUMAN RIGHTS IN THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 169, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, House Resolution 169, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 412, nays 1, not voting 20, as follows:

[Roll No. 591]

YEAS—412

Abercrombie
Aderholt
Allen
Andrews
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—20

Ackerman
Archer
Berman
Dunn
Ewing
Fossella
Gephardt
Hill (MT)
McCollum
McIntyre
Meehan
Metcalf
Ortiz
Payne
Quinn
Smith (MI)
Thomas
Watkins
Waxman
Wise

☐ 1840

Mr. MALONEY of Connecticut changed his vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: ''A resolution condemning the Communist regime in Laos for its many human rights abuses.''.

A motion to reconsider was laid on the table.

EXPRESSING UNITED STATES POLICY TOWARD THE SLOVAK REPUBLIC

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 165.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 165, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 12, not voting 17, as follows:

[Roll No. 592]

YEAS—404

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coburn
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herger

Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—12

Barr
Chenoweth-Hage
Coble
Collins
Cook
Hayworth
Manzullo
McKinney
Paul
Sanford
Scarborough
Souder

NOT VOTING—17

Ackerman
Berman
Dunn
Ewing
Fossella
Gephardt
Goodlatte
Hill (MT)
McIntyre
Meehan
Ortiz
Payne
Quinn
Smith (MI)
Watkins
Waxman
Wise

□ 1848

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. GOODLATTE. Mr. Speaker, on rollcall No. 592, I was unavoidably detained. Had I been present, I would have voted "yes."

EXPRESSING GRAVE CONCERN REGARDING ARMED CONFLICT IN NORTH CAUCASUS REGION OF RUSSIAN FEDERATION

The SPEAKER pro tempore (Mr. BARR of Georgia). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 206, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 206, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 4, not voting 22, as follows:

[Roll No. 593]

YEAS—407

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

Burton
Chenoweth-Hage
Paul
Sherman

NOT VOTING—22

Ackerman
Berman
Dickey
Doolittle
Dunn
Ewing
Fossella
Gephardt
Herger
Hill (MT)
Hostettler
Lucas (OK)
McIntyre
Meehan
Ortiz
Payne
Pombo
Quinn
Smith (MI)
Watkins
Waxman
Wise

□ 1857

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SENSE OF HOUSE REGARDING DIABETES

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 325.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and agree to the resolution, House Resolution 325, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 19, as follows:

[Roll No. 594]

YEAS—414

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Ackerman
Bachus
Berman
Dunn
Ewing
Fossella
Gephardt
Hill (MT)
Maloney (NY)
McIntyre
Meehan
Ortiz
Paul
Payne
Quinn
Smith (MI)
Watkins
Waxman
Wise

□ 1905

So (two-thirds having voted in favor thereof) the rules were suspended and resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

UNITED STATES MARSHALS SERVICE IMPROVEMENT ACT OF 1999

The SPEAKER pro tempore (Mr. BARR of Georgia). The pending business is the question of suspending the rules and passing the bill, H.R. 2336, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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.

The question was taken.

RECORDED VOTE

Mr. COLLINS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 231, not voting 19, as follows:

[Roll No. 595]

AYES—183

Allen
Bachus
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Boehlert
Bonilla
Bonior
Bono
Borski
Brady (PA)
Bryant
Calvert
Campbell
Canady
Cannon
Cardin
Chabot
Clement
Coburn
Combest
Cooksey
Cox
Coyne
Crane
Cummings
Danner
Davis (VA)
DeGette
DeLauro
Deutsch
Diaz-Balart
Dicks
Doyle
Ehlers
Engel
English
Eshoo
Evans
Farr
Fattah
Foley
Fowler
Frank (MA)
Gallegly
Ganske
Gejdenson
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Goss
Granger
Greenwood
Gutknecht
Hall (OH)
Hansen
Hastings (WA)
Hinchey
Hobson
Hoeffel
Hoekstra
Holt
Hooley
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Jackson (IL)
Jefferson
Jenkins
Johnson (CT)
Kasich
Kind (WI)
Knollenberg
Kolbe
Kuykendall
LaFalce
Lantos
Largent
Larson
Lazio
Lewis (CA)
Linder
Lipinski
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McHugh
McKeon
Metcalf
Miller (FL)
Miller, Gary
Miller, George
Minge
Moakley
Morella
Nadler
Nethercutt
Ney
Northup
Oberstar
Owens
Oxley
Packard
Pallone
Pascrell
Pelosi
Peterson (MN)
Pickett
Pitts
Porter
Pryce (OH)
Regula
Riley
Rivers
Rogan
Ros-Lehtinen
Rothman
Salmon
Sanders
Sanford
Sawyer
Schakowsky
Scott
Serrano
Shaw
Shuster
Simpson
Sisisky
Skeen
Slaughter
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stark
Strickland
Tanner

Terry
Thomas
Thornberry
Towns
Traficant
Velazquez
Vento
Vitter
Walden
Watt (NC)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—231

Abercrombie
Aderholt
Andrews
Archer
Armey
Baird
Baker
Baldwin
Ballenger
Barr
Barton
Becerra
Bentsen
Berry
Bishop
Blumenauer
Blunt
Boehner
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Burr
Burton
Buyer
Callahan
Camp
Capps
Capuano
Carson
Chambliss
Chenoweth-Hage
Clay
Clayton
Clyburn
Coble
Collins
Condit
Conyers
Cook
Costello
Cramer
Crowley
Cubin
Cunningham
Davis (FL)
Davis (IL)
Deal
Delahunt
DeLay
DeMint
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Edwards
Ehrlich
Emerson
Etheridge
Everett
Filner
Fletcher
Forbes
Ford
Franks (NJ)
Frelinghuysen
Frost
Gekas
Gibbons
Goode
Goodlatte
Gordon
Graham
Green (TX)
Green (WI)
Gutierrez
Hall (TX)
Hastings (FL)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hilleary
Hilliard
Hinojosa
Holden
Hostettler
Hulshof
Inslee
Isakson
Istook
Jackson-Lee (TX)
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Klink
Kucinich
LaHood
Lampson
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Manzullo
McCarthy (MO)
McCrery
McDermott
McGovern
McInnis
McIntosh
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Myrick
Napolitano
Neal
Norwood
Nussle
Obey
Olver
Ose
Pastor
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pombo
Pomeroy
Portman
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Reyes
Reynolds
Rodriguez
Roemer
Rogers
Rohrabacher
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Skelton
Smith (NJ)
Spratt
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Walsh
Wamp
Waters
Watts (OK)
Whitfield
Woolsey
Wu
Wynn

NOT VOTING—19

Ackerman
Berman
Castle
DeFazio
Dunn
Ewing
Fossella
Gephardt
Hill (MT)
McIntyre
Meehan
Murtha
Ortiz
Payne
Quinn
Smith (MI)
Watkins
Waxman
Wise

□ 1915

Ms. JACKSON-LEE of Texas, Mr. SAXTON, Mrs. KELLY, and Mr. MENENDEZ changed their vote from ''aye'' to ''no.''

Mr. HOBSON and Mr. PALLONE changed their vote from ''no'' to ''aye.''

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

□ 1915

THE JOURNAL

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

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

ANNUAL REPORT OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR FISCAL YEAR 1998—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Relations:

To the Congress of the United States:

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95–454; 5 U.S.C. 7104(e)), I have the pleasure of transmitting to you the twentieth Annual Report of the Federal Labor Relations Authority for Fiscal Year 1998.

The report includes information on the cases heard and decisions rendered by the Federal Labor Relations Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 16, 1999.*

PERIODIC REPORT ON CONTINUING NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–159)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 16, 1999.*

ANNUAL REPORT OF THE RAILROAD RETIREMENT BOARD FOR FISCAL YEAR 1998—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and the Committee on Transportation and Infrastructure and ordered to be printed:

To the Congress of the United States:

I transmit herewith the Annual Report of the Railroad Retirement Board for Fiscal Year 1998, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act and section 12(1) of the Railroad Unemployment Insurance Act.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 16, 1999.*

ANNOUNCEMENT OF MEASURES TO BE CONSIDERED UNDER SUSPENSION OF THE RULES

Mr. THUNE. Mr. Speaker, pursuant to House Resolution 374, I announce the following measures to be taken up under suspension of the rules:

S. 1844, Child Support Miscellaneous Amendments;

S. 1418, Holding Court in Natchez, Mississippi;

S. 1235, Railroad Police Training;

H.R. 1953, Cahuilla Indians;

H.R. 3051, Jicarilla Apache Reservation;

S. 278, Land Conveyance, Rio Arriba County, New Mexico;

S. 416, City of Sisters;

S. 1843, Dugger Mountain Wilderness Act of 1999;

H.R. 1167, Tribal Self Governance;

S. 382, the Minuteman Missile National Historic Site Establishment Act of 1999;

H.R. 1827, Government Waste Corrections Act of 1999; and S. 440, Support School Endowments.

REQUEST FOR INFORMATION REGARDING LEGISLATIVE SCHEDULE OF THE HOUSE

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

Mr. ABERCROMBIE. Mr. Speaker, as we know, we were originally scheduled to meet here on Friday last. Unfortunately, though requests were made to see whether we could meet perhaps on Monday or Tuesday, that was denied by the distinguished majority leader. We were not informed that we were not to

come in on Friday until Thursday morning.

I would just like to indicate to the distinguished majority leader and any other Members who might be interested in the Veterans Day ceremonies that took place out in Hawaii, I will be happy to forward newspaper accounts and television transcript excerpts to them if they want to be informed about them, inasmuch as that is the way that I had to find out about them myself.

I wonder, Mr. Speaker, whether the majority would be prepared to tell us at this time whether or not we can anticipate leaving tomorrow or the next day or the next day, or any day thereafter.

SPECIAL ORDERS

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

CHINA'S POTENTIAL ENTRY INTO THE WORLD TRADE ORGANIZATION

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

Mr. SHERMAN. Madam Speaker, I rise with the sense that I am standing in front of a moving train. Today's media has almost already brought China into the World Trade Organization, and already declared that we are going to get enormous benefits from that entry, and from a decision that they presume will be made on this floor to grant China permanent most-favored-nation status, which some call normal trade relation status.

Let us review where we are now on our trading relationship with China. We have the most lopsided trading arrangement in the history of a Nation's life. We have a situation where we export roughly $14 billion and import close to $70 billion from China.

China is shameless in maintaining and expanding that lopsided trading relationship. It maintains high tariffs on American goods, but what is worse than what China does officially in its published laws is what it does to restrict the access of American exports through hidden, through unofficial, through cozy relationships between the Communist party of China and those business enterprises that could be involved in importing American goods if they only chose to do so.

We would think, then, that any change in this relationship would be a change for the better, since it is already the worst trading relationship I could identify. Yet, I have to question the idea of this House giving most-favored-nation status to China on a permanent basis.

Madam Speaker, I cannot judge the deal in advance. It is yet to be presented to us formally, and just perhaps it will have some mechanisms in it that will allay my concerns. My chief concern is that what we would be doing in giving permanent most-favored-nation status to China is making permanent the current situation.

That situation is one in which we are a country of laws, so any American businessperson can import goods from China, subject only to our published tariffs and restrictions and quotas. So many business people work here in the United States that they assume that if we could only change China's laws, that their business people would be free to bring in our goods. Nothing is all that clearcut.

Imagine, if you will, some business enterprise in China seeking to import American goods receives a telephone call from a Communist party cadre telling them, don't buy American goods, buy them from France, buy them from Germany. The Communist party of China is angry at speeches made on the floor. The gentlewoman from California (Ms. PELOSI) took the floor again, you had better not buy American goods.

An American businessman would simply laugh at some party official telling him or her what to buy and what to import, but a Communist Chinese citizen would ignore advice, oral advice, nonprovable advice, from the Communist Party of China only at their peril. China is not a country where the rule of law prevails. Accordingly, getting China to change its law accomplishes perhaps very little. We cannot assume that our trade deficit with China will go down.

What we have now is an annual review of our trading relationship with China, so that if China were to move into Tibet and slaughter hundreds of thousands of people, we could react in a way that they would understand, by cutting off most-favored-nation status; that if China were to engage in massive nuclear proliferation, we could react. If China continues to widen its trade deficit and use unofficial means to exclude our exports, we could finally summon up the determination to react here on this Floor. If we give China most-favored-nation status on a permanent basis, then we will not be able to react in any meaningful way.

Madam Speaker, I have come to this Floor three times, to vote in favor of giving China most-favored-nation status one more year, and a second year, and a third year, because I am not ready to use our most powerful weapon in the Chinese-U.S. trade relationship at this time. But it is a long way between saying we are not willing to use that weapon and that we want to engage in unilateral disarmament.

CONCERNING THE UNWARRANTED REGULATIONS TO BE IMPOSED ON MICROSOFT

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

Mr. MCINTOSH. Madam Speaker, I rise today to comment briefly on the findings of fact that were issued on Friday, November 5, in the United States District Court by Judge Penfield Jackson in the Microsoft case.

Madam Speaker, this week we celebrate the tenth anniversary of a great moment in time when the Berlin Wall that divided Europe for generations came tumbling down. I was a young lawyer in the White House staff with Vice President Quayle in the fall of 1989, and I will never forget the sense of joy that I had in watching that accomplishment.

When the Berlin Wall was torn down, the spirit of free enterprise flowed like a river, irrigating economic wasteland that had been Communist East Germany. How ironic, Madam Speaker, that at the same time that we are celebrating the tenth anniversary of the tearing down of the Berlin Wall, we are forced to watch the spectacle of this Justice Department attempting to build up a wall around a pioneering American company that has helped to make our Nation the unchallenged technological leader of the free world.

While Microsoft fights to protect its freedom in court, freedom to innovate and to compete in the free market, this administration, the Clinton-Reno Justice Department, presses forward with its zeal to erect a Berlin Wall, if you will, of government regulation around America's most successful technological enterprise.

Madam Speaker, this Justice Department's zealous campaign against Microsoft is the latest manifestation of the liberal obsession with punishing success. Here in Washington, because of the tasteless class envy that many of my colleagues on the other side of the aisle continually wage, Mr. Gates and other successful men and women have been vilified.

□ 1930

Yet in America, in the heartland of America, at the latest trade show, Mr. Gates and his company were applauded for bringing yet more new wonderful technology that will benefit all people in this world.

Mr. Gates is a man who had a dream, a focus, a passion, an intelligence, and the savvy which for 25 short years has revolutionized the computer industry. Today, because of Bill Gates and his colleagues in the computer industry, people like me, my family, my grandmother, my wife's father, Hoosiers all over Indiana, and Americans everywhere can simply flick a switch and play video games against each other, access the same documents thousands of miles apart, and view real-time video images of their children, their grandchildren, and their family.

Mr. Speaker, I am proud of the enormous contribution that Microsoft has made towards making the United States of America the technological

leader, and I am proud that a young man who served on this House floor 27 years ago, Bill Gates, had the freedom and the opportunity to succeed so that a magnificent country such as ours could benefit from someone who pursued that American dream.

Now, what does this decision say to the next young man or woman who wants to be Bill Gates? Who wants to create their own Microsoft? What does it say to our children in the 20-something years that have an idea and want to see it succeed? To me it says if one succeeds, then the government will come after them and will stifle their success.

There are two central flaws in this opinion, this finding of facts. First is the finding that Microsoft's development of the Windows operating system has created an ''applications barrier to entry.'' In this theory they broke the law by trying to preserve that so-called barrier, including trying to destroy competing products. In my estimation, Microsoft has simply acted as any very rational competitor in the industry would act, trying to forward their product. They have a superior product. In most cases it appears to have been in the interest of the other companies to have their products work with Windows.

For example, when they reached a deal with America Online to distribute their Internet browser instead of the Netscape browser, AOL did so not because of threats from Microsoft but because it benefited their customers. They wanted to sell the product because it was a better product. And then at the end of 1998, when they could have ended that exclusive arrangement, they decided they wanted to extend it. While Microsoft has been very aggressive in promoting its products, we do not punish aggressive competition in America.

But, Mr. Speaker, the more egregious flaw in the findings is the reason that it is based on a pitifully outdated theory of tying. Now, if some competitor comes along with a better browser, frankly Microsoft can rapidly find itself at the losing end of that competition, and there is no reason or rationale to apply the theory of tying one product with another in the computer world; as Professor George Priest has so aptly stated. As such, the traditional tying theory, Professor Priest argues, may be irrelevant in this case because it simply did not apply to computers.

Madam Speaker, I would hope that my colleagues would pay attention to this and make sure that this Justice Department does not end up putting a damper on the innovation and technological growth that has made this country great.

The SPEAKER pro tempore (Mrs. WILSON). Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

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

NORTHWEST TERRITORY OF THE GREAT LAKES HERITAGE AREA

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

Mr. SOUDER. Madam Speaker, as a member of the Subcommittee on National Parks and Public Lands, and as a representative of historic Ft. Wayne, Indiana, I rise this evening to introduce a bill to create the Northwest Territory of the Great Lakes Heritage Area. I am pleased to be joined by original cosponsors, these Members representing both political parties from not only Indiana but the Old Northwest States of Ohio, Illinois, Michigan, and Wisconsin: The gentleman from Illinois (Mr. HASTERT), the gentlewoman from Ohio (Ms. KAPTUR), the gentleman from Ohio (Mr. GILLMOR), the gentleman from Illinois (Mr. LAHOOD), the gentleman from Ohio (Mr. LATOURETTE) the gentleman from Ohio (Mr. BOEHNER), the gentleman from Ohio (Mr. PORTMAN), the gentleman from Michigan (Mr. STUPAK), the gentleman from Michigan (Mr. BARCIA) the gentleman from Illinois (Mr. EWING), the gentleman from Indiana (Mr. ROEMER), the gentlewoman from Ohio (Mrs. JONES), the gentleman from Michigan (Mr. HOEKSTRA), the gentleman from Indiana (Mr. MCINTOSH), the gentleman from Ohio (Mr. SAWYER), the gentleman from Illinois (Mr. PHELPS), the gentleman from Wisconsin (Mr. GREEN), the gentlewoman from Michigan (Ms. STABENOW), and the gentleman from Ohio (Mr. OXLEY).

The gentleman from Pennsylvania (Mr. ENGLISH) who represents Erie, Pennsylvania, is also a cosponsor. Though Erie was not part of the Northwest Territory of the Great Lakes, Erie, Pennsylvania, was intimately involved in our history, including being the launching place for Commodore Oliver Hazard Perry's fleet to victory on Lake Erie and as the final resting place of General Anthony Wayne.

Mr. Speaker, many of the sites from the Northwest Territory period are now lost, but throughout the Midwest there are still key buildings and sites that have been preserved. As my colleagues can see on this map of the Northwest Territory, this is the original Northwest Territory of the United States, including all of Ohio, Indiana, Michigan, and Illinois. And at that time, Illinois also included the State of Wisconsin and Minnesota east of the Mississippi River.

In Ohio, we not only have the Battle of Fallen Timbers Historic Site and the International Peace Memorial to Commodore Perry at Put-in-Bay at South Bass Island in Lake Erie, but other diverse sites as well including the Fort Recovery State Memorial, where General St. Clair was defeated; Fort Meigs at Toledo; and such pioneering sites as the Golden Lamb Inn in Lebanon which dates from 1803, has played host to 10 Presidents; the 1807 mansion of Thomas Worthington in Adena; in Lancaster, Ohio, is the Square 13 Historic District that includes a number of homes from the 1810s and 1820s, including the 1820 home of William Tecumseh Sherman; and in Marietta, ''Campus Martius: The Museum of the Northwest Territory,'' which includes the Rufus Putnam house, the only structure from the original stockade, and the 1788 plank-and-clapboard Ohio Land Company Office.

In Indiana, we have numerous sites related to this period as well: The Lincoln Boyhood Memorial; New Harmony, the first State capital; and Governor William Hendricks home in Corydon; the historic town of Madison; the Connor Prairie Museum; National Historic Sites at Vincennes and Tippecanoe; and the battle sites in Ft. Wayne, including the forts; Little Turtle; and Indian village sites including the Richardville House; and Johnny Appleseed Park and Gravesite.

Illinois, Wisconsin, and Michigan have important sites as well, but they were less settled at that time. Mackinac Island was a trading anchor of the upper Midwest and has many historic buildings in a beautiful location where automobiles are still banned. These wonderful historic sites, however, are somewhat lost without a cohesive story. The Lewis and Clark Trail, in which they charted America's frontier, has numerous informative materials about its history as well as visitor centers along the trail. However, in the Midwest this is not as true.

In the legislation that we are introducing this evening, it includes only those sites from the Northwest Territory period of 1785 to 1835. It forms a management authority consisting of appointees by the governor of each Northwest Territory State, including a Native American appointee from each State, as well as representatives of each State's historical society.

Duties and powers include the ability to receive funds, disburse funds, make grants, hire staff, develop a management plan, and to ''help ensure the conservation, interpretation, and development of the historical, cultural, natural, and recreational resources related to the region historically referred to as the Northwest Territory of the Great Lakes during the period from 1785 through 1835.''

Madam Speaker, this may include developing an Internet Web site and other marketing programs, erecting signs, recommendations on conservation, funding and management for development of the Heritage area, but only within existing State and local plans and with comments of residents, public agencies, and private organizations within the Heritage Area.

The Act specifically forbids taking any action which ''jeopardizes the sovereignty of the United States'' and

stipulates that the authority ''shall not infringe upon the private property rights of individuals or other property owners.'' It authorizes appropriations of up to $1 million per year and not more than $10 million for the Heritage Area as a whole. Federal funding cannot exceed 50 percent of the total cost of any assistance.

The Midwest has far too long been overlooked. The rivers and Great Lakes were America's first transportation system that opened up the West and nourish breadbasket of the world, not to mention providing the raw materials and distribution system for the industrial heartland of America.

Madam Speaker, the Native American nations in the Midwest, because so many of their historic sites and culture were destroyed and because there is less modern documentation, are often forgotten while similar and smaller some less powerful tribes of the West get far more attention.

Madam Speaker, it is a great honor and a proud day for Ft. Wayne and all of the Midwest to introduce this bill this evening. It has been a long day in coming.

Madam Speaker, I submit a copy of the bill and the following facts about the Northwest Territory for inclusion in the RECORD.

H.R. —

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 ''Northwest Territory of the Great Lakes National Heritage Area Act of 1999''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The region which includes Illinois, Indiana, Michigan, and Ohio was once known as the Northwest Territory. It was the first frontier region of the new United States of America. Some of the indigenous peoples of the area were the Delaware, Kikapoo, Miami, Ottawa, Piankeshaw, Potowatami, Shawnee, Wea, and Wyandotte Indians.

(2) The distinctive landscape of this area was largely defined by—

(A) the Ordinance of 1785, which established a system of transferring land ownership from the Indians to the United States Government and then to private owners, and created the system of land surveyance and township and county plats which remains today;

(B) the Northwest Ordinance of 1787, which established a process through which self-government in this first frontier of the newly organized United States could be established; and

(C) the Treaty of Greeneville of 1795, which signaled the end of Indian resistance in the region.

(3) The local environmental and topographical landscape of the area was largely defined in commercial and strategic terms by—

(A) the area river systems, including but not limited to—

(i) the Fox River, the Illinois River, and the Kankakee River, in the State of Illinois;

(ii) the Eel River, the Elkhart River, the Kankakee River, the Maumee River, the St. Joseph River, the St. Mary's River, and the Wabash River in the State of Indiana;

(iii) the Detroit River, the St. Mary's River, and the St. Joseph River in the State of Michigan; and

(iv) the Great Miami River, the Maumee River, and the St. Mary's River in the State of Ohio;

(B) the Great Lakes;

(C) the River Portage Trails, including but not limited to—

(i) the 3 mile portage from the St. Joseph River to the Little Wabash River in Fort Wayne, which was the only separation in the waterway from the upper Great Lakes to the Gulf of Mexico; and

(ii) from the Great Miami River to the St. Mary's and Wabash —Rivers in Ohio;

(D) the 13 forts which developed in the region, including but not limited to—

(i) Fort Dearborn, in Chicago, Illinois;

(ii) Fort Wayne, in Fort Wayne, Indiana;

(iii) Fort Mackinac on Mackinac Island, Michigan; and

(iv) Fort Defiance, in Defiance, Ohio; and

(E) the settlements, including Native American villages, early trading posts, and territorial capitals that developed in the region.

(4) The military history of the region includes, but is not limited to—

(A) LaBalme's Defeat in 1780;

(B) the defeat of General Harmar in 1790;

(C) the defeat of General St. Clair in 1791;

(D) the United States victory by General ''Mad'' Anthony Wayne at the Battle of Fallen Timbers in 1794; and

(E) the Battle of Lake Erie in 1832.

(5) The confederacy of Indian Nations was organized by Tecumseh and ''The Prophet'' to stop American advancement. General William Henry Harrison defeated The Prophet at the Battle of Tippecanoe in 1811. This was the last major battle east of the Mississippi River with Indian Nations and led to the famous slogan ''Tippecanoe and Tyler too'', which propelled Harrison to the Presidency of the United States.

(6) The War of 1812, during which the region might have been lost to Canada without Commodore Perry's victory at Put-in-Bay on Lake Erie.

(7) The rush of settlers to the region after the War of 1812 led to additional treaties and conflict with the Native Americans. Most Indians were removed in a series of events culminating with the so-called ''Black Hawk Wars'', which ended in 1833.

(b) PURPOSES.—The purposes of this Act include the conservation, interpretation, and development of the historical, cultural, natural, and recreational resources related to the region historically referred to as the Northwest Territory of the Great Lakes during the period from 1785 to 1835.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term ''Authority'' means the Northwest Territory of the Great Lakes National Heritage Area Authority;

(2) the term ''Heritage Area'' means the Northwest Territory of the Great Lakes National Heritage Area established in section 4; and

(3) the term ''Plan'' means the management plan required to be developed for the Heritage Area pursuant to section 5(e)(1)(G).

SEC. 4. THE NORTHWEST TERRITORY OF THE GREAT LAKES NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Northwest Territory of the Great Lakes National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of historically significant areas, as defined by the Authority, within Illinois, Indiana, Michigan, and Ohio (as defined by the Northwest Ordinance of 1787), such as the following historically significant locations:

(1) Fort Dearborn and Fort Clark in the State of Illinois.

(2) In Indiana—

(A) Anthony Wayne, Chief Little Turtle, and Chief Richardville sites (Fort Wayne);

(B) The Historic Forks of the Wabash Park and Chief LaFontaine Home (Huntington);

(C) Kokomo Village (Kokomo);

(D) Deaf Man's Village (Peru);

(E) Munsee Town (Muncie);

(F) Chief Menominee Monument (Plymouth);

(G) Historic Vincennes (Vincennes);

(H) Prophetstown (Lafayette); and

(I) Historic Corydon (Corydon).

(3) In Michigan—

(A) Fort Michilimackinac (Mackinaw City); and

(B) Fort Mackinac (Mackinac Island).

(4) In Ohio—

(A) Fallen Timbers State Memorial (Maumee);

(B) Fort Defiance State Memorial (Defiance);

(C) Fort Adams/Ft. Amanda State Memorial (Wapakoneta);

(D) Fort Recovery State Memorial (Fort Recovery);

(E) Fort Greeneville/Treaty of Greeneville Memorial (Greeneville);

(F) Fort Jefferson State Memorial (Ft. Jefferson);

(G) Fort St. Clair State Memorial (Eaton);

(H) Fort Hamilton Monument (Hamilton);

(I) Fort Washington (Cincinnati); and

(J) Perry's Victory and International Peace Memorial (Put-in-Bay).

SEC. 5. MANAGEMENT ENTITY AND DUTIES

(a) IN GENERAL.—The management entity for the Heritage Area shall be the Northwest Territory of the Great Lakes National Heritage Area Authority.

(b) COMPOSITION.—The Authority shall be composed of 18 members appointed as follows:

(1) 3 members appointed by each of the following:

(A) The Governor of Illinois or the Governor's designee.

(B) The Governor of Indiana or the Governor's designee.

(C) The Governor of Michigan or the Governor's designee.

(D) The Governor of Ohio or the Governor's designee.

(2) 1 member appointed by each of the following:

(A) The Historical Society of the State of Illinois.

(B) The Historical Society of the State of Indiana.

(C) The Historical Society of the State of Michigan.

(D) The Historical Society of the State of Ohio.

(3) 2 members appointed by the Secretary of the Interior of the United States or the Secretary's designee.

(4) Of the 3 members appointed by each Governor of a State under paragraph (1)—

(A) at least 1 member shall be a member of the governing body of an Indian tribe located within the State, or a designee of such a member; and

(B) at least 1 member shall be an elected official of a unit of local government located within the State which has 1 or more historic sites significant to the Heritage Area.

(c) TERMS.—The term of office shall be 2 years. No member of the Authority shall serve more than 4 terms.

(d) COMPENSATION.—Compensation for members of the Authority shall be determined by the Authority as part of the Plan.

(e) DUTIES AND POWERS.—

(1) DUTIES.—The Authority shall—

(A) receive funds from various sources for the implementation of this Act;

(B) disburse funds in accordance with this Act;

(C) make grants to and enter into cooperative agreements with States and their political subdivisions, private organizations, or other individuals or entities as appropriate for the execution of this Act;

(D) hire and compensate staff;

(E) enter into contracts for goods and services;

(F) develop a management plan for the Heritage Area;

(G) help ensure the conservation, interpretation, and development of the historical, cultural, natural, and recreational resources related to the region historically referred to as the Northwest Territory of the Great Lakes during the period from 1785 through 1835;

(H) foster a close working relationship with all levels of government, the private sector, philanthropic and educational organizations, local communities, and regional metroparks systems through a coalition organization to both conserve the heritage of this region and utilize its resources for tourism and economic development;

(I) develop an Internet web site and other marketing programs to further the purposes of this Act; and

(J) in accordance with Federal, State, and local laws, erect signs to promote the Heritage Area.

(2) POWERS.—The Authority may develop visitor centers and interpretive facilities for the Heritage Area.

(f) PLAN.—The Plan shall—

(1) present recommendations for the Heritage Area's conservation, funding, management, and development, taking into consideration existing State and local plans and the comments of residents, public agencies, and private organizations working in the Heritage Area;

(2) not be final until it has been approved by the Governors of Illinois, Indiana, Michigan, and Ohio;

(3) include—

(A) an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historical, or recreational significance; and

(B) a program for the implementation of the management plan by the Authority.

(g) SPECIFIC PROHIBITIONS.—The Authority—

(1) shall not take any action which jeopardizes the sovereignty of the United States; and

(2) shall not infringe upon the private property rights of individuals or other property owners.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Heritage Area.

(b) 50 PERCENT MATCH.—Federal funding provided under this Act may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this Act.

After Ohio became an independent state, the remaining portion of the Northwest Territory was renamed the Indiana Territory. The United States House of Representatives soon approved Indiana as a state as well, passing statehood on December 28, 1815, with the Senate following a few days later on January 2, 1816.

SOME BASIC FACTS ABOUT ILLINOIS IN THE NORTHWEST TERRITORY PERIOD

The rest of the Northwest Territory became the Illinois Territory in 1816 after Indiana became a state. General Anthony Wayne's Treaty of Greenville had set aside from Indian lands three sites in present day Illinois: a twelve-square mile square at the mouth of the Illinois River which was never developed; a post at Fort Massac on the Ohio River; and a six-mile square at Peoria where Fort Clark would be built. In 1800 Illinois had 2,458 residents of which 719 were in Cahokia and 467 in Kaskaskia.

The Illinois Territory was active during the War of 1812. In fact the governor, Ninian Edwards, told the Secretary of War that he expected to lose one-half the white population of the state. The most dramatic loss occurred during the Fort Dearborn (Chicago) massacre. William Wells of Fort Wayne, son-in-law of Miami Indiana War Chief Little Turtle, went to rescue the garrison there and bring them to Fort Wayne even though he felt they would be killed. While crossing the sand dunes of northwest Indiana, the garrison was in fact nearly all slaughtered, including Wells. The Indians paid tribute to Wells bravery by eating his heart.

During the War of 1812 Benjamin Howard left the governorship of the Missouri Territory to become brigadier general for the Illinois-Missouri district. His rangers rebuilt Fort Clark at Peoria. General William Clark went north and captured Prairie du Chien (now part of Wisconsin) but the small remnant left behind surrendered to the British again the following year. Two later expeditions up the Mississippi the next year ended at Rock Island, where the British had reinforced Sauk and Fox Indians. Future President of the United States commanded the second attack, which suffered heavy losses. A fort was built at present day Warsaw, across from the mouth of the Des Moines River. It was named Fort Edwards. After the fall of Fort Dearborn (and Fort Mackinac and Detroit, with Fort Wayne under siege) United States control ended at the Fort Edwards-Peoria-Vincennes line. Had Perry not controlled the Great Lakes, that could have been the southern border of Canada.

On December 3, 1818, Illinois was admitted as a state. Kaskaskia was its capitol at the time. A perspective on its population is to note that in 1821 what is now Chicago had two families outside the fort and Galena, soon to be lead-mining capitol, had one cabin by 1822. The population was concentrated in southern Illinois, with more moving into central Illinois. The capitol was moved to Vandalia by 1819. The Sacs and Fox Indians ceded northern Illinois by 1804. The Potawatomi, Kickapoo and Chippewa completed ceding central Illinois by 1817. But it wasn't until 1819 that the Kickapoo ceded the area southeast of the Illinois and Kankakee Rivers.

In 1827, the so-called Winnebago War was a skirmish in which two white men were killed by Indians who felt they had violated their hunting grounds. Chief Red Bird decided that discretion was the better part of valor, and ''surrendered'' six Indians. But the scare resulted in militia organizing.

The so-called Black Hawk War could have been avoided. Four thousand white regulars chasing outnumbered, fatigued and hungry Indian families into what is now Wisconsin is not a ''war.'' In the Battle of Wisconsin Heights, west of what is now Madison, Wisconsin, Chief Black Hawk held off the army so that Indian women and children could cross the Wisconsin River. The end came at the Battle of Bad Axe, on the Mississippi River between LaCrosse and Prairie du Chien. In the heavy slaughter that almost extinguished the Sauk tribe, the warriors, old people, women, and children were driven into the water and ambushed as they tried to reach the west bank. Black Hawk escaped but was soon captured. Only a few Indians stayed in the state thereafter, including Shabbona, a friendly Ottawa who had warned the whites when Black Hawk threatened. This also ended the fur-trading era, as now settlers poured into Illinois with the final Indian removal.

SOME BASIC FACTS ABOUT MICHIGAN IN THE NORTHWEST TERRITORY PERIOD

After Illinois became a state, the remaining area of the Northwest Territory (Michigan, Wisconsin and Minnesota east and north of the Mississippi) became the Michigan Territory. Lewis Cass became Governor of the Michigan Territory in 1813, and added the larger jurisdiction in late 1818. In 1819 Treaty of Saginaw, the Chippewa ceded land in the central and southeast portion of the Lower Peninsula of Michigan. Two years later, the Chippewa, Ottawa and Potawatomi ceded southwestern Michigan.

Michilimackinac controlled the Straits of Mackinac until George Rogers Clark's victories in 1779. At that time operations moved to a new fort on Mackinac Island. The Americans finally claimed this fort after the Jay Treaty of 1796.

Mackinac Island was described by Major Caleb Swan in 1796 in this way:

''On the south side of this Island, there is a small basin, of a segment of a circle, serving as an excellent harbor for vessels of any burden, and for canoes. Around this basin the village is built, having two streets of nearly a quarter of a mile in length, a Roman chapel, and containing eighty-nine houses and stores; some of them spacious and handsome, with white lime plastering in front, which shows to great advantage from the sea. At one end, in the rear of the town, is an elegant government house, of immense size, and finished with great taste. It is one story high, the rooms fifteen feet and a half in the clear. It has a spacious garden in front, laid out with taste; and extending from the house, on a gentle declivity, to the water's edge.''

One of the houses that stood on the island in 1796 was later acquired by trader Edward Biddle. The ''Biddle House'' is probably the oldest surviving house in Michigan, if not the entire Northwest Territory of the Great Lakes.

A major threat to the British fur trade in Michigan—which was the predominant activity in Michigan during the early days of the Northwest Territory—was the formation of the American Fur Trade Company by John Jacob Astor in 1808. By 1812, Astor had made peace with the British companies, handling their trade in the United States and basing his operations at Mackinac. His business came to a standstill during the war, but with the peace of 1814 he was again active. In 1816 Congress passed a law confining the fur trade to American citizens.

Detroit was founded by Cadillac in 1701. In 1805 Detroit was burned by a fire, much like Chicago was many years later (though Detroit at this time was very small). When it was rebuilt, Augustus Woodward, a friend of Thomas Jefferson, and Territorial Governor William Hull decided Detroit needed a grander layout and visited Washington, DC. Woodward secured a copy of the plan for Washington that Pierre L'Enfant had made. He laid out a plan with circular parks with radiating streets, wider boulevards, and grand avenues. While it was launched in this manner, a judge and the next Governor, Lewis Cass, wrecked Woodward's plan by narrowing the streets. The city had to pay for this confusion for many, many years. Detroit was incorporated in 1815. In 1810 the

population of Detroit was around 800, but declined during the War of 1812. By 1818 it was up to 1100. Two events that helped promote Detroit were a surprise visit by President Monroe in 1817, and the first steamboat (Walk-in-the-Water) arrived as a symbolic opening of the Great Lakes. Interestingly, the population at Mackinac Island at times surges to 2000 during this period.

Several additional forts were built in the Michigan section of the Northwest Territory after treaties began to open some areas for settlement. Fort Gratiot was built at the site of Port Huron in 1816. Fort Saginaw, at the present site of Saginaw, and Fort Brady, at Sault Ste. Marie, were built in 1822. Michigan was slow in settling partly because of a reputation for poor land, and partly due to its weather. An Eastern rhyme was: ''Don't go to Michigan, that land of ills; The word means ague, fever and chills.''

In order to help combat the negative publicity, General Lewis Cass organized a grand tour that included 42 men. In this group were geologist Henry R. Schoolcraft and geographer David B. Douglass. They went to Mackinac Island, Sault Ste. Marie, the Pictured Rocks (now a national Lakeshore) on the southern shore of Lake Superior, Schoolcraft went to Ontonagon to see the copper boulder that had already been reported upon (now in the Smithsonian), sought the source of the Mississippi (later discovered at Lake Itasca in Minnesota by Schoolcraft), crossed into present-day Wisconsin, down to Fort Dearborn (Chicago) and across to Detroit. Some of the group went to present-day Green Bay and crossed on a more northerly route.

A series of events—the Walk-in-the-Water steamboat in 1818, the development of the Erie Canal in 1825, improved roads, progress in surveys, opening of land offices and better public relations all combined to make Michigan America's most popular western destination from 1830 to 1837.

SOME FOOTNOTES ABOUT WISCONSIN IN THE NORTHWEST TERRITORY PERIOD

The Wisconsin area of the Northwest Territory had few Americans for a long time. Fort Howard in the Green Bay area was garrisoned in 1816 on the Fox River. Fort Crawford was built at the mouth of the Wisconsin River at Prairie du Chien. John Jacob Astor, the fur trader, was a key player in the northern lakes area from his outposts at Mackinac during this period. Wisconsin only developed after the frontier period ended for the original Northwest Territory of the Great Lakes.

SOME BASIC FACTS ABOUT INDIANA IN THE NORTHWEST TERRITORY PERIOD

A short article in a booklet by Arville Funk entitled A Sketchbook of Indiana History (which includes many interesting essays on Indiana history) calls Chief Little Turtle the greatest Indian who ever lived in Indiana. He was certainly its greatest warrior: in fact, his war record exceeds Tecumseh and the famous western Indians. He won not just one significant battle, but three. And he was correct in forecasting the critical losses at Fallen Timbers and Tippecanoe.

LITTLE TURTLE OF THE MIAMIS

Probably the greatest Indian who ever lived in what became the Hoosier State was ME-SHE-KIN-NO-QUAH, or Little Turtle, the great chief of the Miami tribe. This great Indian was not only a famous war chief, but also the white man's best friend in Indiana after he and his tribe left the warpath.

Little Turtle was the son of AQUENACKQUE, or The Turtle, a famous Miami war chief during that tribe's many wars with the Iroquois tribe. Finally, the Miami tribe was driven west to Indiana by the Iroquois, and settled along the Eel River and near the site of ''Three Rivers,'' where Fort Wayne now stands. Little Turtle was born about 1752, probably at the site of his father's main village, Turtletown, about five miles east of present day Columbia City, along the KEN-A-PO-CO-MO-CO, or Eel River.

Little Turtle first came to the attention of the whiteman when he celebrated his first victory over a whiteman's army at a skirmish known as ''LaBalme's Massacre'' that occurred in November of 1780. LaBalme was a French ''soldier of fortune,'' who led a small band of Creoles from Vincennes to attack the British garrison at Detroit. The Creole army stopped long enough at Kekionga (now Fort Wayne) to destroy that Indian village, and then journeyed over to nearby Eel River and captured and looted the Miami trading post there. On November 5th, the Indians, under the Leadership of Little Turtle, attacked LaBalme's group and massacred the entire force. This victory must have established the reputation of Little Turtle as a warrior, because he served as the chief of the Eel River tribe from then on.

Little Turtle was next heard from when he won two more victories over the ''whites'' near Eel River in October of 1790. Within a three-day period, he twice defeated the militia troops under the command of Colonel John Hardin. Hardin's force was a part of the army of General Josiah Harmar who was leading an expedition to destroy Indian towns around Kekionga. In the three days' action, Hardin lost over two hundred militia troops.

However, Little Turtle's greatest triumph over the Americans was to come the next year in western Ohio. On November 4, 1791, at a site 11 miles east of Portland, Indiana, and just across the state border in the Buckeye State, Little Turtle led his Indian army in an attack on General Arthur St. Clair's expedition. St. Clair was the governor of the Northwest Territory and commanded an army of 2700 in an expedition against the Indian tribes in northern Ohio. In a complete surprise attack and rout, Little Turtle inflicted the greatest defeat that an American army had met up to that time. In this action, which became known as ''St. Clair's Massacre,'' the American army lost over one-third of its force.

Three years later, another American army, commanded by General Anthony Wayne, advanced into northern Ohio to engage the Miami Indian confederation. Little Turtle realized that this new army was much stronger and better trained than St. Clair's force and he refused to join forces with the other tribes to attack Wayne's army. The other tribes, led by Bluejacket, the Shawnee chief, did attack Wayne's command at Fallen Timbers and were soundly defeated by the American army.

After defeating the Indian army, Wayne invited the leading chiefs of the Northwest Territory to meet with him at Fort Greenville, Ohio, to sign a peace treaty under which the Indian tribes would be paid for their land, that would then become open to settlement by the whiteman. The eleven tribes present, including Little Turtle's tribe, sold over 25,000 square miles of land to the new government of the United States. Little Turtle signed the treaty and never again took the war-path against the whites.

Wayne had invited Little Turtle to visit the national capital and meet with the ''great white father,'' President Washington. The great Miami chief, along with his adopted son, William Wells, travelled to Philadelphia (then the capital) and visited with the president in 1797. The president presented Little Turtle with a very expensive sword and the national government hired the famous artist, Gilbert Stuart, to paint a portrait of the great chief.

Little Turtle returned to the nation's capital later to visit two other presidents, John Adams and Thomas Jefferson. On one of his visits, the Miami chief persuaded the Society of Friends (Quakers) to help him in stopping the sale of liquor to the tribes in Indiana, and also to establish an agriculture school for the Indians to teach the whiteman's ways of farming. This historical school was established in 1804 near the little town of Andrews, just a few miles west of Huntington, but was never really successful and finally closed down when Tecumseh and the Prophet organized the tribes against the Americans in the years preceding the War of 1812.

In 1811, the Tecumseh confederation was openly planning war on the whites and was seeking to combine all of the tribes of the Northwest Territory in their confederation. Little Turtle, who was by then the whiteman's best friend in Indiana, succeeded in keeping his tribe from joining the Indian confederation and taking part in the Battle of Tippecanoe. By this time, the 60-year-old chief was in ill health, and crippled from rheumatism and gout. He was soon forced to leave his home on the Eel River and move to the house of his adopted son in Fort Wayne.

When the War of 1812 erupted, the great chief was on his death bed at the Wells' home at Fort Wayne. After several weeks of illness, the old chief died at Fort Wayne on July 14, 1812. He was given a military funeral by the American garrison at the fort and was buried in the old Indian cemetery on Spy Run, near the banks of the Wabash River. He was buried with Washington's sword and the medals and other honors that had been bestowed on him by the Americans. One hundred years later, in 1912, the grave was accidentally discovered, and the sword and other awards were put in the Allen County-Fort Wayne Historical Society Museum at Swinney Park.

Jacob Piatt Dunn, the famous Indiana historian, has paid the following tribute to the great chief, ''he was the greatest of the Miamis, and perhaps, by the standard of achievement, which is the fairest of all standards, the greatest Indian the world has known.'' All Hoosiers should be proud of this great Indian chief, and he deserves to be remembered with the greatest of the historic figures in the history of our state.

The critical nature of controlling the junction at Kekionga and the pacification of the Indian nations of northwest Ohio and northern Indiana is a lesser known story of American history. Yet it is extremely important. Few have told it as well as historian John Ankenbruck of Fort Wayne. In one of his numerous books, Five Forts. He discusses the humiliating defeat of General Josiah Harmar at what is now Fort Wayne. Harmar destroyed the villages at Miamitown (Kekionga), and then, after two days, moved his army to Chillicothe (a Shawnee town today located about where Anthony Boulevard crosses the Maumee). Other soldiers were sent northwest toward suspected villages at Eel River. The Indians were hidden in an area near where U.S. 33 crosses Eel River. The troops were ambushed, with only 6 regulars surviving (22 regulars and 9 militia were killed). Harmar then burned the Shawnee town, and marched southeast to camp near the present-day town of Hoagland. Upon hearing that the Indians had come back to Miamitown, Harmar sent 500 troops back up to the Indian villages. Mounted riflemen crossed the St. Mary's at about where motorists today go over the Spy Run Bridge. They hoped to catch the Indians by surprise from the rear but instead Little Turtle nearly

wiped out the soldiers as they attempted to cross the river. Some 300 survivors made it back (183 had been killed).

It was clear that the United States Government wanted a permanent stronghold at Kekionga. After Harmar's failure, the Governor of the Northwest Territory—General Arthur St. Clair—decided that he, himself, would lead the army to seize this junction.

General St. Clair, with his army of 2000 men, steadily moved north toward the junction of the three rivers. At Fort Recovery he prepared to launch his final push to what is now Fort Wayne the next day. That night Miami War Chief Little Turtle led a confederacy of Indian nations—Miami, Shawnee, Delaware, Ottawa, Wyandot, Potawatomi,and Kickapoo—into the area. What followed was the most complete defeat of any sizable unit in the history of American arms. Little Turtle achieved what no one has done before or since. The surprise was so complete that a retreat was ordered. The retreat turned into a rout. 632 soldiers died that day. 1,000 died during the campaign. It was time for Anthony Wayne. John Ankenbruck here lays out the importance of selecting Anthony Wayne as commander.

Anthony Wayne then decided to make certain this did not happen again. Ankenbruck describes the building of Fort Wayne.

ANTHONY WAYNE BUILDS FORT WAYNE

''The President of the United States by the advice and consent of the Senate has appointed you Major General and of course commanding officer of the troops in the service of the United States.''

Maj Anthony Wayne received the notice April 12, 1792, in a letter from Secretary of War Henry Knox. It may have been the most important single act leading to the defeat of the Indians of the Old Northwest and eventual construction of a permanent fortification at the headwaters of the Maumee.

Wayne was not Washington's first choice for the job. Though the President had a high regard for Wayne's Revolutionary War record and his military astuteness; he thought differently about Wayne's more personal qualities. It seems that Washington considered Wayne's ego insufferable and was annoyed with some of his habits—which included frequent night-long drinking parties and some marital infidelities.

But Washington's several favored candidates for the job were from Virginia. This made them politically unacceptable because there was already criticism due to the large number of high public officials from that state. Wayne's being from Pennsylvania was, in this instance an asset. It should be noted that Wayne was not only being named to head the campaign against the Indians, but was also commander of the entire army of the United States, such as it was.

In the notice of appointment, Knox also told Wayne, ''I enclosed you the Act of Congress relative to the military establishment.'' That act was the result of fear which swept eastward from the frontier lands to the capital cities.

At sundown on Sept. 17, 1794, Anthony Wayne and his army of 3,500 men arrived at the source of the Maumee River—the future site of Fort Wayne.

They came along the north bank, dragging wagons along the newly-cut road through the wilderness. Scouting parties ranged the entire area, moving back and forth between the marching troops and obscure points in the forest. There was the sound of horses and the curses of men as increasing numbers made their laborious way into the clearing.

Otherwise, there was a deathly quiet about the place—for a hundred years known as Miamitown. Numerous Indian dwellings stood just north of the Maumee. on either side of the St. Joseph River. They were all empty. Rough timber houses and storage buildings, belonging to both French traders and Indians, were here and there near the river banks. These too were empty and abandoned.

The sky was overcast and a damp chill wind blew from the west. Mad Anthony Wayne rode his horse slowly through the Kekionga village and its hundreds of Indian houses as far as the remains of old French Fort Miami which still stood on the east side of the St. Joseph.

This was the village of Le Gris, the old Miami Chief, and was usually considered the largest concentration of hostile Indians in the Northwest Territory. The chiefs of the Wabash and Lake Erie villages would tell American negotiators that they would have to go to see Le Gris if they wanted any answers as to the intentions of the Miami Confederacy.

Le Gris, at the moment of Wayne's examination of Kekionga, was some 40 miles to the north in the lake country where he had taken his entire village population. He remained, as he had for half a century, the implacable enemy of intruders into the land of the Miamis.

Wayne then crossed to the west side of the St. Joseph where another village stood empty and quiet. This was the village of Pacan, the uncle of the Miami Warchief Little Turtle. It was here that most of the traders' houses were located—some fairly large and well-fitted, considering the remoteness, and others just one-room huts of rough logs with bark and hide roofs.

Wayne decided against either of the village locations for his encampment and fort. He ordered the legion to build temporary protection on the high ground just southwest of the confluence of the rivers. The position commanded a good view of the Maumee River.

One of Wayne's officers, Capt. John Cooke of Pennsylvania, said the army marched 13 or 14 miles on that day before reaching the Miami villages. ''We halted more than two hours near the ground where a part of Harmar's army was defeated and directly opposite the point by the St. Joseph and St. Mary's Rivers, until the ground was reconnoitered. It was late when the army crossed and encamped; our tents were not all pitched before dark.''

The soldiers of Wayne's army continued to flow in from the east. The first night and morning of the American presence at the site of Fort Wayne was described by a Private Bryant. ''The road, or trace, was in very bad condition, and we did not reach our point of destination until late in the evening. Being very tired, and having no duty to perform, I turned in as soon as possible, and slept soundly until the familiar tap of reveille called us up, just as the bright sun, the first time for weeks, was breaking over the horizon.

''After rubbing my eyes and regaining my faculties sufficiently to realize my whereabouts, I think I never saw a more beautiful spot and glorious sunrise.

''I was standing on that high point of land overlooking the valley on the opposite shore of the Maumee, where the St. Mary's, the sheen of whose waters were seen at intervals through the autumn-tinted trees, and the limpid St. Joseph quietly wending its way from the north, united themselves in one common stream that calmly flowed beneath.''

The private's tranquility didn't last long. The general soon ordered breast works to be thrown up around the compound to ward off any possible attacks by the Indians. These were made of earth and required forced digging on the part of most of the men. Others, largely Kentucky horsemen, began the systematic destruction of the villages. Fire swept across the some 500 acres of cleared area. Every building was leveled. Every crop was cut down. The decimation spread in a wider circle. The Delaware village several miles up the St. Mary's was burnt out, as were the Ottawa village some distance up the St. Joseph and any remaining Shawnee dwellings down the Maumee.

Wayne kept watch for Indian raiders, but the only people to arrive on that first morning were four deserters from the British Fort Miami on the lower Maumee.

The good feeling that Anthony Wayne had in so easily taking control of the Miamitown area didn't last long.

Wayne sent a message to the War Department complaining of the ''powerful obstacles'' to his completing his mission—the need for supplies and expirations of terms of service. ''In the course of six weeks from this day, the First and Second Sublegions will not form more than two companies each, and between this and the middle of May, the whole Legion will be merely annihilated so that all we now possess in the Western Country must inevitably be abandoned unless some effectual and immediate measures are adopted by Congress to raise troops to garrison them.''

Wayne had originally hoped to build a major fortification at Miamitown. But again, several circumstances were working against his plans.

''I shall begin a fort at this place as soon as the equinoctial storm is over which at the moment is very severe, attended with a deluge of rain—a circumstance that renders the situation of the soldiery very distressing, being upon short allowance, thinly clad and exposed to the inclemency of the weather.

''I shall at all events by under the necessity of contracting the fortification considerably from the dimensions contemplated in your instructions to me of the 25th of May, 1792, both for the want of time as well as for want to force to garrison it.''

This division among the various Indian tribes was to become a permanent condition. They would never again unite as they had done in the Miami Confederacy under Chief Little Turtle. Because of this, Wayne was able to take complete control of the Old Northwest for the United States. That in turn eventually led to the expansion westward to the Pacific Coast.

As the Indian groups began to break up, some returned to their villages, others migrated to Canada. Some, particularly the Miamis and Shawnees, went after the supply trains of Wayne's army, and any stragglers they could find.

Erection of the first American fort at the three rivers was begun Sept. 24, 1794—seven days after the arrival of General Anthony Wayne.

Many in the army of 3,500 men had been toiling for several days in the mud, cutting timbers of oak and walnut for the walls of the stockade. ''This day the work commenced on the garrison, which I am apprehensive will take some time to complete,'' reported Wayne at the time.

But there were some semblances of normal life during those first few days of the Americans at the confluence of the three rivers. Several of the men built a fish dam across part of the Maumee—presumably to supplement the meager food supplies.

The fourth day after arrival was Sunday, Sept. 21, 1794. ''We attended divine service,'' wrote Cooke. ''The sermon was delivered by Rev. David Jones, chaplain. Mr. Jones chose for his text, Romans 8:31: 'But what shall we then say to these things? If God is for us, who can be against us?'' This was the first time the army had been called together for

the purpose of attending divine service since I joined it.''

Wayne continued to hold his troops under an iron rein, but that didn't prevent carping on the part of many. Lt. William Clark reported ''The ground cleared for the garrison just below the confluence of the St. Joseph and St. Mary's. The situation is tolerably elevated and has a ready command of the two rivers. I think it much to be lamented that the commander-in-chief is determined to make this fort a regular fortification, as a common picketed one would be equally as difficult against the savages.''

This is the same Clark who a few years later would be part of the Lewis and Clark expedition to the Pacific. He was the younger brother of George Rogers Clark, the Virginian who specialized in brutal sweeps across the Ohio at Indian villages Wayne had put an end to most of that sort of plundering.

The shadows of fear, death and recklessness growing out of despair stalked American soldiers during the building of the fort at Miamitown.

Col. John Hamtramck said to a friend at the time, ''The old man really is mad,'' referring to the commander, Anthony Wayne.

Wayne was sitting on a powder keg of problems, but he was in control. He was not mad. Deep in the wilderness with an army too remote for help of any sort, sometimes at starvation levels, surrounded by hostile warriors, and with some of his own officers trying to do him in, the general became harsh and moody.

Wayne pressed harder for rapid completion of the fort. Every man in the regular army was pressed into construction work when ''not actually on guard or other duty.'' The Kentucky militiamen were given the job of getting the supplies through.

But the difficulties still multiplied. It became common knowledge among the men that Le Gris, the old Miami chief, had moved back into the vicinity. Le Gris and his hungry warriors watched every move in and out of the fort, looking for any chance or weakness.

Wayne was not worried about Le Gris attacking the fort. The general knew from his spies that Little Turtle and most of the other chiefs and warriors were still in the Lake Erie area.

But fear gradually took hold of the militiamen whose duty it was to convoy supply trains through the wilderness. On every trip, several of their number would likely disappear. The multilated bodies of others found along the trails were in each militiaman's nightmares.

Lieutenant Boyer reported ''the volunteers appeared to be uneasy and have refused to do duty. They are ordered by the commander-in-chief to march tomorrow for Greeneville to assist the packhorses, which I am told they are determiend not to do.''

On the next morning the volunteers refused to move out. They were threatened with punishment and loss of all their pay. They finally were coerced into one more convoy trip.

Wayne came to the conclusion at this time that it would be better to send the entire 1,500-man militia back home. He could not afford an insurrection at his remote post. Thought he needed guards for supply trains, the additional forces were a supply problem in themselves, and a danger to the mission.

He wrote to Secretary of War Henry Knox on October 17. ''The mounted volunteers of Kentucky marched from this place on the morning of the 14th for Fort Washington, where they are to be mustered and discharged. The conduct of both officers and men of this corps in general has been better than any militia, I have heretofore seen in the field for so great a length of time. But it would not do to retain them any longer, although our present situation as well as the term for which they were enrolled would have justified their being continued in service until November 14.''

Wayne did not like volunteer armies. ''The enclosed estimate,'' he said, ''will demonstrate the mistaken policy and bad economy of substituting mounted volunteers in place of regular troops. Unless effectual measures are immediately adopted by both Houses of Congress for raising troops to garrison the western posts, we have fought, bled and conquered in vain.''

Wayne, from his headquarters at Miamitown, warned that without added soldiers and extended service of his legion the vast wilderness would ''again become a range for the hostile Indians of the West'' and ''a fierce and savage enemy'' would sweep down on pioneers as far as the Ohio River and beyond.

Fort Wayne was dedicated on Oct. 22, 1794.

The days leading up to the event were hard and busy, but both men and whisky held out. The weather, which had been peculiarly bad for October in the vicinity, finally moderated.

Earlier, on Oct. 4, General Anthony Wayne had reported ''This morning we had the hardest frost I ever saw. There was ice in our camp kettles three-fourths of an inch thick.'' But things were better later in the month.

Finally, on Oct. 21, Wayne ordered a halt to work on the nearly-completed stockade and surrounding buildings. He placed Col. John Hamtramck in charge of the companies which were to garrison the fort, making him in effect, commander.

On the following morning, there was more than the usual stir about the place. ''Colonel Hamtramck marched the troops to the garrison at 7 a.m.,'' reported captain John Cooke. ''After a discharge of 15 guns, he named the fort by a garrison order, 'Fort Wayne.' He then marched his command into it.''

Others present reported that the ''15 guns'' were rounds of cannon fire which echoed across the three rivers. Though Hamtramck is usually credited with naming the fort, he actually was simply reading orders, handed to him by Anthony Wayne. The name of the stockade was previously determined during correspondence between Wayne and the War Department.

After the reading of the speech and the running up of the Stars and Stripes, there was a volley of three cheers from the assembled troops. General Wayne had stood at a reviewing place near the flag pole during most of the parade and ceremony. By 8 a.m. the deed was done.

It was four years to the day since that earlier morning when the Miami Indians under Little Turtle and Le Gris cut down the troops of General Josiah Harmar as they attempted to cross the Maumee. The place of that past disaster to the U.S. Army was in clear view of the new fort on the slight hill just southwest of the confluence of the three rivers.

Following the dedication of Fort Wayne, the general almost immediately began to prepare for his own departure and the extending of the military hold on the Northwest Territory.

This was not the only fort. The third fort, the most sturdy and what was reconstructed in Fort Wayne, was Whistler's fort. Here is Ankenbruck's description of that fort.

MAJOR JOHN WHISTLER AND THE THIRD U.S. FORT AT FORT WAYNE

''Whistler's Mother'' was not born in Fort Wayne; but his father was.

The painter's family were people of accomplishment long before James A. M. Whistler made his mark in the art world, and much of their early story is linked with Fort Wayne.

The artist's grandfather, John Whistler, was the builder of the last military stronghold at Fort Wayne. This stockade, usually called ''Whistler's Fort'' was started in 1815 and completed the following year. Major John Whistler was commandant here at that time, having assumed the post in 1814.

Like many of the army officers of the era, Major Whistler was a veteran of the Revolutionary War—only with one essential difference. He fought on the British side.

A native of Ulster, Northern Ireland, he first came over with the army of Burgoyne which invaded the U.S. from Canada and was defeated by forces under Benedict Arnold. Later, Whistler returned to the U.S. and joined the American army. He was an adjutant under General Arthur St. Clair when that expeditionary force met disaster at the hands of Indians under Little Turtle in 1791. Whistler was severely wounded in that battle.

Actually, Whistler had a hand in building all three forts at the three rivers, plus Fort Dearborn at the present site of Chicago. As a lieutenant, he came with Wayne to construct the first fort in 1794. Whistler, later when a captain, was a special officer at Fort Wayne for the building of the Second stockade. That was in 1800 during the commandancy of Colonel Thomas Hunt.

It was in that same year that John Whistler and his wife, Ann, had a baby boy whom they named George Washington Whistler. This boy, the father of the artist, later graduated from West Point and became one of the major railroad building engineers of the age in the U.S., and eventually headed railroad construction in Czarist Russia, dying in St. Petersburg in 1849. His son, the painter, also attended West Point before going to Paris and a life in the art world of the 19th Century.

Major Whistler's final assignment at Fort Wayne followed service at Detroit, Fort Dearborn and several Ohio posts. He and his wife, two daughters and son came up the St. Mary's River in 1814 to take up residence in the stockade. During the following year, construction was started on a new military post of rather imposing appearance. The plans for the fort are still in existence. It measured close to two football fields side by side, being about 100 yards square, and parts of the timber structure were more than 40 feet high. The approximate location was in the vicinity of the intersection of Main and Clay Sts.

The Battle of Fallen Timbers, in which General Anthony Wayne routed a confederacy of Indian nations near Toledo, Ohio and then marched back down the Maumee to secure the critical portage at the three rivers at Kekionga by building Fort Wayne, has been called one of the three pivotal battles in American history. Yorktown cinched independence for the United States, Fallen Timbers secured western expansion, and Gettysburg was the decisive battle that keep us united.

The Battle of Tippecanoe in which General William Henry Harrison defeated Indians associated with the Prophet was not as decisive (battles continued on through the War of 1812) but was important symbolically. In fact, it not only led to a series of treaties in Indian including two at Fort Wayne in which Indian nations forcibly ceded lands, but ultimately led to the slogan ''Tippecanoe and Tyler'' too that elected Harrison President of the United States.

In Volume I of The Hoosier State: Readings in Indiana History by Ralph Gray there are many excellent articles on Indiana history. What follows are two accounts of the Battle of Tippecanoe and one short article on Harrison, Tecumseh and the War of 1812.

TECUMSEH, HARRISON, AND THE WAR OF 1812

(By Marshall Smelser)

From ''Tecumseh, Harrison, and the War of 1812,'' *Indiana Magazine of History*, LXV (March 1969), 25, 28, 30–31, 33, 35, 37–39. Copyright © 1969 by the Trustees of Indiana University. Reprinted by permission.

The story is the drama of the struggle of two of our most eminent predecessors, William Henry Harrison of Grouseland, Vincennes, and Tecumseh of the Prophet's town, Tippecanoe.

It is not easy to learn about wilderness Indians. The records of the Indians are those kept by white men, who were not inclined to give themselves the worst of it. Lacking authentic documents, historians have neglected the Indians. The story of the Indian can be told but it has a higher probability of error than more conventional kinds of history. To tell the tale is like reporting the weather without scientific instruments. The reporter must be systematically, academically skeptical. He must read between the lines, looking for evidence of a copper-colored ghost in a deerskin shirt, flitting through a green and bloody world where tough people died from knives, arrows, war clubs, rifle bullets, and musket balls, and where the coming of spring was not necessarily an omen of easier living, but could make a red or white mother tremble because now the enemy could move concealed in the forest. But the reporter must proceed cautiously, letting the facts shape the story without prejudice.

. . . [O]ur story is a sad and somber one. It shows men at their bravest. It also shows men at their worst. We are dealing with a classic situation in which two great leaders—each a commander of the warriors of his people—move inexorably for a decade toward a confrontation which ends in the destruction of the one and the exaltation of the other. Tecumseh, a natural nobleman in a hopeless cause, and Harrison, a better soldier than he is generally credited with being, make this an Indian story, although the last two acts of their tragedy were staged in Ohio and in Upper Canada. To understand why this deadly climax was inevitable we must know the Indian policy of the United States at that time; we must know, if we can, what the Indians thought of it; and we must know something about the condition of the Indians.

The federal government's Indian policy was almost wholly dedicated to the economic and military benefit of white people. When Congress created Indiana Territory, the United States was officially committed to educate and civilize the Indians. The program worked fairly well in the South for a time. Indiana Territory's Governor Harrison gave it an honest trial in the North, but the problems were greater than could be solved with the feeble means used. The management of Indian affairs was unintelligently complicated by overlapping authorities, a confused chain of command, and a stingy treasury—stingy, that is, when compared with the treasury of the more lavish British competitors for Indian favor. More to the point, most white Americans thought the Indians should be moved to the unsettled lands in the West. President Jefferson, for awhile, advocated teaching agriculture to the Indians, and he continued the operation of federal trading posts in the Indian country which had been set up to lessen the malevolent influence of private traders. These posts were successful by the standards of cost accounting, but they did nothing to advance the civilization of the Indian. Few white people wished the Indians well, and fewer would curb their appetites for fur and land just to benefit Indians.

The conflict between whites and Indians was not simple. The Indians were neither demons nor sculptured noble savages. They were not the single people Tecumseh claimed but were broken into fragments by language differences. Technologically they were farther behind the Long Knives—as the Indians called the frontiersmen—than the Gauls who died on Caesar's swords were behind the Romans. But they had a way of life that worked in its hard, cruel fashion. In the end, however, the Indian way of life was shattered by force; and the Indians lost their streams, their corn and bean fields, their forests.

Comparatively few white residents of the United States in 1801 had ever seen an Indian. East of the Mississippi River there were perhaps seventy thousand Indians, of whom only ten thousand lived north of the Ohio River. They were bewildered pawns of international politics, governed by the French to 1763, ruled in the name of George III of England to 1783, and never consulted about the change of sovereigns. As Governor Harrison himself said, they disliked the French least, because the French were content with a congenial joint occupation of the wilds while the white Americans and British had a fierce sense of the difference between mine and thine. The governor admitted the Indians had genuine grievances. It was not likely, for example, that a jury would convict a white man charged with murdering an Indian. Indians were shot in the forest north of Vincennes for no reason at all. Indians, Harrison reported, punished Indians for crimes against Long Knives, but the frontiersmen did not reciprocate. But the worst curse visited on the Indians by the whites was alcohol. Despite official gestures at prohibition, alcohol flowed unchecked in the Indian territory. Harrison said six hundred Indian warriors on the Wabash received six thousand gallons of whiskey a year. That would seem to work out to fifth of whisky per week per family, and it did not come in a steady stream, but in alternating floods and ebbs.

Naturally Indian resentment flared. Indian rage was usually ferocious but temporary. Few took a long view. Among those who did were some great natural leaders, Massasoit's disillusioned son King Philip in the 1670s, Pontiac in the 1760s, and Tecumseh. But such leaders invariably found it hard to unite the Indians for more than a short time; regardless of motive or ability, their cause was hopeless. The Indians were a Stone Age people who depended for good weapons almost entirely on the Long Knives or the Redcoats. The rivalry of Britian and the United States made these dependent people even more dependent. Long Knives supplied whisky, salt, and tools. Redcoats supplied rum, beef, and muskets. The Indians could not defeat Iron Age men because these things became necessities to them, and they could not make them for themselves. But yielding gracefully to the impact of white men's presence and technology was no help to the Indians. The friendly Choctaw of present Mississippi, more numerous than all of the northwestern tribes together, were peaceful and cooperative. Their fate was nevertheless the same as the fate of the followers of King Philip, Pontiac, and Tecumseh.

The Indians had one asset—land. Their land, they thought, belonged to the family group so far as it was owned at all. No Indian had a more sophisticated idea of land title than that. And as for selling land, the whites had first to teach them that they owned it and then to teach them to sell it. Even then, some Indians very early developed the notion that land could only be transferred by the unanimous consent of all tribes concerned rather than through negotiations with a single tribe. Indian councils declared this policy to the Congress of the United States in 1783 and in 1793. If we follow James Truslow Adams' rule of thumb that an Indian family needed as many square miles of wilderness as a white family needed plowed acres, one may calculate that the seventy thousands Indians east of the Mississippi needed an area equal to all of the Old Northwest plus Kentucky, if they were to live the primitive life of their fathers. Therefore, if the Indians were to live as undisturbed primitives, there would be no hunting grounds to spare. And if the rule of unanimous land cessions prevailed, there would be no land sales so long as any tribal leader objected. Some did object, notably two eminent Shawnee: Tecumseh, who believed in collective bargaining, and his brother, the Prophet, who also scorned the Long Knives' tools, his whisky, and his civilization. Harrison dismissed the Prophet's attack on land treaties as the result of British influence, but collective conveyance was an old idea before the Shawnee medicine man took it up. The result of the federal government's policy of single tribe land treaties was to degrade the village chiefs who made the treaties and to exalt the angry warrior chiefs, like Tecumseh, who denounced the village chiefs, corrupted by whisky and other gifts, for selling what was not theirs to sell.

By the time he found his life work Tecumseh was an impressive man, about five feet nine inches tall, muscular and well proportioned, with large but fine features in an oval face, light copper skin, excellent white teeth, and hazel eyes. His carriage was imperial, his manner energetic, and his temperament cheerful. His dress was less flashy than that of many of his fellow warriors. Except for a silver mounted tomahawk, quilled moccasins, and, in war, a medal of George III and a plume of ostrich feathers, he dressed simply in fringed buckskin. He knew enough English for ordinary conversation, but to assure accuracy he was careful to speak only Shawnee in diplomacy. Unlike many Indians he could count, at least as far as eighteen (as we know by his setting an appointment with Harrison eighteen days after opening the subject of a meeting). Military men later said he had a good eye for military topography and could extemporize crude tactical maps with the point of his knife. He is well remembered for his humanity to prisoners, being one of the few Indians of his day who disapproved of torturing and killing prisoners of war. This point is better documented than many other aspects of his character and career.

The Prophet rather than Tecumseh first captured the popular imagination. As late as 1810 Tecumseh was being referred to in official correspondence merely as the Prophet's brother. The Shawnee Prophet's preaching had touches of moral grandeur: respect for the aged, sharing of material goods with the needy, monogamy, chastity, and abstinence from alcohol. He urged a return to the old Indian ways and preached self-segregation from the white people. But he had an evil way with dissenters, denouncing them as witches and having several of them roasted alive. . . .

One of the skeptics unconverted by the Prophet and unimpressed by the divinity of his mission was Indiana Territory's first governor, William Henry Harrison, a retired regular officer, the son of a signer of the Declaration of Independence, appointed governor at the age of twenty-eight. Prudent, popular with Indians and whites, industrious, and intelligent, he had no easy job. He had to contend with land hunger, Indian resentments, the excesses of Indian traders, and with his constant suspicion of a British web of conspiracy spun from Fort Malden. The growing popularity of the Prophet alarmed Harrison, and early in 1806 he sent a speech by special

messenger to the Delaware tribe to try to refute the Prophet's theology by Aristotelian formal logic. Harrison was not alone in his apprehensions. In Ohio the throngs of Indian pilgrims grew larger after the Prophet during the summer of 1806 correctly predicted an eclipse of the sun (forecast, of course, in every almanac) and took credit for it. A year later, when reports indicated the number of the Prophet's followers was increasing, the governor of Ohio alerted the militia and sent commissioners to investigate. They heard Blue Jacket deny any British influence on the Indians. At another meeting later at Chillicothe, Tecumseh denounced all land treaties but promised peace. The governor of Ohio was temporarily satisfied, although Harrison still thought the Prophet spoke like a British agent and told the Shawnee what he thought. But in the fall of 1807 there was no witness, however hostile, who could prove that either Tecumseh or the Prophet preached war. On the contrary, every reported sermon and oration apparently promised peace. An ominous portent, however—at least in Harrison's eyes—was the founding of the Prophet's town on the Tippecanoe River, in May, 1808.

The Prophet visited Harrison at Vincennes late in the summer of 1808 to explain his divine mission to the incredulous young governor. Privately, and grudgingly, Harrison admitted the Prophet had reduced drunkenness, but he persisted in his belief that the Shawnee leader was a British agitator. The Prophet went to Vincennes again in 1809 and boasted of having prevented an Indian war. Harrison did not believe him. There is good evidence that in June, 1810, Tecumseh tried unsuccessfully to persuade the Shawnee of the Maumee Basin to move west in order to clear the woods for war. When Harrison learned this he sent a message to the Prophet's town. The ''Seventeen Fires,'' he said, were invincible. The Redcoats could not help the Indians. But if the Indians thought the New Purchase Treaty made at Fort Wayne in 1809 was fraudulent, Harrison would arrange to pay their way to visit the President, who would hear their complaint. Tecumseh privately said he wished peace but could be pushed no farther. These rumblings and tremors of 1810 produced the first meeting of our two tragic protagonists.

Tecumseh paddled to Vincennes with four hundred armed warriors in mid August, 1810. In council he denounced the New Purchase Treaty and the village chiefs who had agreed to it. He said the warrior chiefs would rule Indian affairs thereafter. Harrison flatly denied Tecumseh's theory of collective ownership and guaranteed to defend by the sword what had been acquired by treaty. This meeting of leaders was certainly not a meeting of minds. A deadlock had been reached. A cold war had been started. During the rest of 1810 Harrison received nothing but bad news. The secretary of war suggested a surprise capture of the Shawnee brothers. Indians friendly to the United States predicted war. The governor of Missouri reported to Harrison that the Prophet had invited the tribes west of the Mississippi to join in a war, which was to begin with an attack against Vincennes. The Indians around Fort Dearborn were disaffected and restless. A delegation of Sauk came all the way from Wisconsin to visit Fort Malden. Two surveyors running the New Purchase line were carried off by the Wea.

In the summer of 1811 Tecumseh and about three hundred Indians returned to Vincennes for another inconclusive council in which neither he nor the governor converted the other. Tecumseh condescendingly advised against white settlement in the New Purchase because many Indians were going to settle at the Prophet's town in the fall and would need that area for hunting. Tecumseh said he was going south to enroll new allies. It is important to our story that Tecumseh was absent from Indiana in that autumn of crisis. Aside from this we need note only that on his southern tour he failed to rouse the Choctaw, although he had a powerful effect on the thousands of Creek who heard his eloquence.

At this point it is important to note Governor Harrison's continuing suspicion that Tecumseh and the Prophet were British agents, or at least were being stirred to hostility by the British. British official correspondence shows that Fort Malden was a free cafeteria for hungry Indians, having served them seventy-one thousand meals in the first eleven months of 1810. The correspondence also shows that Tecumseh, in 1810, told the British he planned for war in late 1811, but indicates that the British apparently promised him nothing.

The year 1811 was a hard one for the Indians because the Napoleonic wars had sharply reduced the European market for furs. The Indians were in a state that we would call a depression. And we should remember that while Tecumseh helped the British in the War of 1812 it was not because he loved them. To him the British side was merely the side to take against the Long Knives.

In June and July of 1811 Governors William Hull of Michigan Territory and Harrison of Indiana Territory sent to the secretary of war evaluations of the frontier problems. Hull's was narrowly tactical, pessimistic, and prophetic of the easy conquest of Michigan if the British navy controlled Lake Erie. Harrison's, although in fewer words, was broadly strategic and more constructive: the mere fact of an Indian confederation, friendly to the British and hostile to the Long Knives, was dangerous; the Prophet's town (hereafter called Tippecanoe) was ideally located as a base for a surprise downstream attack on Vincennes, was well placed as a headquarters for more protracted warfare, and was linked by water and short portages with all the northwestern Indians; the little known country north of Tippecanoe, full of swamps and thickets, could easily be defended by natives, but the power of the United States could be brought to bear only with the greatest difficulty. Early in August, 1811, Harrison told the War Department he did not expect hostilities before Tecumseh returned from the South, and that in the meantime he intended to try to break up Tecumseh's confederacy, without bloodshed if possible. On their side, the Indians told the British they expected some deceitful trick leading to their massacre.

The military details of the Battle of Tippecanoe need not be exhausted here. Harrison's forces moved up the Wabash and arrived at Tippecanoe on November 6, 1811. When Harrison was preparing to attack, he was met by emissaries from the Prophet. Both sides agreed to a council on the next day. The troops encamped with correctly organized interior and exterior guards. Here the story diverges into two versions. White writers have said the Indians intended to confer, to pretend falsely to agree to anything, to assassinate Harrison, and to massacre the little army. They allege the Prophet had promised to make the Indians bullet proof. A Kickapoo chief later said to British officers that a white prisoner the Indians had captured told them Harrison intended to fight, not to talk. At any rate, the shooting started at about four in the morning, an unfortunate moment for the Indians because that was the hour of ''stand to'' or ''general quarters'' in the white army. Curious Indians in the brush were fired on by sentries. The Indians then killed the sentries. It was then, and only then, the Indians said, that they decided to fight. The battle lasted until mid morning, when the Indians ran out of arrows and bullets and fled. A detachment of Harrison's troops then burned the deserted village and the winter corn reserve of the Shawnee. Two days later the troops withdrew. The depth of the cleavage between Indians and whites is shown by the fact that the Potowatomi Chief Winnemac, Harrison's leading Indian adviser, came up the river with the troops but fought on the side of his bronze brethren. Harrison had 50 Kentucky volunteers, 250 United States infantry, and several hundred Indiana militia, who had been trained personally by him. Reports of losses vary. Indians admitted to losing 25 dead, but soldiers counted 38 dead Indians on the field. This was the first time in northwestern warfare that a force of whites of a size equal to the redmen had suffered only a number of casualties equal to those of their dusky enemies. Heretofore whites in such circumstances had lost more than the redmen had lost. Estimates of Indians in the fighting range from 100 to 1,000. Six hundred would probably be a fair estimate.

As battles go, Tippecanoe cannot be compared with Fallen Timbers in 1794 or Moraviantown in 1813, but it was politically and diplomatically decisive. Its most important effect was to divide the tribes in such a way as to make Tecumseh's dream fade like fog in the sun.

AN EYEWITNESS ACCOUNT OF TIPPECANOE

(By Judge Isaac Naylor)

I became a volunteer of a company of riflemen and, on September 12, 1811, we commenced our march towards Vincennes, and arrived there in about six days, marching one hundred and twenty miles. We remained there about one week and took up the line of march to a point on the Wabash river, where we erected a stockade fort, which we named Fort Harrison. This was two miles above where the city of Terre Haute now stands. Col. Joseph H. Daviess, who commanded the dragoons, named the fort. The glorious defense of this fort nine months after by Capt. Zachary Taylor was the first step in his brilliant career that afterward made him President of the United States. A few days later we took up our line of march for the seat of the Indian warfare, where we arrived on the evening of November 6, 1811.

When the army arrived in view of Prophet's Town, an Indian was seen coming toward General Harrison, with a white flag suspended on a pole. Here the army halted, and a parley was had between General Harrison and an Indian delegation who assured the General that they desired peace and solemnly promised to meet him the next day in council to settle the terms of peace and friendship between them and the United States.

Having seen a number of squaws and children at the town, I thought the Indians were not disposed to fight. About ten o'clock at night, Joseph Warnock and myself retired to rest.

I awoke about four o'clock the next morning, after a sound and refreshing sleep. In a few moments I heard the crack of a rifle in the direction of the point where now stands the Battle Ground House. I had just time to think that some sentinel was alarmed and fired his rifle without a real cause, when I heard the crack of another rifle, followed by an awful Indian yell all around the encampment. In less than a minute I saw the Indians charging our line most furiously and shooting a great many rifle balls into our camp fires, throwing the live coals into the air three or four feet high.

At this moment my friend Warnock was shot by a rifle ball through his body. He ran

a few yards and fell dead on the ground. Our lines were broken and a few Indians were found on the inside of the encampment. In a few moments they were all killed. Our lines closed up and our men in their proper places. One Indian was killed in the back part of Captain Geiger's tent, while he was attempting to tomahawk the Captain.

The sentinels, closely pursued by the Indians, came to the line of the encampment in haste and confusion. My brother, William Naylor, was on guard. He was pursued so rapidly and furiously that he ran to the nearest point on the left flank, where he remained with a company of regular soldiers until the battle was near its termination. A young man, whose name was Daniel Pettit, was pursued so closely and furiously by an Indian as he was running from the guard line to our lines, that to save his life he cocked his rifle as he ran and turning suddenly around, placed the muzzle of his gun against the body of the Indian and shot an ounce ball through him. The Indian fired his gun at the same instant, but it being longer than Pettit's the muzzle passed by him and set fire to a handkerchief which he had tied around his head. The Indians made four or five most fierce charges on our lines, yelling and screaming as they advanced, shooting balls and arrows into our ranks. At each charge they were driven back in confusion, carrying off their dead and wounded as they retreated.

Colonel Owen, Shelby County, Kentucky, one of General Harrison's aides, fell early in the action by the side of the General. He was a member of the legislature at the time of his death. Colonel Daviess was mortally wounded early in the battle, gallantly charging the Indians on foot with sword and pistols according to his own request. He made this request three times before General Harrison would permit it. This charge was made by himself and eight dragoons on foot near the angle formed by the left flank and front line of the encampment. Colonel Daviess lived about thirty-six hours after he was wounded, manifesting his ruling passion in life—ambition, and a patriotism and ardent love of military glory.

Captain Spencer's company of mounted riflemen composed the right flank of the army. Captain Spencer and both of his lieutenants were killed. John Tipton was elected and commissioned captain of his company in one hour after the battle, as reward for his cool and deliberate heroism displayed during the action. He died at Logansport in 1839, having been twice elected Senator of the United States from Indiana.

The clear, calm voice of General Harrison was heard in words of heroism in every part of the encampment during the action. Colonel Boyd behaved very bravely after repeating these words: ''Huzza! My sons of gold, a few more fires and victory will be ours!''

Just after daylight the Indians retreated across the prairie toward their own town, carrying off their wounded. This retreat was from the right flank of the encampment, commanded by Captains Spencer and Robb, having retreated from the other portions of the encampment a few minutes before. As their retreat became visible, an almost deafening and universal shout was raised by our men. ''Huzza! Huzza! Huzza!'' This shout was almost equal to that of the savages at the commencement of the battle; ours was the shout of victory, theirs was the shout of ferocious but disappointed hope.

The morning light disclosed the fact that the killed and wounded of our army, numbering between eight and nine hundred men, amounted to one hundred and eight. Thirty-six Indians were found near our lines. Many of their dead were carried off during the battle. This fact was proved by the discovery of many Indian graves recently made near their town. Ours was a bloody victory, theirs a bloody defeat.

Soon after breakfast an Indian chief was discovered on the prairie, about eighty yards from our front line, wrapped in a piece of white cloth. He was found by a soldier by the name of Miller, a resident of Jeffersonville, Indiana. The Indian was wounded in one leg, the ball having penetrated his knee and passed down his leg, breaking the bone as it passed. Miller put his foot against him and he raised up his head and said: ''Don't kill me, don't kill me.'' At the same time, five or six regular soldiers tried to shoot him, but their muskets snapped and missed fire. Maj. Davis Floyd came riding toward him with dragoon sword and pistols and said he would show them how to kill Indians, when a messenger came from General Harrison commanding that he should be taken prisoner. He was taken into camp, where the surgeons dressed his wounds. Here he refused to speak a word of English or tell a word of truth. Through the medium of an interpreter he said that he was coming to the camp to tell General Harrison that they were about to attack the camp. He refused to have his leg amputated, though he was told that amputation was the only means of saving his life. One dogma of Indian superstition is that all good and brave Indians, when they die, go to a delightful region, abounding with deer, and other game, and to be a successful hunter he should have his limbs, his gun and his dog. He therefore preferred death with all his limbs to life without them. In accordance with his request he was left to die, in company with an old squaw, who was found in the Indian town the next day after he was taken prisoner. They were left in one of our tents. At the time this Indian was taken prisoner, another Indian, who was wounded in the body, rose to his feet in the middle of the prairie and began to walk towards the wood on the apposite side. A number of regular soldiers shot at him but missed him. A man who was a member of the same company with me, Henry Huckleberry, ran a few steps into the prairie and shot an ounce ball through his body and he fell dead near the margin of the woods. Some Kentucky volunteers went across the prairie immediately and scalped him, dividing his scalp into four pieces, each one cutting a hole in each piece, putting the ramrod through the hole, and placing his part of the scalp just behind the first thimble of his gun, near its muzzle. Such was the fate of nearly all of the Indians found dead on the battle-ground, and such was the disposition of their scalps.

The death of Owen, and the fact that Daviess was mortally wounded with the remembrance also that a large portion of Kentucky's best blood had been shed by the Indians, must be their apology for this barbarous conduct. Such conduct will be excused by all who witnessed the treachery of the Indians and saw the bloody scenes of this battle.

Tecumseh being absent at the time of the battle, a chief called White Loon was the chief commander of the Indians. He was seen in the morning after the battle, riding a large white horse in the woods across the prairie, where he was shot at by a volunteer named Montgomery, who is now living in the southwest part of this State. At the crack of his rifle the horse jumped as if the ball had hit him. The Indian rode off toward the town and we saw him no more. During the battle The Prophet was safely located on a hill, beyond the reach of our balls, praying to the Great Spirit to give victory to the Indians, having previously assured them that the Great Spirit would change our powder into ashes and sand.

General Harrison, having learned that Tecumseh was expected to return from the south with a number of Indians whom he had enlisted in his cause, called a council of his officers, who advised him to remain on the battlefield and fortify his camp by a breastwork of logs, about four feet high. This work was completed during the day and all the troops were placed immediately behind each line of the work when they were ordered to pass the watchword from right to left every five minutes, so that no man was permitted to sleep during the night. The watchword on the night before the battle was ''Wide awake, wide awake.'' To me it was a long, cold, cheerless night.

On the next day the dragoons went to Prophet's Town, which they found deserted by all the Indians, except an old squaw, whom they brought into camp and left her with the wounded chief before mentioned. The dragoons set fire to the town and it was all consumed, casting up a brilliant light amid the darkness of the ensuing night. I arrived at the town when it was about half on fire. I found large quantities of corn, beans and peas. I filled my knapsack with these articles and carried them to the camp and divided them with the members of our mess, consisting of six men. Having these articles of food, we declined eating horse flesh, which was eaten by a large portion of our men.

CHIEF SHABONEE'S ACCOUNT OF TIPPECANOE

It was fully believed among the Indians that we should defeat General Harrison, and that we should hold the line of the Wabash and dictate terms to the whites. The great cause of our failure, was the Miamies, whose principal country was south of the river, and they wanted to treat with the whites so as to retain their land, and they played false to their red brethren and yet lost all. They are now surrounded and will be crushed. The whites will shortly have all their lands and they will be driven away.

In every talk to the Indians, General Harrison said:

''Lay down your arms. Bury the hatchet, already bloody with murdered victims, and promise to submit to your great chief at Washington, and he will be a father to you, and forget all that is past. If we take your land, we will pay for it. But you must not think that you can stop the march of white men westward.''

There was truth and justice in all that talk. The Indians with me would not listen to it. It was dictating to them. They wanted to dictate to him. They had counted his soldiers, and looked at them with contempt. Our young men said:

''We are ten to their one. If they stay upon the other side, we will let them alone. If they cross the Wabash, we will take their scalps or drive them into the river. They cannot swim. Their powder will be wet. The fish will eat their bodies. The bones of the white men will lie upon every sand bar. Their flesh will fatten buzzards. These white soldiers are not warriors. Their hands are soft. Their faces are white. One half of them are calico peddlers. The other half can only shoot squirrels. They cannot stand before men. They will all run when we make a noise in the night like wild cats fighting for their young. We will fight for ours, and to keep the pale faces from our wigwams. What will they fight for? They won't fight. They will run. We will attack them in the night.''

Such were the opinions and arguments of our warriors. They did not appreciate the great strength of the white men. I knew their great war chief, and some of his young men. He was a good man, very soft in his words to his red children, as he called us; and that made some of our men with hot heads mad. I listened to his soft words, but I looked into his eyes. They were full of fire.

I knew that they would be among his men like coals of fire in the dry grass. The first wind would raise a great flame. I feared for the red men that might be sleeping in this way. I, too, counted his men. I was one of the scouts that watched all their march up the river from Vincennes. I knew that we were like these bushes—very many. They were like these trees; here and there one. But I knew too, when a great tree falls, it crushes many little ones. I saw some of the men shoot squirrels, as they rode along, and I said, the Indians have no such guns. These men will kill us as far as they can see. ''They cannot see in the night,'' said our men who were determined to fight. So I held my tongue. I saw that all of our war chiefs were hot for battle with the white men. But they told General Harrison that they only wanted peace. They wanted him to come up into their country and show their people how strong he was, and then they would all be willing to make a treaty and smoke the great pipe together. This was what he came for. He did not intend to fight the Indians. They had deceived him. Yet he was wary. He was a great war chief. Every night he picked his camping ground and set his sentinels all around, as though he expected we would attack him in the dark. We should have done so before we did, if it had not been for this precaution. Some of our people taunted him for this, and pretended to be angry that he should distrust them, for they still talked of their willingness to treat, as soon as they could get all the people. This is part of our way of making war. So the white army marched further and further into our country, unsuspicious, I think, of our treachery. In one thing we were deceived. We expected that the white warriors would come up on the south bank of the river, and then we could parley with them; but they crossed far down the river and came on this side, right up to the great Indian town that Elskatawwa had gathered at the mouth of the Tippecanoe. In the meantime he had sent three chiefs down on the south side to meet the army and stop it with a talk until he could get the warriors ready. Tecumseh had told the Indians not to fight, but when he was away, they took some scalps, and General Harrison demanded that we should give up our men as murder[er]s, to be punished.

Tecumseh had spent months in traveling all over the country around Lake Michigan, making great talks to all the warriors, to get them to join him in his great designs upon the pale faces. His enmity was the most bitter of any Indian I ever knew. He was not one of our nation, he was a Shawnee. His father was a great warrior. His mother came from the country where there is no snow, near the great water that is salt. His father was treacherously killed by a white man before Tecumseh was born, and his mother taught him, while he sucked, to hate all white men, and when he grew big enough to be ranked as a warrior she used to go with him every year to his father's grave and make him swear that he would never cease to make war upon the Americans. To this end he used all his power of strategy, skill and cunning, both with white men and red. He had very much big talk. He was not at the battle of Tippecanoe. If he had been there it would not have been fought. It was too soon. It frustrated all his plans.

Elskatawwa was Tecumseh's older brother. He was a great medicine. He talked much to the Indians and told them what had happened. He told much truth, but some things that he had told did not come to pass. He was called ''The Prophet.'' Your people knew him only by that name. He was very cunning, but he was not so great a warrior as his brother, and he could not so well control the young warriors who were determined to fight.

Perhaps your people do not know that the battle of Tippecanoe was the work of white men who came from Canada and urged us to make war. Two of them who wore red coats were at the Prophet's Town the day that your army came. It was they who urged Elskatawwa to fight. They dressed themselves like Indians, to show us how to fight. They did not know our mode. We wanted to attack at midnight. They wanted to wait till daylight. The battle commenced before either party was ready, because one of your sentinels discovered one of our warriors, who had undertaken to creep into your camp and kill the great chief where he slept. The Prophet said if that was done we should kill all the rest or they would run away. He promised us a horseload of scalps, and a gun for every warrior, and many horses. The men that were to crawl upon their bellies into camp were seen in the grass by a white man who had eyes like an owl, and he fired and hit his mark. The Indian was not brave. He cried out. He should have lain still and died. Then the other men fired. The other Indians were fools. They jumped up out of the grass and yelled. They believed what had been told them, that a white men would run at a noise made in the night. Then many Indians who had crept very close so as to be ready to take scalps when the white men ran, all yelled like wolves, wild cats and screech owls; but it did not make the white men run.

They jumped right up from their sleep with guns in their hands and sent a shower of bullets at every spot where they heard a noise. They could not see us. We could see them, for they had fires. Whether we were ready or not we had to fight now for the battle was begun. We were still sure that we should win. The Prophet had told us that we could not be defeated. We did not rush in among your men because of the fires. Directly the men ran away from some of the fires, and a few foolish Indians went into the light and were killed. One Delaware could not make his gun go off. He ran up to a fire to fix the lock. I saw a white man whom I knew very well—he was a great hunter who could shoot a tin cup from another man's head—put up his gun to shoot the Delaware. I tried to shoot the white man but another who carried the flag just then unrolled it so that I could not see my aim. Then I heard the gun and saw the Delaware fall. I thought he was dead. The White man thought so, too, and ran to him with his knife. He wanted a Delaware scalp. Just as he got to him the Delaware jumped up and ran away. He had only lost an ear. A dozen bullets were fired at the white man while he was at the fire, but he shook them off like an old buffalo bull.

Our people were more surprised than yours. The fight had been begun too soon. They were not all ready. The plan was to creep up through the wet land where horses could not run, upon one side of the camp, and on the other through a creek and steep bank covered with bushes, so as to be ready to use the tomahawk upon the sleeping men as soon as their chief was killed. The Indians thought white men who had marched all day would sleep. They found them awake.

The Prophet had sent word to General Harrison that day that the Indians were all peaceable, that they did not want to fight, that he might lie down and sleep, and they would treat with their white brothers in the morning and bury the hatchet. But the white men did not believe.

In one minute from the time the first gun was fired I saw a great war chief mount his horse and begin to talk loud. The fires were put out and we could not tell where to shoot, except on one side of the camp, and from there the white soldiers ran, but we did not succeed as the Prophet told us that we would, in scaring the whole army so that all the men would run and hide in the grass like young quails.

I never saw men fight with more courage than these did after it began to grow light. The battle was lost to us by an accident, or rather by two.

A hundred warriors had been picked out during the night for this desperate service, and in the great council-house the Prophet had instructed them how to crawl like snakes through the grass and strike the sentinels; and if they failed in that, then they were to rush forward boldly and kill the great war chief of the whites, and if they did not do this the Great Spirit, he said, had told him that the battle would be hopelessly lost. This the Indians all believed.

If the one that was first discovered and shot had died like a brave, without a groan, the sentinel would have thought that he was mistaken, and it would have been more favorable than before for the Indians. The alarm having been made, the others followed Elskatawwa's orders, which were, in case of discovery, so as to prevent the secret movement, they should make a great yell as a signal for the general attack. All of the warriors had been instructed to creep up to the camp through the tall grass during the night, so close that when the great signal was given, the yell would be so loud and frightful that the whole of the whites would run for the thick woods up the creek, and that side was left open for this purpose.

''You will, then,'' said the Prophet, ''have possession of their camp and all its equipage, and you can shoot the men with their own guns from every tree. But above all else you must kill the great chief.''

It was expected that this could be easily done by those who were allotted to rush into camp in the confusion of the first attack. It was a great mistake of the Prophet's redcoated advisers, to defer this attack until morning. It would have succeeded when the fires were brighter in the night. Then they could not have been put out.

I was one of the spies that had dogged the steps of the army to give the Prophet information every day. I saw all the arrangement of the camp. It was not made where the Indians wanted it. The place was very bad for the attack. But it was not that which caused the failure. It was because General Harrison changed horses. He had ridden a grey one every day on the march, and he could have been shot twenty times by scouts that were hiding along the route. That was not what was wanted, until the army got to a place where it could be all wiped out. That time had now come, and the hundred braves were to rush in and shoot the ''Big chief on a white horse,'' and then fall back to a safer place.

This order was fully obeyed, but we soon found to our terrible dismay that the ''Big chief on a white horse'' that was killed was not General Harrison. He had mounted a dark horse. I know this, for I was so near that I saw him, and I knew him as well as I knew my own brother.

I think that I could then have shot him, but I could not lift my gun. The Great Spirit held it down. I knew then that the great white chief was not to be killed, and I knew that the red men were doomed.

As soon as daylight came our warriors saw that the Prophet's grand plan had failed—that the great white chief was alive riding fearlessly among his troops in spite of bullets, and their hearts melted.

After that the Indians fought to save themselves, not to crush the whites. It was a terrible defeat. Our men all scattered and tried to get away. The white horsemen chased them and cut them down with long knives. We carried off a few wounded prisoners in the first attack, but nearly all the

dead lay unscalped, and some of them lay thus till the next year when another army came to bury them.

Our women and children were in the town only a mile from the battlefield waiting for victory and its spoils. They wanted white prisoners. The Prophet had promised that every squaw of any note should have one of the white warriors to use as her slave, or to treat as she pleased.

Oh how these women were disappointed! Instead of slaves and spoils of the white men coming into town with the rising sun, their town was in flames and women and children were hunted like wolves and killed by hundreds or driven into the river and swamps to hide.

With the smoke of that town and the loss of that battle I lost all hope of the red men being able to stop the whites.

Historic Conner Prairie farm in central Indiana first purchased by William Conner in August of 1802, in the early pioneer period of Indiana and the Northwest territory. It is on a broad prairie near the White River, north of Indianapolis, just south of what is now Noblesville. His trading post became a landmark on the frontier of central Indiana and the chief market place for Indians in the region. This historic farm was preserved by the Lilly family (of the Eli Lilly Corporation) and is today operated by Earlham College.

Two United States Presidents were associated with Indiana during this pioneer period. Abraham Lincoln moved to southern Indiana in 1816 and spent his boyhood as a Hoosier. William Henry Harrison was appointed governor of the Indiana Territory on May 13, 1800 (after having fought with General Anthony Wayne at the Battle of fallen Timbers and helping construct Fort Wayne). He moved to the territorial capitol of Vincennes on January 10, 1801. Harrison remained in Indiana until September 12, 1812. In 1804 he purchased land which is now Corydon, Indiana. He built a log home and lived there for awhile. All the early settlers in the Corydon area referred to him as ''Bill.'' When a new county was carved out of Knox County, it was thus logical that it would be called Harrison County after the General. He sold to the commissioners one acre and four perches of ground for a public square. That purchase included the square upon which the Old Capitol—Indiana's first capitol and where the first constitution was written—now stands.

TAPS FOR THE CAPS

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

Mr. FRANK of Massachusetts. Madam Speaker, I am here so that a very important death should not go unmourned. Indeed, I must say that if it were not for me, I think it would go not only unmourned but unnoticed. I am talking about the demise of the caps.

Madam Speaker, in 1997, this House passed, along with the other body and it was signed by the President, a piece of legislation, and I have just gone back and read the debates, which touched off a vast orgy of self-congratulation. That bill did two things. First, of all it imposed discretionary spending caps. It said that the amounts we were spending in 1997 on discretionary programs of the Federal Government would be the same amounts we would spend for the next 5 years. That was widely hailed as the way in which we would get to a balanced budget. We also made serious cuts in Medicare. The caps were going to balance the budget for us. The caps in Medicare were to pay for a capital gains tax cut.

Now it is 1999. With 1997 as the reference point, the wonderful, marvelous Balanced Budget Act, which was a source of such pride to so many of my colleagues especially on the Republican side, lies in complete ruin. It is time to say taps for the caps. The caps of 1997 were to put limits on discretionary spending. They have now become a severe embarrassment. They do not even get talked about. The budget resolution paid some homage to them and was promptly disregarded.

Madam Speaker, the appropriation we are about to pass, the omnibus bill that we are about to pass, absolutely repudiates those caps. Indeed, we do not even hear them talked about. The caps are gone. Many of us felt at the time that the caps were totally and completely unrealistic. We felt that they substantially undervalued government. They did not give us the resources to do important functions that the public wanted done. But we were told by our Republican colleagues that the caps were essential as methods of fiscal discipline.

In less than 2 years, I take it back, 2 years later the caps are gone. They are dead and they die unmourned. They die unnoticed with regard to the 1997 Act. 1999 is the year of Emily Litella: ''Never mind.'' Never mind that we put these caps on. Never mind that we cut Medicare. This has been a year in which we have been undoing it.

That leads me to a problem, Madam Speaker. Certainly, it would be odd to think that thoughtful, knowledgeable, well-informed Members of this House in 1997 would have enacted public policy which 2 years later they would be repudiating and hiding from. Certainly, we could not expect thoughtful Members of this Congress to be doing things and then 2 years later thoroughly repudiating the absolutely foreseeable consequences of their own actions. So there is only one explanation.

Madam Speaker, 2 years ago this House was infiltrated by impostors. Two years ago, taking advantage of the undeveloped state of DNA evidence, people impersonating Members of this House took over the place and foisted on this country cuts in Medicare that nobody today wants to defend and caps that were unrealistic.

This calls, Madam Speaker, for serious investigative work. Where is the gentleman from Indiana and his crack investigative minions in the Committee on Government Reform when we need them? This certainly seems to me to be worthwhile shooting a couple of pumpkins to find out how we got to this situation where the United States House of Representatives was taken over by impostors, by people who pretended to be Members of this House and passed legislation so negative in its consequences that once the rest of us were able to wrest control back from these invaders, we pretty much got rid of it.

Madam Speaker, there is obviously something lax about our security. There is something that has gone completely wrong when legislation passed in 1997 is celebrated by the people on this floor, and 2 years later the rest of us have to undo it.

So I hope, Madam Speaker, over this break we will try to find ways to prevent any recurrence, because the situation in which people, and we do not know who they were, but in which these masked men and women came in here and replaced the thoughtful Members of this House and inserted themselves into the voting machines and passed irresponsible cuts in Medicare and passed caps that have become a joke, we must not allow that to happen again.

Madam Speaker, eternal vigilance is all that stands between us and a repeat of that 1997 debacle.

INTRODUCTION OF LEGISLATION ADDRESSING NAZI ASSET CONFISCATION

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

Mr. RAMSTAD. Madam Speaker, over 50 years ago Nazi Germany began a systematic process of eliminating an entire race. Over 6 million men, women, and children lost their lives in this tragic chapter in human history simply because they were Jewish.

□ 1945

Others were forced to work as slaves in German factories. Some were subjected to brutal experiments, and others had their assets and belongings stolen from them and given to those of Aryan stock or used by the German government in its war effort.

Amazingly, Madam Speaker, these criminal acts of confiscation have yet to be settled. The United States Government is currently involved in negotiations between German companies and Nazi victims here in the United States which could lead to compensation for some of the victims.

I believe the companies which profited from their complicity with the Nazi regime and the Holocaust should pay for their actions. It is absolutely appalling, Madam Speaker, that to this day, German banks and businesses have failed to admit their role in the grand larceny and conspiracy of the Jewish race. Also, they have not returned the fruits of their crimes. It is absolutely inexcusable that German banks and businesses continue to deny their involvement and refuse to compensate the victims.

That is why today, Madam Speaker, I am introducing legislation to allow victims of the Nazi regime to bring suit

in U.S. Federal court against German banks and businesses which assisted in and profited from the Nazi Aryanization effort.

My legislation would clarify that U.S. courts have jurisdiction over these claims and would extend any statute of limitations to the year 2010.

Now, there are people who say this occurred too long ago and that we should leave these events in the past. Madam Speaker, I strongly and fundamentally disagree. There must never, never be a statute of limitations on Aryanization, as genocide and related crimes should always be punished.

These companies, these banks need to come forward, open their books, and return their criminal profits to close this open wound on the soul of humanity.

Madam Speaker, this legislation that I am introducing today will right a terrible wrong in the annals of world history, and God knows it is long overdue.

HONORING RICHARD MASUR, PRESIDENT OF THE SCREEN ACTORS GUILD

The SPEAKER pro tempore (Mrs. WILSON). Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Madam Speaker, I am very delighted today to rise to honor Richard Masur who on November 12, 1999, completed his second term as president of the Screen Actors Guild, the world's largest union of professional performers.

Richard Masur was first elected to the Screen Actors Guild board of directors in 1989. He then went to vice president. In 1995, he became president and was then again reelected in 1997.

He is well known to film and television audiences. He starred in over 35 television movies, including the highly acclaimed chronicle of the AIDS epidemic and his Emmy-nominated performance in The Burning Bed. Three of his films are among the top 10 rated TV movies of all time. He has also taken a turn as the distinguished director of many productions.

In his role as the Screen Actors Guild president and a leader in the American labor movement, he participated actively in the Guild's international work as a member of the International Federation of Actors, assisting other performers' unions throughout the world in their struggle for recognition and the achievement of fair wages and working conditions.

One of the primary goals was to strengthen the international protections against the exploitation of performance images and performance in cyberspace. He urged Congress to pass the World Intellectual Property Copyright treaties, which applied the international copyright law to on-line violations.

Also, under his leadership, the Screen Actors Guild became a national leader in the debate over actor diversity in the entertainment industry. He passionately advocated for the accurate portrayal of the true American scene, for color-blind casting and nontraditional thinking where it was appropriate so that the diverse American audience would see itself reflected on the screen in the stories that we tell.

As the Screen Actors Guild president, he established the Guild's first government relations department. In its first 2 years of operation, he was the principal voice and primary advocate in a successful Federal and State legislative agenda, which included a number of issues, including legislation that would provide the first ever legal protections for performers residual compensation, the economic rights of senior performers, the protection of both compensation, education, and the working conditions of child performers, and the right to personal privacy for the Guild's highest profile performers.

Over his 25 years performing as a professional actor, Richard Masur has sustained his activist commitments to issues of political and social justice, ranging from universal health care to international human rights. He has established an unassailable reputation for honesty, integrity, and selfless commitment, not only to his fellow performers, but to all of his fellow citizens as well. His creative and innovative approaches to problem solving has set him apart as a leader in the entertainment community.

He has been a bridge builder between diverse communities and diverse interests, illuminating our understanding of many issues by drawing the common threads together. All in all, he has added to our culture. We respect and revere him.

At this point, we salute our dear friend, Richard Masur, for his services to the Screen Actors Guild and to our citizenry at large. I am sure many of my colleagues will join me in wishing him much success in his future endeavors.

INTRODUCTION OF THE NATIONAL RECORDING PRESERVATION ACT OF 1999

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

Mr. HOYER. Madam Speaker, since the development of audio-recording technology in the 19th Century, composers, musicians, and others have joined to create thousands of sound recordings which have amused, entertained, and enriched us individually and as a Nation. Sadly, as the 21st Century approaches, many of America's most previous sound recordings, recorded on perishable media, may be lost forever unless we act to preserve them for the use and enjoyment of future generations.

Today I am introducing, along with the gentleman from Ohio (Mr. NEY), the gentleman from Florida (Mr. DAVIS), the gentlemen from Tennessee (Messrs. CLEMENT, GORDON, WAMP, TANNER, FORD, DUNCAN, and JENKINS), the gentleman from New York (Mr. SERRANO), and the gentlewoman from Missouri (Ms. MCCARTHY), an important measure designed to help preserve this irreplaceable aspect of America's cultural heritage. I hope all Members will join us in support of this effort.

In 1988, Congress wisely enacted the National Film Preservation Act, which established a program in the Library of Congress to support the work of actors, archivists and the motion-picture industry to preserve America's disappearing film heritage. The bill we introduce today, the National Recording Preservation Act, follows the trail blazed by the Library's successful film program.

The measure would create a National Recording Registry at the Library to identify, maintain and preserve sound recordings of cultural, aesthetic, or historic significance. Each year the Librarian of Congress will be able to select up to 25 recordings or groups of recordings for placement on the Registry, upon nominations made by the public, industry or archive representatives; recordings will be eligible for selection ten years after their creation.

A National Recording Preservation Board will assist the Librarian in implementing a comprehensive recording preservation program, working with artists, archivists, educators and historians, copyright owners, recording-industry representatives, and others. A National Recording Preservation Foundation, chartered by the bill, will encourage, accept and administer private contributions to promote preservation of recordings, and public accessibility to the Nation's recording heritage, held at the Library and at other archives throughout the United States.

The bill authorizes appropriations of up to $500,000 per year for seven years to fund the Library's preservation program, and up to $500,000 yearly for the same period to match the non-federal funds raised by the Foundation for preservation purposes.

I include for the RECORD a letter received from Dr. James H. Billington, the Librarian of Congress, expressing his strong support for this measure, which will be introduced in the Senate by the senior senator from Louisiana (Mr. BREAUX):

Madam Speaker, my co-sponsors and I fervently hope that by enacting this modest bill, the Congress, working with the private sector to leverage the available resources, can spark creation of a comprehensive, sensible and effective program to preserve our Nation's sound-recording heritage for our children and grandchildren. We look forward to its quick enactment.

LIBRARY OF CONGRESS
BICENTENNIAL 1800–2000,
Washington, DC, November 9, 1999.

Hon. STENY H. HOYER,
Committee on House Administration, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. HOYER: Thank you for seeking comments from the Library of Congress on your draft legislation to create a National Sound Recording Board and Foundation. We have had great success with a similar program to preserve the nation's film heritage, and I believe your legislation will allow the Library to build on that success in developing a national program for sound recordings.

The key components of the legislation—a national recording registry, an advisory

board bringing together experts in the field, and a fundraising foundation—have all been reviewed by the staffs of the Library's Motion Picture, Broadcasting and Recorded Sound Division and American Folklife Center, as well as our legal staff, and appear to provide the necessary elements of a comprehensive program to ensure the survival, conservation, and increased public availability of America's sound recording heritage.

I am pleased that the legislation includes a directive for a comprehensive national recording preservation study and action plan, such as the one produced in 1993 under Congressional directive, which laid the framework for a national film preservation program. This study would serve as the basis for a national preservation plan, including setting standards for future private and public preservation efforts, and will be conducted in conjunction with the state-of-the-art National Audio-Visual Conservation Center we are developing in Culpeper, Virginia. The Center and the program created by your legislation will each benefit from the existence and work of the other.

I support the bill in both goal and substance. I will need your support, however, in assuring that any funds appropriated for the Board or Foundation are new funds added to the Library's base. We cannot afford to absorb these costs, as happened this year with funds for the National Film Preservation Foundation. Please thank your staff members, Bob Bean and Michael Harrison, for their hard work and extensive consultation with the Library in developing this legislation. Please let me know if Congressional staff would like to visit the Library's sound recording program to see what we do currently and how your legislation might be implemented.

Sincerely,

JAMES H. BILLINGTON,
The Librarian of Congress.

TEAR DOWN THE WALL OF MILK MARKETING NONSENSE

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

Mr. GUTKNECHT. Madam Speaker, every morning back in Minnesota, on about 8,300 farms, the lights go on between 4:30 and 5 o'clock in the morning. On those 8,300 dairy farms, people get up; the farmers get up to go out and milk their cows. Now, if there was a group of people in America that works harder than our dairy farmers, I do not know who they are.

Ever since 1937, the dairy farmers in the Upper Midwest have labored under the yoke of the milk marketing order system. It is a convoluted, complicated, and unfair system whereby the price that the dairy farmers receive for their milk is priced based on how far they are away from Eau Claire, Wisconsin. It makes absolutely no economic sense. Now, it may have made sense back in 1937 before the refrigeration we have today, before the interstate highway system that we have today; but it makes no sense today.

In fact, Justice Scalia described the system as Byzantine. Ever since about 1938, those of us who represented the good dairy farmers in the Upper Midwest have been trying to get this system reformed. We have asked for just a modest amount of reform.

Finally, in the last farm bill, we made an agreement that we would request that the Secretary of Agriculture, Mr. Glickman, would come back with a proposal to level the playing field at least a little bit in this milk marketing order system so that dairy farmers in the Upper Midwest would not be punished as much just because their dairy farms are located closer to Eau Claire, Wisconsin, than dairy farms in other parts of the country.

Finally, the Secretary of Agriculture came back with a plan, a modest plan. It was not strong enough for many of us. We wanted more reform than the Secretary brought forward. But in the sense of compromise, we were willing to live with that. But, unfortunately, some of our colleagues from the rest of the parts of the country said no, no, no, we cannot even have that modest amount of reform.

Well, Madam Speaker, I want to share with my colleagues some excerpts of an article that was written back in about 1985 about a U.S. Representative from the State of Texas who was a former economics professor. He is the gentleman from Texas (Mr. ARMEY). The title of the article is ''Moscow on the Mississippi; America's Soviet-style Farm Policy.'' Let me just read some excerpts from this article.

He starts off by saying, ''Even as perestroika comes to the Communist world, our own Federal farm programs remain as American monuments to the folly of central planning. If we have reached the end of history with the vindication of free economy, the USDA has not yet heard the word.

''Fifty years ago, when the Roosevelt administration announced certain 'temporary emergency measures,' farm programs were highly controversial.'' Even Henry Wallace, the Secretary of Agriculture ''who conceived the idea, remarked, 'I hope we shall never have to resort to it again.' The USDA has been resorting to it ever since.

''Under the current farm law passed in 1985,'' and this was in 1986, I believe, the article was written, passed in 1985, ''the Department of Agriculture has paid dairy farmers to kill 1.6 million cows.''

I go on. He says, ''Under the dairy program, local dairy cooperatives are allowed to form government-protected monopolies. Because there is no competition, people have no choice but to buy the milk at higher prices, which is a good arrangement for the big cooperatives, but a bad arrangement for parents who buy milk for their children. The resulting dairy surpluses have been reduced by government's paying dairy farmers'' large amounts ''to slaughter or export their cows and leave dairy farming for'' at least ''5 years.''

''Like any central planning effort, whether in the Soviet Union or the American Corn Belt, all supply-control policies are riddled with irrationalities and unintended consequences. Even though the USDA has one bureaucrat for every six full-time farmers, fine-tuning the farm economy is a difficult task.''

I go on and I quote from the end of this column where he says, ''Repeal all marketing orders. Current law prohibits the Office of Management and Budget from even studying them. Marketing orders should be repealed.

''Terminate the dairy program.''

Well, Madam Speaker, I say to the gentleman from Texas (Mr. ARMEY) and the gentleman from Illinois (Mr. HASTERT), a wall of protectionism cannot stand against free markets. Milk marketing orders cannot be explained, let alone defended. Compacts are trade barriers. Trade barriers are walls.

I say to the gentleman from Texas (Mr. ARMEY) and the gentleman from Illinois (Mr. HASTERT), if they mean what they say about perestroika and open markets, then come here to the well of this House and stop the milk marketing nonsense. Tear down this wall.

COMMEMORATION OF THE 66TH OBSERVANCE OF UKRAINIAN FAMINE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, as a cochair of the Congressional Ukrainian Caucus, I rise to commemorate the 66th observance of the Ukrainian Famine, to help record this century's largely untold story of famine and repression in the former Soviet Union.

During 1932 and 1933, the people of Ukraine were devastated by hunger, though not the kind caused by unfavorable natural conditions. Instead, only certain regions or a part of the country suffered famine while the government of the former Soviet Union turned their backs upon the population.

The famine of 1932 and 1933 stemmed from political rather than natural causes. In 1932, Ukraine had an average grain harvest of 146,600,000 metric tons of wheat, and there was no danger of famine, or at least there should not have been.

But the famine was first and foremost a planned repression of the peasants by the Soviet government for their resistance to collective savings. Second, it was an intentional attack on Ukrainian village life, which was the bulwark of Ukrainian heritage. Third, it was the result of the forced export of grain in exchange for imported machinery which was required for the implementation of the policy of industrialization.

The events of 1932 and 1933 are considered a man-made famine because food was available. But what happened was politically motivated. It characterized the Soviet system and ultimately resulted in the deaths of over 6

million people, including our great grandparents.

□ 2000

People died by the millions, and they were piled at the village edge like cord wood. According to Stalin's commands and the law that was enacted in 1932, Party activists confiscated grain from peasant households. Any man, woman, or child either could be, and often was, executed for taking a handful of grain from a collective farm field or was punished by 10 years of hard labor.

Gangs of Communist Party activists conducted house-to-house searches, tearing up floors and delving into wells in search of grain. Those who were already swollen from malnutrition were not allowed to keep their grain, and those who were not starving were suspected of hoarding food. An average peasant family of five had about five pounds of grain a month to last until the next harvest.

Lacking bread, peasants ate pets, rats, bark, leaves, and garbage from the well-provisioned kitchens of Party members. There were occurrences of cannibalism. People dug in the frozen ground with their raw hands to find even an onion for soup. But many villages died out, in spite of the fact that party activists continued confiscating grain.

The unprecedented calamity came in the winter and spring of 1933, before a new harvest could be gathered, when the world population was left without any means of sustenance and authorities did not organize any supplies for the villages. Some villages in the regions of Poltava, Kharkiv, and Kyiv were completely deserted by the spring of 1933.

When the casualties of collectivization, famine, the purges of the 1930s, and the nearly 6 million who died during World War II are combined, it is estimated that more than half the male and one quarter of the female population of the Ukraine perished. Along with these people, the achievements, lessons, and hopes that one generation communicates to another were destroyed. Under the circumstances, it was all the more remarkable that Ukrainian society had any strength left for self-assertion in the postwar period. In summing up the famine in Ukraine, it is no exaggeration to say that the Ukrainians' greatest achievement during that decade and this century has been to endure and survive.

In this sense, we must recognize the Ukrainian famine on a yearly basis to bring light to the tremendous sacrifices a people had to endure. Last year we commemorated the 65th anniversary of the Ukrainian famine with a commemorative resolution. Later this week, on November 20, the Ukrainian community will have an opportunity to commemorate the fallen victims of the famine with an ecumenical service and program at St. Patrick's Cathedral in New York City. I join with the Ukrainian-American community in commemorating this tragic period in the world's history, certainly in the history of Ukraine. Always remember, never forget.

And here in America we will attempt to tell the history of a people who struggle even today to build a nation where democratic reforms and freedom are possible for millions and millions of those who survived and those who remember the great price that their families paid only because they wanted to be free.

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

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

UNPREPAREDNESS OF U.S. ARMY

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

Mr. DUNCAN. Mr. Speaker, last week, The Washington Post ran a front-page story that said the U.S. Army has rated 2 of its 10 divisions unprepared for war due to the ''strain of open-ended troop commitments in Bosnia, Kosovo and elsewhere.''

This unpreparedness is the result of spending so many billions in Kosovo, where we made the situation many times worse by going in than it was before we started bombing. This unpreparedness is the result of spending many billions in Bosnia, where we had U.S. troops giving rabies shots to Bosnian dogs and where the military's greatest problem was boredom of the troops. This unpreparedness is the result of spending billions in Haiti, where, according to The Washington Post, we had our troops picking up garbage and settling domestic disputes. This unpreparedness is the result of spending even now, according to the Associated Press, $1 million a day on a forgotten war in Iraq that is doing us no good at all.

In fact, almost all of these foreign misadventures, in addition to weakening our military and costing U.S. taxpayers many billions of dollars, all of these misadventures are making new enemies for this Nation all of the time. Haiti, Rwanda, Somalia, Bosnia, Kosovo, Iraq, and billions and billions and billions of U.S. taxpayers' money, all spent at a time when we are still almost $6 trillion in debt, and all spent where there was absolutely no threat to U.S. national security.

In addition to these problems is the fact that our constitution is being ignored. Syndicated columnist Doug Bandow wrote ''When the U.S. attacked Yugoslavia earlier this year, it inaugurated war against another sovereign state that had not attacked or threatened America or an American ally. The President, and the President alone, made the decision. The constitutional requirement that only Congress shall declare war is obviously a dead letter. Yet the administration's embarrassing bungling in Kosovo illustrates just why the Framers intended that the decision to go be nested in the legislative.'', according to Mr. Bandow.

He also quoted Abraham Lincoln, who said ''Kings had always been involving and impoverishing their people in wars, pretending that the good of the people was the object.'' Lincoln added that the constitutional requirement that only Congress could declare war came about because war was ''the most oppressive of Kingly oppressions; and (the Framers) naturally resolved to so frame the Constitution that no one man should hold the power of bringing this suppression on us.''

James Madison wrote that ''The Constitution supposes, what the history of all governments demonstrates, that the executive is the branch of power most interested in war and most prone to it. It has accordingly, with studied care, vested the question of war in the legislature.''

Of course very few people seem to care that we so routinely violate our constitution today.

The Christian Science Monitor had a special section last year showing that there were little wars going on in over 40 places around the world. If we try to stop them all, we can forget about Social Security, Medicare, the national parks, and almost everything else the Federal Government does.

Do we now go into Chechnya and stop the Russians from killing people there? Do we start now attacking the Albanians, who have been killing the Serbs in Kosovo now that the shoe is on the other foot? Of course not. We only go where CNN tells us to by whichever hot spot they are playing up at the moment.

We need to stop turning our military into international social workers. We need to restore our constitutional form of government, and we need to stop sending troops in and bombing people where there is no real threat to our own national security. And we need to stop spending so many billions of hard-earned tax dollars in military misadventures when so many families have to have both mother and father working so that one can pay all the Federal, State and local taxes imposed upon them.

One other unrelated topic, Mr. Speaker, which also shows that the Federal Government is simply too big, is the report just out that the wife of a member of the other body has been paid $2.5 million by just one company over the last 6 months in lobbying fees. When the Federal Government was much smaller, no one was paid $2.5 million for 6 months of lobbying, especially by just one company.

It seems to me that it should be wrong for the wife of a Senator or for any one person to be paid $2.5 million

in just 6 months to lobby any department or agency of the Federal Government. This is the type of thing that goes on thanks to liberals who have made our Federal Government so big and have given it so much money that it is simply now out of control.

RETIREMENT OF SHERLYNN REID

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

Mr. DAVIS of Illinois. Mr. Speaker, at the end of the millennium we have received and continue to receive and to see and hear and give great attention to the fact that we are moving into a new era. And as we move forward, it serves us well to look back and see from whence we have come.

However, there are dates which are truly beginnings or ends of eras. The village of Oak Park celebrated such an event November 1 of this year. After 29 years at Village Hall, at age 64, Sherlynn Reid, a lifetime advocate of diversity and racial balance in Oak Park, retired as Director of Community Relations for the Village of Oak Park, Illinois.

Oak Park is a vital, exciting community, home to more than 53,000 residents of different cultures, races, ethnicities, professions, life-styles, religions, ages and incomes. Diversity is highly prized, promoted, and nurtured in this community; and it has played an important role in defining the economic, cultural, and social character of this unique community.

Oak Park works hard to ensure a desirable quality of life. Oak Park established a Citizens Community for Human Rights and the Community Relations Commission in 1963 to assure all residents of equal service and treatment. The commission works to improve intergroup relations without regard for race, color, religion, national origin, or sexual orientation. It works to ensure good human race and community relations and reduce tensions, and acts as a hearing panel for resolution of discrimination.

In 1968, the Village Board approved one of the Nation's first local fair housing ordinances, outlawing discrimination. In 1973, the Village Board approved the Oak Park Diversity Statement.

Sherlynn Reid started at Village Hall as a Community Relations Representative in 1973 and became Acting Community Relations Director in 1977. Shortly afterwards, she was appointed Director of Community Relations. The Community Relations Department enforces the Village's Human Rights Ordinance, the Fair Housing Policy and promotes Oak Park's Racial Diversity Policy. The Department participates in block organizing, community safety programs, conducts multi-cultural training and networks with community agencies and groups.

Miss Reid was instrumental in creating the Committee of Tomorrow's Schools, the quota ordinance of 1974, the equity assurance ordinance, and the organization of the gang and drug task force. She serves as volunteer in charge of girls guidance for the John C. Vaughan Scholarship Cotillion and is the youth chair for the West Town's chapter of LINKS Incorporated, a national service organization for young and adult women.

She has a special place in her heart for the annual Friends of the Library used book sale, which each year now occupies an entire floor of the Oak Park/River Forest High School. Village Manager Carl Swenson said, ''I can think of no other person who has had such a positive impact on this community. She is irreplaceable. It is a loss for us, but she is not leaving the community, she will still be here.''

Reid responded with typical modesty. ''I will miss it. I enjoyed my job. I may get all the attention for what they do, but a lot of people in the community have added to what I have done. The people in this community are key, and I have enjoyed working for and with them. I feel it is crucial the community remain racially diverse. It is not a one or two-person job.''

Sherlynn Reid plans to spend more time with her daughters and grandchildren but has promised to remain active in the community. She intends to finish writing two books, My Oak Park, and another one on her family.

Sherlynn Reid leaves behind a living legacy, a legacy of love and respect, a legacy of struggle for equality and fairness, a legacy of building unity based on our infinite diversity, a legacy of unlimited economic and cultural growth and prosperity based on the fullest participation of every resident.

Her legacy will continue to develop, and regardless of her retirement, she will continue to help shape the future of her community. We congratulate Sherlynn on the occasion of her retirement, and look forward to working with her for many more years to come in continuing to build an outstanding community.

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

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

U.S.-CHINA WTO AGREEMENT

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

Mr. DREIER. Mr. Speaker, I am very happy to report to my colleagues of the good news we received just yesterday that American and Chinese trade negotiators have reached what appears to be a very good agreement to bring China into the World Trade Organization.

Now, in plain English, this is a win-win-win deal for American values and American interests. First, it is a win for fairness. In the world of global trade, the United States plays by rules. We open our market to everyone, which is a huge benefit to America's consumers and businesses alike. But, unfortunately, as we all know, everyone else does not follow those same rules. They do not all fall in line that way.

Up until now, China has been at the top of the list of those who fail to follow those rules.

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But now they are agreeing to play by the rules. Of course, we know it will take a lot of diligence and effort to actually press the Chinese to live up to their commitments, but this is the only way that we can move forward.

Second, this is a win for our world-class American workers and businesses. Mr. Speaker, the fact is that the Chinese market has largely been closed off from foreign competition. America's world-class businesses, manufacturers, high-tech companies, entertainers, farmers, financial institutions, and on and on and on, have never been able to effectively compete for sales among the 1.3 billion consumers in China.

Now, of course, we need a reality check here. Let us not live under some illusion that China is the key to the future of the world economy. But let us also agree that China is an important emerging economy in the key Asian-Pacific region. Business leaders across the globe and in every part of America know that being shut out of China, especially as China opens up to the world, would be a huge mistake. We finally have a deal to get our guys on to the playing field so that we, as Americans, can compete.

And guess what? I am very confident, Mr. Speaker, that our guys will win most of the time, because America's businesses and America's workers are the most competitive and the most efficient on the face of the Earth.

Finally, Mr. Speaker, this is a win for American values inside China, values like the rule of law and personal freedom. Again, let us not lose sight of reality. There is a lot wrong with how the Chinese government does business. We all know about that, and we all decry that. Just like it has not followed the rules of international trade and business, it has also failed to follow the rules of fundamental human rights and freedom.

Mr. Speaker, I hope that this trade deal, which will bolster the rule of law in Chinese business and trade dealings, will move individual rights forward in China.

I was especially pleased that Martin Lee, the leading advocate of democracy for the Chinese people, based in Hong Kong, supports bringing China into the world trade system of rules and laws for this reason. That is certainly a very good and positive sign.

Mr. Speaker, the relationship between the United States and China is both complex and varied. No agreement, no trade deal, can solve every problem or answer every question. But this trade agreement moves the ball forward on very key issues.

It is a win-win-win for fairness, new markets, and our Western values in China. It is a good deal for America.

HONORING NATIONAL FEDERATION OF THE BLIND

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

Mr. CUMMINGS. Mr. Speaker, ''change ordinarily evolves over hundreds of years, but when a fundamental difference in the way we view the world comes quickly, the shift in our thinking is called revolution.'' Such revolution ''takes place not because the governing institutions have had a change of heart, but because the pressure brought to bear by individuals organized for collective action has added the necessary impetus.''

These words were spoken by Kenneth Jernigan, past president of the National Federation of the Blind, a revolutionary organization with the philosophy that blind people, if organized throughout the land, have the strength and purpose to change the course of history.

The NFB was founded in 1940 at a time when the opportunities for blind persons were lacking and society's attitudes towards them was, sadly, one of misunderstanding and negativity. This was also a time when there was no rehabilitation for blind persons, no libraries, no opportunity for higher education, no jobs in Federal service, no hope in the professions, no State or Federal civil rights protections.

But that was another time, another generation. Headquartered in Baltimore, the National Federation of the Blind is today what its founders dreamed it would become, a truly revolutionary organization ensuring that blind people get equal treatment and a fair shake. It is the Nation's largest consumer advocacy organization of blind persons and is considered the leading force in the blindness field today.

With 50,000 members, the NFB's influence is felt throughout the Nation, with affiliates in all 50 States, plus Washington, D.C., and Puerto Rico, and over 700 local chapters.

The mission of the NFB is twofold. First, it strives to help blind persons achieve self-confidence and self-respect. Second, the organization acts as a vehicle for collective self-expression by the blind. These goals are achieved through the organization's numerous initiatives, which include educating the public about blindness and literature and information services, ensuring that blind persons have access to aids and appliances and other adaptive equipment, increasing emphasis on the development and evaluation of technology, and continued support for blind persons and their families through job opportunities and special services.

NFB's commitment is critical to the 750,000 people in the United States who are blind and the 50,000 that will become blind each year.

Recently I participated as the honorary chair in the NFB's Newsline Night '99. This yearly event makes it possible to support one of the organization's important services, an electronic text-to-speech telephone-based service which delivers seven national and over 20 local newspapers to blind persons throughout the country.

Technology enables national and local news to be available on Newsline by 7:00 a.m. each morning. The service began as a pilot project in the Baltimore-Washington area, and Newsline Baltimore began delivering newspapers and other material via local phone lines in 1996. This revolutionary idea assists approximately 11 million Americans who cannot read regular print but would enjoy the receipt of news and information over a cup of coffee like the rest of the seeing population.

In addition to the Newsline service, NFB supports a job opportunity service, a materials center containing literature and aids and appliances used by the blind, and the International Braille and Technology Center for the Blind, which is the world's largest and most complete evaluation and demonstration center for speech and Braille technology.

When looking in total at all the services that the NFB provides and all of its accomplishments, one can say without hesitation that this organization is truly revolutionary.

I encourage the organization to continue its revolutionary crusade towards full citizenship and human dignity for equal rights and for the right to work with others and do for yourselves. I also challenge all of us who have sight to recognize that we are all human and, thus, alike in most ways. However, we each have unique characteristics that allow us to contribute to society in special ways. Respect for such differences implies, then, just allowing someone in. It implies that we have something to learn and a benefit to gain from others who are different from us.

I close with a quote from Jacobus TenBroek, the first president of the NFB, to summarize this concept. He said, ''In order to achieve the equality that is their right, in order to gain the opportunity that is their due, in order to attain the position of full membership in the community that is their goal, the blind have continuing need for the understanding and sympathy and liberality of their sighted neighbors and fellow citizens. The greatest hope of the blind is that they may be seen as they are, not as they have been portrayed; and since they are neither wards nor children, their hope is to be not only seen but also heard in their own accents and for whatever their cause may be worth.''

UNFINISHED BUSINESS OF CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I just would like to spend some time tonight, and I am going to be joined by the gentlewoman from Connecticut (Ms. DELAURO), talking about the unfinished business of this Congress and of this House of Representatives.

We know that it is likely, either tomorrow or within the next few days, that the Republican leadership will bring up probably an omnibus appropriations bill, better known as the budget, I guess, for most people.

We, as Democrats, have been very critical of the Republican leadership because since October 1, which was the beginning of the fiscal year, they have not been able to complete the budget, the appropriations process. And that process now is, I guess, about 6 weeks overdue and they have not been able to effectively legislate and keep the Government going by providing the budget that we need for this fiscal year.

We have also been critical of the fact that already, even though they keep bringing up the issue of Social Security and spending the Social Security surplus, already, if we look at the appropriations bills that they passed, they clearly have dipped into the Social Security Trust Fund.

At the same time, they have also broken the caps. One of our colleagues, the gentleman from Massachusetts (Mr. FRANK), was here just a few minutes ago giving a special order and talking about how the caps under the Balanced Budget Act have really become a thing of the past.

But I did not really want to dwell on this tonight because I think it is evident that the budget process has been a mess. But, hopefully, over the next few days, there will be a budget passed; and we will have an appropriations and a budget for this fiscal year.

The larger problem, though, I think is the unfinished business of this Congress and the unfinished business of this House of Representatives.

Republicans are, basically, ready to leave town now, not having addressed most of the concerns that my constituents bring to my attention. And these are the concerns that the average family has in this country, whether it is Medicare, seniors asking me about the need for a prescription drug benefit; HMO reform, which myself and my colleague from Connecticut have been on this floor so many times in the last couple of years demanding that the Patients' Bill of Rights be passed.

We finally did manage to get it passed, but so far there has been no conference between the House and the Senate on the Patients' Bill of Rights, and the Republican leadership is obviously just trying to kill HMO reform by not having the conference take place and hoping that the issue will go away.

I just mention those two issues because I think they are very important. But there are a lot of other issues: gun safety, the issue of school construction, campaign finance reform. There are many that need to be addressed.

I would like to yield to my colleague, the gentlewoman from Connecticut (Ms. DELAURO), but before I do that, I just want to say very briefly that I get so many letters from my constituents about the fact that this Congress has not addressed the problem with prescription drugs, the increased cost of prescription drugs, the fact that seniors do not have access to them because Medicare does not cover it as a basic benefit, and also about HMO reform and the need for HMO reform.

This letter just came to my office in the last few days before we came back. I think I received it on Friday of last week from one of my constituents in my hometown of Long Branch, New Jersey. I am just going to read part of it because it is so simple, but it says it all:

Dear Congressman Pallone.

I know how hard you have fought for the HMO Patients' Bill of Rights. This legislation is supposed to protect the public from the insurance company's over-zealous quest for profits. I have an Aetna U.S. Healthcare Medicare plan. Aetna gets the $45 from Medicare Part B. As of January 1, 2000, the rate will have increased by $35. That is a 78 percent increase, and they have dropped the prescription drug benefit. I don't know how they can justify that kind of increase. My plan is to drop the HMO coverage and take the Part B from Medicare.

Now, you know, Mr. Speaker, this just says it all to me. How many constituents have come into my office, have called me and sent me letters and complained about the fact that they cannot afford prescription drugs? How many people that actually have some kind of prescription drug benefit as part of their health insurance have been dropped, that prescription drug benefit has been dropped or the co-payments or the deductibles or everything have gone up? And how many people have complained to me about abuses relative to HMOs and the problems they have experienced with HMOs?

I only read this letter and I start out this evening by talking about these two health care issues because these are just common sense things. These are things that people talk to us about on the streets every day. These are the kinds of things that the gentlewoman from Connecticut (Ms. DELAURO) and I are going to be hearing about over the next 6 weeks after this House adjourns over the next few days.

It is really unfair that this Republican leadership does not address these issues and just leaves this unfinished for the next year because the public is crying out for this kind of legislation to address these issues.

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I yield to my colleague from Connecticut.

Ms. DELAURO. I thank my colleague from New Jersey for taking this time to talk about really quite a serious issue. I think we should try to put this in some kind of a perspective. First of all, let me mention that we are going to be gone from here within the next few days. We do not know how many more days there will continue to be the deliberation on the budget, but the fact is that if we do have an opportunity after the Republican leadership has been fighting tooth and nail, more cops on the beat, more teachers, reduced class size, if in fact there are some gains in that area, we will feel vindicated and we will be very, very pleased. They are important victories for working families. That is what we want to do. That is why we come here. We want to try and protect those vital priorities.

But that leads me to say that one has to take a look at why we are here. Each of us comes as a direct result of elections, people cast their votes and they say, FRANK PALLONE of New Jersey, ROSA DELAURO of Connecticut, of the Third District, we think you will do a good job on our behalf. Each of the 435 Members who comes here has that kind of trust. It is a responsibility as well as an opportunity. What we try to do is to take very seriously that responsibility, those obligations, and try to reflect the will of the people in this body. It is the People's House. But the kinds of issues that you have talked about, the health issues and as you go through the list of the unfinished business and whether it is HMO reform or prescription drugs or gun safety or minimum wage, Social Security or Medicare, in each of these areas we know that the public is clamoring for some kind of relief. If it is on HMO reform, they are desperate to get back to doctors and patients and themselves making their medical decisions. They are desperate and clamoring for the notion that, my gosh, if something goes terribly wrong with a course of medical action that has been, if you will, prescribed by an HMO, that they in fact cannot get any accountability, any relief, they have no place to go. They worry about that for themselves and their families.

You mentioned prescription drugs. You know and I know that people are making those hard decisions every day as to whether or not to fill their prescriptions or buy food, because the cost of prescription drugs continues to escalate. Gun safety. We know that it is now 7 months since Columbine, that terrible tragic case and there have been subsequent tragedies, and yet modest gun safety legislation cannot seem to see the light of day, when we have parents and children saying, help us to make our communities safe.

Minimum wage. We are at a time in this country over the last 10 years where chief executive officers of corporations have seen their wages escalate 481 percent over the last 10 years. In fact, workers have seen only a 28 percent increase and quite frankly if workers' salaries had gone up as much as the CEO salaries, the minimum wage would be roughly about $22. People want to raise their standard of living. They are working very, very hard. Social Security and Medicare, bedrock programs which have lifted, really lifted and provided a retirement future, retirement security for so many hard-working men and women in this country. These are the issues that people speak to us about. These are the issues that they are concerned and worried about. This is what they feel that they have given us their trust to do something about.

Yet there is a hard core minority within the majority party, within the Republican Party here, that has said ''no'' to these pieces of legislation, when there has been real bipartisan support. As you know, HMO reform, campaign finance reform which I did not mention, but there were bipartisan gun safety measures in the Senate. If this were just one-sided, you might say that, ''My gosh, all these folks on the Democratic side are wrong. These are not issues that people care about.'' But, in fact, it does not make any difference what party you are about, what your party identification is. Prescription drugs, HMO reform, gun safety, minimum wage, Medicare/Social Security, they know no party affiliation. People just expect that we are going to do the best we can on their behalf. And, yet, this majority party, this Republican leadership, has bottled these bills up after they had passed in the House, after they have real bipartisan support. They have said ''no.'' So they thwart the will of the Members who serve here, but much, much more importantly, they thwart the will of the American public. It is wrong. It really is. That is not why we were sent here. We cannot subsume all of this legislation that in fact has a tremendous impact on what people's lives are about because we may have some individual views or there may be some special interests out there that provide us with funding for campaigns, for some reason that we do not like, that I do not like or the gentleman from New Jersey does not like or the gentleman from Maine does not like that particular thing. That is not why we are here. We have an obligation. We have responsibilities to those people who send us here. We do not come here on our own. We are sent here to do the public's work.

What this does, when the Republican leadership thwarts the will of the public, they fray that public trust. And we find wherever we go people say, ''Well,

I have got to make it on my own, because those folks in Washington are not going to make a difference in the lives of my family, of my work.'' That is sad, that is very sad, because that is not what we are supposed to be about. I lament that, you do, my colleague from Maine does, and people on both sides of the aisle. My hope, and it certainly is not going to happen in the next few days of this year, of the 106th Congress, but we have to make that commitment that we will come back, and every day of the last year of this 106th Congress, of this session, that we pledge to make the fight for prescription drugs and HMO reform and gun safety legislation and Social Security and Medicare and the minimum wage. The public has got to know that we want to do that, and we are on their side on these issues.

There are those in this body who would do harm. Unfortunately, they are in the leadership of the majority party. That is wrong. I thank my colleague for calling us all together tonight.

Mr. PALLONE. I want to thank the gentlewoman. I just wanted to briefly comment on some of the things she has said because it is so true, and then yield to our colleague from Maine.

It is amazing to me because I have just seen the pattern from day one with every one of the pieces of legislation that you mentioned, and you are right, that ultimately when these bills pass the House, they are bipartisan. But what we see is the Republican leadership basically, for every one of these, HMO reform, Medicare prescription drugs, campaign finance reform, gun safety, we see Democrats introducing a bill, I will use the HMO reform as an example but I could use it for every one of the ones the gentlewoman mentioned. Democrats introduced a bill that would really make a difference in terms of correcting the abuses of HMOs. They get almost every Democrat to support the bill, to cosponsor it, as we say, and then they reach across to the other side of the aisle to try to get some Republicans who understand that this is an important issue and that something has to be done about it and we still cannot get the bill out of committee or to the floor because the Republican leadership because they are so dependent on special interests, in this case the insurance companies, will not bring it up.

What do we do? We file a discharge petition. We file it on a bipartisan basis, or we get some of the Republicans to join us. The numbers of the discharge petition, which is an extraordinary procedure that you should not have to use, is basically petitioning this House leadership to bring a bill to the floor because they will not go through the normal process in committee, and when we approach the magical majority of numbers to sign that discharge petition, then all of a sudden the Republican leadership decides they have to bring the bill to the floor. But they do not let the bill have hearings, they do not let the bill go through committee. They just manage to bring some bill to the floor that is usually exactly the opposite and does not have the reforms that are necessary to cure the problems with HMOs. Then when it gets to the floor, we have to make an extraordinary effort to amend the bill or to bring up the substitute that is an actual reform measure and finally we succeed. But almost a year has gone by by the time that happens. Then, because the Senate has not passed anything, we try to go to conference where the House and the Senate get together so that we can eventually send the bill to the President, and at that stage, they do not let the conference take place. We have done this over and over again.

My colleague from Maine has now just last week filed a discharge petition on his bill related to the price discrimination with regard to prescription drugs, and we filed another bill by the gentleman from California (Mr. STARK) and the gentleman from California (Mr. WAXMAN), a discharge petition, that would provide for the Medicare benefit. We are going to have to get people to sign the petitions when we come back in January. We will. We are all going to work on it, to make sure that we get those signatures and eventually bring these bills to the floor. But we have to exercise these extraordinary procedures. It is very difficult and it takes a long time and it is very easy for the Republican leadership through these procedural gimmicks to basically thwart the will of the real majority here.

I saw just the other day some of our Republican colleagues coming up on the floor and talking about the need for a prescription drug benefit. So we are starting to get some of them, too. But it does not matter because the House leadership, the Republican leadership is opposed to it.

I yield to the gentlewoman from Connecticut.

Ms. DELAURO. Our colleague from Maine will talk about this whole issue of prescription drugs. In the framework that we are talking about, this is not a program here, a program there. That is not what this is about, because budgets and legislation is created out of need. It is reflective of priorities, of values, of how you approach problems that people have. If you reflect on values and who we are and what you want to try to do with responsibility and providing opportunity and doing those kinds of things which is what this body is all about, one has to take a look at all of this through that prism of values and where our values lie in this body, because that is what infuses all of this. That is what prompts us to act. It is what we believe is the right thing to do on behalf of the people. That is what runs through all these pieces of legislation. They are not out there by themselves. I am sorry to take time from my colleague from Maine.

Mr. PALLONE. The thing that really worries me, too, my colleague from Connecticut talked about how the public starts to lose faith because they see all these procedural gimmicks and they think we are never getting anything done. That letter that I was quoting from from my hometown constituent, he ends the letter saying, ''I think your best efforts have had less than the anticipated worthy results. Can something be done?''

As much as he has faith in me and my willingness to come down here and try to get a prescription drug benefit and HMO reform, he is doubting whether it is ever going to be accomplished. That is a sad thing. I yield to my colleague from Maine who is really the person who has done the most to bring to our attention this issue of price discrimination with prescription drugs. I appreciate all the gentleman has done.

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Mr. ALLEN. Madam Speaker, I thank the gentleman for yielding, and I thank the gentlewoman from Connecticut (Ms. DELAURO) for her eloquence on these topics.

What she has been saying is that we are not here to go through the motions. I remember when I was elected, I got a little handwritten note from a constituent of mine who had sent me a $20 check at some point during the campaign. And he said, when you get to Washington, remember the people who sent you there.

What he was saying is, all of those people who sent us here did not send us here to help ourselves, they sent us here to help them, to work for them. Occasionally, as I travel around my district in Maine, once in a while someone gets it right and comes up to me and says, we sent you there to work for us. It is true. If we forget that even for a day, we are slipping from our assignment.

Mr. Speaker, it was 3 years ago almost exactly to the day when I had just been elected for the first time. I came in for an orientation session. Our leader, our Democratic leader, the gentleman from Missouri (Mr. GEPHARDT) said something that I will not forget, partly because he does not let us forget it. He says it often. He said that ''nothing important in this House ever gets done except on a bipartisan basis. Nothing important ever gets done in this House except on a bipartisan basis.'' That is why this year, when we look back at this year, we cannot help but be disappointed, because we have had opportunities. Let us look at two of them.

On two of the major issues that came before this body, we constructed a bipartisan majority made up mostly of Democrats, but of a number of courageous and determined Republicans.

Let us look at one issue, campaign finance reform. In the last session of this House, in the last Congress, it was a battle simply to get the bill to the floor. But this session of Congress,

with the help of the Speaker, it came to the floor. And a substantial number of Republicans, I think 60 or more, voted with the Democrats to pass campaign finance reform in the House, but then the leadership appoints conferees and the issue dies. We do not get anywhere particularly in the other body.

The second example is the Patients' Bill of Rights. There is no question that the real Patients' Bill of Rights which we passed in the House of Representatives could not have passed without Republican support; not a lot of Republican support, but some Republican support. What happens? At the end of the day, the Speaker appoints conferees, only one of whom on the Republican side, only one of the 13 conferees, had actually voted for the Dingell-Norwood bill.

There again, a chance for a bipartisan accomplishment was lost, was lost, to the detriment of the people who sent us here to work for them.

A couple of other examples where we did not have the same kind of success. It seems to me that when we look at all of this, we tried to pass some modest gun safety provisions and the Republicans said no. We tried to improve health care by passing a Patients' Bill of Rights; some Republicans said yes, the majority said no, and the leadership said no.

In the other body there was an effort to ratify the comprehensive test ban treaty to make the world a safer place for all of us, and the Republicans said no. They have said no to prescription drug relief for seniors who need the help. They have said no to extending the solvency of social security. They have said no to extending the solvency of Medicare. Mr. Speaker, we have work to do for the people of this country in this House and it is not being done.

Let me come back for a moment, since both Members said I would talk about it, and I cannot sit down without talking about the issue of prescription drugs.

The gentlewoman from Connecticut (Ms. DELAURO) said that what we try to do here grows out of need. Here is a story about how this whole sort of issue of prescription drugs arose for me.

In the first year or so that I was elected, I would go to meetings with groups of seniors. I would go there talking about the issues that Washington wanted to talk about: Social security and Medicare, and the need to make those programs solvent for the long-term.

What my seniors said, they would pull out a little white slip of paper and say, what I am really worried about is the cost of these prescription drugs. So eventually when the Democratic staff on the Committee on Government Reform said they would be interested in doing a study, something I wanted to call attention to in my district, I said, please, can you do something on prescription drugs?

What we found by that study that has now been replicated in 130 districts across the country is that on average, seniors pay twice as much for their prescription medication as the drug companies' preferred customers: the big HMOs, the hospitals, and the Federal government itself through the VA and Medicaid.

That price discrimination needs to stop. I have one bill, the Prescription Drug Fairness for Seniors Act. The gentlemen from California, Mr. WAXMAN and Mr. STARK, have a bill to provide prescription drug benefits under Medicare.

We need both approaches. The bottom line is what the gentleman from Missouri (Mr. GEPHARDT) said over and over again, we cannot do anything important, and these are important issues, that is not done in a bipartisan way. We need some help from the other side.

Frankly, there is no need to wait. This is a disappointing year. We are coming back next year, however. We will go right back at it. We are going to do the best we can on these issues for the American people.

Next year I hope that we have a little different spirit in this House, that we get back to basics, that we remember who sent us here, that we remember why we came, and that we put aside the ideology that the Federal government cannot do anything or should not do anything or cannot do anything right or should not do anything, and we do the best we can for the American people.

If we do that, we will have some gun show safety positions, we will pass and enact the Patients' Bill of Rights, we will pass a prescription drug benefit, and make sure that there is enough leverage on price so the taxpayers do not get taken for a ride, and we will do something about preserving Medicare and social security for the long-term.

That would be an agenda that the 106th Congress, both sides of the aisle, could be proud of, because it is an agenda that grows out of the needs and the wishes and the beliefs of the American people today. That is the agenda that we have all been fighting for on this side of the aisle.

We have not been quite persuasive enough yet, but I am still hopeful that next year will be the year, and next year we can say with some real satisfaction that we took on the major issues of our time and we dealt with them productively.

Mr. PALLONE. I know that the gentleman is going to do that.

The gentleman talked about and I talked about the discharge petitions on the gentleman's bill with regard to the price of prescription drugs, as well as the Stark-Waxman bill that would provide a prescription drug benefit under Medicare. We are certainly going to pursue that full force when we come back in January.

I do not mean to be the pessimist here. Obviously, we would like to be bipartisan. But I just read the other day, and I think it was in Congress Daily, that when we come back in January, the Speaker, the Republican Speaker, is talking about another tax cut; that that is going to be at the top of the agenda.

I just cannot help thinking that we are going to see maybe a watered down version, but another version of what we witnessed this summer, which is this trillion dollar, and the Republicans try to forget about this now, they do not talk about it anymore, but one of the reasons that it has taken so long and we have been so delayed with this budget is because they spent most of the first 6 months through the summer trying to pass this trillion dollar tax cut.

The effect of that tax cut would have been exactly the opposite of what my colleague, the gentleman from Maine, just talked about. In other words, there would not have been any money to shore up social security, no money to help with Medicare, and we need to look at those programs on a long-term basis because we know they are going to start to run out of money in a few years.

We want to move ahead in a positive way to actually improve Medicare by providing a prescription drug benefit, but if this surplus was used the way the Republicans had initially wanted to by having all the money go for a tax cut that was primarily for the wealthy and for corporate interests, we would not have had anything. We would not have been able to even discuss trying to preserve social security and Medicare.

I am just so afraid, having looked at what the Speaker mentioned the other day in Congress Daily, which is a publication that is circulated around Congress, for the people that do not know what it is, that they are just going to come back here in January and start to talk about another huge tax cut again, instead of addressing Medicare and social security and the other long-term needs that my colleague, the gentleman from Maine, has talked about.

Mr. ALLEN. Mr. Speaker, if the gentleman would yield briefly, one point about the tax cut, that was such a bogus issue, because there was no trillion dollar on-budget surplus. If we make just two simple assumptions that the Republican leadership did not make, one, that we would have emergency spending at at least the same level that we had had it for the last 5 or 10 years, and number two, that there would be growth in domestic spending at least at the rate of inflation, if we just made those two assumptions, the trillion dollar on-budget surplus became a $200 billion on-budget surplus.

Well, we cannot have an $800 billion tax cut when there is only a $200 billion surplus and even pretend that we are being fiscally responsible. So there is one issue where I believe the majority went astray.

Here is another one. There has been all this talk and accusations about the

Democrats raiding the social security trust fund. Sometimes people on our side of the aisle say, well, they have done it, too. We get into this conversation that is really not very productive and misleading.

Some of the articles lately have been illuminating. In September, the Washington Post called it ''a fake debate.'' In October, the New York Times said it was ''social security scare-mongering.'' In a recent column, Henry Aaron described this as ''great pretenders.'' The truth was shown in an article in USA Today this morning. The headline is, ''Add It Up, Social Surplus Is Getting Tapped.''

But the important point is this: The Republicans have already dipped into the social security surplus to the tune of $17 billion, according to the Congressional Budget Office. Our own budgeters are saying that. Let us not make a big deal of this, because the truth is, this does not affect the security of the benefits for a single person who is getting social security. It does not extend or contract the solvency of the social security trust fund by one day.

The real problem that we know, that we have been talking about, is how do we make sure that when there are fewer people working and paying into the system, that the retirees will be able to maintain the benefits at at least the current level.

We can deal with that issue. That is a real issue. But we cannot deal with the issues of health care, of education, of the environment in this country if we are engaged in fake debates about tax cuts and surpluses where the numbers do not add up, and allegations of thievery that have no place on the Floor of this Chamber or anywhere else.

We need to be serious about the work that we do, and as I said before, remember who we are doing it for.

Mr. PALLONE. Mr. Speaker, I am convinced that that whole effort on the Republican side to talk about tapping the existing trust fund is nothing more than an effort to disguise the fact that they are not providing one penny for long-term solvency of social security and Medicare. They just keep confusing the issues constantly. I appreciate what the gentleman said.

I yield to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, let me make two quick points. My colleague, the gentleman from Maine, when he was talking about the Republican argument on the Democrats raiding social security trust fund, it is somewhat disingenuous when we have the majority leader of the Republican party who, in 1984, indicated that social security was a rotten trick, a bad retirement, and who only in recent years talked about phasing out social security.

So this sense of the Republican majority saving social security, I think the public sees through that, given the history.

But I wanted to make a quick point on the issue that the gentleman brought up on the tax cut, this trillion dollars, which ultimately came down to $800 billion in a tax cut.

I think it is important to note that Democrats are for tax cuts. We support tax cuts. But it is a question, when I talked about values and priorities, and where the focus is, where are tax cuts? Let us look at families in this country. Let us look at working families. Let us look at the marriage penalty, home health care, education tax credits to get the kids to school, small business tax cuts.

We put a package together where the tax cuts were paid for. We are for tax cuts, but we want to make sure that it is not the richest 1 percent or 2 percent of folks in this country who are the beneficiaries, but hard-working folks of modest means who are finding it more difficult day in and day out to make ends meet.

That is where our direction has to be. That is what we have to do. That is about values. That is about priorities. That is about who in fact should benefit from what goes on in this country.

Mr. PALLONE. I want to thank the gentlewoman for mentioning that this unfinished agenda that we are realizing over the next few days because the Republicans want to go home really could have included significant tax cuts for the average family if only they would have, on the other side, agreed to deal with those real tax cuts for families, rather than the larger tax cuts for the wealthy and for corporate interests.

□ 2100

I yield now to the gentleman from Texas.

Mr. GREEN of Texas. Mr. Speaker, I again thank my colleague from New Jersey (Mr. PALLONE) for asking for this special order on the ''unfinished agenda.'' I was in my office returning phone calls and I know the gentleman talked about prescription drug benefits for seniors. One of the calls I was returning was a senior who is in an HMO and he joined that HMO because they did have a prescription drug benefit. Now what we are seeing is they are raising the deductibles and lowering the maximum they will cover. So unless Congress reacts, then the HMOs who got a lot of seniors to join because of whether it be for glasses or some other benefit that is not covered by Medicare, we will see even more seniors who do not have some type of copay or prescription drugs.

This person said he liked his doctors, he liked his hospital, but he just could not afford to continue paying because HMOs are raising the deductibles and dropping some of the coverage for Medicare.

The unfinished agenda I think is important to talk about it, because not that I do not want to go home and we do not want to go home. In fact, I go home every weekend and I enjoy it. I get to see my family and I love the district I represent and to do things in that district. But there are some things that we need to do and I think we could have gotten to them before the middle of November. In fact, our original adjournment date was the end of October and we missed that, but we could tell earlier in the year that the way things were running it just was not working.

One of the issues that I did not hear talked about that we hoped we would see is a minimum wage increase. The have the best economy in our history, but we still have a lot of people left out. Typically, the unskilled, the people at the literally lower level of the economic scale and they are not benefitting from that. They cannot invest in new stock offerings or take advantage of some of the things that are happening, but a minimum wage increase will see that benefit to them.

So I talked to a lot of my own constituents and some businesses who said we do not know if we could afford it. And I said this is the best economy that we have seen in years. So we have not dealt with that. I know the controversy is whether they will have a dollar increase over 2 years versus 3 years, but the concern I have is the sweetener on that minimum wage increase. We are in a legislative process. There is not purity. We have to get enough votes to pass something. So I understand we would have to have some tax relief. But it needs to be paid for.

The gentleman from Michigan (Mr. BONIOR) had a minimum wage increase in 2 years with $30 billion in tax relief, but it would have been made up by not going into Social Security or borrowing more money from Social Security. Because I agree with my colleagues that we are not spending Social Security up here; what we are doing is a continual borrowing from it. And whether we as Members of Congress this year or next year or 20 years from now, whoever is here, we need to make sure that the Congress then pays back those debts to Social Security, just like they would pay it back to us if we had a Treasury note or someone in Europe or Japan who happened to invest in the government securities of our country. Social Security needs to be paid back just like every other person who loans money to the Federal Government.

Mr. Speaker, the minimum wage increase was just left out. And, again, we are talking people who are working hard. We are not talking people who are on public assistance. Workers at minimum wage with two children in the family, they are still well below the poverty line. That is why I think it is bad we did not take it up much sooner and seriously discuss it in October and early November.

Let me talk about the managed care. I know that some time has been spent on it by my colleagues tonight, and the gentleman from New Jersey served on the health task force, he is the Chair of that in our caucus. It worried me when the Speaker appointed only one Member to the conference with the Senate

that voted for the bill. Today, I think Congress Daily said the Speaker's office said, well, his concerns and reason there is not going to be any more people added to it, only one person who voted for the bill that passed on a bipartisan basis on this floor, is that he is concerned about coverage. They want more people covered.

Great. I would like to do that too, and I think we share that. But let us not try and eat the whole apple at one bite. We have to deal with people who are fortunate enough to have coverage now and make sure they have adequate coverage. I would like to, tonight or tomorrow, start drafting a bill that would talk about expanded health care, because I come from a district that is traditionally underserved and we have a lot of employers who cannot afford insurance. Or maybe they do pay part of it, but their employee has to pay part of it. That employee, if they are minimum wage or a little higher, they are busy just trying to cover their weekly needs, rent and fuel and insurance. Not health insurance, but insurance on their car, because it is mandatory in most of our States to come and go from work. So people do not have that.

So I would like to start on that, and I would wish they would not use the managed care reform bill as the whipping post, because that is what they are doing. I do not think they have any seriousness about expanding coverage. Managed care needs to be dealt with as its own issue, because those are people who are fortunate enough to have some type of insurance. And, again, I speak from coming from the State of Texas where all the protections that we passed on this floor, they are already in State law and of course have been for 2 years.

Eliminating the gag rules between the doctor and their patients. Outside swift appeals process. Medical necessity. Making sure the doctor is the one making that determination. Accountability. Accountability for those medical decisions. Again, I know the fear is we are going to see lots of folks go to the court house. In Texas, we have not seen that run on the court house. In fact, I do not think there is more than half a dozen, or not even that many cases, that were filed simply because the appeals process works. They are finding over half the time in favor of the patient and not necessarily for who made that decision in the HMO bureaucracy.

The other concern we have as part of our bill is that patients do not have to drive by an emergency room to get care. If the HMO may have been fortunate enough to make a deal with an emergency room that is 15 miles away and the patient is having chest pains or breaks a leg, then, sure, they want to go to the closest emergency room and then be transferred. But our bill provided for that.

That is why it worries me that we are going to see not only a weak bill that the Senate passed, we passed a strong bill here, but the majority, the Republicans put again out of 13 conferees, I think only one voted for the final version. I think that sends a message to the American people. And I hope they continue to remember, and I am going to be here as long as I can over the next few weeks and next months when we come back to talk about how real managed care reform needs to be passed and that is an unfinished agenda we have for this year.

Frankly, we could have dealt with that much earlier if it had not come up in the middle of October. The gentleman from New Jersey and I are members of the Committee on Commerce, the Subcommittee on Health and Environment. It would have been nice if we would have held hearings on the bill, instead of waiting to September to have a few hearings on it. This was such a major issue last session of Congress and in this session of Congress, it should have been dealt with in the spring and maybe today we could be congratulating ourselves on the agenda that we did accomplish. So that is what really bothers me.

The tax cut; I know we spent so long this year talking about this hundreds of billions of dollars in tax cuts. And, again, I sometimes have constituents who come to me and say, ''Wait a minute. We want you to talk how we understand you. Do not talk in 'Washingtonese.'" and I tell them, ''With my accent, I do not think anybody would say that I talk in 'Washingtonese.'" But one of the things that I asked some folks, I said: Wait a minute. If this tax cut was so important and it was such a great political issue, why did we not have a veto override vote here on the floor of the House or the Senate? Why did we not have an effort to do that?

I think when I went back home in August and when our colleagues went back home and talked to a lot of people, they found out that the tax cut was not the top of the agenda for most folks. Health care concerns, education concerns. The economy is good. They did not want Congress to mess things up because the economy is so good for such a large percentage of the American people. So maybe it was that we spent so much time this year talking about this huge tax cut that, again, it would have literally devastated our country.

I think over the next 10 years, because the demand we had, we have a growing country. That is great. We have growing demands both for our military, defense, we have growing demand for the INS, for the Border Patrol. We have a growing demand, and so many people say, ''Sure, I would like to have a tax cut. But I do not want them not to be able to staff an aircraft carrier,'' although I hope we do not build one that we do not want. ''I want to make sure that our military personnel have a pay increase,'' and that was part of the bill that we did pass. That is one of the few things that I think we could say that we finished and it was passed and signed by the President.

So lack of a real managed care reform effort that should have started earlier this year. Prescription drugs is something that we have been talking about on our side of the aisle for over a year, and it is beginning to hit because again a lot of the seniors who are fortunate enough to have an HMO which has prescription coverage are now seeing that benefit reduced. Hopefully not eliminated, but reduced. And we need to solve the problem before it becomes such a crisis for our seniors. It is already a crisis for at least a third of the people who have no benefit at all.

Again, coming from Houston, I have seniors who are willing to drive to Mexico, which takes 6½ hours. But most people cannot afford to do that, whether it be physically or financially, to go down to buy cheaper drugs, or to go to Canada in the northern part of our country.

Social Security Trust Fund. The safeguarding. I know we talked about that earlier and we have not had any long-term safeguarding. But I would hope that maybe when we come back after the holidays and New Years, and of course next year is an election year and people say Congress does not do anything during an election year. I hope that is not the case. Hopefully, we will respond to the demands of the American people, one, because of the managed care reform needs and also a prescription drug benefit.

The President has a proposal that would expand Medicare coverage. But there is a bill that our colleague from Maine and the gentleman from Texas (Mr. TURNER) and a bunch of us signed on to that does not cost very much Federal money a lot all. All it would do is allow HCFA to negotiate just like HMOs now do for reduced medication costs for their seniors who are members of their HMO, just like as the Federal Government, the Veterans Administration does. They negotiate with prescription drug companies to be able to reduce prescription costs to veterans, because that is part of the service that is provided for our veterans who served our country.

Mr. Speaker, that would have so little Federal cost that it was something that we really should have been talking about in the spring and say, hey, let us see if this works. Let us at least have some hearings on it and see where everyone sits down and comes around on it. If there is a problem, let us try and fix it. That is what the legislative process is about and that is what we have not been doing for this year.

Again, I am disappointed because I have served a lot of years as a legislator and I enjoy problem-solving like some of my colleagues on the Republican side, but we have not had that opportunity this year. Let us problem-solve with managed care reform, prescription drug benefits and a minimum wage increase. However we have to

couch it to make sure it can be beneficial to so many people.

Again, I thank the gentleman from New Jersey for taking the time tonight and asking for this special order, but also to say we know we have not finished our job. And as much as I want to go home and be with my family in Houston, I would like to be here to get our job done. And if we could stay for another week, I would be glad to take up prescription drugs and HMO because it would be a much nicer Christmas for the American people if we had something to take home to them.

Mr. PALLONE. Mr. Speaker, I appreciate what the gentleman said. It is so true. We know because just for the last few days when we were home for Friday over the couple of days we had around Veterans Day, that that is what I am hearing. I am hearing from my constituents about these unfinished needs and about the prescription drugs and the HMOs.

The one letter that I read earlier, this is from a gentleman who actually had a Medicare plan that included the prescription drug benefit and now it has been dropped completely. So I am getting all of that. I am getting a lot of people who had the benefit completely dropped and others for whom it costs a lot more.

The one thing that the gentleman from Texas said that I wanted to highlight again, before we conclude tonight, is a lot of times I think that the Republican leadership thinks that the American public, that they can pull the wool over their eyes, that they do not really understand what is going on down here, that a lot of people do not pay attention. And we always hear that people do not pay attention to what goes on in Congress.

Mr. Speaker, I find just the opposite to be true. When we had that situation with the trillion-dollar tax cut that the Republicans put forth during the summer, which was mostly to pay for the wealthy, to help the wealthy and the corporate interests, I was amazed when I went home because everybody always says the public is selfish, they want a tax cut. They are not going to worry about the implications of it. I found just the opposite was true.

Everyone, particularly the seniors, understood exactly that that was not a tax cut that was going to help the average person and that for senior citizens it meant that there would be no money left to deal with the solvency of Medicare and Social Security.

I think that is why when we came back, there was no effort to override the President's veto and we really have not heard any more about it for the last 2 or 3 months because they realize that the public got it and that the public understood that that was wrong and that it was taking away from other more important priorities. I do not know if it will stop them, because as I said before, we hear that the Speaker is talking about bringing up another major tax cut in January. We just have to make sure that this unfinished agenda that we have been talking about tonight, that we address it and that we force the Republican leadership to address it when we come back in January.

□ 2115

The President will deliver his State of the Union Address. I know he is going to talk about prescription drugs because he set the pace for that last year. That and these other priorities have to be met. But we will be here. We will be determined that we are going to deal with this unfinished agenda.

Mr. GREEN of Texas. Mr. Speaker, like the gentleman from New Jersey (Mr. PALLONE) said, we will, like the Terminator, we will be back. But it would not hurt me if we stayed a few days to get some of these things done. The gentleman and I know, if we have not done them in the 11 months we have been here, we are not going to do them in the next couple of weeks.

Mr. PALLONE. Mr. Speaker, we still do not control the process because we are in the minority.

Mr. GREEN of Texas. Mr. Speaker, they do not let the gentleman from New Jersey and I bring bills up on the floor.

FAILURE OF FIRST NATIONAL BANK OF KEYSTONE

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

Mr. LEACH. Mr. Speaker, I rise to speak on the last day of the session about the introduction of a small bill related to what some might argue is a small event involving the loss by the Federal Government of an amount of money that would be considered gargantuan in every respect except its relative size to the United States Government budget.

Given all the budget decisions involving issues like Medicare, defense spending, and U.N. funding, this Congress should be aware that three-quarters of $1 billion has just become obligated outside the budget process because of regulatory laxness related to the failure of one rural bank, the First National Bank of Keystone, West Virginia.

The facts revealed to date suggest that this failure may cost the Bank Insurance Fund far more than the Federal Deposit Insurance Corporation estimated the fund would lose from all bank failures this year. Indeed, the expected loss is so high that it could make Keystone not only one of the 10 most expensive bank failures ever, but also one of the most spectacular for any institution of any size with losses approaching an astounding 70 percent of the bank's assets.

The public first learned of the failure of First National Bank of Keystone September 1, 1999, when the Office of the Comptroller of the Currency (OCC) announced it was closing the bank and appointing the FDIC as receiver. Bank examiners had discovered that loans on the bank's books totaling $515 million were missing—items that represented roughly half the bank's $1.1 billion in total reported assets. Other overstated assets, questionable accounting practices, and credit quality problems push the total expected losses toward the 750 million dollar mark. The picture that is emerging is of an institution which, in recent years, reported high profits at the same time management pursued dubious investment strategies and, ultimately, mischievous techniques to hide massive losses from the scrutiny of examiners.

It will take some time for criminal investigators and Federal bank regulators to unravel the full story of this bank failure, but it is not too early to ask if Federal regulators properly supervise the institution and prudentially stewarded the deposit insurance fund which back-stops risks in the banking system. For 5 or 6 years, red flag practices should have alerted regulators that the high-risk asset management strategies employed by Keystone were hardly of the kind expected in a rural institution situated in a West Virginia town of 627 residents and warranted vigilant supervisory measures.

From 1992 to 1998, Keystone increased its assets tenfold to over $1 billion as it offered depositors up to 2 percentage points more in interest than competitor institutions. Rather than expanding small business and agricultural loans in its West Virginia market area, Keystone engaged in a high-risk strategy of buying, securitizing, and selling subprime loans made to and by people the bank hardly knew. Management practices were reminiscent of those witnessed during the S&L crisis of the 1980s. Rapid asset growth, risky investment activity, and the practice of paying hyper-competitive interest rates were augmented by legal and administrative tactics designed to thwart regulatory oversight.

A combination of lax management and weak supervision by the bank's board were conducive to the imprudent and allegedly fraudulent activities that have been uncovered. Over the past several years, the OCC made futile attempts to curb Keystone's go-go activities with various enforcement actions and civil money penalties; but, in hindsight, the measures were too weak and too late. The OCC pushed for management changes, but the bank's board resisted. Several experienced officers were hired in 1999; however, the board gave them the cold shoulder and they quickly resigned. In May of 1999, an external accountant, Grant Thornton, conducted an independent audit as required by the OCC, and issued an unqualified opinion of the bank's 1998 financial statements. The firm detected no fraud. Just a few months later, however, federal examiners found that a half-billion dollars were missing from the bank's claimed assets.

The delay in uncovering the losses apparently occurred in part because bank management engaged in a sustained pattern of obfuscation. Another tactic of Keystone management was not unlike that employed 15 years earlier by Charles Keating. One of the

hallmarks of the Keating tenure to the S&L called Lincoln was the hiring of many high-powered attorneys to represent his interests. When challenged, Keating and his people had a habit of threatening regulators and the United States Government with lawsuits.

In Keating-esque fashion, Keystone went so far as to hire a former Comptroller of the Currency to contest the OCC's supervisory activities. In an escalated twist, examiners on bank premises were so harassed and felt so threatened that the OCC had to request United States marshals to protect them when they were going over bank records.

In addition to similarities with respect to the 1980's go-go activities of S&Ls that cost American taxpayers approximately $140 billion, the Keystone case adds new elements. The profile of questionable bank leadership is no longer simply the smooth-talking male huckster, but it would now appear that Keystone's cops, Federal banking authorities, were taken in by a scam perpetrated by an institution headed by a grandmother.

With the threats to examiners and recent discovery that three truckloads of bank documents were buried on the property of a senior bank official, indictments have been issued for obstruction of a Federal examination, an unusual legal precept which some may find humorous; others, chilling.

Keystone's failure has not only revealed costly inadequacies at the field supervisory level, but also flaws in interagency cooperation in Washington.

For this reason, I have today introduced H.R. 3324, a bill designed to bolster the independence of the Federal Deposit Insurance Corporation.

By background, state chartered banks are regulated primarily by state banking agencies with the Federal Reserve serving as the primary federal regulator for state members. National banks are regulated by the OCC, and holding companies of all banks are regulated by the Federal Reserve. Analogously, state agencies regulate state chartered savings and loans, and the Office of Thrift Supervision (OTS) serves as the federal thrift regulator. The FDIC is a back-up regulator for all federally-insured institutions (banks and S&Ls) because it is responsible for stewardship of the deposit insurance system. It is also the primary federal regulator for state chartered banks which are not members of the Federal Reserve system. In order to avoid, to the maximum extent possible, duplicative regulation, the regulators are expected to cooperate and coordinate their examination activities. On the whole, this cooperation works, well, in part because America's banking system is so strong. But just as there is private sector competition for profits, there can at times be public sector competition for power, in this case, regulatory jurisdiction.

From a Congressional perspective, the Keystone failure is worrisome because it appears that the FDIC was stymied at key points in its desire to conduct reviews of the bank's activities. The regulators—the OCC and the FDIC—failed to cooperate closely. Although satisfactory communication among the FDIC, the OCC, and other federal regulators in routine cases appears to be the norm, the Keystone case reveals some potentially serious flaws in the federal oversight system.

The tension between the OCC and the FDIC over Keystone was particularly evident in the period leading up to the 1998 examination of the bank. Instead of welcoming FDIC expertise and assistance in analyzing the increasingly complex operations of the bank, the OCC initially denied the FDIC's request to participate in a bank examination. The OCC says its decision was based in part largely on concerns that the inclusion of additional FDIC examiners might exacerbate the increasingly difficult environment for the examiners at the bank and heighten management's resistance to examiners' requests for information.

Retired examiners, like old soldiers and athletes, sometimes have a tendency to exaggerate reminiscences. In a discussion about Keystone, one opined to me the other day that the old rule was if a bank ever displayed reluctance in cooperating with examiners, a swat team of accountants should immediately be brought in, and if intransigence continued, the bank should immediately be closed. This perspective may be callously insensitive to law and to a system where agencies because of their extraordinary authority have an obligation to act with great caution. But one truth is self-evident: bank intransigence is a reason for more, not fewer, examiners.

In this regard, it is noteworthy that the OCC itself has acknowledged that by September of 1997 it considered Keystone's extensive problems required a ''significant amount of examiner expertise.'' For it then to suggest that its objection to having FDIC professionals join the OCC in examinations of Keystone related less to turf concerns, than to apprehension that feathers would be ruffled at the bank, is profoundly indefensible.

Concerned that Keystone posed a serious risk to the insurance fund, FDIC staff decided to elevate their request to take part in the 1998 examination to the full FDIC board, of which the Comptroller is one of five statutory members. In the end, they chose not to present the case to the board because, after a lengthy delay, the OCC eventually acquiesced to limited FDIC participation. But what has become apparent in extensive discussions with FDIC and OCC staff is clear resistance on the OCC's part to FDIC review of banks in certain difficult situations and of some timidity of FDIC staff to challenge Treasury Department hegemony.

Although the OCC reversed its original position just one week before the June 30, 1998, FDIC board meeting at which this issue was to be discussed, it would appear that the OCC's reluctance to involve the FDIC in the examination and other important meetings may have contributed to a lesser FDIC involvement than was warranted. For example, in February of 1998, the FDIC asked for three examiner slots for the upcoming 1998 examination, but the OCC agreed, in the week before the June Board meeting, to allow only one. Although the OCC later agreed to permit two FDIC examiners, its basis for wanting to limit FDIC involvement is not clear. Less than a year later, after Keystone's condition had further deteriorated, the OCC agreed to allow seven FDIC examiners to participate in the 1999 examination. It was during that examination that the stunning losses were uncovered.

The turf battle over the number of examiners reflected the substantive disagreements the two agencies had over the bank's operations. The FDIC in 1998 questioned the valuation of the residual assets on Keystone's books and the potential loss exposure of the bank's subprime lending activities. In particular, the FDIC believed that Keystone's valuation of its residual assets, which comprised over 200 percent of keystone's capital, was not supported. After the OCC agreed to limited FDIC participation in the 1998 examination, the FDIC contends that its examiners were to remain on site until all questions about the bank's accounting and recordkeeping were answered. The OCC, however, completed the on-site portion of the examination in 15 workdays without obtaining sufficient support for the residual valuation and without completing the reconcilement of balance sheet accounts, leaving FDIC examiners with no resolution to this critical concern. When the bank's accountant finally provided the missing information to the OCC at a meeting in January 1999, the FDIC reports that it was neither invited nor even informed of the meeting—this despite the fact that the FDIC had specifically asked to be kept fully informed as insurer and backup supervisor on issues relating to Keystone. Similarly, the OCC did not invite the FDIC to an April 1999 meeting with the developers of the bank's residual valuation model, which was a primary FDIC concern because it was central to determining the risk to the Bank Insurance Fund.

The bureaucratic turf battle over Keystone disturbingly reveals flaws in the current system. While the FDIC, to the maximum extent possible, should coordinate examinations with other regulators, it has long been the assumption of legislators that the FDIC could, at its discretion, fully participate in examinations with other regulators or conduct special examinations of any federally-insured institution without delay or interference whenever it identified a risk of loss to the insurance fund. The Keystone incident shows the FDIC to be coerced, not by the regulated, but by its fellow regulators, who have a shared accountability with the FDIC to the American taxpayer.

The FDIC has a unique role in our financial system and it must be insulated from regulatory turf battles and political considerations. It is instrumental in maintaining the safety and soundness of the banking industry, and is responsible for safeguarding the deposits of customers of all insured financial institutions. Implicitly, the FDIC also has a role in assuring competitive equity. By safeguarding the insurance funds it keeps insurance premiums as low as possible and protects well-run institutions from assuming liabilities associated with high flyers.

It would appear that the FDIC, in its role as guardian of the insurance funds, should have taken a more aggressive stance in insisting on its authority to examine Keystone. In response to a letter of mine on the subject, the FDIC made a strong case that it should have been given a more active role in Keystone examinations. Yet the agency did not rigorously pursue its rights and obligations in the matter. For example, the FDIC initially agreed to the OCC's terms of allowing only one FDIC examiner in the 1998 examination of Keystone despite its judgment four months earlier that it needed three. If the FDIC had serious concerns about Keystone's threat to the fund, it had a fiduciary

obligation to press its case to the Board that three examiners were needed and should be approved.

Concern also exists about the length of time that elapsed between the FDIC's February 1998 request to participate in the Keystone examination and its planned presentation of the case to the Board in June. While this delay allowed the agencies time to negotiate before the start of the examination, the FDIC should have acted on a more forceful and timely basis to resolve the disagreement. While coordination among the agencies is important, cooperation should not overshadow the FDIC's primary responsibility to protect the safety and soundness of the insurance funds.

In attempting to understand the interagency conflict that existed in the supervision of Keystone, it is instructive to review the legislative history of the FDIC's authority to examine national banks and other insured institutions. Prior to 1950, the FDIC could utilize its special examination authority to examine a national bank only with the written consent of the OCC. This veto power over the FDIC proved untenable and the House passed legislation that year, which permitted the FDIC to examine national banks as back-up supervisor without the OCC's written consent. In conference with the Senate, however, the bill was modified to require the full FDIC board—of which the OCC is a member—to authorize any special examination requests. This provision has survived to this day as Section 10(b)(3) of the Federal Deposit Insurance Act. While more restrictive of FDIC independence than the original House language, the 1950 change in law ended the ability of other agencies to veto FDIC participation in examinations as back-up supervisor, as was possible from 1935 until 1950.

In 1950, the FDIC board consisted of three members. Only the Comptroller was from the Treasury Department; the other two directors were affiliated only with the FDIC. In 1989, the board was changed to the current five-member format. There are now three independent members, plus the heads of the OCC and the OTS, who represent the Treasury Department. This arrangement does not give Treasury agencies majority control under normal circumstances. When, however, there is a vacancy in one of the three FDIC positions, half of the four remaining board members represent agencies of the Treasury Department. If two of the independent seats were to be vacant, the Treasury Department would effectively control the FDIC board. This is not an insignificant matter, considering that the current statutory language regarding FDIC back-up examination authority was written at a time when the majority of the FDIC's original three-member Board reflected control by an independent agency, rather than a Cabinet department.

However, when there is a vacancy on the FDIC board, the Treasury Department assumes a larger role than Congress intended, and the FDIC's back-up authority can be subject to challenge. From 1983 until 1993, for example, the OCC and the FDIC operated under an agreement whereby the OCC would invite FDIC participation in examinations of banks with composite '4' and '5' ratings indicating a troubled bank; additionally, the OCC would allow FDIC participation in examination of higher rated banks, with an emphasis on '3'-rated banks.

In September 1993, this collegial arrangement changed. Two of the independent seats were vacant, and the FDIC's board, then dominated by the two Treasury representatives voted to end this long-standing agreement. The new policy reserve to the FDIC Board all decisions regarding concurrent or special examinations, regardless of the rating of the institution. This change in policy was entered into despite an explicit written communication to the FDIC by then-House Banking Committee Chairman Henry B. Gonzalez and me, the then-Ranking Member, that Congress had serious reservations that the proposal under consideration would have the effect of the FDIC improperly derogating its authority.

While the OCC board member seemed sympathetic at the time to the need for FDIC special examinations for '4'- and '5'-rated institutions, he clearly had concerns about FDIC involvement in higher-rated institutions. Yet, the FDIC Acting Chairman and FDIC staff who attended the meeting insisted that under certain circumstances it may be more important to involve the FDIC as back-up supervisor in examinations of deteriorating '3'-rated banks than in the examinations of '4'- and '5'-rated institutions with already identified and addressed problems. Keystone is a case in point.

Two years later, in 1995, the FDIC board delegated authority to its Division of Supervision to authorize participation in certain back-up examination activities of institutions when the FDIC is invited by the primary regulator, or when the FDIC asks and the primary regulator does not object. In cases such as Keystone, however, when the primary regulator objects, FDIC policy dictates that the case must be brought to the full FDIC Board regardless of the rating or conditions of the bank.

Unfortunately, the FDIC Board has not had its full complement of five directors since an independent director resigned over a year ago, which results in Treasury having influence disproportionate to Congressional intent. During this period of time, the Administration has failed to submit a nominee for this current vacancy on the FDIC board. The result is that proposed actions or policies supported by the two independent FDIC directors can be blocked by the two directors who are affiliated with the Treasury agencies, the OCC and the OTS. This is not good governance. By failing to nominate a person for the unfilled board position, the Administration has forced the FDIC to operate without clear independence from the power considerations of the OCC and OTS. Such a situation could have been a factor in the FDIC's decision not to vigorously pursue in the Spring of 1998 its original request in the Keystone case. The bottom line is that all regulators share a common responsibility to protect the safety and soundness of the U.S. financial system—a responsibility that should not be affected by turf concerns.

The OCC's principal response to date in the aftermath of the Keystone failure has been to declare that all FDIC requests to participate in an OCC examination or conduct a special examination of a national bank will now be considered directly by the Comptroller himself. While this procedure is certainly better than having OCC staff deny a request and forcing the FDIC to ask the board for approval, the response is still inadequate because it would do nothing to address the potential for undue Treasury agency influence on the FDIC Board. When a vacancy exists, the Treasury is, in effect, in control; it has veto power over FDIC participation. This is clearly contrary to Congressional intent that the FDIC operate as an independent agency and that it alone be able to determine whether an examination is necessary for insurance purposes, without undue influence by another federal regulator.

From a broader perspective, I might add that since looking into the details of the Keystone case, I have learned that a lack of cooperation is rare, but not isolated. Despite the generally constructive working relationship among federal bank regulators in some 90 instances of back-up examinations over the past four years, there have been, in addition to Keystone, four other cases in which the primary regulatory agency initially rejected the FDIC's request to participate in an examination. Three of these cased involved the OCC and the other the OTS. In all four instances, as with Keystone, the primary agency ultimately agreed to some form of FDIC participation without formal board action.

The record of these five cases confirms that disagreements among agencies are the exception, rather than the norm There are also no indications that the FDIC is capriciously using its back-up authority. Nevertheless, the Keystone failure makes a graphic case that the current process needs improving.

Accordingly, to reinforce FDIC independence on matters affecting the insurance fund, I have introduced today legislation (H.R. 3374) to give the FDIC Chairman authority in special circumstances to direct FDIC examiners to examine any insured institution, instead of the current provision vesting such authority with the FDIC Board of Directors. This authority will continue to be used only when, in the words of Section 10(b)(3) of the Federal Deposit Insurance Act, an examination is ''necessary to determine the condition of such depository institution for insurance purposes.'' The legislation would require that in exercising this authority all reasonable efforts be made to coordinate with any other appropriate regulator and to minimize any disruptive effect of a special examination on the operation of the depository institution. The intent is not to press new FDIC regulation on the banking system, but simply to stress that in unusual, special circumstances the FDIC must be able to act as an independent, rather than subordinate, agency of government.

I believe this legislation will help assure the safety and soundness of the American financial system and protect the insurance funds by underscoring statutorily the long-term intent of Congress that FDIC back-up authority must be of an independent nature. The Chairman would be required to notify other FDIC board members (and the Federal Reserve and State banking authority as applicable) whenever he or she makes such a decision. As the custodian of the insurance funds, the FDIC must be allowed to perform its role as a backup regulator on a timely basis whenever circumstances warrant.

It is worth noting that the Inspector General (IG) of the FDIC has come to similar conclusions. In an October 19, 1999, memorandum to the FDIC Chairman, the IG recommended that the FDIC board delegate its special examination authority to the FDIC Chairman or that the law be amended to vest that authority in the Chairman. The legislation I am introducing today would address the IG's concerns, as well as my own.

The IG argued that the agency's backup examination authority was particularly critical in this era of increasing bank consolidation. While the ''megabanks'' created by recent mergers pose the greatest risks to the insurance funds, the FDIC is the primary regulator for only two of the nation's 39 largest institutions. Obstacles to future FDIC access to relevant information about megabank operations in its role as back-up supervisor could have consequences far greater than the Keystone case.

To assess risk in large institutions where it does not have an ongoing presence, the FDIC requires timely information and records on important aspects of operations. Therefore, the bill I am introducing also includes language emphasizing the right of the FDIC to prompt access to information from other regulators and requiring the federal banking agencies to establish procedures for sharing other information, in addition to examination reports, whenever such information is relevant to the FDIC's responsibility to protect the insurance funds. This provision of the bill underscores the importance of interagency coordination and information sharing to ensure that the FDIC has the necessary data to assess risk to the insurance funds. It is intended to have the practical benefit of potentially minimizing the number of occasions in which the FDIC must exercise its special examination authority.

The vast majority of institutions will not be affected in any way by this legislation. For most institutions, the FDIC does not need any special information other than that already available to it, nor does it need to perform any form of back-up examination. But, clearly, in cases where the potential risk to the fund is great—banks with significant weaknesses, especially if they are megabanks with exceedingly complex activities—the FDIC should be able to function as Congress expects it to function and receive from the primary regulator the information it needs to assess relevant risk.

I might add before closing that my concerns in the Keystone case extend beyond the issues of regulatory cooperation and FDIC special examination authority. There are also troubling questions here about the regulators' ability to identify and stem high risk bank activities in a timely fashion. There was another bank failure involving extremely high losses relative to assets just over a year ago. On July 23, 1998, Colorado State Banking authorities closed BestBank—an FDIC-supervised state bank located in Boulder—after state and FDIC examiners found $134 million in losses in high-risk, unsecured subprime credit card accounts. Although the FDIC initially estimated the cost of that failure to the insurance fund at about $28 million, by year's end the estimate had risen 6-fold to $171.6 million. I mention the BestBank case because of its striking similarities to the Keystone case. Like the junk-bond investments of S&Ls in the 1980s, both BestBank and Keystone were disproportionately involved in high-risk activities, namely subprime loans. Both banks relied heavily on outside, third party servicers. Both banks had experienced extraordinarily high asset growth. Both banks had high public profiles: In the mid-1990's, BestBank was labeled in one banking publication as the ''best performer among U.S. banks,'' and Keystone captured the title of the nation's most profitable community bank for three straight years. Keystone and BestBank also engaged in similar tactics to frustrate federal examiners, and fraud is alleged to have played a part in the failure of both. Unfortunately, I suspect we may also find some parallels in how federal regulators handled the two cases. The FDIC IG, in conducting the material loss review in the BestBank case, concluded that the FDIC could have been more effective in controlling the bank's rapid asset growth and thus curbing losses to the insurance fund.

While we do not yet know the final outcome of the investigations into either of these recent bank failures, it is clear that the banking agencies need to continue to review their supervisory strategies for banks engaging in inherently risky activities, such as subprime lending. Accordingly, I am asking each of the federal banking regulators to keep the Committee informed of any new policies and procedures for identifying institutions with profiles similar to those of Keystone and BestBank, and any changes in their supervisory practices with respect to such institutions. Also I am interested in any initiatives that would assist examiners in the detection of fraud, which is becoming a factor in an increasing percentage of failures. In this regard, I am pleased to note that FDIC Chairman Donna Tanoue recently announced that the FDIC is developing guidelines to require additional capital for subprime portfolios and reviewing potential increases in insurance premiums for banks that continue to engage in high risk activities of this nature without appropriate safeguards.

In closing, the insurance fund should not have to suffer an excessive loss during this era of generally favorable economic conditions. Expensive failures impose unfair costs in the form of higher insurance premiums on honest, law abiding community banks around the country. Failures also impose costs on depositors whose accounts exceed insurance limits. And, as illustrated by the Keystone case, failure can take a heavy toll on the local community and those whose jobs depend on the survival of the bank.

Clearly, it is critical that federal regulators cooperate with each other and pay particular attention to unusually rapid asset growth and potentially risky banking practices if future Keystones and BestBanks are to be averted.

STOP 39-YEAR RAID ON SOCIAL SECURITY TRUST FUND

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. HERGER) is recognized for 60 minutes as the designee of the majority leader.

Mr. HERGER. Mr. Speaker, I have come here to join several of my colleagues in talking and speaking out on stopping the 39-year raid on the Social Security Trust Fund. Mr. Speaker, Congress and the President have come upon the historic opportunity to balance the budget without spending one penny of seniors' Social Security Trust Fund. For nearly 4 decades, the raid on Social Security has gone on, taking over $850 billion in Social Security funds and spending them on unrelated government programs.

Mr. Speaker, 168 days ago, just over 5 months, this House passed my Social Security lockbox legislation by an overwhelming 416 to 12 vote. The passage of this Social Security lockbox legislation showed that House Republicans and Democrats agree that Social Security dollars should not be spent on programs unrelated to Social Security. Congress made the commitment to stop the raid on Social Security.

Shortly later, however, President Clinton joined our bipartisan effort and committed the administration to protecting Social Security. That was over 5 months ago.

Unfortunately, I am afraid, today is a different story. While House Republicans are continuing to honor our steadfast commitment to protect seniors' Social Security, I have great concerns about the recent actions of the Clinton-Gore White House and congressional Democrats.

The current budget situation requires that every increase in spending be offset. Currently, if spending is not offset, it is drawn directly from seniors' Social Security dollars. Over the past few weeks, President Clinton has vetoed five appropriations bills because he says they do not spend enough. Yet, the President has not offered a single solid proposal to pay for those spending increases. It appears the President may be willing to spend Social Security dollars to pay for his spending projects.

Mr. Speaker, Congress and the President are faced with a very clear choice: ask Federal agencies to save one penny, just one penny of a dollar in waste, fraud, or abuse so we can protect Social Security or give in to the big Washington spenders and raid seniors' Social Security dollars.

Amazingly enough, there are still people in Washington that do not believe the Federal Government can tighten its belt by just 1 percent. But the American people know the truth. A recent poll conducted by the National Taxpayers Union revealed, let me show my colleagues this poll, revealed that over 84 percent of Americans believe that there is not just 1 percent waste in government, but they felt there was at least 5 percent of waste in unneeded spending in the Federal spending.

Surely, if 84 percent of the American people believe that there is at least 5 percent of waste, the President and the Congress can work together to find just 1 percent or one penny of waste in order to protect Social Security dollars so many seniors, so many seniors rely upon.

Let me present my colleagues with some examples of waste, fraud, and abuse that we have found in the Federal Government. The National Park Service spent $1 million to build an outhouse at Glacier National Park in Montana. The expense was explained by the outhouse's remote location. The outhouse is located nearly 7 miles from the nearest road, and it took hundreds of horse trips and more than 800 helicopter drops to get the construction materials to the site.

Another one, erroneous Medicare payments that waste over $20 billion

annually. Another, the Department of Education maintains a $725 million slush fund, which it cannot account for. The Department of Housing and Urban Development, HUD, estimated it spent $857 million in 1998 in erroneous rent subsidy payments in fiscal year 1998, about 5 percent of the entire program budget.

Let me close with this for a moment, and that is delays in disposing of more than 41,000 HUD properties cost taxpayers more than $1 million per day.

These are all examples of how Congress and the President can find one penny, 1 percent out of a dollar in waste, fraud, and abuse in the Federal Government.

Mr. Speaker, we are all in this together. We want to work with the President and Vice President GORE to find this 1 percent so that we can protect Social Security dollars. We will not, however, under any circumstances, allow the Clinton-Gore administration to dip into the Social Security Trust Fund to pay for more government spending.

Mr. Speaker, with that, I yield to the gentleman from Arizona (Mr. HAYWORTH), who serves with me on the Committee on Ways and Means which has jurisdiction over Social Security.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from California for yielding to me. He outlines the parameters of what should be a common sense, straightforward decision. Because in a government that has grown so large, so overreaching, so all encompassing, we have heard Mr. Speaker, from various media outlets of waste, fraud, and abuse.

One television network regularly runs a feature entitled ''The Fleecing of America.'' Another television network runs a franchise and a report entitled ''It Is Your Money.''

Mr. Speaker, that is precisely it. The money does not belong to the Federal Government. It belongs to the American people. What we say is rather straightforward and I believe fraught with common sense. Because I hold here a penny, made with good Arizona copper, no doubt, and what we are simply saying, Mr. Speaker, is that, when it comes to budgetary decisions, just as families have to make those decisions to find savings, and, indeed, I happen to notice in the Arizona Republic on Sunday over $50 worth of coupons that my wife Mary sat down and went through to realize savings, if it is good enough for America's families, why is it not good enough for Washington bureaucrats?

□ 2130

Why can we not find those savings of one penny out of every dollar of discretionary spending? That is the challenge that confronts us as we work to achieve what is constitutionally required of the Congress of the United States, to work with the executive to finally determine the amounts spent in the budgetary process and to live within our means.

Now, we have made progress. That is the good news, Mr. Speaker. Because at the podium behind me here 11 months ago the President of the United States came to deliver his State of the Union message, and in that speech he proposed to save 62 percent of the Social Security Trust Fund for Social Security, which a quick check of mathematics would imply, and what was not articulated that night but subsequently outlined in more programs, the President wanted to spend 38 percent, almost 40 percent of the Social Security funds on new government spending, new Washington programs. And we are pleased that through our effort of cheerful persistence, Mr. Speaker, we were able to persuade the President of the United States to truly join us in a program to save Social Security first and agree that 100 percent of the Social Security funds should be spent on Social Security.

Now, that is scarcely a news flash to those of us who serve in the Congress of the United States. Indeed, as my colleague from California and as my good friend from Texas who will join us here momentarily will attest, that is something we have heard from our constituents in town hall meetings since we have come to the Congress of the United States.

And even as the President has agreed with us on that firm foundation, and we are glad he could come around to our way of thinking, we should also point out the good news that the media reported, although it was given scant attention, and we cannot articulate it enough, and that is the folks who do the estimates, the calculations, for fiscal year 1999, sharpened their pencils, got out their calculators, took a look at the receipts coming into the Federal Government via taxation and other means, took a look at the expenditures and, Mr. Speaker, the American people should understand this because it is a measure of how far we have come in a little under 5 years with a new majority in the Congress of the United States, the budgeteers found for the first time since 1960, when I was 2 years old, when a great and good man named Dwight David Eisenhower lived at 1600 Pennsylvania Avenue and served as President of the United States, for the first time since 1960, this government operated within its means to the tune of a balanced budget without dipping into Social Security revenues to meet obligations of the government.

Moreover, there was a true surplus. Now, what do I mean by that? Well, I mean there was a surplus over and above the money set aside for Social Security, a surplus to the tune of $1 billion. And in that process we have also retired billions of dollars of debt, and we will do so again this year.

But, my colleagues, it is really a simple process. I mentioned President Eisenhower. Ike had a favorite term, Mr. Speaker, when things seemed needlessly complex. President Eisenhower would refer to ''sophisticated nonsense.'' And a lot of the time here in Washington, with all due respect to my friends at the State Department, and I think I know why they call the location Foggy Bottom, but apart from diplomacy it also works in terms of economics. Sometimes we get things way too complicated and we have a battle of acronyms; CBO, OMB, GNP, all these different terms. My colleague from California offers the solution in the spirit of President Eisenhower, in the spirit of common sense, folks on both sides of the aisle and across the political spectrum, because again he says let us take a look at the 1 percent solution. One penny of savings out of every dollar of discretionary spending.

It ensures that we keep a promise to today's retirees and to future generations, because now that we have established the guidelines and achieved what had not been achieved since 1960, and that is walling off, not using Social Security funds in the general revenue, balancing the budget over and above that, we dare not retreat at this point. And so we say let us save one penny out of every dollar of discretionary spending.

Now, again, I mentioned the work of several different television networks, several different newspapers, and magazine articles that talk about government waste. And Mr. Speaker, with the indulgence and the obvious modesty of the gentleman from California, I would simply call the attention of this House and the collective attention of the American people, who may join us in hearing these words, to the efforts of my colleague from California on the Committee on Ways and Means with reference to understanding who deserves Social Security payments and how to protect the program for retirees.

My colleague from California (Mr. HERGER), in his efforts on the Committee on Ways and Means, introduced legislation that would make sure that felons behind bars would not receive Social Security payments. They have a place to sleep, three meals a day. Now, granted they do not have their freedom, but why on earth would they receive Social Security payments? And initially the budgeteers said, well, there will be a few million dollars of savings. Through the efforts of my colleague from California, who brushed away the sophisticated nonsense and took a look at the basic issues confronting Social Security and payments to felons behind bars, the Social Security Administration found something both profound and, I daresay, profane.

The Social Security Administration ran the numbers: $3.46 billion. To use the proper mathematical terms, $3,460,000,000 in SSI payments, Social Security payments, would illegally go to prisoners over a 5-year period, including a serial killer who was receiving $80,000 in Social Security disability while he was on death row. My good friend, the gentleman from California (Mr. HERGER), from California made an

important first step to wall that off and to save money, and he is working for more commonsense legislation to completely wall that off. Because that money should not go to convicted felons. That money should go to people who have paid into the program who are law-abiding citizens who have played by the rules.

And that is a demonstration of where there are savings to be realized. And, Mr. Speaker, that is what the American people, Republicans, Democrats, and independents instinctively understand. Because we could talk, as the President of the United States did in a previous visit when he uttered the famous phrase ''The era of big government is over,'' and we could debate that; but, Mr. Speaker, let me redefine what we should be about. The era of good government should begin, in this place, at this time, with Members of both parties working to eliminate waste, fraud and abuse that sadly has grown rampant in a government of this size.

One other note, and I see our colleague from Colorado joins us, and I am so happy to see my friend from Texas, and perhaps my friend from Colorado could expound upon this, because he and my colleague from Arizona (Mr. SALMON) and our colleague, the gentleman from Michigan (Mr. HOEKSTRA), went down to the Education Department, where Governor Dick Riley, an old friend of mine, former Governor of South Carolina, Cabinet Secretary for the Department of Education, said that there was no waste in the Department of Education.

And yet, and yet, when we check what goes on in the Department of Education, and understand that it is our philosophy that dollars should end up in the classroom helping teachers teach and helping children learn, but right now, sadly, the Department of Education, as near as we can calculate, maintains a $725 million slush fund, and folks at the Department of Education cannot account for its use. Indeed, there is no way we understand, for the Inspector General, which is, Mr. Speaker, the fancy name for the accountant who would audit these things, the Department of Education's books are unauditable. The irony, of course, is that simple accountancy and mathematics is a basic skill. One would hope those engaged in education would understand that here in Washington. But that is yet another curious example, and examples abound.

But again it comes back to a very simple notion. To really maintain the integrity of the Social Security Trust Fund, to make sure we do not dip into it, it comes down to this simple notion: Let us save a penny for every dollar of discretionary spending. Because, Mr. Speaker, in the final analysis, a penny saved is retirement secured.

Mr. HERGER. I thank my good friend from Arizona for his profound statements. Earlier the gentleman from Arizona was mentioning how far we have come in just the last 5 years with the new Republican Congress. I remember well, when I was first elected back in 1986, and up until 1994, I wondered whether I would ever see a balanced budget. We were looking at $200 billion and $300 billion budget deficits. Serving as a Member of the Committee on the Budget, they were projected to go and actually increase in the years to come.

We have reversed that, since the new Congress was elected, the new Republican Congress. Now we are not only balancing the budget, but we are now, for the first time in 39 years, on the verge of not spending Social Security.

It is interesting. We are so close. And I do not know why this issue is so controversial with the White House, with the Clinton-Gore administration. We are talking about one penny. We are that close. But let me just read some comments from different officials in the White House on what their response was to just cutting one penny out of the dollar.

By the way, we showed earlier the National Taxpayers' Poll that was done just last week that indicated not only does the American public believe we can consult one penny out of a dollar, 84, almost 85 percent believe that we should be able to cut at least 5 cents out of the dollar. But yet let me read what some of the comments are from some members of the Clinton administration.

When the Secretary of the Interior, Bruce Babbitt was asked on Tuesday, October 27 of this year, if there is no more waste in his department, his response was, ''You have got it exactly right.'' In other words, ''Is there any more waste in your department?'' ''You've got it exactly right.''

Another comment from the Deputy Attorney General Eric Holder on October 26 as well, when he was asked if the administration's position is ''We should not reduce at all the size of the Federal budget.'' His response was, ''That would certainly be the view of the administration.'' In other words, should we not reduce at all? He is saying that would be the view of the Clinton-Gore administration.

And then the last one here, the White House spokesman a day later, on October 27, Joe Lockhart, when asked why dipping into Social Security is even listed as a choice, his response was, ''Listen, if you look at the budget that Congress has produced over the last 15 or 20 years, they have every year dipped into that.'' In other words, that was his reason. Just because we did it before, we are going to do it again.

We are talking about one penny out of a dollar of fraud, abuse and waste. And this is such an opportune time to be talking about this and for the American public to be aware. Because our negotiators right now, our House negotiators and Senate negotiators, are working with the White House right as we speak this evening and trying to negotiate one penny out of the dollar, and they have been turning us down.

□ 2145

So I would like to urge all our listeners, all our taxpayers out in America, all of those who do tighten their belts in their own families, businesses who tighten their belts, please contact House Democrats, Senate Democrats, the President, Vice President GORE and let them know that you think that they can, at least, cut a penny.

Mr. Speaker, I yield to my good friend the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman from California yielding.

I heard the debate going on, and I came out of my office. Not only are the colleagues who are here, like the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from Colorado (Mr. SCHAFFER) are here, trying to talk about what is going on, because just a few feet from this House floor, our negotiators are busy trying to hammer out a deal that, once again, is good not just for the American worker and not just for the American family, but for the taxpayer.

It is the taxpayer that we, as Republicans, must remember the most. That is what brought me to Washington, D.C., in 1994 when I ran for Congress. I signed that wonderful document called the Contract With America. And the Contract with America was a document for all Americans and mostly the taxpayers to see that one party was going to stand up and talk about the things that were important for generation after generation.

The things that we talked about in the Contract with America essentially boil themselves down to these few points: number one, we were going to balance the budget. We were going to do something that had not been done in Washington since we first placed a man on the Moon in 1969.

We were not only going to balance the budget, but we were going to make sure that we took power away from Washington, D.C., and placed it back at home, placed it back at home where people, like myself, as a non-Member of Congress, a person who got up and went to work every day had a wife, a family, kids lived in a neighborhood, went to church, and worked not only in my neighborhood but all across their communities to make things better; and we decided that we were going to let people at home make decisions. And lastly, we decided that we were going to take the power that resided in Congress and open it up to people.

We did away with things like term limits for committee chairmen. We did things like not allowing proxy voting in committees. So we have done so much that has brought not only good government to Washington, D.C., but also did it for the taxpayer.

Now, where have we come? Well, where we have come now since that Contract with America is that we have balanced the budget now three times. We did it first in 1997, then 1998, and

then in 1999. But as we Republicans recognize, and I think Democrats know it, too, that we recognize that we, with a straight face, could not say we know we completely balanced the budget. And the reason why is because we were spending Social Security, we were taking the excess money that came in that people gave to Washington, D.C., for their future and for their future retirement, for the retirement of not only themselves but their families, and we for the first time in 1999, not by accident but certainly not because we did it on purpose, because it was not the law, we stated that we were not going to spend America's retirement future. And so we did not. And for the first time in 39 years, the Republican Congress did not spend one penny of Social Security.

What we are attempting to do tonight is not only to duplicate that but to do it on purpose, because we told the American people we were going to do that. This is what responsibility is all about.

Tonight we are dealing with a circumstance where the President of the United States says, oh, I now believe you. I want to be on your side.

In January of this year he said 60 percent of Social Security was good enough, if there was a surplus. Sixty percent of Social Security would be set aside, but 40 percent would go to spending, new government programs, new spending.

Now he has changed his tune. I say, thank you, Mr. President. Thank you for joining Republicans on doing things that are important to our money; this is our retirement. It does not belong to Washington, D.C.

But what is happening in this endeavor? Now the President and Democrats want more and more and more and more spending. Just last week the White House, in the foreign aid bill, demanded $800 million more for foreign aid, $104 million more for Russia. It just goes on and on and on.

So we know what we have got to do. We have got to make sure that we keep this line, as it implies on the chart, of going up to where we have a surplus. Because this surplus will not only go to pay down the debt, but it will also go to make sure that we have the opportunity to give money back to people who earned it.

I want to show my colleagues one other thing, if I can. This is an example of how much money we owe back to Social Security before we can begin the process of building a surplus there. We have to be able to pay back $638 billion.

Now, our President and my colleagues on the other side of the aisle will say, look, it really does not matter. You know, $800 million here, $800 million there; it is really not a big deal. The President wants $4.5 billion more.

Well, I will say, and I believe that I would gain concurrence from my colleagues who are here tonight, every single dollar counts. The most important part of what we are attempting to get across now is it is not just the dollars, it is the cents, it is the pennies, and it is this cent or common sense that we are talking about.

Waste, fraud, and abuse consumes over $200 billion a year, documented by the Government Accounting Office, $200 billion a year.

So that is why I think, for the first time ever, the Congress of the United States challenged an administration and said, Mr. President, we are willing to cut our own pay by 1 percent. We are willing to cut our own spending 1 percent. But, Mr. President, we want and expect you, too, to do the responsible thing; and that is to find one penny from discretionary spending. We are not talking about Social Security, we are not talking about Medicare, we are not talking about Medicaid. What we are talking about is one penny out of every dollar that you would have control over to where you would say, we are going to look internally to ourselves, we are going to look internally to the Government that is fraught with waste, fraud, and abuse, we are going to consider it a challenge, a challenge for employees of the Government and a challenge for those people who are administrators, who may be secretaries, who may be Cabinet officials, to look deep within themselves and to challenge each and every one of their employees.

The same thing that happened when I was in the private sector just a few years ago. I spent 16 years for a corporation in this country, never missed a day of work, and I was challenged as an employee of that company virtually every single year not only to find what we knew was abuse and waste but what we knew would be a challenge to run our company the way we as employees thought it should be run.

That is where this government is missing out. That is what this President is missing out, an opportunity and a challenge to every single government worker for maybe the first time in their career.

Can you imagine an employee that may have been with the Government for 40 years, their entire career, never once challenged and then the first time a challenge from the Congress of the United States come forward where Members of Congress were willing to take their own pay cut and the chief executive of that country said, no, we cannot live up to that challenge because there is not enough money?

Well, I will submit tonight that the retirement security of every single American, of every single generation is far more important than the $800 million that we added in, and it is far more important than all the shenanigans that go on in Washington, D.C.

That is why we are here tonight. We are here to make sure that no means no. Mr. President, you cannot have our retirement. One hundred percent is far greater than 60 percent, and it belongs to people back home. It does not belong to you, Mr. President. It belongs to the people who produced it.

I thank the gentleman from Arizona (Mr. HAYWORTH), I thank the gentleman from California (Mr. HERGER), I thank the gentleman from Michigan (Mr. HOEKSTRA), and I thank the gentleman from Colorado (Mr. SCHAFFER) for the time and look forward to hearing their remarks.

Mr. HERGER. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS), my good friend, for his remarks.

Again, it is difficult to believe that this administration and those in the minority party here in the House and the Senate are fighting the fact that all we are talking about is one penny out of the dollar that we want to save. And again, as I mentioned earlier, our negotiators are talking right now, are negotiating right at this moment at the White House, trying to come up with one penny of the administration. The administration is fighting that.

Mr. Speaker, I urge all my colleagues and everyone to call the White House, call our Democrat Members to urge them that if 84 percent, almost 85 percent of the American public, believes we can trim 5 percent out of our budget, out of the Federal budget, surely they can find one penny.

Mr. Speaker, I yield to my good friend the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Speaker, I thank the gentleman from California for yielding.

Mr. Speaker, the gentleman is exactly right. Right now, as we speak, the White House and the Congress are meeting and arguing over this one penny on the dollar that we are trying to look for in savings in order to avoid the President's goal to raid Social Security in order to pay for his spending preferences in the budget negotiations.

It was an interesting thing just a few weeks ago when we talked about the necessity of saving 1 percent, one penny on the dollar, out of the appropriated funds in order to avoid that Social Security raid. It was the Secretary of Education and the Secretary of the Interior and others of those sorts who stood up and said it is impossible for us to find one penny on the dollar in savings on our agencies.

Most Americans just understand that is foolish. Most Americans know that there is enough waste and fraud and abuse and excessive spending here in Washington, D.C., that we can go find it if we are willing to spend the time and roll up our sleeves and get in the trenches and look for that penny. The American people know it is there.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, I think we ought to really put this in context. Because we are not talking about taking the dollar that they had last year and making it 99 cents. We are talking about taking the dollar that we gave them last year plus the 4 cents, 3 to 4 percent increase that is in the budget this year.

At the beginning we asked them to save a penny so they can only have $1.03. But I think now, as we are negotiating in the White House and some of the other offsets, we are asking them to find a half a penny. So that this year they have $1.03 and a half cent instead of $1.04.

We are going to find them a half a cent of waste, fraud, and abuse out of the $1.04 that we gave them over what they had last year.

Mr. SCHAFFER. Mr. Speaker, I want to jump right in there. Because it is so simple. The American people understand. They just intuitively know and are correct that there is excessive money here in Washington that the American taxpayers are sending more cash here in Washington than the Government legitimately needs to run the Government.

All we are saying is, we understand there is a difference of opinion between Republicans and Democrats and Republicans like to be more efficient and frugal with the taxpayers' dollars and get those dollars to where they are needed most and do it as efficiently and effectively as we can so we can reduce the tax burden and eventually leave it back home.

The White House, on the other hand, run by Democrats, they want to spend that money. They do not want to look for that penny because they prefer to spend it.

So when Secretary Riley and the Department of Education said just reflexively, no, we cannot save the penny, it is just not there, our Department of Education is so well run and so efficiently managed that there is not a penny to be found, we disagreed.

A handful of us said, no, way, Mr. Secretary. We stayed an extra day when the rest of the Congress went home and three of us marched down there to the Department of Education, showed up at 9:00 in the morning, and we said, listen, folks, we are here to help. We want to help you find that penny, and we went office to office.

□ 2200

We went office to office and spoke firsthand with many of the finance officers and we found some examples of where that penny can be found if you just take the time, spend half a day to go find it. We want the President to join us.

I yield to the gentleman from Michigan to share with the Members what it is we discovered when we went there.

Mr. HOEKSTRA. I know this is why my colleague from California invited me down here tonight. I really appreciate that. But as the gentleman from Colorado and I heard 2 weeks or 2½ weeks ago when we went to the Department of Education, which we heard last week when we met with the Inspector General and which will finally come out, I believe, on Thursday for 1998, in 1998, we entrusted the Department of Education with $35 billion in discretionary spending. They loan out another $85 billion. So they are basically entrusted with $110 billion annually of American taxpayer money. That is a big agency. What are they going to tell us on Thursday? This is not for 1999. This is now November of 1999 for the fiscal year which ended on September 30, 1998. What are they going to tell us?

Mr. SCHAFFER. They are going to tell the Congress that their books are unauditable going back to 1998. That they cannot tell us precisely how they spent the $120 billion, $35 billion in discretionary spending that the Congress gives them on a year-to-year basis.

Mr. HOEKSTRA. So the Secretary of Education will stand up and say I cannot find a half a penny or a penny out of my budget in waste, fraud and abuse, and at the same time, on Thursday, I do not think he will be at that press conference.

Mr. SCHAFFER. I doubt there will be a press conference.

Mr. HOEKSTRA. I bet there will not be a press conference. Because by law, they were supposed to tell us in March, in March of this year by law they were supposed to tell us and release their books to the Congress and to the American people saying, here is the $35 billion, here is the $85 billion in loans that we manage and here is what happened to the money. In March, they were supposed to tell us. They extended it, they extended it, they extended it, they extended it, until finally we hear that this week the auditors will finally come out and say, that $110 billion that we had way back in 1998, we cannot really tell you how we spent it, or the auditors cannot in good conscience tell us where the money went or how it was spent or whatever. But we cannot find a half a penny of waste.

Any organization that is that big and whose books are not auditable has at least a half a penny and you can probably find nickels and dimes of waste and inefficiency because if you cannot track where the money goes, you cannot hold the people accountable for getting the kind of results that they want.

Mr. SCHAFFER. I want to talk about some elementary school children that I met with yesterday. We talked about the importance of education. Before I do that, I want to just ask the gentleman from California, I know how my constituents react when they find out that the Department of Education, the agency charged with helping the children who made these cards for me, cannot balance its books, cannot provide books that are auditable so we can even find out where the money is. We want to help the children who made this artwork back in our schools, in our districts, but it is impossible to be assured that those dollars are really helping children when the Department of Education, itself, a $120 billion agency, one of the largest financial institutions on the entire planet, cannot tell us with any precision where the money went.

What do they say back in California when people find out about these kind of things?

Mr. HERGER. It is hard to believe, and I hate to put it this way, but were it not for the Federal Government, they would not believe it. If something like this were happening in any business in this Nation, if this were happening to anyone in this Nation, if those individuals responsible could not account for their books, the law would take care of them by incarcerating them. We are not proposing that happen to anyone at the Department of Education, but we are saying that those responsible and setting an example of educating our children should be able to keep books in a proper manner.

I yield to the gentleman from Arizona.

Mr. HAYWORTH. I thank my colleague from California. Mr. Speaker, I have come across the aisle symbolically to reach out to my friends in the Democratic Party, to reach out to the administration.

In a previous life, before coming to the Congress of the United States, I was a broadcaster. Oft times I was entrusted with updating current events, what we call in common parlance the news. Mr. Speaker, the news tonight as my colleagues have outlined, is as follows: At this minute, at the White House, congressional representatives and representatives of the administration are involved in negotiations. The most effective way to realize the savings necessary so that we can reach an agreement between the priorities of the administration and the necessities of the American people as reflected through our programs in this common sense Congress is for the administration to agree with us to the 1 percent solution, one penny of every dollar of discretionary spending. As my colleague from Texas pointed out, we are not talking about Medicare dollars, Medicaid dollars, Social Security dollars. We are not talking about vital funds to programs known as entitlements. We are talking about discretionary spending, where choices can be made.

One other note because as my friends talk about education, we should also talk, as I was honored to serve with my colleague from California earlier on the Committee on Resources when I first came to the Congress of the United States, one note on this, because also Arizona's former governor, Secretary Babbitt, at the Interior Department, has followed the predictable, what we call in this town, spin of the administration and said that the Interior Department cannot realize any savings.

Mr. SCHAFFER. If the gentleman will yield, this is Secretary Babbitt's exact quote here. The reporter asked, ''Is there no more waste in government in your departments?'' Secretary Babbitt said, ''Well, it would take a magician to say that there was no waste in government and we are constantly ferreting it out. But the answer otherwise

is, yes, you've got it exactly right.'' In other words, yes, there is no waste in the Federal Government. This does not pass the straight face test, whether you are in Arizona, Texas, Michigan, California, or Colorado, the American people understand there is waste in government and people who make answers like your former governor has here simply ought to be replaced in Washington as far as I am concerned.

Mr. HAYWORTH. And I would like to refresh his memory, because it is burned, it is seared into my memory, the first subcommittee meeting for parks, the Inspector General, the accountant for the Interior Department, with the then director of the National Park Service at his side, the Inspector General testifying in front of that Resources subcommittee said that the National Park Service for that budgetary cycle, for that year, could not account for $73 million of taxpayer funds. My colleague from California pointed out, were this the private sector, it would not be a national park someone would be spending their time in, they would be incarcerated for malfeasance. And the challenge for my colleague from California and others who have that wonderful mission of serving on the Committee on Ways and Means and the Committee on the Budget is to restate our rules so that we have a way to impound those types of funds out of administrative accounts in the next few years. But that is the challenge we face and that is ample evidence. And then we have the other evidence, the infamous outhouse, $1 million for an outhouse at Glacier National Park in Montana. It took over 800 helicopter trips. That is how inaccessible, we are talking about really out there, this outhouse, the million-dollar outhouse. Maybe that is $1 million out of the $73 million of that budgetary cycle. Yet my former governor, the Secretary of the Interior says there is no waste.

The American people know better, Mr. Speaker. My colleagues have amply demonstrated that.

Mr. HERGER. Mr. Speaker, I yield to the gentleman from Texas.

Mr. SESSIONS. I thank the gentleman for yielding and appreciate the gentleman from Arizona.

What we are doing here tonight is we are, I believe, being responsible. We are doing, I think, what I came to Washington, D.C. to do. That is, to work very carefully, very methodically and in the open, to give people not only an understanding about what we are doing but to make sure that we stay here until the ball gets kicked in the net.

Today, the gentleman from South Dakota (Mr. THUNE) stated something that was very interesting to me. Today he said, ''We have got more time than money, and that is why we are going to stay here.'' We are in a tough league here. I tell people back home, in the league I play in up in Washington, D.C., you really do not ever get a no-hitter, but you can have a complete game. I believe us being here talking about the things we are, to have a complete game on behalf of the taxpayers of this country, the people who get up and go to work every day, the people who get things taken out of their paychecks even when they do not want it but they cannot fight the government. We are here for the taxpayer, not the tax collector. And the taxpayer says overwhelmingly, you can find a penny from the government. I am ready to stay. I am ready to stay here as long as we need to.

Mr. President, we believe in what we are doing, and we are going to keep fighting on behalf of what is right. One hundred percent of Social Security is more important than us giving in and going home. I intend to stay. Like the gentleman from South Dakota, I have more time than money, and we are here for the taxpayer. I believe by us telling the truth to the American public, they will recognize that we will find our penny and we can win this battle.

Mr. HERGER. I thank my friend from Texas. Let me point out that while the American taxpayer, 84 percent, almost 85 percent feel we could be saving a minimum of 5 percent, we have only asked the administration to save a penny, and now I understand it is down to about a half a penny and they are still fighting that.

I yield to the gentleman from Michigan.

Mr. HOEKSTRA. I thank the gentleman for yielding. We have come a long way this year. We were in this Chamber earlier in 1999, towards the end of January when the President came down here and gave his annual State of the Union speech. The President at that time said, I want to save 62 percent of the Social Security surplus. By implication meaning I am going to spend the other 38 percent. I do not remember, maybe one of my colleagues can remember and refresh my memory on the fees and the tax increases that the President proposed back in January, that he proposed in his budget. Does my colleague from Arizona remember what that amount was?

Mr. HAYWORTH. As I sat here that evening listening to the President's speech, in 77 minutes he outlined over 80 new spending programs, I believe it was well in excess of $70 billion, in fact almost twice that much.

Mr. HOEKSTRA. Somebody just handed it to me and said the President earlier this year proposed 75 use taxes and fee increases, totaling $150 billion a year. When we take a look at how much progress we have made, we have moved to the point of no tax and no fee increases. In that way, we have eliminated $150 billion of new spending that this President wanted. We have also moved from saving 62 percent of Social Security, we are now within a half a penny in this budget of saving 100 percent of the Social Security surplus. We have come a long way. Thankfully, we have taken the President all the way to 99½ cents.

Mr. HAYWORTH. I think this point should be made, because again in the spirit of bipartisanship, we welcome the President with his change of mind. We appreciate the fact that good people can disagree and then reconsider and come along. Now he says, let us save all of the Social Security trust fund for Social Security. One other thing we did in this Congress, when he proposed the tax and fee increase, we brought it to the floor. Mr. Speaker, again just to refresh the collective memory of this body and clue in the American people, not a single Member of this institution, Republican or Democrat, or my friend from Vermont who is a self-described socialist, an independent, not a one voted for the tax increase. So in that sense, the House worked its will. The President has bowed to that. Again, the 1 percent solution makes dollars and sense. A penny saved is retirement secured.

Mr. SCHAFFER. I would like to talk about one other place where this really matters, and that is with our children around the country. This is National Education Week this week. The slogan for this year is Students Today, Leaders Tomorrow. This debate really does come down to responsibility here in Washington.

I was out in my district just yesterday, I visited three schools up in Sterling and Green Acres Elementary School in Fort Morgan, Colorado, I stopped in and visited with the folks there.

□ 2215

I brought some of the artwork from some of those kids that I am dying to show some of my colleagues. I am scheduled to go to Ukraine next week as soon as we adjourn and will be meeting with some schoolchildren there. I am asking these kids to make up some cards and letters for kids out in Ukraine.

The gentleman ought to see some of these. Here is one from Carrie, who drew a picture of herself at the library where she can check out books. Here is another, Nicole, who wrote, ''I can play at Riverside Park in the rain,'' and drew a nice picture of herself at the park. These are just great.

Here is one from Luke. Luke says, ''I am walking my dog, Mattie. She is 13 years old. She is a yellow lab. She has a blue frisbee and she likes to play with it.'' There is a picture of Luke there that we are sending to the kids in Ukraine.

Here is one more. This is from Teresa. She put a bunch of crucifixes and the American flag. She is sending that to the Ukraine. She drew a picture of her room, and talks about some of the things she likes to do at home.

The point of this is that these are the children that matter most in America. When we start talking about ending dipping into social security and spending more money than Washington has to offer, these kids understand that that is wrong. The kids understand

that the right thing to do is to save social security, to stop spending in deficit quantities.

They understand responsibility at school. When the teacher told the kids on Monday, the Congressman is coming and I want you to have these cards ready to go, the kids had their reports ready to go. Would it not be great if the Department of Education could do the same thing here in Washington, D.C.? When the Congress says, on the 19th of November you need to certify to the Congress that your books balance, we do not need to be hearing the answer we are going to get on Thursday from the Department, that their books are unauditable going back to 1998.

These kids understand responsibilities. They deserve a Department of Education that will work hard to help this Congress find that extra penny in savings so that these kids can get dollars to their classrooms, so that their teachers can have the resources they need to teach, so they can have a roof that does not leak, so they can have education opportunities that are the envy of the world and something to brag about in places like Ukraine, like these kids have done, and I am going to help them do later on this week.

That is what these children deserve. That is what their parents sent us here to Washington to do. Those parents want to know that the kids who made these products and created this artwork have somebody looking out for them in Washington.

If we walk around outside these hallways here, there are lobbyists all over the place. They are all here trying to get an extra dime here or there, or get extra money for their project or for their special interest. But these kids, we are all they have. They are counting on us to fight hard; to stay late into the evening, like we are doing tonight; to negotiate until the bitter end with the White House, so we can save that penny on the dollar and make sure that the education dollars get to the classroom, not hung up in Washington, so they have a social security retirement fund when they retire, and so that their country is run in a way in which they can be quite proud.

Mr. HERGER. Mr. Speaker, I thank my good friend, the gentleman from Colorado. The tragedy is unless the Congress takes action, unless the Congress saves and does not spend on existing programs, for social security coming in, not one of those students will have social security by the time they are ready to retire. This Congress has to act.

I am very grateful that back 168 days ago, and I might mention, in a bipartisan manner, 416 to 12, this House voted overwhelmingly to lock up social security and not spend it. But right now what we are asking of the White House right now is a penny, we are down now even to compromise and find some places where we do not spend in other areas and maybe reduce by half a penny, and we cannot even come up with that. It is really almost unbelievable.

I yield to my friend, the gentleman from Michigan (Mr. HOEKSTRA).

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

What we have worked on so hard in the Committee on Education and the Workforce, and my colleague, the gentleman from Colorado, referenced it, the leverage point on giving kids a good education is moving the decisions closest to the kids in the classroom and the people that know our kids' names, the parents and teachers.

The money we are spending, let us make sure we move the flexibility for making those education decisions as close to those kids as possible.

Mr. HERGER. Mr. Speaker, each of us are parents here, and I know we are coming to the end of our time, but what it is really all about is our children. Each of us here speaking are parents. Undoubtedly, most people who are listening tonight are parents.

Right now there will not be any social security unless we do something about it. We as Republicans are committed to do that. We believe there is a minimum of a penny that any Washington bureaucracy can find to trim out of each of their departments. We are asking that they do it, and maybe do a little more to make sure we save social security. We believe it is there to do. The American public believes we can do it. We are committed to do it.

THE SITUATION IN COLOMBIA, SOUTH AMERICA

The SPEAKER pro tempore (Mr. COOKSEY). Under the Speaker's announced policy of January 6, 1999, the gentlewoman from Wisconsin (Ms. BALDWIN) is recognized for 60 minutes.

GENERAL LEAVE

Ms. BALDWIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wisconsin?

There was no objection.

Ms. BALDWIN. Mr. Speaker, I rise tonight to discuss one of the most pressing foreign policy issues facing our great Nation. That is, the situation in Colombia, South America.

Tonight my colleague and I want to speak about the many challenges that are faced in Colombia. We will discuss the civil war, the inequalities of wealth, the drug problem, the failure of the judicial system there, and the problem created by large numbers of displaced persons.

As we begin this discussion on Colombia, I guess I want to state from the outset that I would like this discussion to deal broadly with Colombia's problems and challenges. This body has all too frequently focused on Colombia, and in fact our Nation usually narrowly focuses on the issue of illegal drug production and trafficking. I strongly believe, however, that without addressing directly the broader problems that are faced in Colombia that we will not make significant progress in addressing the drug trafficking problem, because these problems are so interrelated.

I think we all must agree that drug addiction and abuse must be addressed by our government, that too many Americans and frankly people all over the world are addicted to illegal and sometimes legal drugs. We know that this is a problem that must be addressed. I think we can do so respectfully, agreeing that this is a problem that we are all committed to, but agreeing that we may have some different approaches and different perspectives on how to do that.

Colombia presents an important case study in this regard. It is a country that must be viewed comprehensively, not simply as a drug-producing Nation. The flow of drugs will not stop unless Colombia can achieve peace and economic security.

I wanted to start by sharing a little bit about how I first became interested in the policy in Colombia, U.S. policy towards Colombia, interested in the problems faced by the people of Colombia. I, too, used to view Colombia as a Nation, mostly by what I read about the drug production there, until I had the opportunity as a local elected official on my county board to become involved in a sister community project.

Our county essentially adopted a community in Colombia; in fact, a community in one of the most violent and war-torn parts of Colombia. Through this sister community, we got to experience exchanges. We had people come up, religious leaders, labor leaders, those interested in impacting poverty and fighting human rights abuses in Colombia. They came to our community and discussed the problems. In turn, people from my community got to travel to Colombia, as I did in 1993, to meet people there, to ask firsthand what was happening.

Perhaps learning about Colombia in this way stands in stark contrast to how many of our colleagues first discover the issues and the challenges faced by the people of Colombia, through high-level briefings, perhaps, meeting with generals, ambassadors, presidents, Members of Congress.

I started by meeting with people in agriculture, human rights leaders, people trying to organize collectives and cooperatives. It was a fascinating way to learn about Colombia. I met environmentalists who were engaged in the task of trying to protect the rainforests. I met people engaged in social work, trying to help address poverty in the big cities in Colombia, trying to help former gang members find another way of life. It was eye-opening for me.

One of the things I remember very vividly about my 1993 trip to Colombia

was learning about the human rights situation there. Years of civil war and state-sanctioned repression have resulted in nearly 1 million displaced persons, sort of internal refugees, many of them young people, children.

There are problems with paramilitary death squads, with revolutionary guerillas, and these have led to an escalating level of violence in the past decade. In the last year alone, over 300,000 people have fled their homes and have become newly displaced persons in Colombia. These are people who we do not always hear about.

As I mentioned, I traveled to Colombia in 1993 to see the situation firsthand. One of the shocking and sort of striking memories I have was understanding that some of the aid that we sent to Colombia as military aid, aid intended to help fight the war on drugs, was ending up being misused perhaps by corrupt officials, but was ending up being used in a way to repress the people, those who might be organizing labor unions, those who might be organizing collectives for the farmers, those who might be fighting for human rights.

The U.S. now provides almost $300 million annually in military aid, making Colombia the third largest recipient of aid after Israel and Egypt. I must add, though, that things have improved in Colombia, very much so since the time that I was able to travel there. The military is beginning to address within their own ranks some of the issues of human rights abuses. The leadership, the President of Colombia, the Congress, has begun to act.

We have a number of policy options before us right now in the United States. There is a call for providing almost $1 billion or perhaps a lot more than $1 billion in new aid to Colombia. I think it is an important debate on how we allocate that money, how we approach this issue, how we look at the future of a war on drugs, how we look at making an impact in a country that is dealing with civil war, is dealing with human rights abuses, is dealing with poverty and economic downturn and struggling with a lot of things to put its country back together.

Before I go on to details about what policy options are facing the United States right now, I want to yield to my colleague, the gentleman from California (Mr. FARR), who has been also very well acquainted with the people of Colombia, the issues that Colombians face, perhaps from a different perspective than my own. But I would love the gentleman to share his wisdom with us.

Mr. FARR of California. Mr. Speaker, I thank the gentlewoman from Wisconsin very much. It is a pleasure to be on the floor with the gentlewoman, a very distinguished Member of this body who has so much compassion for people all over the globe, and particularly for the people of Colombia.

My introduction to Colombia was back in 1963. I was a young college graduate who just applied for the Peace Corps and was told that I was going to be accepted to a Peace Corps program in Colombia, South America.

I was excited about it. I had traveled through Latin America when I was in college working as a factory worker in Argentina, and I fell in love with Colombia the minute I stepped off the plane. It is a country, an incredibly beautiful country with lots of green. Obviously the green is well known around the world because it is the major exporter of emeralds.

Colombia, as a Peace Corps volunteer, was the best 2 years of my life. I lived in a very poor barrio. We did not have much running water or electricity. Sewage was inadequate. But the people were so genuine and so friendly, and so much so that when my mother passed away with cancer when I was in the Peace Corps I came home, and immediately went back to Colombia, and my father, I brought my two sisters to Colombia.

My youngest sister, Nancy, who was in high school at the time, 17 years old, unfortunately was killed in an accident in Colombia. Rather than being very bitter about the country, we ended up falling in love with the country because the people were so friendly to our family and realized what a plight we were going through, and how much tragedy we were bearing.

The thing that I hope we can do tonight is put a human face on a country that we hear a lot about. It is a country that the Americans know of, Colombia, and unfortunately know of it for two reasons, one very negative, which is drugs, a country that grows the drugs and processes the drugs that are so destructive to our lives here in the United States and around the world.

□ 2230

Unfortunately, we are the purchaser of those drugs and so we have this problem of those who produce and those who buy and use. And this relationship, Colombians always tell us that if we did not buy the drugs, they would not produce them. And we always say if they did not produce them, we would not buy them. And this is a battle where we have sort of lost sight of what this country is all about.

I hope tonight we can get into some of those issues. So put a human face on a country that is unique in its geographical location. It is the only country in South America that borders on both the Atlantic and the Pacific Oceans. It is a country much bigger than most think by looking at a map. The third largest country in Latin America. It is bigger than California, Texas, Montana and Illinois all combined for about 625,000 square miles. It is a huge country.

It has 38 million people. The people are spread out in Colombia in many big cities. The most urbanized of all Latin America countries. The Colombian market is bigger than that of the market of New York and Texas put together.

It is a remarkable country because not only does it touch both oceans, but it starts almost at the equator and goes up to 20,000 feet with snowcapped mountains close to the shore. So it has every kind of microclimate and can grow anything. Colombia is the second most diversified country in the world. It grows more fruits and vegetables than any other country in the world; and, obviously, that makes it a climate that is attractive to growing things that are illegal. And with the poverty in the country, we can see why the drug crops expanded there.

Mr. Speaker, the issue now is how do we take a country and really get it on its feet? In many ways Colombia, despite all of the problems that it has had with drugs, has remained an economically strong country with an honest economy. It is one of the strongest in Latin America. It has had a longer period of growth with an average of 4.5 percent per year for the last four decades. Between 1990 and 1995, it has grown at 4.2 percent. This is the longest sustained record of economic growth in the Americas. In all of the Americas. Colombia has outperformed the United States.

Now Colombia is in the midst of a recession after more than 30 years of unbroken growth. It is in the midst of problems, turmoil, but it is a democratic country. It had a remarkable turnout in its election for its president, President Pastrana, despite the pressures on people not to vote. It has political factions in the country that are historical between the rebels, between banditos or mafiosos as they are known. So it has got a collection of interests where people are trying to defend their own private lands with privately hired mercenaries, so we have private armies, a public army, a national police. They have rebels, and they have other factions that play in the shadows of all of these.

So we as the United States are now giving aid to Colombia. We have given an awful lot of that aid in the military section primarily for suppressing drugs. The country has now come to the United States. The President has met with our President. They have sat down and worked out an agreement that encourages that Colombia needs to get its own act in order, so to speak. It has done so by coming up with a plan. It has taken that plan not only to the United States but to its allies in Europe and asked for help.

Now, we are on the verge of the last night of the session of the first year of the 106th Congress. The big vote here tomorrow night will be the vote on appropriating monies and particularly the foreign aid money. Colombia is not getting a great deal of that money, unfortunately, because other priorities have taken its place. And I think that we have to recognize that if we are a country that is going to ask them to extradite their criminals, the people

they are arresting in their country, in violation of their laws and our laws, and extradite these people to the United States so that they can be tried, sentenced, and imprisoned here, at great risk to the Colombian politicians and to the Colombian government, that they are doing that at the request of our government, and in turn we need to think comprehensively about how we are going to give them enough aid. Not just military aid, but compassionate aid to help the people help themselves in a better life.

Mr. Speaker, I know that the gentlewoman from Wisconsin has come to discuss some of that; and I really, really appreciate it. I appreciate the gentlewoman being a new face in Congress with a new slant on the Colombian situation. It is so healthy for this body, which has sort of been debating the macho military aid by essentially people that are pro-military and pro-national police, to say that if we just help them we are going to really help the country. When we know and the gentlewoman knows, particularly the first voice that has really come in and talked about the plight of women in this culture, and the fact that we are not going to win this war on poverty; we are not going to win the drug war; we are not going to win the political war or any war just by might. We are going to have to win that war through education. We are going to have to win that war through help with understanding family planning in countries like this. We are going to have to have micro-loan programs and do what we did in the Peace Corps.

Unfortunately, the Peace Corps left Colombia because it became too dangerous. But there are some 8,000 returned volunteers from Colombia, Americans who have lived in Colombia for at least 2 years who have learned the language and the culture, and who are very passionate about those years that they spent there and are wanting to see the country regain its incredible grandeur that it can and to develop the wonderful culture and people and particularly the opportunity for tourism. Making it safe for people to travel, safe for our sons and daughters to go and be educated in their great universities and essentially a much better cultural, educational, political interchange leads to support of a country through tourism and microtourism.

Mr. Speaker, I think that Colombia, because it is on both oceans, has so many opportunities for small economic development programs that would enhance the plight of people in rural areas by allowing them to have kind of ecotourism expand. So I appreciate the gentlewoman bringing these issues to the floor of the United States Congress tonight on the verge of our significant vote tomorrow night.

Ms. BALDWIN. Mr. Speaker, I thank the gentleman. And one of the similarities I think of our approach to this is that each of us comes from a background of getting a real opportunity to meet and exchange with the people of the country of Colombia. Not so much their advisors and their elected officials, perhaps local elected officials, but we really got a chance to interchange and understand what a person who is living in the rural areas or a person who is living in the cities experiences living there and the struggles that they face due to some of the economic challenges.

The gentleman was very right to note the success economically that Colombia has enjoyed. I always observed that while on the macro-level that country was observing great prosperity and growing, although now there is certainly an economic downturn, there is now 23 percent unemployment in some of the major cities, about an average of 20 percent unemployment nationwide. But one of the nuances of Colombia is that there is a concentration of wealth in the hands of few. That is particularly exaggerated in the case of landownership.

Mr. Speaker, about the top 3 percent of Colombia's landed elite own about 70-plus percent of all the agricultural land, while 57 percent of the poorest farmers subsist on about 2.8 percent of the land.

Those sort of challenges internal to Colombia, I think, play a big role in what we see happening there and the concerns that we have there right now. I look at it as a country struggling with civil war, struggling beyond that with a justice system that is in some ways broken down and for that reason people take justice into their own hands. And, of course, that creates in some parts, even though it is a wonderful democracy nationally, in some localities there is almost anarchy existing. It is very violent in certain regions.

But I want to be helpful this evening. I had the opportunity today to meet with a wonderful activist who is visiting the United States from Colombia. What he was doing was describing a program that he is working with in the central part of the country that has been operational for about 4 years now that is bringing a diverse array of parties together to the table to talk, to be engaged in dialogue, and to tackle drug issues, to tackle issues of the unstable economy right now, to tackle issues of violence and large numbers of refugees in a dialogue with people at the regional level.

This individual told us a very hopeful story of a program that is working because, rather than sending merely military equipment to respond to a problem, they are talking about alternative crops. They are giving peasants who would otherwise possibly be lured into production of coca and giving them options that are viable, that allow them to support their families, that allow them to have a hopeful future. It is this sort of balanced approach that I think is the hope for the future.

Now, one thing that we were delighted to see and will hopefully serve as a basis of our conversation as we move forward about how to really and truly tackle drug problems here and in producer countries is the Plan Colombia that President Pastrana and his government have put together.

What we see is a plan that has been offered to an international community that does not just focus on one component of the struggles that Colombia faces, but really is a multifaceted program that I think we can take heart in. What they recognize is how unstable the Nation has been and the fact that in this plan they need to really consolidate in the State of Colombia, make sure that the State is the entity responsible for protection of the public interest, for promoting democracy, the rule of law, to make sure that it is the monopoly in the application of justice and that it plays a stronger role in full employment, in respect for human rights.

They look at building peace as a building process. Not something that will happen, but things that will take years to accomplish. As the plan says, peace is not simply a matter of will; it has to be built. And central to their strategy is, of course, a partnership with other countries to look at not only production of illegal drugs, but consumption and recognizing that there are principles of reciprocity and equality that need to occur in order for countries to move forward together in a partnership to confront mutual problems.

Mr. Speaker, Colombia is in an economic crisis right now, and we have got to tackle that in part also to respond to the larger problems.

Mr. FARR of California. Will the gentlewoman yield?

Ms. BALDWIN. I certainly will yield to the gentleman.

Mr. FARR of California. Mr. Speaker, I appreciate the gentlewoman yielding to me. I wanted to point out that this Plan Colombia I think is very exciting because it outlines not just a military approach, and a national police approach, and a law enforcement approach to preventing crime and to stopping the drug traffickers and so on, but it really is a plan about education of the country. It is a plan about economic revitalization through land reform and having more people have a stake in the outcome. It is about a plan about economic development at the micro level, at the rural level, at the barrio level.

I mean, it is interesting. I do not think we ever outlined it as Peace Corps volunteers some 30 years ago when we were serving there, but what this plan reflects is many of the things that young Americans, professionals recognize that the country needed to do.

□ 2245

It is almost as if the ideas that we are espousing have caught up with the government, and they are now wanting to implement it. I think that is really

courageous of the government because, obviously, if they just went out and said all we want to do is get money for military purposes to eradicate the drug program, I think the countries would be more interested, but they are going far beyond it.

They are looking into programs that would, and I have a list here just asking for $50 million for the year 2000 for the Agency of International Development in the area of human rights to do things like train judicial officials so that they can investigate and prosecute on human rights claims.

One can have violations of human rights, but if one does not have the ability to document them and one does not have the ability and the court, get access to the court and standing before the court, have a court that is honest, a system that, indeed, will listen to the law and listen to the facts and then will sentence people and hold them in sentence and not let them off, this is all a process where the ability is there, but not necessarily a comprehensive training of how one puts it all together.

Ms. BALDWIN. Mr. Speaker, I remember learning about this issue of impugnity that perhaps is a foreign notion here in the United States. But in the past, in Colombia, and they are under way to reform this, if, for example, a military official engaged in an egregious human rights violation, they would be tried in a sort of military court. The judges were hired by the people that they were then trying. The relationship was such that almost always people were let off the hook, almost always. This is now beginning to change, which does give us tremendous hope for the future.

The congress of Colombia has now passed a law that would put teeth in the military judicial system and hold military officials accountable if they were found to have engaged in human rights violations. So it is a very positive step forward. But I think for many of us in the United States who expect the rule of law, it is confusing to hear the people who conducted massacres might not even be held accountable, might not even be discharged from their job, let alone imprisoned and held accountable for their actions.

Mr. FARR of California. Mr. Speaker, will the gentlewoman yield?

Ms. BALDWIN. I yield to the gentleman from California.

Mr. FARR of California. Mr. Speaker, it is very hard, I do not know, we can imagine it, but it is very hard to sort of project this on another country, because we take it so much for granted. We feel secure in our workplace. We feel secure in our communities. Now, there is always exceptions to that with crime, but we do not wake up every morning thinking today is the day something awful is going to happen to me or my child or my spouse when they go to work.

But in Colombia, that happens. There is not a sense of individual security. One is not secure in one's workplace. One is not secure on the street. If one does have money or resources one will be a target of, perhaps, kidnapping. People know who the people are with wealth. If one has wealth, one has to hide it, or one lives a prisoner of one's wealth. One cannot really go out and enjoy society.

I had friends who told me that their children were in school, and they would get a picture, like picture postcards with the crosshairs of a rifle on their children's faces as they exited school, meaning that somebody had taken a picture of these children through a scope of a rifle, showing that they know what school they are going to, when they are getting out, and that they could shoot them at any time they wanted to. If that does not strike fear into a family.

So what happens is if one does have means, one wants to leave. That is the worst thing that can happen to a country is to take the talent, the educated talent, and leave, because it takes a dedication of a total society.

One of the things that you did not mention that I think I am so impressed with is just, what, 2 weeks ago, Colombia, in a demonstration of its own self, of its country, asked people to march in a march they called No Mas. They did it, I believe, in eight of the major cities in Colombia. Anywhere between, depending on the count, 6 to 10 million people marched. That is one in about every eight persons or less that lives in Colombia.

No other country in the world, to my knowledge, has ever turned out that many people to march in protest of what is occurring to the society. I think we ought to be very encouraged as Americans that Colombians feel strong enough about the problems in their country that they are willing to demonstrate in that type of fashion, in a peaceful fashion, with so many people. I do not think we have ever had a demonstration in the United States, and we are a much bigger country, of that many people.

Ms. BALDWIN. Mr. Speaker, the story that I remember so vividly about the lack of security in all realms of life is, when I visited a banana plantation in the areas outside of Portado, Colombia. I remember seeing graffiti spray-painted on one of the buildings on the plantation and asking what the, I could not read the language, and asking what it said. It was graffiti in this case from one of the guerilla organizations.

I asked, what would happen if one simply painted over this? The graffiti was beckoning to the workers at the plantation to join the FARC. I said, what would happen if one spray-painted this? Well, the next week, the paramilitary forces might come through, and if the spray paint is still there, they will be accused of being sympathizers for not having painted over it. But on the other hand, if they paint over it and get rid of the graffiti, the guerillas might come through and also intimidate these individuals as being sympathizers with the paramilitary organizations.

So you have a group of civilians literally in the crossfire of a civil war in a country who go to work, and one knows their buildings have been essentially tagged by these forces, one side or the other, and know that they are so close to, perhaps, being kidnapped or being sent away. This is a daily thing that these people live with.

So when the gentleman talks about the peace rally with, I have heard, up to 10 million people marching in cities across Colombia, the courage that it took to protest openly, to march for peace, no more openly, is remarkable because the consequences are so high.

Well, one of the things that I got a chance to do as a county board official when I first traveled to Colombia was to meet other local officials, many who had run for office with a real commitment to peace and had done things like inviting warring factions to speak, and how many of these individuals risked assassination. I thought, what amazing courage it took for somebody to run for local office in parts of Colombia that we could not fathom here the courage that that would take.

So this march for peace was quite remarkable at the beginning stages of the peace talks in Colombia that Pastrana is leading.

Mr. FARR of California. Mr. Speaker, will the gentlewoman yield?

Ms. BALDWIN. I yield to the gentleman from California.

Mr. FARR of California. Mr. Speaker, I have a question, and it is a question that I think we both know the answer to, but it bears asking, and that is: Why should the American public care about Colombia? It is one of many countries in Latin America. It is historically very dear, I think, to our country. Our President Kennedy traveled to Bogota. The airport was named after him. Many schools were named after the President.

It is a country that has had a lot of people come to the United States to be educated. I think there is about almost a half a million Colombians living in the greater Washington area. I mean, there is a lot of connection.

But for those people in the gentlewoman's State and in my State of California, or others around who are listening to this and who are watching Congress in its foreign aid appropriations who are saying, well, we have enough problems here in the United States, why should we give any money to a country overseas and particularly one country that is producing all of these drugs that we seem to be addicted to? Why should we be helping them at all?

Ms. BALDWIN. Mr. Speaker, well, for me, in many ways it is an easy question because I have had the opportunity to get to know people there, leaders there, people with great hope, not only for their country, but for coexistence in a more peaceful world. We are large trading partners in the sense

that the agricultural products of Colombia, and I am not talking about illegal ones, I am talking about coffee, bananas, and many other products, are so important.

One of the exciting things for our local community when we first decided to adopt or be adopted by a Colombian community when we started this sister community project, and I know there are so many across the country now, there are many communities across the United States that have sister communities in Colombia, that we found all the similarities.

I come from an agricultural State. We are partnered and have a sister community with the banana growing region, which actually is not one of the major drug-producing areas of Colombia, but, yet, still faces some of the violence that we have been talking about, a lot of the violence. It is an area that has absorbed a large group of refugees. It is an area struggling for a more fair division of wealth.

I described before the ownership of vast amounts of land by one or two landlords. They are struggling to start collectives. So we had experts from Wisconsin in the cooperative movement, electrical co-ops, credit unions, et cetera, go and advise people in Colombia on how they can set up collectives to prosper. Those type of ties for me, all aside from the very important issue of fighting drug addiction and drug abuse, call for us to care about what happens there.

Mr. FARR of California. Mr. Speaker, I am very pleased to hear that. Colombians are very entrepreneurial. As the gentlewoman talked about agriculture, the one thing that has really hit our district probably more so than drugs is how successful the Colombians have been in growing flowers.

I represent an area in California which has a substantial number of flower growers, and they are really hurt by the Colombian imports. I mean, it is a good news-bad news story. It is a good news for Colombia that they have been able to be so successful that they have a $4 million export business to the United States and have 80 percent of the entire U.S. market for cut flowers. We have given them free rein to have that because we do not charge them any tariffs where we do charge other countries.

So it is good news for them and it has been bad news for our flower growers. Hopefully, we can negotiate with Colombia and make some differences about that.

Ms. BALDWIN. Mr. Speaker, that offers another example of a way we can also be very helpful to Colombia, because when I visited the flower-growing region, a carnation-growing region, I had the chance to speak with a number of the workers who were trying to organize, trying to address a number of worker-related issues that I think it would make a big difference to people here in the United States, particularly, the labor conditions and issues of use of pesticides, to make sure that we promote trade in a way that helps the Colombian worker as well as the U.S. worker.

When we have discussions about NAFTA and GATT and expansion of trade agreements, and of course NAFTA does not include Colombia, but there are people talking all the time about global trade, we have a capacity because they are trading partners, to help address some serious issues of abuse of labor that ought to concern us all.

Mr. FARR of California. Mr. Speaker, we are going to have a chance to do that in the year 2001. The Andean Trade Pact, which gives these preference trade agreements to the Andean countries, will be up for renewal, and we will be able to have the ability to negotiate on that.

I look forward to some hard, tough negotiations. Hopefully, we can improve the condition of the working class in these countries, the Andean countries, and particularly, I think, help some of our flower growers that are struggling as well.

Another interesting thing about Colombia that many people do not think about, I just got some facts today that today there are 25,000 American citizens who live in Colombia. From October 1997 to September 1998, more than 158,000 Americans visited Colombia. Currently, we have 250 private American businesses that are registered in Colombia.

There is a strong American-Colombian connection, despite all of the violence and problems that have been going on. The key that we are here tonight on the floor talking about is how do we move beyond this impasse. Colombia has come to us and said we want to move on. We want to move significantly further than we have ever been before in all kinds of reforms. We need the aid of the United States. We have a plan. It is a well-thought-out plan. It has been applauded wherever it has been presented as a comprehensive plan, as a plan that could work.

But there is no free lunch. Colombians are asking us, as well as the Europeans and other countries, to help finance that plan.

□ 2300

Because as the gentlewoman mentioned, they are in a historically deep recession right now, and no country in conditions like that can pull out of that without some international help.

And so as we approach how we are going to bail out Colombia, what we have to break here in Congress is the stranglehold that has said the only way we are going to help Colombia is to give them Blackhawk helicopters, more money for military, more national police money. It may be that some of that is essential, but that is not the whole package. And Colombians keep reminding us that is not all that we have asked for, we have asked for a lot of other help that is essential. Because none of the aid to the military for suppression of drugs will work unless the rest of the country is brought up on its feet.

Ms. BALDWIN. And, in fact, there is certainly some sobering statistics that we have heard in terms of the effectiveness of some of our targeted expenditures in Colombia before. Drug production is up markedly, even though U.S. military assistance and police assistance has been increased. And that is obviously not the direction that we want to go.

And as people who are truly concerned about the problem of drug abuse and drug addiction, we want our resources to be used effectively. I believe in so doing what we will recognize is that the problems in Colombia are truly interrelated, and achieving peace, and achieving a more balanced economy, and achieving a greater rate of employment in Colombia, achieving all those things will truly help us reduce the production of drugs and the importation of drugs and the drug trafficking, and thereby decreasing violence, and that that is where we have to push our U.S. policy.

Now, I am still not sure when we are going to have this grand debate on the floor of the U.S. House of Representatives. I know that there was some suspicion that we might be having this debate yet this fall, but it appears that it is a debate that will be deferred until the early months of next year. We have heard of a variety of proposals. There is a bill in the other body that has been put forward. There has been discussion in this House of proposals. Different parts of the administration have talked about different ways of providing increased funding to Colombia.

I think my strongest concern is that we not oversimplify the problem there; that in a combined and dedicated effort to really respond to a drug crisis, that we do so in the most effective way possible, using our resources as best we can, and that that, in this case, probably means responding to poverty and investing in economic development, helping rebuild a responsive judicial system. It is, as the gentleman indicated, not merely a matter of providing more guns and helicopters and sending more people through the School of the Americas, and simply a matter of almost engaging in part of their civil war; that, instead, it is a much more comprehensive and complex strategy that we must engage in.

Mr. FARR of California. Has the gentlewoman not been impressed with the number of organizations, nongovernmental organizations, the human rights organizations, the number of active missions, of technicians, of people, as the gentlewoman talked about, who are just skilled farmers or skilled nurses, people who would really want to help Colombia? I think if we can make this country safe to return to, we will see an outpouring of Americans. It is such a beautiful country. There is so much possibility there. And I just

think that we in Congress have to provide the resources to make this possible.

My daughter is 21 years old. I would hate to think that there is any place in the world that she cannot as an American citizen go and be safe in, and particularly in a country which her father spent two of the most marvelous years of his life as a Peace Corps volunteer. Yet my wife and others do not think it is safe for her to go down there, particularly alone. It may be, but the perception is that it is not. And that is a tragedy, that we have a country that we are so close to and people that we have had such a long historical relationship with and a country that has probably been historically the strongest democracy in Latin America that our own children cannot feel safe to visit or study in their schools.

I hope that those of us who are Members of Congress who care about this will have the ability to do something about it in a very short time.

Ms. BALDWIN. Mr. Speaker, I am delighted that the gentleman was able to join in this discussion. I think it is a very important discussion. I suspect that the next special order will carry on with a similar concern about fighting drug abuse and drug addiction in this country and talking about those efforts. And I certainly want to be one to reach out to both sides of the aisle, to reach over to the other body, to work with the administration, and certainly to keep in close contact with the people of Colombia who can, I think, inform this debate and help us find true solutions to real problems. And I very much thank the gentleman for joining in this with me.

Mr. FARR of California. Well, Mr. Speaker, I thank the gentlewoman for scheduling this hour, and I would encourage everyone who has listened to this, who cares about Colombia, to petition and to write the President, to let the President of the United States know that it is important for the President to make Colombia a high priority, not just Members of Congress. And also to remind us that we, as Americans, are part of the problem. Because we are the buyers of the illicit drugs that are coming out of Colombia. If there was no market, there would be very little production. We need to take some responsibility for that as well.

ILLEGAL NARCOTICS AND DRUG ABUSE

The SPEAKER pro tempore (Mr. COOKSEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for the time remaining until midnight.

Mr. MICA. Mr. Speaker, I am pleased to come before the House. Although the hour is late, I think the subject is extremely important, and some of it will continue upon a dialogue that was begun in the last hour by the gentleman from California and the gentlewoman from Wisconsin on the subject of Colombia.

I do chair in the House of Representatives the Subcommittee on Criminal Justice, Drug Policy and Human Resources, and have attempted this year, almost on a weekly basis, to come to the floor of the House and spend part of a Tuesday evening, when we have the extensive time granted to Members to discuss issues up until the magic hour of midnight. I have used that time to speak on what I consider the biggest social and criminal justice and health policy facing our Nation, and that is the problem of illegal narcotics and drug abuse.

Just as a wrap-up tonight, discussing some of the activities of our subcommittee, and I think it has had a very effective and also full schedule during 1999, we have held almost 30 hearings, and almost 20 of them on the topic of drug policy.

I remember coming to Congress in 1993. From 1993 to 1995, when the other side controlled the House of Representatives, the White House, and the other body, during that period of time only one hearing was held in an oversight capacity on the topic of our national drug policy, and that is part of how we got ourselves into the situation we are in today with the dramatic increases in drug-induced deaths resulting from illegal narcotics and also from the incredible numbers we have in prison and also the societal problems and costs that we see that are incurred not only by Congress but to American families and parents throughout our land.

□ 2310

So we have had, as I said, a full list of hearings. We have tried to cover a number of topics starting last January in my own district to assess the problem in central Florida and the area that I serve.

I have repeatedly mentioned that central Florida is a very prosperous area of our Nation and it has been ravaged by illegal narcotics. Their headlines have blurted out this past year that drug deaths now exceed homicides. And the situation continues to be critical in spite of some of the solutions that we have put in place and steps that we have taken. It is a very difficult problem to solve. We have seen that.

We do know that in some jurisdictions through some efforts there have been successes; and, in others, there have been failures.

In February of this year, we asked one of those success stories to be heard before our subcommittee and we conducted a hearing that featured New York Mayor Rudy Giuliani. And certainly of all the examples of successes in this country, no one has been more successful or more effective in curtailing illegal narcotics, crime, and certainly bringing the murder rate under control than Rudy Giuliani.

In fact, when he became Mayor of New York some years ago, the average annual murders were around the 2,000 mark, in fact, in excess of 2,000. A 70 percent decline in the murder rate there has been achieved through a zero-tolerance and tough enforcement policy that has worked. Hopefully, the success story that we heard about there is being replicated. And we know that it is being replicated in other communities; and where it is, we have seen also some dramatic decreases in crime, violence, and narcotics use.

Also important to our subcommittee and in developing the House's strategy for dealing with the problem of illegal narcotics, narcotics trafficking, is looking at the areas that bring drugs forth into our country into our borders; and we have spent several hearings back in February looking at the situation as far as Mexico.

Seventy percent of the illegal narcotics coming into the United States transit through Mexico. We conducted a rather thorough review and oversight of our policy toward Mexico in advance of the President's requirement under law to certify Mexico as cooperating under again a Federal law that requires that certification that Mexico is cooperating with the United States to stop both the production and trafficking of illegal narcotics.

In return for that certification and cooperation, a country under that law, whether it is Mexico or other countries, is eligible to receive benefits of the United States, either foreign assistance, financial assistance, financial support, votes in international organizations, and also they receive certain benefits as far as trade from the United States. That is once they are certified as fully cooperating.

We did review the previous year's experience with Mexico and found some of their efforts lacking, in fact, reductions in seizures of both heroin and cocaine, and not really addressing some of the requests that the Congress had made some 2 years ago, including extraditing major drug kingpin traffickers; signing a maritime agreement, which they still have not done; allowing our DEA agents to protect themselves in their country, and that was based on the experience we had with one DEA agent murdered some years ago; and also enforcement of Mexican drug laws that were passed and money laundering laws that were passed that were, unfortunately, passed but not fully executed.

We looked at all of the range of requests that this Congress had made 2 years ago to see if Mexico, in fact, had complied; and we found, in fact, their cooperation lacking. In fact, one of the most disturbing reports that we had from that hearing was, in fact, that Mexico, according to our United States Department of State, continues to be the primary haven for money laundering in Latin America.

One of the things that was most disturbing about the actions of Mexico was that, while we had asked them to execute and enforce the laws that they

had passed dealing with money laundering, we found instead hostility towards an investigation that the United States began in that country.

That investigation was probably the largest money laundering investigation in the history of the United States Customs and certainly on the international scene and involved hundreds of millions of dollars that we know came from drug money laundering. This undercover operation was the largest money laundering sting in the history of the United States.

As it ended up, 40 Mexicans and Venezuelan bankers, businessmen, and suspected drug cartel members were arrested and 70 others indicted as fugitives.

The United States officials at the time of our preliminary work on this investigation and during the investigation, did not fully inform Mexican counterparts of the operation because they feared Mexican corrupt officials might endanger our agents' lives. However, they were kept abreast generally of the operation.

Three of Mexico's most prominent banks, Bancomer, Banc Serfin, and Banc Confia, were implicated in this investigation. This investigation also revealed some startling facts about what is going on in Mexico.

One of our senior United States Customs agents who led the Casa Blanca probe declared that corruption had reached the highest levels of the Zedillo government, the current government, when he implicated the Minister of Defense of Mexico, Enrique Cervantes.

In June of 1998, the Mexican Government advised the United States it would prosecute United States Customs agents and informers who took part in Operation Casa Blanca. So rather than cooperate with the United States, Mexico threatened to indict and arrest the United States officials involved in that operation.

In February of this year, 1999, a Mexican judge denied the extradition of five Mexican bankers that the United States had requested for their role in operation Casa Blanca.

In fact, extradition continues to be a very sore point in relations between the United States and Mexico.

Last week, I reported that we met with the attorney general and the foreign minister of Mexico here in Washington in what was, I believe, the seventh high level working group that included our drug czar, other high level officials in our administration, the secretary, under secretary for international narcotics matters, and officials from various United States agencies and numerous Members of both the House and the other body.

At the top of our request list again to Mexico was a question of extradition, not only in the Casa Blanca case, but to date United States officials have 275 pending requests for extradition with Mexico.

□ 2320

To date, Mexico has not extradited a single kingpin drug or illegal narcotics trafficker despite requests. Mexico has only approved 42 extradition requests since 1996. Of 20 of the extradition requests that Mexico has approved, there has only been one of those who has been a Mexican citizen. No major drug kingpin from Mexico who is a Mexican national again has been indicted to date.

In June of this past year, our subcommittee did hold another hearing on Mexico's cooperation on the question of extradition. The title of that hearing is, Is Mexico a Safe Haven for Murderers and Drug Traffickers? Particularly we looked into the case brought to the attention of the subcommittee and the Congress of a suspected murderer, Mr. Del Toro, who was suspected of murder, very heavily implicated in the death of a Sarasota, Florida, woman, a terrible death in which this woman was murdered and the body was left with her two young children. That individual, even though his name is Del Toro, was a U.S. citizen, fled to Mexico and was granted temporary refuge there. I am pleased that after our June 23 hearing, that Mexico did extradite Mr. Del Toro and he is now sitting in jail in Florida awaiting justice in our system. We have made some progress, but again to date not one single major drug kingpin who is a Mexican national has been extradited.

This is all in spite of the fact that on November 13, 1997, the United States and Mexico signed a protocol to the current extradition treaty. Now, this protocol, basically the outline and agreement for extradition, has been ratified by the United States Senate but is currently still being delayed by the Mexican Senate. They have failed to act on that and, as I said, they also have failed to act on the signing or reaching a maritime agreement of cooperation.

I am pleased that this year we have some indication of increased seizures of cocaine and heroin by Mexican officials, in cooperation with the United States officials. That is some good news. Some bad news is that we have just received additional information on the signature heroin program. I have had before this chart that showed, and I think we can see it here, 14 percent of the heroin coming into the United States, was coming, in 1997, from Mexico. We know this is pretty accurate, because these tests that are done by DEA are almost a DNA sampling and can almost trace this heroin to the fields from which the heroin originates. Unfortunately, I just received this chart last week of the 1998 seizures of heroin in the United States. This shows that Mexico has jumped from 14 to 17 percent of the heroin entering the United States, comes from Mexico. That does not sound like much, 14 to 17 percent, but it is about a 20 percent increase. What is startling, too, is in the early 1990's, we were in the single digits in production, primarily black tar heroin from Mexico. The other scary thing, of all the heroin that is coming into the United States is the purity levels that were in the low teens, as far as the purity of heroin is now coming in from both Mexico, South America and other sources is a very high purity level, sometimes 80, 90 percent. So what we have is more production from Mexico, more production from South America, in particular Colombia, and more production of a very deadly heroin, and that is one reason why we have the epidemic of heroin deaths both in my district and throughout the United States.

We do have some serious problems with Mexico. We will continue from our subcommittee to monitor their cooperation. We have that responsibility. Our primary responsibility, of course, is stopping drugs at their source, interdicting drugs before they come into the United States. That really is something that we have tried to closely examine, how effective that has worked.

In the past, and I have held up some of these charts before, particularly in the Reagan administration and the Bush administration, the United States Federal Government, as we can see by this chart, up to 1993 with the Clinton administration, had continually addressed proper funding and spending for international programs. International programs are stopping drugs at their source. Basically what happened is the War on Drugs was closed down in 1993 when the other side took over the House, the Senate and the White House, and Clinton policy really gutted all of these programs. That meant crop alternative programs, stopping drugs at their source, anything that dealt on the international level which again is a primary responsibility of the Federal Government was either slashed dramatically or these programs eliminated. Only now, in 1995, with the advent of the new majority have we really gotten ourselves back to the Reagan-Bush dollar levels of funding for the international programs. We can see some immediate success in several areas, particularly Peru and Bolivia where they have cut production of cocaine in Peru by some 60 percent, in Bolivia by over 50 percent just in several years. The one area where we have not had a reduction in narcotics trafficking and production, of course, is Colombia.

The previous speakers, the gentleman from California, the gentlewoman from Wisconsin, talked about Colombia, and I think in somewhat nostalgic terms. I believe at least one of the speakers had participated in our Peace Corps and both are familiar with Colombia. We have a very serious problem with Colombia today. That problem did not happen overnight. That problem is a direct result of a policy, I believe, and we held a number of hearings in our subcommittee on the subject, and in the Congress there have been some 16 hearings on that subject

that I am aware of, both in our subcommittee and other committees, including International Relations, on the problems relating to Colombia. Colombia is another example of the United States changing policy with the Clinton administration, ending the War on Drugs. They stopped the international programs, they stopped the interdiction programs, and this would be stopping drugs from the source to the United States borders. Again, we do not see a change in this policy getting us back to the level of funding that we had under the Reagan and Bush administration until up to the new majority taking control. Otherwise, we see a complete slash in stopping drugs at their source. And also interdicting drugs as they came from their source.

□ 2330

In fact, one of the first actions of the Clinton administration was to cease providing intelligence information to Colombia on May 1, 1994. That was the beginning of our problems with Colombia, and from the time of this bad policy adoption, things have gone dramatically downhill in Colombia.

That policy change created a gap that allowed drug flights and transit areas that were once denied to drug traffickers to open wide open. Only after the United States Congress intervened and identified this misstep did the Clinton administration, after some very harmful delays, resume intelligence-sharing.

What is interesting, the next step was removal of some of the overflight and surveillance information, and I believe the Vice President was involved in some of those decisions to take some of our AWACs planes and other information, surveillance aircraft, and move them to different locations. Some, of course, went to other deployments of the Clinton administration. It is my understanding one AWACs was sent by the Vice President over Alaska to check for oil spills, as opposed to taking care of providing information to go after drug traffickers.

In addition to going after drug traffickers, the other important thing has been to stem some of the violence, the narco-terrorist violence in Colombia. It is important that we pay attention to human rights, and that human rights violations do not go unpunished.

President Pastrano, the new president of Colombia, has made incredible progress. Very few human rights violations by the military have been reported. The United States is also providing training to their military so that they are aware of human rights violations, and that they do conduct themselves as far as their military activities in compliance with international standards and basic human rights.

However, the human rights of 30,000 Colombians were ignored in this period of time. That is how many Colombians have met their fate and their death as a result of narco-terrorism in their country, so tens of thousands have died. Over 4,000 police, public officials, and everyone from Members of their Congress to their Supreme Court, have been slaughtered, murdered, in what has taken place as lawlessness, and this terrorist insurgency has taken hold.

What is even sadder is that 80 percent of all cocaine and 75 percent of all the heroin in the United States today comes from Colombia. If we looked at a chart back in 1992, 1991, we would see very little cocaine produced in Colombia. This administration, through its policy, again, of stopping information, of stopping resources getting to Colombia, and of denying assistance to Colombia to combat illegal narcotics, has allowed in some 6 or 7 years for Colombia to now become the largest cocaine producer in the world.

It also went from almost a zero production of heroin or poppies to now providing, and I think the charts show, some 60 percent to 70 percent of all of the heroin coming into the United States we can very definitely identify as coming from Colombia. All this took place under the Clinton administration, and in spite of repeated pleas from both the minority, when we were in the minority, and since we have taken over, the majority to make certain that resources and assistance got to Colombia.

What is absolutely incredible, as I stand before the House tonight, we still find ourselves faced with aid that we requested some years ago, with assistance that we appropriated in the previous fiscal year, still not getting to Colombia.

If I have heard one thing once, I have heard it a thousand times. I have heard that the country of Colombia is the third largest recipient of the United States foreign aid. That is based on a supplemental that was provided last year by the Republican majority, initiated by, in fact, the former chair of this subcommittee, the gentleman from Illinois (Mr. HASTERT), who is now Speaker of the House.

I worked diligently to make sure Colombia had the resources, and we passed, under our watch, a supplemental to make certain that the resources got to the source, the primary source, of illegal hard drugs, cocaine and heroin, coming into the United States.

It is absolutely incredible, again, to report that the House, the findings from closed-door sessions we held for the last 2 weeks, we find that in fact it was not $300 million in total that went to Colombia. That got whittled away. So $42 million ended up actually, of $230 million, $42 million went to Peru and Bolivia.

Additionally, we have been requested or we were requesting since 1995 that helicopters which have been requested by Colombia be sent to Colombia to deal with eradication and to deal also with the insurgency that was financed in cooperating with narcotics, illegal narcotics in that country.

What is again absolutely incredible is that to date, we have in Colombia six of nine Huey helicopters that are operating. We expended $40 million on that, so two-thirds of what we requested as far as Huey helicopters are operating, so that is six total Hueys at a cost of $40 million.

One of the other helicopters that has been requested was Black Hawk helicopters, which have both combat capability and also high altitude capability, which we need, and flexibility for Colombia, which has mountainous ranges where coke and poppy are grown and also trafficked.

What is absolutely incredible is that out of the three or out of six that we funded for Colombia, only three have been delivered. Of the three that have been delivered, in fact, none of them are operational at this point because all three of them lack proper floor armoring, and additionally, they do not have ammunition.

Now the ammunition we requested, and I know I have been involved in that for several years, and mini-guns to go to Colombia, we had testimony, again behind closed doors, that in fact, as of November 1, that ammunition and those mini-guns had been shipped, but we did not have confirmation as of last week whether or not they had been delivered.

So we have actually only six operating Huey helicopters out of nine and six would be 15 requested, and three of the Black Hawks are not operational.

Now, if we also look at the dollars involved, we take out $42 million for Peru and Bolivia and we are down to $190 million, and we find that the Black Hawk helicopters really accounted for a great deal of the balance of the residual funds, the super Hueys and several other activities.

What in fact we find out is that of the $232 million above, there was $176 million in fact set aside for Colombia, but only one-half of this has actually been delivered or is operational.

What is even more startling is the administration announced with great fanfare that the President was going to take surplus equipment, again in the previous fiscal year, in 1999, and we are now in 1999–2000, but this is called 506 A drawdown. It is off-the-shelf equipment.

To date, not one single piece of equipment or assistance has been provided to Colombia at this juncture. However, the administration admits now that we have an emergency situation. General Barry McCaffrey, who is head of our antidrug effort and our national drug czar, described Colombia as, and I will quote him, as an ''emergency situation'' at a hearing before our Subcommittee on Criminal Justice, Drug Policy, and Human Resources on August 6 of 1999.

□ 2340

Now, I believe that the administration is somewhat embarrassed to come to the Congress in these final days as

we debate the 1999–2000 normal budget and request additional funds. Anyone who looks at this, and details the amount of money appropriated by Congress initiated in the House of Representatives for Colombia and then sees what has actually been delivered would be shocked and I think somewhat embarrassed to come here and start asking for a billion to $2 billion.

And I might say that we are not opposed to additional funds on our side of the aisle for Colombia. We have a situation out of control. We have a region that is in danger. We have a neighbor that is just a few hours away from Miami. We have an instability that is being created now all the way up to the Panama Canal over into the Caribbean and through Central and South America by this situation that has grown out of control.

General McCaffrey also went on to state, ''The United States has paid inadequate attention to a serious and growing emergency.'' That probably will go down in history as one of the understatements, particularly given the latest information that we have and, again, the disruption to the whole region that we see.

Mr. Speaker, it is interesting to note too that General Serrano, who is the Chief of the Colombian National Police, he stated to our subcommittee that 90 percent of the anti-drug missions the Colombian National Police must conduct are required to be conducted by helicopter, again, given the terrain of the country. I know it is nice to think that just good things will happen if we wish and hope, and I respect the opinion of the other Members who spoke in here before on the floor. But I think we know that some tough measures are needed and that this insurgency must be brought under control by President Pastrana, or there never will be peace in Colombia or there never will be peace in this region.

The latest information that we have just a few months ago is that the FARC, which is the guerrilla forces financed by illegal narcotics activities, earn up to $600 million per year in profits from the drug trade. United States officials believe that the area under drug cultivation in Colombia has spiralled from some 196,000 acres last year from 79,000 acres, and this, again, is a problem I think created by inattention by this administration by stopping the resources, by decertifying Colombia in the improper manner in which it was decertified without a national interest waiver to make certain that these long-sought-after pieces of equipment and in some cases ammunition, helicopters, arrived there to help in bringing this pattern of devastation and left-wing guerrilla activity under control.

A recent United States-based General Accounting report said cocaine production in Colombia has increased by 50 percent just since 1996, making it again the number one cocaine producer in the world. It is interesting to note that the year before the administration began its efforts to make certain that none of the equipment and resources that the Congress was trying to provide got to Colombia.

So, again, the history of Colombia is interesting. Even this past week and, in fact, in the newspaper, we have a report of the Colombian rebels making certain demands to the current government. And this story is dateline Bogota, Colombia. The country's largest guerrilla group said it would reject a year-end truce offer unless the government stopped extraditing drug suspects to the United States. That is one of the major conditions they put forth.

And I will say that last week Colombia, as opposed to Mexico where we have had inaction, did vote for the extradition of major drug traffickers. Now we have the Marxist guerrilla group financed by drug traffickers threatening to hold the peace process in abeyance if Colombian officials go forward with the extradition of the major drug kingpin traffickers.

We will be back, I am sure, next year to the topic of Colombia, even though we wind up in the next few days here our budget in Washington.

Mr. Speaker, let me turn a moment to the situation in Washington. As most people who observe the Congress know, we are in the process of winding up our year-end responsibilities and that is funding all of the activities of the Federal Government. That process takes place through the adoption of 13 bills, each of which funds our Federal Government.

Today, we have passed about eight of those and we have about five in contention. One of those in contention is the District of Columbia. The President has vetoed the appropriations measure for the District of Columbia. What is really interesting at this juncture, we have passed a balanced budget. The new majority brought the country's finances into order. We have a basic agreement. We set up terms of that agreement so that we must stick to the budget agreement in terms. We are doing pretty much that, even within the District budget.

Mr. Speaker, we have to remember the District budget, when we took over control of the House of Representatives after 40 years of control by the other party, the District of Columbia was in shambles. The year we took over, they were short in debt just for one year about three-quarters of a billion dollars. That means the taxpayers from across the country were underwriting the largesse and wild spending not only of the Federal Government and its agencies but also the District of Columbia.

That situation has been brought under control by the new majority, just as we brought into balance the Federal budget. We did that by eliminating some of the employees. They had the largest number of employees of any governmental body probably outside the former Soviet Union. They had 48,000 employees, which meant that about one out of 10 in the District of Columbia worked for the District of Columbia, not mentioning the contracts that were let.

We got that down I believe to around 33,000. The issue is not about spending this year, because we have brought into control the operations of the District. We brought in new management. Fortunately, one of those individuals is now the Mayor. And the District, just like our national budget, on an annualized basis, of course we have debt, but on an annualized basis is in fairly good order.

The reason the President has vetoed the bill is not dealing with dollars and cents, it is dealing with policy. The Clinton administration has championed a needle exchange program for the District of Columbia.

□ 2350

That has been one of the bones of contention. The other, of course, is a liberalized drug policy with regard to referendum to legalize certain drugs in the District of Columbia.

So part of the fight on the floor of the House has been about policy and liberalization of drug policy. I have shown many times this chart of Baltimore where Baltimore went in 1996 from 38,000, almost 39,000 heroin addicts to today above 60,000 heroin addicts. That is just in this period. That is through adoption of a liberal policy, a needle exchange policy and liberalized drug policy.

Deaths also remain constant in Baltimore, 312 murders in 1997 and 312 in 1998. A liberal policy of failure. I have said, if we have to have this bill vetoed, the District bill, with liberal provisions on drug policy 10 more times, so let it be. But that is part of what the debate is about here.

That is in spite of people like General Barry McCaffrey who is our national Drug Czar appointed by the President, he said ''By handing out needles, we encourage drug use. Such a message would be inconsistent with the tenure of our national youth oriented anti-drug campaign.'' So the Drug Czar himself has said that we should not liberalize the policy in the District. He does not support this move.

We have others who have attempted a needle exchange and found that they did just the opposite of what they intended to do. A Montreal study showed that IV addicts who use needle exchange programs were more than twice likely to become infected with HIV as IV addicts who did not use needle exchange programs.

Another study in 1997 in Vancouver reported that, when their needle exchange programs started in 1988, HIV prevalence in IV drug addicts was only 1 to 2 percent, and now it is 23 percent.

Again, we believe, at least on our side of the aisle that these issues, these policies are worth fighting for. It is unfortunate that the Congress just a few days before the Thanksgiving holiday

is here. But, in fact, it is important that we are here. It is important that we do not allow our Nation's capital, which should be the shining example, to return to its former state or to adopt a failed policy of liberalization. If the Nation's capital does not set the example, then who does?

We have taken the District a long way in 4-plus short years. It was not a shining example when we took over. It was a great example of big government going bad. That is the same problem we have with many of the other programs.

Public education. There has been a tremendous amount of discussion about improving education across our land. The Federal Government today only provides 5 cents of every dollar towards education. Most of it is provided by local real estate, property, and State taxes, about 95 percent from local and State sources, 5 percent by the Federal Government.

There has been a debate in the Congress here and one of the reasons we are here is how additional money would go to education. Should it be through more Federal programs? We had 760. We have gotten that down to 700 since we do not want to spend money on administration. We want to spend it on the classroom.

The question of spending it in the classroom, 80 to 90 percent of the money under the Democrat regime went for everything except basics, except for the classrooms. We have tried to turn that around and say that we want at least 90 percent of that money in the classrooms.

The biggest problem we have in addition to liberal policies being promoted in the Washington arena with drugs is just the same problem we face in education where they want the control, they want the ability to dictate, they want the ability to administer and maintain control in Washington. That policy has just about been the ruination of public education and also made it most difficult for the teacher to teach in the classroom, to have control over the classroom, to have some say over the classroom and over the students.

So with 5 percent of the money, the Federal Government has given us 80 percent of the regulations and 90 percent of the headaches. Again, we do not want that policy adopted either in education programs that come from Washington or in programs that dictate how the District of Columbia will operate in the future.

As I close tonight, I think that it is important that we realize, and this may be the last special order on the drug issue, but we realize again the impact of illegal narcotics on our society, not only the 15,700 who meet their untimely death by drug-induced deaths, and that is the latest statistic, in the last, 6, 7 years since I have been in Congress, there have been 80,000 and 90,000 people that meet their death and final fate through drug-induced deaths, a startling figure, almost as many in any recent war of this Nation's history.

The statistics go on to relate the problems that we have. I share with my colleagues some of them as I close, and these are from our National Drug Control Policy Office. According to that office, each day, 8,000 young people will try an illegal drug for the first time. For many of them, it will be the last time. Because of those 15,700 deaths, many, many of them are young people, even teenagers today who fall victim to these high purity hard narcotics and unfortunately do not survive.

According to the Office of National Drug Policy Control, 352 people start using heroin each day across the United States. Today, we have seen also, according to the same office, a record number of heroin deaths, not only in central Florida, but throughout this land, and again, particularly among our young people. So we face a great social problem, a great challenge.

I am pleased that we have been able to conduct during the past year a number of hearings. We are up to some 18 hearings on the narcotics issue and some 30 hearings we will complete by the first week in December with our subcommittee. I appreciate the fine work of staff and Members.

Tomorrow, our subcommittee will hold a hearing at 10 a.m. on the subject of Cuba and its involvement in illegal narcotics trafficking. The administration this past week and the President did not include Cuba in the list of major drug traffickers in spite of some evidence to the contrary.

We will hear both the gentleman from Indiana (Mr. BURTON), chairman of the Committee on Government Reform and the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations on investigations they have conducted by their respective committee staffs on the question of Cuba's involvement and complicity in international drug trafficking, and also the designation by the White House of those countries who have been designated as major drug traffickers, again with the exception of Cuba and with specifically excluding Cuba from that list.

So that will be our responsibility. Then next year, we will continue on our quest to find some answers to very serious problems that the American people and certainly the Congress of the United States face.

RECESS

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

Accordingly (at 11 o'clock and 59 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0044

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTINGS of Washington) at 12 o'clock and 44 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 80, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2000

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–473) on the resolution (H. Res. 381) providing for consideration of the joint resolution (H.J. Res. 80) making further continuing appropriations for the fiscal year 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WISE (at the request of Mr. GEPHARDT) for today on account of recovering from surgery.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business.

Mr. ORTIZ (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. PAYNE (at the request of Mr. GEPHARDT) for today on account of a family emergency.

Mr. LAHOOD (at the request of Mr. ARMEY) for today until 6:00 p.m. on account of attending a funeral.

Mr. HILL of Montana (at the request of Mr. ARMEY) for today on account of medical reasons.

SPECIAL ORDERS GRANTED

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

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

Mr. SHERMAN, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

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

Mr. MCINTOSH, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today.

Mr. RAMSTAD, for 5 minutes, today.

Mr. LEACH, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. EHLERS, for 5 minutes, November 17.

Mr. DREIER, for 5 minutes, today.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

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.

H.R. 2724. To make technical corrections to the Water Resources Development Act of 1999.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 12 o'clock and 45 minutes a.m.), the House adjourned until today, Wednesday, November 17, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

5367. A letter from the Acquisition and Technology, Under Secretary of Defense, transmitting the quarterly Selected Acquisition Reports (SARS) as of September 30, 1999, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

5368. A letter from the Secretary of Defense, transmitting a report on the study directed by section 746 of the National Defense Authorizaton Act for Fiscal Year 1997; to the Committee on Armed Services.

5369. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5370. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5371. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–7304] received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5372. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Interim Final Determination that State has Corrected Deficiencies State of Arizona; Maricopa County [AZ 086–0018c; FRL–6468–8] received November 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5373. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Partial Withdrawal of Direct Final Rule for Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Kern County Air Pollution Control District [CA 172–0188; FRL–6462–9] received November 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5374. A letter from the Chief, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—In the Matter of Federal-State Joint Board on Universal Service [CC Docket 96–45] received November 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5375. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Columbia for defense articles and services (Transmittal No. 00–19), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5376. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract the Netherlands [Transmittal No. DTC 165–99], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5377. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting the Board's report under the Inspector General Act of 1978, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5378. A letter from the Executive Director, Office of Navajo and Hopi Indian Relocation, transmitting a report in accordance with the requirements of the Federal Managers' Fiscal Integrity Act of 1982, and the Inspector General Act of 1988; to the Committee on Government Reform.

5379. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Definition of Napa County, California to a Nonappropriated Fund Wage Area (RIN: 3206–AI86) received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5380. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule—Public Financing of Presidental Primary And General Election Candidates [Notice 1999–26] received November 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

5381. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—West Virginia Regulatory Program [WV–074–FOR] received November 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5382. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 990304062–9062–01; I.D. 100899C] received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5383. A letter from the Deputy Assistant Administrator, National Ocean Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Coastal Services Center Broad Area Announcement [Docket No. 991014275–9275–01 I.D. 102799B] (RIN: 0648–ZA73) received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5384. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species (HMS) Fisheries; Large Coastal Shark Species; Adjustments [I.D. 052499C] received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5385. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Sea Scallop Exemption Program [Docket No. 990527146–9146–01; I.D. 110199B] received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5386. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coral Reef Resources of Puerto Rico and the U.S. Virgin Islands; Amendment 1 [Docket No. 990722200–9292–02; I.D. 060899D] (RIN: 0648–AG88) received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5387. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna Fishery; Regulatory Adjustment [Docket No. 990811217–9286–02; I.D. 061899A] (RIN: 0648–AM82) received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5388. A letter from the Administrator, Federal Highway Administration, Department of Transportation, transmitting a report entitled, ''Fundamental Properties of Asphalts and Modified Asphalts-II''; to the Committee on Transportation and Infrastructure.

5389. A letter from the Chief, Office of Regulations and Administrative Law, National Oceanic and Atmospheric Administration, transmitting the Department's final rule—Licensing and Manning for Officers of Towing Vessels [USCG–1999–6224] (RIN: 2115–AF23) received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. STUMP: Committee of Conference. Conference report on H.R. 2116. A bill to amend title 38, United States Code, to establish a program of extended care services for veterans and to make other improvements in health care programs of the Department of Veterans Affairs (Rept. 106–470). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1695. A bill to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, and for other purposes; with an amendment (Rept. 106–471). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on Science. H.R. 2086. A bill to authorize funding for networking and information technology research and development for fiscal years 2000 through 2004, and for other purposes; with an amendment (Rept. 106–472 Pt. 1). Ordered to be printed.

Mr. GOSS: Committee on Rules. House Resolution 381. Resolution providing for consideration of the joint resolution (H.J. Res. 80) making further continuing appropriations for the fiscal year 2000, and for other purposes (Rept. 106–473. Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LEACH:

H.R. 3373. A bill to require the Secretary of the Treasury to mint coins in conjunction with the minting of coins by the Republic of Iceland in commemoration of the millennium of the discovery of the New World by Lief Ericson; to the Committee on Banking and Financial Services.

H.R. 3374. A bill to strengthen the special examination authority of the Federal Deposit Insurance Corporation in order to protect the Bank Insurance Fund and the Savings Association Insurance Fund, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. GILMAN (for himself, Mr. STUPAK, and Mr. RAMSTAD):

H.R. 3375. A bill to facilitate the exchange by law enforcement agenices of DNA identification information relating to violent offenders, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Armed 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. BILBRAY:

H.R. 3376. A bill to prohibit the use of Federal funds for the purchase of buses other than low-polluting buses; to the Committee on Transportation and Infrastructure.

By Mr. KUCINICH (for himself, Mr. METCALF, Mr. BONIOR, Mr. BURTON of Indiana, Mr. DEFAZIO, Mr. SANDERS, Mr. SMITH of New Jersey, Mr. DOYLE, Mr. LIPINSKI, Mr. BROWN of Ohio, Mr. HINCHEY, Ms. SCHAKOWSKY, Ms. NORTON, Mr. STARK, Ms. WOOLSEY, Mrs. MINK of Hawaii, Mr. MARTINEZ, Mr. MCDERMOTT, Ms. LEE, and Ms. WATERS):

H.R. 3377. A bill to amend the Federal Food, Drug, and Cosmetic Act, the Federal Meat Inspection Act, and the Poultry Products Inspection Act to require that food that contains a genetically engineered material, or that is produced with a genetically engineered material, be labeled accordingly; to the Committee on Agriculture, 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. BILBRAY (for himself and Mr. FILNER):

H.R. 3378. A bill to authorize certain actions to address the comprehensive treatment of sewage emanating from the Tijuana River in order to substantially reduce river and ocean pollution in the San Diego border region; to the Committee on Transportation and Infrastructure, and in addition to the Committee on International Relations, 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. HOYER (for himself, Mr. NEY, Mr. DAVIS of Florida, Mr. CLEMENT, Mr. GORDON, Mr. WAMP, Mr. TANNER, Mr. FORD, Mr. JENKINS, Mr. DUNCAN, Mr. SERRANO, and Ms. MCCARTHY of Missouri):

H.R. 3379. A bill to establish the National Recording Registry in the Library of Congress to maintain and preserve recordings that are culturally, historically, or aesthetically significant, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHAMBLISS (for himself and Mr. MCCOLLUM):

H.R. 3380. A bill to amend title 18, United States Code, to establish Federal jurisdiction over offenses committed outside the United States by persons employed by or accompanying the Armed Forces, or by members of the Armed Forces who are released or separated from active duty prior to being identified and prosecuted for the commission of such offenses, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Armed 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. MANZULLO (for himself, Mr. MENENDEZ, Mr. GILMAN, and Mr. GEJDENSON):

H.R. 3381. A bill to reauthorize the Overseas Private Investment Corporation and the Trade and Development Agency, and for other purposes; to the Committee on International Relations.

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

H.R. 3382. A bill to modify the enforcement of certain anti-terrorism judgments, and for other purposes; to the Committee on the Judiciary.

By Mr. BARTON of Texas:

H.R. 3383. A bill to amend the Atomic Energy Act of 1954 to remove separate treatment or exemption for nuclear safety violations by nonprofit institutions; to the Committee on Commerce.

H.R. 3384. A bill to strengthen provisions in the Energy Policy Act of 1992 with respect to potential Climate Change; to the Committee on Commerce.

H.R. 3385. A bill to strengthen provisions in the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change; to the Committee on Science.

By Mrs. CAPPS:

H.R. 3386. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a program to identify and mentor college eligible high school students and their parents or legal guardians, and for other purposes; to the Committee on Education and the Workforce.

By Mr. DELAHUNT (for himself, Mr. ABERCROMBIE, Mr. ALLEN, Ms. BALDWIN, Mr. BARRETT of Wisconsin, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mr. BLUMENAUER, Mr. BOEHLERT, Mr. BONIOR, Mr. BROWN of Ohio, Mr. CAPUANO, Mr. CONYERS, Mr. CROWLEY, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DINGELL, Mr. FARR of California, Mr. FORBES, Mr. FORD, Mr. FRANK of Massachusetts, Mr. GILCHREST, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HOLT, Ms. HOOLEY of Oregon, Mrs. JOHNSON of Connecticut, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KUCINICH, Mr. LEWIS of Georgia, Mrs. LOWEY, Mr. LUTHER, Mr. MALONEY of Connecticut, Mr. MARKEY, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MEEHAN, Mr. GEORGE MILLER of California, Mr. MOAKLEY, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. PALLONE, Mr. OLVER, Mr. ROMERO-BARCELÓ, Mr. SANDERS, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Mr. STARK, Mr. TIERNEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. UNDERWOOD, Mr. VENTO, Mr. WAXMAN, Mr. WEINER, Mr. WEYGAND, Mr. WEXLER, Ms. WOOLSEY, and Mr. WU):

H.R. 3387. A bill to repeal the fiscal year 2000 prohibition on the use of Department of Defense funds to pay environmental fines and penalties imposed against the Department; to the Committee on Armed Services.

By Mr. DOOLITTLE (for himself and Mr. GIBBONS):

H.R. 3388. A bill to promote environmental restoration around the Lake Tahoe basin; to the Committee on Resources, and in addition to the Committees on Agriculture, and 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. ENGLISH (for himself, Mr. FATTAH, Mrs. JOHNSON of Connecticut, Mr. OWENS, Mr. SMITH of Texas, Mr. FORBES, Ms. DELAURO, and Mrs. CHRISTENSEN):

H.R. 3389. A bill to amend the Internal Revenue Code of 1986 to exclude from the gross income of an employee certain housing incentives provided by such employee's employer to purchase and reside in housing located in qualified urban areas; to the Committee on Ways and Means.

By Mr. GOSS (for himself and Mr. TAUZIN):

H.R. 3390. A bill to conserve Atlantic highly migratory species of fish, and for other purposes; to the Committee on Resources.

By Mr. HINCHEY:

H.R. 3391. A bill to provide for public library construction and technology enhancement; to the Committee on Education and the Workforce.

By Mr. HUNTER:

H.R. 3392. A bill to provide tax incentives for the construction of seagoing cruise ships in United States shipyards, and to facilitate the development of a United States-flag, United States-built cruise industry, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Armed Services, and 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. LEVIN (for himself, Mr. HOUGHTON, and Mrs. THURMAN):

H.R. 3393. A bill to amend the Trade Act of 1974 to provide for identification of, and actions relating to, foreign countries that maintain sanitary or phytosanitary measures that deny fair and equitable market access to United States food, beverage, or other plant or animal products, to amend the Trade Act of 1974 and the Sherman Act to address foreign private and joint public-private market access barriers that harm United States trade, and to amend the Trade Act of 1974 to address the failure of foreign governments to cooperate in the provision of information relating to certain investigations; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCRERY:

H.R. 3394. A bill to amend the Internal Revenue Code of 1986 to provide individuals with an election to reduce the basis of depreciable real property in lieu of gain recognition on such property; to the Committee on Ways and Means.

By Mr. MCHUGH:

H.R. 3395. A bill to establish certain procedures regarding the appointment and tenure of persons to the International St. Lawrence River Board of Control established by the International Joint Commission under the Boundary Waters Treaty of 1909; to the Committee on Transportation and Infrastructure.

By Mr. MCKEON (for himself and Ms. SANCHEZ):

H.R. 3396. A bill to require the Secretary of Defense to submit to Congress a report on production alternatives for the Joint Strike Fighter program; to the Committee on Armed Services.

By Mr. GEORGE MILLER of California (for himself, Mr. YOUNG of Alaska, Mr. BONIOR, Mr. WAXMAN, Mr. KILDEE, Mr. KENNEDY of Rhode Island, Mr. ABERCROMBIE, Mr. HAYWORTH, Mr. INSLEE, Mr. FALEOMAVAEGA, Mr. GALLEGLY, Mr. SMITH of Washington, Mrs. NAPOLITANO, Mr. KIND, Mrs. CHRISTENSEN, Mr. BLUMENAUER, Ms. KILPATRICK, Ms. LEE, Ms. BALDWIN, Ms. PELOSI, Mr. HINCHEY, Mr. JEFFERSON, Mr. FILNER, Mr. OBERSTAR, Mr. DIAZ-BALART, Ms. STABENOW, Mr. NETHERCUTT, and Mr. MARTINEZ) (all by request):

H.R. 3397. A bill to improve the implementation of the Federal responsibility for the care and education of Indian people by improving the services and facilities of Federal Indian health programs and encouraging maximum participation of Indians in such programs, and for other purposes; to the Committee on Resources, and in addition to the Committees on Commerce, Ways and Means, 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. NADLER:

H.R. 3398. A bill to ensure that a national railroad system is maintained or created which is adequate to provide the transportation services needed for the United States economy, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PAUL:

H.R. 3399. A bill to prohibit the Secretary of the Treasury and the Board of Governors of the Federal Reserve System from including any information storage capability on the currency of the United States or imposing any fee or penalty on any person for the holding by such person of currency of the United States, including Federal reserve notes, for any period of time; to the Committee on Banking and Financial Services.

H.R. 3400. A bill to provide that the inferior courts of the United States do not have jurisdiction to hear abortion-related cases; to the Committee on the Judiciary.

By Mr. POMEROY:

H.R. 3401. A bill to provide a final settlement on certain debt owed by the city of Dickinson, North Dakota, for construction of the bascule gates on the Dickinson Dam; to the Committee on Resources.

By Mr. RAMSTAD:

H.R. 3402. A bill to amend title 28, United States Code, to authorize Federal district courts to hear civil actions to recover damages for deprivation of property under or resulting from the Nazi government of Germany; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 3403. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of cooperative housing corporations; to the Committee on Ways and Means.

By Mr. REYNOLDS:

H.R. 3404. A bill to amend the Act establishing the Women's Rights National Historical Park in the State of New York to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York; to the Committee on Resources.

By Mr. ROTHMAN (for himself, Ms. ROS-LEHTINEN, Mr. CROWLEY, and Mr. GEJDENSON):

H.R. 3405. A bill to promote full equality at the United Nations for Israel; to the Committee on International Relations.

By Mr. SAWYER:

H.R. 3406. A bill to require the President to report annually to the Congress on the effects of the imposition of unilateral economic sanctions by the United States; to the Committee on International Relations, and in addition to the Committees on Ways and Means, and 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. 3407. A bill to assist in the conservation of keystone species throughout the world; to the Committee on Resources.

By Mr. SESSIONS:

H.R. 3408. A bill to amend the Fair Credit Reporting Act to exempt certain investigative reports from the definition of consumer report, and for other purposes; to the Committee on Banking and Financial Services.

H.R. 3409. A bill to provide that employees of employers who provide certain increases in health insurance coverage will not be covered by an increase in the Federal minimum wage; to the Committee on Education and the Workforce.

H.R. 3410. A bill to eliminate the requirement that fingerprints be supplied for background checks on volunteers; to the Committee on the Judiciary.

By Mr. SOUDER (for himself, Mr. HASTERT, Ms. KAPTUR, Mr. GILLMOR, Mr. LAHOOD, Mr. LATOURETTE, Mr. BOEHNER, Mr. PORTMAN, Mr. STUPAK, Mr. ENGLISH, Mr. BARCIA, Mr. EWING, Mr. ROEMER, Mrs. JONES of Ohio, Mr. HOEKSTRA, Mr. MCINTOSH, Mr. SAWYER, Mr. PHELPS, Mr. GREEN of Wisconsin, Ms. STABENOW, and Mr. OXLEY):

H.R. 3411. A bill to designate the Northwest Territory of the Great Lakes National Heritage Area, and for other purposes; to the Committee on Resources.

By Mr. STUPAK:

H.R. 3412. A bill to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Chippewa Indians; to the Committee on Resources.

By Mr. TIERNEY (for himself and Mr. GEORGE MILLER of California):

H.R. 3413. A bill to amend the Safe and Drug-Free Schools and Communities Act of 1994 to provide comprehensive technical assistance and implement prevention programs that meet a high scientific standard of program effectiveness; to the Committee on Education and the Workforce.

By Mr. YOUNG of Florida:

H.J. Res. 79. A joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes; to the Committee on Appropriations.

By Mr. DREIER:

H.J. Res. 80. A joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes; to the Committee on Appropriations.

By Mr. PAUL:

H.J. Res. 81. A joint resolution proposing an amendment to the Constitution of the United States relative to abolishing personal income, estate, and gift taxes and prohibiting the United States Government from engaging in business in competition with its citizens; to the Committee on the Judiciary.

By Mr. DAVIS of Virginia:

H. Con. Res. 229. Concurrent resolution expressing the sense of Congress regarding the United States Congressional Philharmonic Society and its mission of promoting musical excellence throughout the educational system and encouraging people of all ages to commit to the love and expression of musical performance; to the Committee on Education and the Workforce.

By Mr. GEJDENSON:

H. Con. Res. 230. Concurrent resolution expressing the strong opposition of Congress to the continued egregious violations of human rights and the lack of progress toward the establishment of democracy and the rule of law in Belarus and calling on President Alexander Lukashenka to engage in negotiations with the representatives of the opposition and to restore the constitutional rights of the Belarusian people; to the Committee on International Relations.

By Mr. PAUL:

H. Con. Res. 231. Concurrent resolution expressing the sense of the Congress that the Panama Canal and the Panama Canal Zone should be considered to be the sovereign territory of the United States; to the Committee on Armed Services.

By Mr. CONDIT (for himself and Mr. PORTMAN):

H. Res. 377. A resolution amending the Rules of the House of Representatives to improve deliberation on proposed Federal private sector mandates; to the Committee on Rules.

By Mr. GREEN of Wisconsin:

H. Res. 378. A resolution recognizing the vital importance of hunting as a legitimate tool of wildlife resource management; to the Committee on Resources.

By Mr. SCARBOROUGH:

H. Res. 379. A resolution recognizing and commending the personnel of Eglin Air Force Base, Florida, for their participation and efforts in support of the North Atlantic Treaty Organization's (NATO) Operation Allied Force in the Balkan region; to the Committee on Armed Services.

By Mr. WELDON of Pennsylvania (for himself, Mr. OBERSTAR, Mr. GILMAN, Mr. SAXTON, Mr. BURTON of Indiana, Mr. HILL of Montana, Mr. KUYKENDALL, Mr. CAMPBELL, Mr. WALDEN of Oregon, Mr. SWEENEY, Mr. TRAFICANT, Mr. PITTS, Mr. LEWIS of Kentucky, Mr. BARTLETT of Maryland, Mr. WICKER, Mr. LOBIONDO, Mr. WELDON of Florida, Mr. PACKARD, Mr. TAYLOR of Mississippi, Mr. GOODE, Mr. CONDIT, Mr. CRAMER, Mr. REYES, Mr. RODRIGUEZ, Mr. DICKS, Mr. ANDREWS, Mr. BORSKI, Mr. HOLDEN, Mr. KLINK, and Mr. ABERCROMBIE):

H. Res. 380. A resolution expressing the sense of the House of Representatives concerning the location and removal of weapons caches placed in the United States by the Russian or Soviet Government; to the Committee on International Relations, and in addition to the Committee on Armed 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. GOSS:

H. Res. 381. A resoluton providing for consideration of the joint resolution (H.J. Res.

80) making further continuing appropriations for the fiscal year 2000, and for other purposes;

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 Mr. MORAN of Kansas:

H.R. 3414. A bill for the relief of Luis A. Leon-Molina, Ligia Padron, Juan Leon Padron, Rendy Leon Padron, Manuel Leon Padron, and Luis Leon Padron; to the Committee on the Judiciary.

By Mr. QUINN:

H.R. 3415. A bill for the relief of Natasha Lobankova, Valentina Lobankova, and Boris Lobankova; to the Committee on the Judiciary.

By Mr. TOWNS:

H.R. 3416. A bill for the relief of Desmond J. Burke; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

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

H.R. 21: Mr. MASCARA and Mr. MEEKS of New York.

H.R. 25: Mr. SMITH of New Jersey.

H.R. 72: Mr. STEARNS.

H.R. 82: Mr. WU and Mr. ROTHMAN.

H.R. 113: Mr. KINGSTON.

H.R. 229: Mr. CUMMINGS.

H.R. 239: Mr. SISISKY, Mr. NADLER, Mr. LANTOS, Mr. HALL of Texas, Mr. SHAYS, and Mr. ANDREWS.

H.R. 271: Mr. UDALL of Colorado.

H.R. 303: Mr. QUINN, Mr. CANNON, and Mr. RUSH.

H.R. 382: Ms. SLAUGHTER and Mrs. CAPPS.

H.R. 443: Mr. WOLF, Ms. SLAUGHTER, Mr. SANDERS, and Mr. GOSS.

H.R. 491: Mrs. CAPPS.

H.R. 531: Mr. ROGAN.

H.R. 568: Mrs. JONES of Ohio.

H.R. 665: Mr. LAFALCE.

H.R. 710: Mr. HILLIARD.

H.R. 721: Ms. SLAUGHTER.

H.R. 745: Mr. ANDREWS.

H.R. 750: Mr. OWENS.

H.R. 765: Mr. BACHUS and Mr. CUNNINGHAM.

H.R. 835: Mr. LANTOS.

H.R. 844: Mr. GOODLING, Mr. UDALL of New Mexico, Mr. CUNNINGHAM, Mr. DOOLITTLE, Ms. PELOSI, Ms. CARSON, Mr. BAIRD, Mr. TURNER, Mr. BURTON of Indiana, and Mr. CLEMENT.

H.R. 860: Ms. ROYBAL-ALLARD.

H.R. 878: Mr. CHABOT.

H.R. 952: Mr. FARR of California.

H.R. 960: Mr. KENNEDY of Rhode Island.

H.R. 1003: Mr. SESSIONS.

H.R. 1020: Mr. SPRATT.

H.R. 1029: Mr. BONIOR, Mr. SNYDER, Ms. SCHAKOWSKY, Mr. COOK, and Mr. LARSON.

H.R. 1041: Mr. CHABOT, and Mr. STEARNS.

H.R. 1167: Mr. BLUMENAUER.

H.R. 1172: Mrs. MALONEY of New York, Mr. BROWN of Ohio, Mr. DIAZ-BALART, Mr. GORDON, Mr. BAKER, Mr. BALDACCI, Mr. BILBRAY, Mrs. JONES of Ohio, Mr. SAWYER, Mr. LAHOOD, Mr. BARTLETT of Maryland, Mr. SANDERS, Mr. CALLAHAN, Mrs. ROUKEMA, Ms. DUNN, Mr. RODRIGUEZ, Mr. MCINTRYE, and Mrs. NAPOLITANO.

H.R. 1176: Mrs. LOWEY.

H.R. 1187: Mr. BALLENGER.

H.R. 1193: Mr. BLUMENAUER.

H.R. 1195: Mr. PAYNE.

H.R. 1228: Mr. HALL of Ohio and Mr. BERMAN.

H.R. 1234: Mr. COX.

H.R. 1275: Mr. CROWLEY, Mr. LARSON, Mr. TOWNS, Mr. LOBIONDO, Mr. MARKEY, Mr. WHITFIELD, Mr. WOLF, Mr. WEYGAND, Mr. SAWYER, Ms. BALDWIN, Mr. PASCRELL, Mr. WELDON of Pennsylvania, Mr. TRAFICANT, Mr. LEVIN, Mr. BAIRD, Mr. SANDERS, Ms. MCKINNEY, Mrs. JOHNSON of Connecticut, Mr. DIXON, Mr. KLINK, Mr. CRANE, Mrs. ROUKEMA, Ms. MILLENDER-MCDONALD, Mr. KILDEE, Mr. GUTIERREZ, Mr. DAVIS of Virginia, Mr. BECERRA, Mr. GREEN of Texas, Ms. STABENOW, and Mr. TOOMEY.

H.R. 1291: Mr. MALONEY of Connecticut.

H.R. 1358: Mr. PRICE of Carolina.

H.R. 1456: Ms. STABENOW and Mr. SANDLIN.

H.R. 1495: Mrs. MINK of Hawaii and Mr. LAFALCE.

H.R. 1505: Mr. DUNCAN and Mr. KLINK.

H.R. 1592: Mr. RUSH.

H.R. 1620: Mr. HASTINGS of Washington.

H.R. 1640: Mr. SERRANO, Mr. OWENS, Mr. NADLER, and Mr. HINCHEY.

H.R. 1697: Mr. NUSSLE.

H.R. 1776: Mr. JOHN, Mr. LARSON, Mr. KIND, Mr. FORBES, Mr. COMBEST, and Mr. THOMPSON of California.

H.R. 1795: Mr. HEFLEY, Mr. HAYES, Mr. LEWIS of Georgia, Mr. SPENCE, and Mr. HOSTETTLER.

H.R. 1827: Mr. TURNER and Mr. FOLEY.

H.R. 1837: Mr. SHERMAN and Mrs. CHRISTENSEN.

H.R. 1843: Mrs. CLAYTON, Mrs. MALONEY of New York, Mr. VITTER, and Mr. BALDACCI.

H.R. 1857: Mr. MORAN of Virginia.

H.R. 1871: Mr. COYNE and Mr. OWENS.

H.R. 1876: Mr. GONZALEZ.

H.R. 1885: Mr. JACKSON of Illinois, Mr. GEORGE MILLER of California, Mr. TIERNEY, and Mr. BONIOR.

H.R. 1886: Mr. FLETCHER.

H.R. 1893: Ms. LOFGREN.

H.R. 1899: Mr. EDWARDS.

H.R. 1941: Mr. STRICKLAND and Ms. BERKLEY.

H.R. 1975: Mr. FRANKS of New Jersey.

H.R. 2000: Mr. MCINTYRE and Mr. MICA.

H.R. 2053: Mr. HINCHEY.

H.R. 2059: Mr. BAIRD and Mr. SMITH of Texas.

H.R. 2066: Mr. SCHAFFER and Mr. BARTON of Texas.

H.R. 2106: Mr. WAMP.

H.R. 2121: Mr. PETRI and Ms. BALDWIN.

H.R. 2129: Mr. HUNTER, Mr. HERGER, Mr. CRAMER, Mr. NUSSLE, Mr. MCHUGH, Mr. FRANKS of New Jersey, Mr. ANDREWS, Mr. WATTS of Oklahoma, Mr. NORWOOD, and Mr. SWEENEY.

H.R. 2162: Mr. SESSIONS and Mr. BASS.

H.R. 2166: Mrs. MALONEY of New York.

H.R. 2247: Mr. STEARNS.

H.R. 2258: Ms. PELOSI.

H.R. 2267: Mr. REGULA.

H.R. 2282: Mr. RYUN of Kansas, Mr. ROGAN, and Mrs. MYRICK.

H.R. 2298: Mr. JACKSON of Illinois.

H.R. 2341: Mr. MARKEY and Mr. MCGOVERN.

H.R. 2359: Mr. CAMP.

H.R. 2362: Mr. PETRI and Mr. MCINTOSH.

H.R. 2372: Ms. DUNN, Mr. GOODLATTE, Mr. COLLINS, Mr. RYAN of Wisconsin, Mr. CRAMER, and Mr. JOHN.

H.R. 2386: Ms. SLAUGHTER.

H.R. 2450: Mr. FILNER.

H.R. 2486: Mr. OWENS.

H.R. 2493: Mr. GARY MILLER of California.

H.R. 2495: Mr. ANDREWS.

H.R. 2511: Mr. BACHUS and Mr. ROGAN.

H.R. 2567: Mr. RANGEL and Ms. NORTON.

H.R. 2573: Mr. COYNE.

H.R. 2620: Mr. BENTSEN.

H.R. 2631: Ms. WOOLSEY, Mr. BLUMENAUER, and Mr. BERMAN.

H.R. 2640: Mr. REGULA.

H.R. 2650: Ms. LEE.

H.R. 2659: Mr. NADLER, Ms. SCHAKOWSKY, and Mr. RANGEL.

H.R. 2697: Ms. MCKINNEY.

H.R. 2727: Mr. UPTON.

H.R. 2733: Mr. WOLF, Mr. PITTS, Mr. RYUN of Kansas, Mr. ROGAN, and Mrs. MYRICK.

H.R. 2735: Mr. FRANKS of New Jersey.

H.R. 2738: Mr. RAHALL, Mr. BAIRD, Ms. NORTON, and Mr. STUPAK.

H.R. 2749: Ms. PRYCE of Ohio and Mrs. THURMAN.

H.R. 2817: Mr. KENNEDY of Rhode Island.

H.R. 2827: Mr. CHAMBLISS.

H.R. 2832: Mrs. CHRISTENSEN.

H.R. 2859: Mr. GUTIERREZ.

H.R. 2890: Mr. PASTOR and Ms. ROYBAL-ALLARD.

H.R. 2892: Mr. FRELINGHUYSEN.

H.R. 2899: Mr. KENNEDY of Rhode Island.

H.R. 2900: Mr. SANDERS.

H.R. 2902: Mr. MARKEY, Mr. ACKERMAN, Ms. MCKINNEY, and Mrs. JONES of Ohio.

H.R. 2929: Mr. DEFAZIO and Mrs. MALONEY of New York.

H.R. 2971: Mr. CALVERT.

H.R. 2980: Mrs. JONES of Ohio.

H.R. 2985: Mr. GEKAS.

H.R. 2991: Mr. ORTIZ, Mr. SESSIONS, Mr. BRYANT, Mr. LARGENT, Mr. HUTCHINSON, Ms. STABENOW, Mr. WATTS of Oklahoma, and Mr. SMITH of Texas.

H.R. 3086: Mr. COSTELLO.

H.R. 3100: Mr. BILBRAY and Mr. FRANK of Massachusetts.

H.R. 3115: Mrs. BERKLEY, Mr. CLYBURN, Mrs. CUBIN, Mr. HILL of Montana, Mr. LEWIS of Kentucky, and Mr. PICKERING.

H.R. 3142: Mr. LATOURETTE.

H.R. 3144: Ms. RIVERS, Ms. MCKINNEY, Mr. FALEOMAVAEGA, and Mrs. THURMAN.

H.R. 3150: Mr. DIXON.

H.R. 3159: Mr. BOSWELL.

H.R. 3169: Ms. CARSON.

H.R. 3174: Mr. HUTCHINSON.

H.R. 3180: Ms. CARSON and Mr. KUCINICH.

H.R. 3185: Mr. HOYER.

H.R. 3186: Mr. OXLEY.

H.R. 3246: Mr. KINGSTON.

H.R. 3248: Mr. PITTS and Mr. STEARNS.

H.R. 3251: Ms. DANNER.

H.R. 3257: Mr. HASTINGS of Washington.

H.R. 3293: Mr. KLINK.

H.R. 3294: Mr. COMBEST and Mr. RODRIGUEZ.

H.R. 3299: Mr. HAYES.

H.R. 3301: Mr. DELAHUNT.

H.R. 3313: Mr. HOUGHTON, Mr. QUINN, and Mr. LAFALCE.

H.R. 3320: Ms. DELAURO, Mr. STARK, Mr. GEORGE MILLER of California, Mr. INSLEE, Mr. COSTELLO, Mr. EDWARDS, Mr. NADLER, Mr. MCDERMOTT, Mr. DELAHUNT, Mr. GREEN of Texas, Mr. OLVER, Mr. NEAL of Massachusetts, Mr. CAPUANO, Ms. BROWN of Florida, Mr. FILNER, Mrs. MINK of Hawaii, Ms. WATERS, Mr. DEFAZIO, Ms. SLAUGHTER, and Mr. MCGOVERN.

H.R. 3324: Mr. BOSWELL and Mr. ROEMER.

H.R. 3329: Mr. MENENDEZ.

H.R. 3330: Mr. ROHRABACHER, Mr. HOLT, Mr. GUTIERREZ, and Mr. MARKEY.

H.J. Res. 53: Mr. DUNCAN and Mr. GOODLING.

H.J. Res. 77: Mr. STEARNS, Mr. SWEENEY, and Mr. TANCREDO.

H. Con. Res. 115: Mr. CUMMINGS.

H. Con. Res. 165: Mr. ROMERO-BARCELÓ.

H. Con. Res. 182: Ms. GRANGER.

H. Con. Res. 186: Mr. HASTINGS of Washington, Mr. TAYLOR of North Carolina, Mr. THUNE, Mr. HILL of Montana, Mr. HANSEN, and Mr. LUCAS of Oklahoma.

H. Con. Res. 206: Mr. GILMAN.

H. Con. Res. 209: Ms. WATERS, Mrs. CHRISTENSEN, and Mr. RUSH.

H. Con. Res. 211: Mr. BROWN of Ohio and Mr. HASTINGS of Florida.

H. Con. Res. 212: Mr. GOODLING.

H. Con. Res. 217: Mr. YOUNG of Florida, Mr. BOYD, and Mr. SCARBOROUGH.

H. Con. Res. 218: Mr. FRANK of Massachusetts, Mr. BLAGOJEVICH, Mr. MATSUI, Mr. GUTIERREZ, Mr. NEAL of Massachusetts, Mr. KLINK, Mr. FRANKS of New Jersey, Mr. COX, Mr. MOAKLEY, and Mr. DUNCAN.

H. Con. Res. 220: Mr. NEY.

H. Con. Res. 228: Mr. EVANS, Mrs. BONO, Mr. BRADY of Pennsylvania, Mr. TURNER, Mr. MARTINEZ, Mr. LARSON, Mr. BERMAN, Mr. HUNTER, Mr. LANTOS, and Mrs. JONES of Ohio.

H. Res. 201: Mrs. ROUKEMA.

H. Res. 238 Mr. PITTS, Mr. RYUN of Kansas, and Mrs. MYRICK.

H. Res. 298: Mr. GILLMOR and Mr. COBLE.

H. Res. 304: Mr. ROTHMAN.

H. Res. 315: Mr. THOMPSON of California.

H. Res. 363: Mr. OSE.

H. Res. 370: Mr. HILLIARD, Mr. SERRANO, Mr. COSTELLO, Mr. EVANS, Mr. SHIMKUS, Mr. LUCAS of Kentucky, and Mr. PORTER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 2420: Mr. OWENS.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, TUESDAY, NOVEMBER 16, 1999 No. 162

Senate

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

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.

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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.

Printed on recycled paper.

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Richard Foth, Falls Church, VA.

We are pleased to have you with us.

The guest Chaplain, Dr. Richard Foth, offered the following prayer:

We come today, heavenly Father, with thanksgiving for Your many gifts to us. We are unworthy of the blessings that this Nation enjoys, but we are grateful for the privilege of living in a free land.

As the Senate comes to the close of its deliberations for this year, may wisdom and foresight prevail. Between the pressure to wrap up business and the compromises necessary to make that happen, help the men and women of this body determine to take the long view.

In a place where pressing for votes and pleading for causes each day is the stock-in-trade, let there be a baptism of clear seeing this week. Where great clouds of dust have been raised over critical issues, may the wind of Your Spirit bring new insights. Where significant needs may have been lost in the legitimate but lengthy parliamentary debate, help common ground to be found.

Thank You, Lord, for these gifted public servants, and thank You in advance for the fresh oil of Your grace which they need in these closing hours of their work. May our Nation, our people, and the world be better for it.

In that Name above every name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. Senator CRAPO is recognized.

ORDER FOR MORNING BUSINESS

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate be in a period of morning business until 12 noon today with the time equally divided between the majority and minority leaders or their designees.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. CRAPO. The Senate will be in a period of morning business until 12 noon to accommodate a number of Senators who desire to introduce bills and make statements. Following morning business, the Senate may resume consideration of the bankruptcy reform legislation.

For the information of all Senators, progress has been made on the appropriations process, and it is hoped that the Senate will receive the remaining bills from the House today or early in the day on Wednesday. Rollcall votes are not anticipated today. However, they may occur, if necessary, to proceed to legislative or executive matters. Senators can expect votes to occur throughout tomorrow's session, possibly as early as 10 a.m., in an effort to complete the appropriations process.

I thank my colleagues for their attention.

I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Mr. CRAPO assumed the chair.)

Mr. FEINGOLD. 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. FEINGOLD. Mr. President, I ask unanimous consent to speak for 15 minutes.

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

THE FEDERAL DEATH PENALTY ABOLITION ACT OF 1999

Mr. FEINGOLD. Mr. President, I rise today to speak on the Federal Death Penalty Abolition Act of 1999, a bill I introduced last Wednesday. This bill will put an immediate halt to executions and forbid the imposition of the death penalty as a sentence for violations of Federal law.

Since the beginning of this year, this Chamber has echoed with debate on violence in America. We have heard about violence in our schools and neighborhoods. But I am not so sure that we in Government don't contribute to this casual attitude we sometimes see toward killing and death. With each new death penalty statute enacted and each execution carried out, our executive, judicial and legislative branches, at both the State and Federal level, add to a culture of violence and killing. With each person executed, we are teaching our children that the way to settle scores is through violence, even to the point of taking a human life.

Those who favor the death penalty should be pressed to explain why fallible human beings should presume to use the power of the state to extinguish the life of a fellow human being on our collective behalf. Those who oppose the death penalty should demand that explanation adamantly, and at every turn. But only a zealous few try. We should do better. And we should use this moment to do better as we step not only into a new century but also a new millennium, the first such landmark since the depths of the Middle Ages.

Across the globe, with every American who is executed, the entire world watches and asks, How can the Americans, the champions of human rights, compromise their own professed beliefs in this way? A majority of nations have abolished the death penalty in law or in practice. Even Russia and South Africa—nations that for years were symbols of egregious violations of basic human rights and liberties—have seen the error of the use of the death penalty. Next month, Italy and other European nations—nations with which the United States enjoys its closest relationships—are expected to introduce a resolution in the U.N. General Assembly calling for a worldwide moratorium on the death penalty.

So why does the United States remain one of the nations in the distinct minority to use the death penalty? Some argue that the death penalty is a proper punishment because it is a deterrent. But they are sadly, sadly mistaken. The Federal Government and most States in the United States have a death penalty, while our European counterparts do not. Following the logic of death penalty supporters who believe it is a deterrent, you would think that our European allies, who don't use the death penalty, would have a much higher murder rate than we do in the United States. Yet, they don't; and it is not even close. In fact, the murder rate in the United States is six times higher than the murder rate in Britain, seven times higher than in France, five times higher than in Australia, and five times higher than in Sweden.

But we don't even need to look across the Atlantic to see that capital punishment has no deterrent effect on crime. Let's compare Wisconsin and Texas. I am proud of the fact that my great State, Wisconsin, was the first State in this Nation to abolish the death penalty completely, when it did so in 1853. So Wisconsin has been death penalty-free for nearly 150 years. In contrast, Texas is the most prodigious user of the death penalty, having executed 192 people since 1976. So let's look at the murder rate in Wisconsin and in Texas. During the period from 1995 to 1998, Texas has had a murder rate that is nearly double the murder rate in Wisconsin. This data alone calls into question the argument that the death penalty is a deterrent to murder.

I want to be clear. I believe murderers and other violent offenders should be severely punished. I am not seeking to open the prison doors and let murderers come rushing out into our communities. I don't want to free them. But the question is, Should the death penalty be a means of punishment in our society?

The fact that our society relies on killing as punishment is disturbing enough. Even more disturbing, however, is the fact that the States' and the Federal Government's use of the death penalty is often not consistent with the principles of due process, fairness and justice.

It just cannot be disputed that we are sending innocent people to death. Since

the modern death penalty was reinstated in the 1970s, we have released 82 men and women from death row. Why? Because they were innocent. That's one death row inmate found innocent for every seven executed. One in seven! That's a pretty poor performance for American justice.

Another reason we need to abolish the death penalty is the specter of racism in our criminal justice system. Even though our nation has abandoned slavery and segregation, we unfortunately are still living with vestiges of institutional racism. In some cases, racism can be found at every stage of a capital trial—in the selection of jurors, during the presentation of evidence, and sometimes during jury deliberations.

After the 1976 Supreme Court Gregg decision upholding the use of the death penalty, the death penalty was first enacted as a sentence at the federal level with passage of the Drug Kingpin Statute in 1988. Since that time, numerous additional federal crimes have become death penalty-eligible, bringing the total to about 60 statutes today. At the federal level, 21 people have been sentenced to death. Of those 21 on the federal government's death row, 14 are black and only 5 are white. One defendant is Hispanic and another Asian. That means 16 of the 21 people on federal death row are minorities. That's just over 75%. And the numbers are worse on the military's death row. Seven of the eight men, or 87.5%, on military death row are minorities.

One thing is clear: no matter how hard we try, we cannot overcome the inevitable fallibility of being human. That fallibility means that we will not be able to apply the death penalty in a fair and just manner.

At the end of 1999, at the end of a remarkable century and millennium of progress, I cannot help but believe that our progress has been tarnished with our nation's not only continuing, but increasing use of the death penalty. As of today, the United States has executed 585 people since the reinstatement of the death penalty in 1976. In those 23 years, there has been a sharp rise in the number of executions. This year the United States has already set a record for the most executions in our country in one year, 85—the latest execution being that of Ricky Drayton, who was executed by lethal injection just last Friday by the state of South Carolina. And the year isn't even over yet. We are on track to hit close to 100 executions this year. This is astounding and it is embarrassing. We are a nation that prides itself on the fundamental principles of justice, liberty, equality and due process. We are a nation that scrutinizes the human rights records of other nations. We are one of the first nations to speak out against torture and killings by foreign governments. It is time for us to look in the mirror.

Two former Supreme Court justices did just that. In 1994, Justice Harry Blackmun penned the following eloquent dissent:

> From this day forward, I no longer shall tinker with the machinery of death. For more than 20 years I have endeavored—indeed, I have struggled—along with a majority of this Court, to develop procedural and substantive rules that would lend more than the mere appearance of fairness to the death penalty endeavor. Rather than continue to coddle the Court's delusion that the desired level of fairness has been achieved and the need for regulation eviscerated, I feel morally and intellectually obligated simply to concede that the death penalty experiment has failed. It is virtually self-evident to me now that no combination of procedural rules or substantive regulations ever can save the death penalty from its inherent constitutional deficiencies.

Similarly, after supporting Supreme Court decisions upholding the death penalty, Justice Lewis Powell in 1991 told his biographer that he now thought capital punishment should be abolished. After sitting on our nation's highest court for over 20 years, Justices Blackmun and Powell came to understand the randomness and unfairness of the death penalty. It is time for our nation to follow the lead of these distinguished jurists.

The death penalty is at odds with our best traditions. It is wrong and it is immoral. The adage ''two wrongs do not make a right,'' could not be more appropriate here. Our nation has long ago done away with other barbaric punishments like whipping and cutting off the ears of suspected criminals. Just as our nation did away with these punishments as contrary to our humanity and ideals, it is time to abolish the death penalty as we enter the next century. The continued viability of our justice system as a truly just system requires that we do so.

I ask my colleagues to join me in taking the first step in abolishing the death penalty in our great nation. Last week, I introduced a bill that abolishes the death penalty at the federal level. I call on all states that have the death penalty to also cease this practice. Let us step away from the culture of violence and restore fairness and integrity to our criminal justice system. As we head into the next millennium, let us leave this archaic practice behind.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. THOMAS. Mr. President, I ask unanimous consent that I be allowed to proceed for 10 minutes in morning business.

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

The Senator from Wyoming is recognized.

FEDERAL LANDS

Mr. THOMAS. Mr. President, I wanted to take some time, since we have a little on our hands this morning, to talk about an issue that continues to be very important for our part of the country, the West. The Presiding Officer comes from a State that is similar to Wyoming. The ownership of land by the Federal Government continues to be an issue, and I think it is more of an issue now than it has been in the past, largely because of some of the actions in recent times by the administration of not only obtaining more land for the Federal Government but also changing some of the management techniques.

This issue, of course, has been one of controversy for a long time within the West. The West has large amounts of land that belongs to the Federal Government. So when you develop the economy of your State, management of the lands has a great deal to do with it. In Wyoming, for example, the three leading economic activities are agriculture, minerals, and tourism, all of which have a great deal to do with public resources, with lands. So it is one of the most important issues with which we deal.

It is interesting to see the percentages of Federal land holdings by State. As shown on this chart, you can see that here in the East generally 1 to 5 percent of the lands are federally owned. When you get to the West, it becomes 35 to 65 percent and as high as 87 percent in some States. So when you talk about how you operate an economy in New Jersey or in North Carolina, it is quite different. When you talk about public lands, it is seen quite differently. The impact in States such as that is relatively minor, where the impact in the West is much greater. Look at Alaska, for example. It makes a great deal of difference.

There are several kinds of lands, of course, and nobody argues with the idea that the purpose of dealing with these public lands is to preserve the resources. All of us want to do that. The second purpose, however, is to allow for its owners, the American people, who use them, to have access to these lands for hunting, fishing, grazing, timber—all of the things that go with multiple use and healthy public lands. Really, that is where we are. No one argues about the concept of these resources, but there is great argument about the details of how you do it.

One of the things that is happening now—and part of it is in the appropriations bills that will be before us tomorrow—relates to the purchase of lands and changing some of the management techniques so the lands become less accessible to the people who live there, less a part of the society of these States.

It is difficult to see on this chart, but this is Wyoming, where over 50 percent of the land belongs to the Federal Government. The green colors are Forest Service lands which were set aside by action of the Congress, action of the

Federal Government, for specific purposes, and we still fulfill those purposes.

Some of the lands were set aside as wilderness. When the wilderness was set aside, others were proclaimed to be for multiple use. Before that changed from multiple use to wilderness, it said specifically in the Wyoming wilderness bill that Congress had to act on it. The red area is Federal lands, Indian reservations. Yellow is the BLM lands. The light green in the corners is national parks which were set aside for a very specific purpose. That purpose continues to be one that is very close to the hearts of the American People. I happen to be chairman of the parks subcommittee and work on those very much. The yellow—the majority of the public lands in our State, as is the case with most other Western States—is Bureau of Land Management lands. Interestingly enough, when the Homestead Act was in place and people were taking homesteads in the West, BLM lands were basically residual lands, not set aside for any particular purpose. They were simply there when the homestead expired, and they are there now to be managed for multiple use.

Let me go back to the notion that this is what has created some of the current controversy—the fact that these lands change when they are used differently. Congress should have a role in this. This is not a monarchy, a government where the President can decide suddenly he is going to acquire more lands without the authority of the Congress. That is kind of where we are now. There are several of these programs that are threatening to the West, including the concept of the Federal Government's intrusion into the whole of society in States in the West.

A number of things are happening. One is the so-called ''land legacy'' that the administration is pushing. It is an idea presented by the President—I think largely by Vice President GORE—that the Federal Government somehow should own a great deal more land than it owns now. Indeed, they have asked for a set-aside from the offshore royalties of a billion dollars a year to acquire more lands. In many cases, their idea is not to have any involvement of the Congress at all but simply to allow them to have this money set aside, without the appropriations process, so that they can purchase additional lands each year. A portion of that is in this year's Interior program, but the big one, of course, is still controversial in the Congress, and it was being dealt with in the House last week or the week before.

So the question is, if there is to be more Federal land, where should it be? The other is, if there is to be more, what is the role of Congress to authorize it and appropriate funds for that as opposed to having a sort of monarchy set-aside to do that.

The other, of course, in my view, has to do with the use of these dollars. We talked about the parks. That is one of the things. We have 378 parks, or units, managed by the Park Service in this country; they are very important to Americans. The infrastructure in many of them needs to be repaired and updated. I argue this money that might be available from these kinds of sources ought to be used for the infrastructure of these parks so that we can continue to support the maintenance and availability of enjoyable visits for the American people. I believe we need to do that.

Another that has come along more recently is a pronouncement by the Forest Service that they would like to set aside 40 million acres in the forest as ''roadless.'' Nobody knows what ''roadless'' means. Is that a synonym for wilderness? We don't know. We had a hearing to try to get that answered by the Secretary of Agriculture and by the Chief of the Forest Service. We were unable to do so. Many people I know believe that would limit the access and would not allow people to hunt, for example, in places where they aren't able to walk because they are elderly, or whatever the reason, and that it will be most difficult to have a healthy forest, where you cannot remove some of the trees that are matured and, rather, let them die or let insects infect them. These are the kinds of things that are of great concern.

There is also what is called an action plan, the conservation of water action plan, which seems to be put forth by EPA and other agencies more to control management of the land than clean water. The clean water action plan says you can do certain things and you cannot do certain things. The key is there needs to be participation by people who live there. There needs to be some participation in cooperating agencies, participation with the State, participation with the agencies there, so we can work together to preserve the resource but also preserve access to those resources and continue to allow them to be part of the recreational economy in our States.

There are other programs that also put at risk the opportunity to use these lands, such as endangered species, about which there is a great controversy in terms of whether there is a scientific basis for the listing of endangered species, whether there are, in fact, ways to delist endangered species when it is proven there has been a recovery in terms of numbers. You can argue forever about that. These all go together to make public lands increasingly more difficult for owner utilization.

I guess one of the reasons that is difficult—and people who work with these problems are basically in the minority—is that the Western States are the ones that have almost all Federal ownership.

With respect to some of the things we might do with regard to the land legacy and the idea of putting money aside for public land purchase, we are prepared to try to put in this bill some sort of protection and say we ought not, in States that have more than 25 percent of their surface owned by the Federal Government, to have any net gain—that there may be things the Federal Government ought to acquire because they have a unique aspect to them, but they can also dispose of some so that there is no net increase. I think that is a reasonable thing to do and one we ought to pursue.

In terms of endangered species, it is very difficult to do anything with a law that has been in place for 20 years. We have 20 years of experience as to how to better manage it. Everyone wants to preserve these species. But they shouldn't have to set aside private and public lands to do that. We believe if we would require more science in terms of nomination and listing—and indeed, when a species is listed, to have a recovery plan at the same time—that would be very important.

One of the other activities is the Natural Environmental Protection Act, NEPA, a program in which there are studies designed to allow people to participate in decisions. Is that a good idea? Studies could absolutely go on forever.

We are faced currently, for example, with the problem in grazing. Obviously, you have a renewable resource, grass. It is reasonable to have grazing. You have that on BLM forest lands. Now we find in this case that, under BLM, you can get through the NEPA process to renew a contract, and they say: Too bad; your contract is dead, unless we can get to it, and we can't.

We are trying to change that. It is an unreasonable thing to do. If there is all of this difficulty with the agency, we ought to change that. Indeed, there is language in this year's appropriations bill to do something about it.

I think we are faced with trying to find the best way to deal in the future with public lands. In States where there is 50 percent or more of land in Federal ownership, there is no reason we can't continue to protect those resources; that we can't continue to utilize those lands in a reasonable way; that we can't involve people locally in the States in making these decisions and making shared judgments. We can do that.

Unfortunately, we find this administration moving in the other direction—moving further way from working with NEPA. We hear about all of these kinds of partnerships. A partnership means there is some equality in working together. That is not the kind of partnership we hear a lot about from the Federal agency. I am hopeful that there can be.

We are very proud of these resources: Yellowstone Park, Devil's Tower—all kinds of great resources in Wyoming. Here is where I grew up, near the Shoshone Forest. I am delighted there is a forest there. It should be, and it should continue to be there. But we need to have a cooperative management process to do that. I am committed. I am

also committed to working toward that in the coming session.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. GRAHAM. Mr. President, I understand we are in a period of morning business.

The PRESIDING OFFICER. The Senator is correct.

Mr. GRAHAM. Mr. President, I ask unanimous consent to speak for up to 30 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GRAHAM. Thank you, Mr. President.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that Stacy Rosenberg, a staff member of my office, be granted floor privileges for the duration of today's session.

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

Mr. GRAHAM. Thank you very much, Mr. President.

NATIONAL PARK PRESERVATION

Mr. GRAHAM. Mr. President, on October 31 of this year, I saw yet another example of the challenges we are facing in our National Park System.

Two weekends ago, I visited Bandelier National Monument in New Mexico, located about 1 hour west of Santa Fe.

Bandelier National Monument was claimed a national monument under the jurisdiction of the Forest Service in 1916. In 1932, it was transferred to the National Park Service.

Bandelier contains 32,737 acres, of which 23,267 acres are designated as wilderness. It is a park that is intended to preserve the cliff houses of the Pueblo Indian.

I draw your attention to this photograph taken near the entrance to Bandelier National Monument. One of the cliff homes can be seen at the base of this large cliff which forms the most dramatic signature of Bandelier National Monument. This photograph gives some idea of the magnitude of the cultural resources which are located in this park.

In addition to the preservation of the cultural resource of the monument, the outstanding superintendent at Bandelier, Mr. Roy Weaver, also contends with preservation of historical resources such as 1930s CCC buildings which were constructed in order to properly present the park to its many visitors but which have fallen into a sad state of disrepair.

Using funds from the recreation fee demonstration program, Bandelier National Monument has refurbished several of these existing structures to a functional condition. This park, as many of our Nation's parks, is faced with a degradation of its core resources. One of the significant challenges is the unnatural pace of erosion within the monument's wilderness area.

This problem is in part due to intense grazing which occurred prior to the designation of the lands as a national monument in 1916. This activity ended over 60 years ago but is still impacting the resources and the health of the park. The heavy grazing prior to 1916 reduced the underbrush, allowing the pinon tree to take over the landscape. This tree is now firmly established and has prevented the growth of other natural species in the canyon of Bandelier. Without the diverse plant species in the forest to retain the soil, erosion occurs at a much more rapid pace. This erosion is one of the principal reasons why the archeological sites for which the monument was established are now severely threatened. We are in grave danger of losing artifacts, structures, and information about a people who spent hundreds of years building a society in the Southwest.

In addition to cultural resource damage to the unnatural state of the environment at Bandelier, human behavior has also had negative impacts. One of the first areas visitors to Bandelier approach, and just off the main trail, is a series of cave dwellings. Ascending the ladder into the cave is stepping back hundreds of years into a different culture. One arrives at the cave only to find the stark realities of contemporary America by a desecration of these caves with graffiti. This photograph showing an example of that desecration speaks a thousand words about the level of respect which we as a society have paid to our national treasures over the years.

There is some hope. In 1998, the Congress and the administration established a program at the suggestion of the National Park Service. It is called Vanishing Treasures. This program was the brain child of the national park superintendents from Chaco Culture National Historic Site, Aztec Ruins National Monument, and the Salinas Pueblo Missions National Monument.

The Vanishing Treasure Program seeks to restore the ruins to a condition where maintenance scheduled at regular intervals rather than large-scale restoration projects will be sufficient to keep the ruins in good condition. The program also has another very significant objective: Training the next generation of preservation specialists who can perform this highly specific, complex craftsmanship of maintaining national treasures such as these caves at Bandelier National Monument.

The original outline of the Vanishing Treasures Program called for $3.5 million in the first year, increasing by $1 million per year until it reached $6 million in the year 2001, after which it would decrease slightly until the year 2008. We hoped during that time period to have been able to have dealt with the residue of issues such as the desecration of the caves at Bandelier.

Unfortunately, beginning in fiscal year 1998, the funding was not at the recommended $3.5 million level but, rather, was at $1 million. In fiscal year 1999, it was increased to $1.3 million. The current Interior appropriations bill, which has been passed by both the House and the Senate, contains $994,000 for the Vanishing Treasures Program.

At this level of funding distributed throughout the entire Southwest, some 41 national park sites benefit from this program. At that level of funding, we cannot possibly come close to meeting the needs for the protection of our cultural treasures in the Southwest. We are effectively making the decision that we are prepared to see these cultural and historic treasures lost before we make funds available for their preservation.

We are at a crossroads in our Nation's historical efforts to protect and preserve those national treasures which are the responsibility of the National Park Service. The history of our Nation is marked by activism on public land issues. The first full century of the United States' existence—the 19th century—was marked by the Louisiana Purchase which added almost 530 million acres to the United States, changing America from an eastern coastal nation to a continental empire.

One hundred years later, President Theodore Roosevelt set the tone for public land issues in the second full history in our Nation's history. He did it both in words and action. President Theodore Roosevelt stated:

> Conservation means development as much as it does protection. I recognize the right and duty of this generation to develop and use the natural resources of our land; but I do not recognize the right to waste them, or to rob, by wasteful use, the generations that will come after us.

Roosevelt took action to meet these goals. During his administration, the United States protected almost 230 million acres of lands for future public use. The question for us as we commence the third full century, the 21th century of the United States, is, can we live up to this example? Can we be worthy of the standards of Thomas Jefferson at the beginning of the 19th century and Theodore Roosevelt at the beginning of this century?

I have discussed today the issues I witnessed at Bandelier National Monument and the small efforts being made to rectify this situation. Estimates of the maintenance backlog throughout the National Park Service system range from $1.2 billion to over $3.5 billion, depending on the calculation method.

Mr. President, I ask unanimous consent to have printed at the conclusion

of my remarks an article which appeared in the Wall Street Journal of November 12 of this year entitled ''Montana's Glacier Park Copes With Big Freeze On Funds To Maintain Its Historic Structures.''

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

(See Exhibit 1.)

Mr. GRAHAM. The National Park Service this year requested $194 million for its operation and maintenance. In this year's appropriations process, the House and Senate had the good judgment to actually increase the National Park Service request to $224.5 million. This is a good step forward, and I commend the Appropriations Committee for having taken it.

However, if we are to prevent the existing backlog from growing, we must support periodic maintenance on the existing facilities in the Park System. I see we have now as our Presiding Officer a person who has probably studied more, thought more, and done more to deal with this problem than any Member of the Congress, the distinguished Senator from Wyoming.

I wish to take this opportunity to commend the Presiding Officer for his efforts in the program of the demonstration recreational fee in the Park System. I showed a moment ago a photo of a portion of some buildings at Bandelier National Park in New Mexico which were in serious disrepair. Largely because of the ability to direct some of those national park demonstration funds to their rehabilitation, they are now being saved and will serve for many years to come. It is a very constructive role in this national monument as well as protecting other valuable historic structures within the national monument.

I wish to thank the distinguished Senator from Wyoming for the leadership he has given in that regard.

I am sad to report that the Interior conference report, which will probably soon be before us, has recommended a reduction in the cyclical maintenance of the National Park System and repair and rehabilitation accounts. While these reductions are relatively small—$3 million in the case of cyclic maintenance and $2.5 million in repair and rehabilitation—failure to meet these basic annual maintenance requirements will only add to our backlog of unmet needs. We cannot make the progress we must make in protecting our national treasures with these Band-Aid solutions.

I suggest, building on the leadership you provided through the Demonstration National Park Fee Program, and the changes that were made in the relationship of the parks to their concessionaires, that we can go further in assuring the long-term well-being of our National Park System.

In my judgment, what the National Park Service needs is a sustained, reliable, adequate funding source that will allow the Park Service to develop intelligent plans based on a prioritization of need, with confidence the funds will be available as needed to complete the plans. This approach will allow common sense to prevail when projects are prioritized for funding.

In some cases, such as one with which I am personally very familiar, committed, and engaged—the Florida Everglades and the Everglades National Park—natural resource projects can be compared to open heart surgery. You simply cannot begin the operation, open the patient, and then fail to complete the operation if the money runs out before the surgery is finished. To do so is to assure the patient will die in the surgery suite.

In cases such as Bandelier National Monument and the Ellis Island National Monument, another great national treasure, which I visited on September 27 of this year, we are in a race to complete a known cure before the patient is lost. Bandelier's superintendent, Roy Weaver, is taking every effort he can to preserve the resources in his park. He is focusing the park entrance fees on repairing and maintaining historical structures. He is using funds available through the Vanishing Treasures Program to restore the multitude of cultural resources in the monument.

Mr. Weaver is a superintendent whose knowledge of the history of the people who resided in this area of the country hundreds of years ago and whose desire to preserve their culture are evident even in a brief visit. Mr. Weaver's enthusiasm and dedication embody the conservation ethic of President Theodore Roosevelt and the National Park Service. It is our responsibility to give Mr. Weaver and his colleagues across America the tools they need to put their enthusiasm to work. It is time to take the next step.

Earlier this year, with Senators REID and MACK, I introduced S. 819, the National Park Preservation Act. This act would provide dedicated funding to the National Park Service to restore and conserve the natural resources within our Park System. This legislation seeks to address the long-term efforts required to truly restore and protect our natural, cultural, and historic resources in the National Park System. This legislation would allocate funds derived from the use of a nonrenewable national resource—offshore drilling in the Outer Continental Shelf for oil and gas—to a renewable resource, restoration and preservation of natural, cultural, and historic resources in our National Park System.

At the beginning of this century, in a time of relative tranquility, President Theodore Roosevelt managed to instill the Nation with a tradition of conservation. He did so with this simple challenge: Can we leave this world a better place for future generations?

We are at the end of this century and at the end of the first half of the 106th Congress. As we embark on the third century of our Nation's adventure and the second half of the 106th Congress, let us keep the vision of Theodore Roosevelt in mind. Let us take action to protect our National Park System.

In the words of President Theodore Roosevelt:

> The conservation of natural resources is the fundamental problem. Unless we solve that problem, it will avail us little to solve all others.

EXHIBIT 1

[From the Wall Street Journal, Nov. 12, 1999]

MONTANA'S GLACIER PARK COPES WITH BIG FREEZE ON FUNDS TO MAINTAIN ITS HISTORIC STRUCTURES

(By John J. Fialka)

GLACIER NATIONAL PARK, MONT.—Few places on earth are as legally protected as this park. The United Nations deems it a ''World Heritage site.'' Under U.S. law, 350 buildings in the park are registered historic structures. Four hotels and the road spanning this spectacular, million-acre chunk of America are ''national historic landmarks.''

So why are many of these buildings and the road literally falling apart?

Over the past 30 years, as lawmakers and park officials have heaped praise and protected status on Glacier, they have consistently failed to provide the money to maintain it. The current bargaining between Congress and the White House on the shape of the next budget doesn't seem likely to change that. The upshot: Much of the man-made part of this mountainous park has evolved into a kind of dangerous national antique.

Among the park's most endangered attractions:

Many Glacier Hotel. It may look the same as it did when it was built in 1915, but underneath its newly painted wooden facade, tired old timbers are beginning to shift. That makes hallways bend this way and that, windows that won't open and doors that won't close. The steam heating system, unaccustomed to such action, springs six leaks a night.

Going-To-The-Sun Road. An engineering marvel, built to cross the park and climb the Continental Divide in 1932, is now marvelous to engineers because it hasn't yet succumbed to the force of gravity. But two-inch cracks are appearing in its pavement. Many of its retaining walls lean recklessly out into space. Melting snow is washing away the road's foundation, creating odd voids that need filing.

The ''Jammers.'' The park's much-loved fleet of buses, built in the late 1930s to ply the road, were condemned in August. Their engines, brakes and transmissions had been replaced, but metal fatigue and cracks in their frames raise new safety and liability problems.

''This is the oldest fleet of vehicles in the world,'' says Larry Hegge, the chief mechanic for the buses, who discovered the cracks. Now the 34 red buses with shiny, chrome-toothed radiators and pull-off canvas tops sit nose-to-tail in a damp, dimly lit shed. Mr. Hegge worries that the termites there are eating upper parts of the jammers' frames, which are made of oak.

NO SOLUTION IN SIGHT

At the moment, no one knows how to fix these problems. Glacier Park Inc., the park's main concessionaire, owns the buses and the hotels. It's questioning a variety of experts to see what might be done and at what cost. The departing park superintendent, David A. Mihalic, recently apointed a 17-member committee to advise him about the road.

The numbers they're looking at aren't encouraging. It could cost at least $100 million

to restore four major wooden hotels. Estimates for rebuilding the road start at $70 million and climb steeply. The park's annual budget is $8 million. ''Glacier has never had the money to keep up with maintenance and repair,'' shrugs John Kilpatrick, the park's chief engineer.

For Superintendent Mihalic, who has just been transferred to Yosemite, running Glacier has been an eerie flashback to 1972, when he took his first job there as a park ranger. He came back as superintendent in 1994 to find ''nothing had changed. We had the same old sewer systems, the same roads, the same hotels, the same visitor accommodations.''

USING A 'FACADE'

Mr. Mihalic had to resort to what some park experts call ''management by facade.'' Visible things get fixed. Less visible things get deferred. ''If we're having trouble getting the money to just fund the big-ticket items, like roads and sewage and water systems, a lot of public services, such as trail maintenance and back-country bridges, never make it to the top of the list,'' he says.

To be sure, Mr. Mihalic isn't the only park superintendent to wrestle with this. The Interior Department's U.S. Park Service places the bill for deferred maintenance and construction needed to fix time-worn facilities in its 378 parks at around $5 billion. ''Culturally, we try to hide the pain in the Park Service,'' explains Denis Galvin, the service's deputy director.

The day is coming when hiding the pain here may no longer be possible. Last year the Park Service proposed that the cheapest and quickest way to deal with the crumbling, much-patched Going-To-The-Sun road would be to close it for four years and rebuild it. That produced a furor among people in the business community surrounding the park.

They're now part of the advisory committee struggling to come up with ways to keep it open and fix it at the same time.

RULES FOR RESTORATION

As for the Many Glacier Hotel, the latest estimates are that it would cost $30 million to $60 million to bring it back to the glory days when guests arrived by railroad and received world-class accommodations. ''We could never recover that. You would be talking about renting rooms for $400 to $500 a night,'' says Dennis Baker, director of engineering for the concessionaire Glacier Park, a subsidiary of Phoenix-based Viad Corp. Park rules currently limit hotel room rates to $120. The park's season lasts only about 100 days.

As for Mr. Hegge, keeper of the park's bus fleet, he's looking for experts to tell him how to refit his buses with new chassis or to build replicas. Because they are federally registered historic landmarks, the road and the hotels also must be restored to the way they were with the same materials, adding many millions more to the cost.

Just where the millions will come from to fix Glacier and many other maintenance-starved parks is, of course, the biggest question. Democratic Sen. Bob Graham of Florida has introduced legislation to earmark $500 million a year from federal offshore oil royalties for buying park land and fixing parks.

Over time, he's sure it would save money, ''That would allow them to plan more than a year ahead. They could let contracts for multiple buildings at a time,'' explains the senator, who says support for the measure has been slow but is growing.

The PRESIDING OFFICER. Who yields time?

Mr. GRAHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

WTO ACCESSION OF CHINA

Mr. BAUCUS. Mr. President, I congratulate Ambassador Barshefsky and the administration on reaching an agreement this week with China on WTO accession. This demonstrates that a policy of ''engagement with a purpose'' works. I believe the Chinese leadership, in particular Premier Zhu Rongji and President Jiang Zemin, have shown foresight, courage, and vision in making the commitments necessary to conclude this bilateral agreement. I am also glad President Clinton worked so diligently over the last several months to finalize the arrangement.

I believed in April that the April 8 arrangement with China was a good one. My preliminary evaluation of this week's agreement is that it goes beyond the April 8 agreement and provides further benefits to American economic interests.

There are still several steps before China can accede to the WTO.

China must complete other bilateral agreements, in particular with the European Union. Next, the protocol of accession must be completed. Then, the focus of attention will turn to us in the Congress.

In order to receive the benefits we negotiated with China, the United States has to grant China permanent normal trade relations status. To do this, Congress has to amend the Jackson-Vanik amendment.

I am confident that a majority in both Houses will vote to amend Jackson-Vanik. But it will take a lot of work. The administration, the agriculture, manufacturing, and service industries, and those of us in the Congress who have followed these negotiations and the U.S.-China relationship closely over the years, must educate and explain to our colleagues about the benefits of the agreement reached this week and the advantages to the United States of having China in the WTO.

As we in the Congress begin to think about this issue and deliberate on it next year, I see four principal benefits to the United States.

First, this week's agreement opens up new markets in China, with its population of 1.3 billion, for American farmers, manufacturers, and service industries. This will help sustain American economic growth.

Second, the agreement gets China into the global trading system, which forces them to play by the rules of international trade.

For perhaps the first time in history, China will be accountable for its behavior to the outside world. The dispute settlement system at the WTO is far from perfect, but it forces a country to explain actions that other members believe violate the global rules. And, when a violation is found, it puts pressure on that country to comply with the rules. In addition, there is a little known feature of the WTO called the Trade Policy Review Mechanism, the TPRM. Every few years, a country's entire trade system is reviewed by all other members. Again, this type of scrutiny of China is virtually unprecedented.

Third, the agreement will help strengthen the economic reformers in China, especially Premier Zhu Rongji who has clearly been in a weakened position this year. Economic reform, moving to a market economy, transparency—that is, opening up, less secrecy—direct foreign investment, listing of companies on overseas markets—progress in all these areas is of vital importance to the United States as they relate to stability in China, as they relate to accountability, and as they relate to a growing middle class.

Fourth, Taiwan, the 12th-largest economy in the world, has almost completed its WTO accession process. Yet it is a political reality internationally that Taiwan cannot join the WTO before China. So, with China's admission to the WTO, Taiwan will follow very quickly. All of us should welcome that.

The Congress has been concerned about many aspects of the U.S.-China relationship: espionage allegations, nuclear proliferation, human rights, and Taiwan. These are all serious issues, and we must confront each one head on.

But, I, and I believe most Members of Congress, are able to look at each issue on its own merits. When Congress examines closely the arrangement for Chinese accession to the WTO, I am confident that Members will conclude that extending permanent normal trade relations status to China is now in the best interest of the United States.

I don't want to sound pollyannaish about this. Once China is a member of the WTO and the United States has granted permanent NTR status, the real work of implementation begins. We have learned over the years that implementation of trade agreements takes as much effort, or even more effort, than the negotiations themselves. The administration will have to provide us with a plan about implementation. We in the Congress will have to devote additional resources and energy to ensuring full Chinese implementation.

Earlier this year, I introduced a bill to establish a Congressional Trade Office to provide the Congress with additional resources to do exactly that. I hope my colleagues will look at that proposal and give it their support. In addition, I will be introducing some measures to help ensure that the administration—this one as well as future administrations—never deviates

from the task of full implementation of agreements with China.

In conclusion, this is a good agreement. It serves American interests.

We have a lot of work ahead of us to help implement it and to follow up next year to make sure it is implemented. It deserves our support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the situation? Are we still in morning business or is this a matter of some dispute?

The PRESIDING OFFICER. Morning business has expired, but the Senator is certainly free to proceed.

Mr. LEAHY. Once morning business has expired, do we go back on the bankruptcy bill?

The PRESIDING OFFICER. That is the understanding, yes.

EXTENSION OF MORNING BUSINESS

Mr. MACK. Mr. President, I ask unanimous consent that the period for morning business be extended until 2 p.m. under the same terms as previously ordered.

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

Mr. LEAHY. Mr. President, I ask unanimous consent to speak for 10 minutes.

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

THE WORLD FOOD PROGRAM

Mr. LEAHY. Mr. President, last week there was a terrible tragedy affecting the United Nations' World Food Program. This occurred when one of their planes crashed in Kosovo on an errand of mercy.

Since its inception in 1963, the World Food Program has been the United Nations' front line for fighting hunger throughout the world. It is the world's largest food aid organization.

Last year, the World Food Program assisted 75 million people in 80 countries around the world. This summer I observed their operations in Kosovo. In fact, at one point I was invited to fly on the same plane that crashed, to go and see what they were doing.

The World Food Program's mission is to eradicate hunger. I think that in the last seven years it has moved closer and closer to accomplishing this goal under the leadership of Executive Director Catherine Bertini. I was very proud to support Catherine when she was appointed to be executive director in 1992, during the administration of President Bush. She became the first woman to head the World Food Program. I have been a strong supporter for her ever since. She has done a great job as executive director, and I am glad that she continues to lead the World Food Program today.

For many, the World Food Program is known for its emergency response efforts. It was one of the first organizations to move into the Balkan region when the conflict in Kosovo began.

As I mentioned earlier, during the August recess I visited the World Food Program and met with Catherine Bertini and talked to her about how their efforts were going. I believe they are doing a great job. Areas which had previously been empty fields have been transformed into makeshift cities where thousands of people seeking safety, food and shelter have found relief, thanks to the efforts of the World Food Program, Catholic Relief Services and other international organizations.

But emergency relief efforts such as this reflect only a portion of the World Food Program's responsibilities. The World Food Program's Food for Work programs feed millions of chronically hungry people worldwide. They contribute more grants to developing countries than any other United Nations agency. That is why so many people around the world felt the same degree of sadness that I and others in the Senate did when we learned of the plane crash on Friday in which a World Food Program plane, en route from Rome to Pristina, crashed into a mountain ridge just miles from their destination, killing all 24 people aboard the plane.

The passengers aboard this plane were an international group of aid workers. They were all headed to Kosovo to become part of the humanitarian mission there. In a war-torn area, these were 24 people going to bring solace, aid, and help to people who have seen so little of it over the years. They were people who were motivated by the greatest sense of charity and giving to their fellow human beings. They worked for U.N. agencies, nongovernmental organizations, and government agencies, all united by a sense of humanitarianism.

The loss of these individuals is going to be felt throughout the world. They were people who demonstrated over and over again that their fellow human beings were the most important things in their lives. Their deaths are a major loss to their families, as well as the organizations, including the World Food Program, for which they worked.

I send my sincere condolences to the families of those killed in this tragic crash, and I hope the world will understand they have lost 24 of their finest people.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 1924 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

BANKRUPTCY REFORM ACT

Mr. LEAHY. Mr. President, I know we are going on to the bankruptcy bill later today. We made progress on the bill last week. We cleared 25 amendments and improved the Bankruptcy Reform Act. We will continue to try to do that again today. The distinguished Senator from New Jersey, Senator TORRICELLI, and I, working with the distinguished deputy Democratic leader, the Senator from Nevada, are prepared to enter into a unanimous consent agreement to limit the remaining Democratic amendments to only 28 amendments. Most of these would limit us to very short time agreements. I will speak on this more this afternoon. I want Senators to know that.

SATELLITE HOME VIEWERS' ACT AND PATENT REFORM ACT

Mr. LEAHY. Mr. President, I hope that the leadership will soon bring up for a vote the conference report regarding the Satellite Home Viewers Act and the Patent Reform Act. This legislation passed the House of Representatives by a vote of 411–8. According to an informal whip count, if it came to a vote in the Senate, it would pass by something like 98–2, and no worse than 95–5. So we ought to bring it up for a vote.

I don't know when I have gotten so much mail on any subject as I have on satellite home viewing. If you come from a rural area, you know how important this legislation is. If we do not pass the Satellite Home Viewers Act, on December 31 hundreds of thousands—maybe millions—of satellite viewers will find that a number of their channels will be simply cut off, especially in rural areas.

So when we have something that could easily be passed, we ought to do it. The patent legislation is supported—the so-called Hatch-Leahy bill—by most businesses I know. It would be a tremendous step forward in helping us to be competitive with the rest of the world in our patent legislation. It is also the second time in history that we have lowered the cost of patent registration to the taxpayers. So I urge that when we have a piece of legislation like this, which has passed the House of Representatives 411–8, which would pass overwhelmingly in the Senate, that the Republican leadership bring it up. Passing this bill will give some aid to many businesses throughout the country, including some of the finest technological businesses in the world.

And on the satellite front, this bill will allow the many individuals who rely on satellite dishes because they live in rural areas to be able to continue to get their television.

I think of States like my own State of Vermont, such as the State of Montana, the State of Texas, the State of Wyoming, and the State of Nevada, to name a few, where because of our rural nature, people are very dependent on satellite dishes. These satellite dish owners are justifiably concerned that on December 31, many of their channels are going to go dead. We can stop that by passing this legislation this week.

The Satellite Home Viewers Act conference report will soon be before us. It

passed overwhelmingly in the House, as it will here. I only know of two or three people who are opposed to it. That should not be enough to stop this bill.

In fact, I will join with the majority leader if he wants to bring the satellite bill up and instantly file cloture. I could get him the necessary signatures in 20 seconds. I can guarantee him that if it was necessary—and I hope that it would not be—to vote cloture, he would get far more than the 60 votes necessary for it; 90 to 95 Members of the Senate want to pass this. I hope the distinguished majority leader will allow it to come to a vote.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). In my capacity as the Senator from New Hampshire, I ask unanimous consent that the quorum be rescinded.

Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. On behalf of the leader, I ask unanimous consent that the period for morning business be extended until 4 p.m. under the same terms as previously ordered.

Hearing no objection, it is so ordered.

In my capacity as the Senator from New Hampshire, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, is the Senate currently in morning business?

The PRESIDING OFFICER. The Senate will be in morning business until the hour of 4 p.m.

REGULATING THE INTERSTATE TRANSPORT OF PRISONERS

Mr. DORGAN. Mr. President, I have introduced a piece of legislation in the Senate with my colleagues, Senator ASHCROFT from Missouri, and Senator LEAHY from Vermont. I have written this legislation with their assistance to deal with a problem that could cause and will cause and perhaps has caused significant jeopardy to Americans, American families and others.

Let me describe the circumstance. There is a young girl from North Dakota named Jeanna North. Jeanna was a wonderful 11-year-old young girl from Fargo, ND, who was brutally murdered by a man named Kyle Bell. Kyle Bell had previously been sentenced to 30 years in prison for assaulting three other girls, had been convicted of violent acts, and then sentenced to life in prison for murdering this 11-year-old girl, Jeanna North, in Fargo, ND.

This convicted child murderer and violent offender, after being convicted and sentenced in the courts of North Dakota, was being transported to prison in another state. Apparently, folks who molest children and are convicted of crimes against children sometimes are put in prisons elsewhere because they run into problems in prison. Even in that culture they are not considered very good people, so child molesters are sent to other prisons for their own safety. This fellow named Kyle Bell, who killed young Jeanna North, was being transported to a prison in the State of Oregon.

This convicted child killer was being transported by a private company which was contracted by the State of North Dakota. Apparently—and I wasn't aware of this—there are transport companies that hire themselves to State and local governments to transport prisoners and criminals around the country. The private company's name was Transcor.

Kyle Bell was on a bus with more than a dozen other prisoners. The bus stopped in New Mexico at a gas station. One guard got out of the bus to fill the bus with some fuel, a second guard got out of the bus and went into the service station apparently to buy a hamburger or whatever one was going to buy at the food station, and two other guards fell asleep on the bus. The other guards slept on the bus.

Kyle Bell, a convicted child killer, in handcuffs and shackles—with one guard putting gas in the bus, the second guard buying food in the gas station, and the other two asleep in the front seat—Kyle Bell took a key he had in his shoe, took off his shackles and climbed out the ventilator, the roof of the bus. That bus then continued on its route. It wasn't for 9 hours, when the bus was already in Arizona, that the guards discovered this convicted child killer had escaped. Nine hours later they finally discovered he had escaped. Two hours after that, the guards finally notified law enforcement authorities.

Today this man is somewhere in this country. ''America's Most Wanted'' did a story last Saturday, the second they have done. Now over a month has gone by and this violent child killer is somewhere on the loose.

Why? Because a private company that is required to meet no standards at all hired itself out to haul violent criminals. If you hire yourself out to haul toxic waste interstate, I will tell you one thing: you are going to have to meet standards. If you are going to haul toxic waste, one State to another, you have to comply with reasonable standards for public safety. The same is true if you haul circus animals. The same is true if you are trucking cattle across the country. But if you truck convicted killers across the country—no standards at all. If you want to be in that business, get your cousin, your brother-in-law, maybe a couple sons, buy a minivan and you are in business. Contract with a State or local government and you can haul violent criminals through Arizona, New Mexico, North Dakota, New Hampshire, anywhere. You do not have to meet any minimum standards. There is something wrong with that.

Senator ASHCROFT and I and Senator LEAHY are introducing a piece of legislation saying: If you are holding yourself out to do business hauling violent criminals interstate in this country, then you must meet some reasonable minimum standards.

When Kyle Bell walked away from that rest stop, he was wearing civilian clothes. Apparently, he walked into a parking lot, they think, of a shopping center. But he wouldn't have been noticed as a convicted child killer because he was wearing civilian clothes. One would ask the question: if you are hauling a convicted killer across this country, why would you not have that convicted killer in an orange suit that says ''prisoner'' on it? Instead, he was sitting on that bus with a key in his shoe and civilian clothing, so when he slipped out of that bus when the guards were asleep and walked into a shopping center parking lot, apparently no one noticed. So over a month has gone by and people in this country are at risk because this convicted killer is on the loose.

This young girl, Jeanna North, who died, you can imagine how her folks feel. I talked to her folks last week. The aunt and uncle of Kyle Bell, this murderer, are worried as well because he has threatened his own relatives.

The point is this: All of this has happened because a private company decides it is going to hire itself out to haul killers around the country, but there are no standards to be met. Senator ASHCROFT and I and Senator LEAHY believe the Justice Department ought to write standards—no tougher than they themselves will follow in the Federal Bureau of Prisons or the U.S. Marshals Service. Incidentally, they do transport killers all across the country. The U.S. Marshals Service has done it for years; so has the Federal Bureau of Prisons. We believe there ought to be some minimum standards that apply to these companies. The Justice Department ought to be able to establish those standards that are no greater than the standards that will be complied with by the Federal agencies themselves.

Is this, this escape of Kyle Bell, some sort of strange and unusual occurrence? No, regrettably it is not. Let me give a few examples.

Although there are no reporting requirements for private companies that haul convicted prisoners across this country, media reports indicate that in the last 3 years alone, 21 violent convicted prisoners have escaped during transport by private companies. No

Federal Bureau of Prisons prisoners have escaped during transport—none. U.S. Marshals Service—it has been years and years since the Marshals Service has had anyone escape from their custody during transport. But private companies that are unregulated and have no requirements to meet?

July 24, 1999: Two men convicted of murder escaped while being transported from Tennessee to Virginia. Two guards went into a fast food restaurant to get breakfast for the convicts. When they returned, they didn't notice the convicts had freed themselves from their leg irons. While one guard returned to the restaurant, the other stood watch outside the van, but he forgot to lock the door. The inmates kicked it open and fled. One was caught 45 minutes later; the other stole a car and was free for 8 hours before being apprehended.

July 30, 1997: Convicted rapist and kidnaper Dennis Glick escaped while being transported from Salt Lake City to Pine Bluffs, AR—again by a private company. While still in the van, Glick grabbed a gun from a guard who had fallen asleep. He took seven prisoners, a guard, and a local rancher hostage, and led 60 law enforcement officials on an all-night chase across Colorado before being recaptured the next morning.

November 30, 1997: Whatley Rolene was being transported from New Mexico to Massachusetts. He was able to remove his handcuffs and grab a shotgun while one guard was in a gas station and the other slept in the front seat. He later surrendered after a showdown with the Colorado State Patrol and a local sheriff's office.

December 4, 1987: During transport, 11 inmates escaped from a private company after overpowering a guard in the van. Among the escapees was convicted child molester Charles E. Dugger and convicted felon and former jail escapee Homer Land. Apparently, they shed their shackles by either picking their locks or using a key. The guard in the van opened the van doors to ventilate it while the other guard was inside the Burger King. The guard in the van had been on the job less than a month.

The man named Dugger was apprehended a short time later, but Homer Land forced his way into the home of a couple in Owatonna, MN, held them hostage for 15 hours, and forced them to drive into Minneapolis where they escaped when Land went into a store to buy cigarettes. He was later apprehended on a bus headed to Alabama.

August 28, 1986: A husband-and-wife team of guards showed up at an Iowa State Prison to transport six inmates, five of them convicted murderers, from Iowa to New Mexico. When the Iowa prison warden saw there were only two guards, a husband and wife, to transport six dangerous inmates, five of them convicted murderers, he responded, ''You've got to be kidding me.'' Despite his concerns, the warden released the prisoners to the custody of the guards when he was told the transport company had a contract to move these prisoners.

Despite explicit instructions not to stop anywhere but a county jail until reaching their destination, the guards decided to stop at a rest stop in Texas. During the stop, the inmates slipped out of their handcuffs and leg irons and overpowered the two guards. The six inmates stole the van and led police on a high-speed chase before being captured.

The escape was not even reported to the local police by the guards who were at fault but instead by a tourist who witnessed the incident.

There is clearly something wrong here. I mentioned a few of these examples. Violent prisoners are being hauled across this country, interstate transportation, without the kind of basic precautions you would expect. Again I say if you want to haul toxic waste interstate you must meet specific safety criteria. But that is not the case if you want to haul violent criminals.

What if you or your family were to drive up to a gas station and stop next to a minivan that is holding three convicted murderers being transported by some guy and his two sons-in-law to a prison in California? Is that something you would worry about? I would. People in this country ought to worry about that. There ought to be standards.

It is interesting that most of these escapes occurred when a private company stopped at a fast food place or to get fuel. Do you know what federal agencies do when they need to stop someplace? They try to only stop at a police station or jail or prison so they have decent help in making certain these folks are not going to escape during a stop.

None of this makes any sense. All of us know this is not the way to do business. The Kyle Bell escape is just the most recent. God forbid that this man should murder someone while he is out. God forbid someone is injured, hurt, or murdered during this person's escape.

This story of Kyle Bell's escape was on ''America's Most Wanted,'' last Saturday night. I don't know whether he will be apprehended, when he will be apprehended, where he might be apprehended. But this country and its law enforcement authorities should not be having to go through this. This person should be in a maximum security prison in the State of Oregon right now. That is where he was headed. He should be serving life in prison for the killing of this 11-year-old girl. Instead, he is somewhere out there in this country, a danger to the American people because we have private transport companies that are required to meet no regulations, no minimum standards.

The legislation I have introduced is rather simple. With my colleague from the State of Missouri, Senator ASHCROFT, and my colleague, Senator LEAHY, from Vermont, I have introduced legislation that will say the Justice Department shall establish minimum standards and minimum requirements a business must meet in order to transport violent offenders. I am only talking about violent offenders. Among those would be the requirement of certain kinds of handcuffs and shackles, the requirement for violent offenders to wear easily recognized, bright clothing identifying them as prisoners, and a range of other sensible ideas.

The bill does not allow the Justice Department to impose requirements on the private sector that exceed the requirements the U.S. Marshals Service or the Federal Bureau of Prisons themselves will meet as they transport prisoners. But it seems to me reasonable, and it does to my colleagues as well, that we ought to require some basic, thoughtful, commonsense standards to be met on the part of these private companies.

I should also say that some of the companies themselves believe this is a reasonable thing to do. Some of the transport companies themselves say there needs to be some set of standards. Because when anyone can get into this business without taking reasonable precautions, we will have convicted murderers escaping and the American public will be at risk.

This legislation is supported by a wide range of organizations: The National Sheriffs Association, the American Jail Association, the California Correctional Peace Officers Association, the New York Correctional Officers and Police Benevolent Association, the North Dakota Chiefs of Police Association, the North Dakota Fraternal Order of Police, the Victims Assistance Association in my State, the Klaas Kids Foundation in California, the Megan Nicole Kanka Foundation, and others.

We call this bill Jeanna's bill. It is called Jeanna's bill in the hopes that the memory of this 11-year-old girl, Jeanna North, might serve for the Congress to pass good legislation that will impose sensible, commonsense requirements on private companies transporting violent criminals so some other family will not have to go through the agony, the heartbreak, and the sheer terror that has visited the North family—first because of the murder of their daughter, then the trial of the murderer, and now the murderer's escape.

Let us hope Congress can pass this kind of legislation and we will not in the future be seeing stories about private companies allowing convicted killers to escape while they are being transported to their life in prison in a maximum security institution.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that morning business be extended for 5 minutes.

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

HONORING RON DAYNE

Mr. FEINGOLD. Mr. President, I am on the floor today principally to continue to battle for our Wisconsin dairy industry and Wisconsin dairy farmers. As I was here today, I had a chance to reflect on something else about Wisconsin that we will be bragging about today. I come here as a proud alumnus of the University of Wisconsin-Madison. Of course, I am talking about the new career rushing record in college football just set by one of the greatest Badgers of all time, Ron Dayne.

Ron Dayne rushed his way into football glory on Saturday. After rushing for an incredible 6,181 yards in his career, he needed only 99 yards to break the record set last year by Texas's Ricky Williams.

Short runs throughout the first half brought him within yards of the record and helped his team build an early lead. Then, with 5 minutes left in the second quarter, he broke the record on a 31-yard sprint and went on to rush a total of 216 yards to help catapult the Badgers—with my apologies to my colleagues from the Hawkeye State—to a crushing 41–3 victory against Iowa.

I quote from Matt Bowen, a leading tackler for the University of Iowa, on the difficulty of stopping University of Wisconsin running back Ron Dayne. Matt said: ''It's like trying to catch a couch as it tumbles down a few flights of stairs.''

With this achievement, Ron Dayne has rushed his way into the front of a pack of Heisman hopefuls, and he has helped guarantee his team another trip to Pasadena on New Year's day as the undisputed champions of the Big 10. Through it all, Ron Dayne has been a model person as well as a model team player, exhibiting a modesty and dedication that make him a Badger hero for the ages.

On Saturday, as jubilant Badger football fans waved their souvenir Dayne towels in the air at Camp Randall Stadium and chanted Ron Dayne's name, they celebrated a great victory for Wisconsin, and above all they celebrated a player who does honor to his school, to himself, and to the game he has taken to a new level of excellence.

The Great Dayne, as we all him in Wisconsin, finishes his regular season career with a phenomenal record of 6,397 rushing yards. He has secured himself a lofty place in the history of college football, and a permanent place in the hearts of every Wisconsin Badger fan. As Ron Dayne said about his incredible run into the record books, ''It's kind of sinking in now. This is the best.''

As a Wisconsinite and a dedicated Badger fan, I can tell you that it truly is the best, and that Ron Dayne, the best all-time rusher in college football, is a true Badger hero.

Mr. President, On Wisconsin!

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

BANKRUPTCY REFORM ACT OF 1999

The PRESIDING OFFICER. The Senate will now resume consideration of S. 625, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 625) to amend title 11, United States Code, and for other purposes.

Pending:

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. 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 nondischargeable.

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. 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 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.

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.

AMENDMENT NO. 2663

(Purpose: To make improvements to the bill)

Mr. MOYNIHAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mr. MOYNIHAN] proposes an amendment numbered 2663.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 107, line 7, strike ''(C)(i) for purposes of subparagraph (A)—'' and insert the following:

''(C) for purposes of subparagraph (A)—

''(i) if the debtor, and the spouse of the debtor in a joint case, as of the date of the order for relief, have a total current monthly income greater than the national or applicable State median family monthly income calculated on a monthly basis for a family of equal size, or in the case of a household of one person, the national median household income for one earner (except that for a household of more than 4 individuals, the median income shall be that of a household of 4 individuals, plus $583 for each additional member of that household)—''.

On page 107, lines 8 and 14, move the margins 2 ems to the right.

On page 107, line 19, strike ''and'' and all that follows through line 20 and insert the following:

''(ii) if the debtor and the debtor's spouse combined, as of the date of the order for relief, have a total current monthly income that does not satisfy the conditions of clause (i)—

''(I) consumer debts owed to a single creditor and aggregating more than $1,075 for luxury goods or services incurred by an individual debtor on or within 60 days before the order for relief under this title are presumed to be nondischargeable; and

''(II) cash advances aggregating more than $1,075 that are extensions of consumer credit under an open end credit plan obtained by an individual debtor on or within 60 days before the order for relief under this title are presumed to be nondischargeable; and

''(iii) for purposes of this subparagraph—''.

On page 111, line 20, strike ''(14A)(A) incurred to pay a debt that is'' and insert the following:

''(14A) if the debtor, and the spouse of the debtor in a joint case, as of the date of the order for relief, have a total current monthly income greater than the national or applicable State median family monthly income, calculated on a monthly basis for a family of equal size, or in the case of a household of one person, the national median household income for one earner (except that for a household of more than 4 individuals, the median income shall be that of a household of 4 individuals, plus $583 for each additional member of that household)—

''(A) incurred to pay a debt that is''.

On page 112, line 2, insert '', with respect to debtors with income above the amount stated,'' after ''that''.

Mr. MOYNIHAN. Mr. President, the amendment is a small matter in the larger context of the legislation we are dealing with, but a very large matter to the people we are talking about who are low-income debtors. This addresses two aspects of the bill that have disproportionate negative impacts on low-income debtors.

The first aspect concerns consumer debt and cash advances. The second relates to debt incurred to pay nondischargeable debt. By nondischargeable debt, we mean the debt a consumer has to repay even if they declare bankruptcy. There are very commonsense provisions in our bankruptcy laws that say if you acquire a large debt in a short period before declaring bankruptcy, there is some presumption that you knew where you were heading and you were taking advantage of the bankruptcy laws.

Under current law, consumer debts owed to a single creditor—excluding ''goods or services reasonably necessary''—of more than $1,075 obtained within 60 days of bankruptcy and cash advances of more than $1,075 obtained within 60 days of bankruptcy are presumed to be fraudulent and thus nondischargeable.

S. 625 seeks to expand the circumstances under which such transactions would be considered fraudulent in two ways: First, by lowering the threshold amount that would trigger the fraudulent presumption to $250 for consumer debts and $750 for cash advances; and, second, by increasing the number of days prior to bankruptcy during which debt incurred and cash advances obtained would be presumed fraudulent—to 90 days for consumer debts and to 70 days for cash advances.

Under this amendment, the new threshold amounts of money and numbers of days proposed in S. 625 would apply to debtors whose total monthly income is greater than the median monthly income, but they would not apply to low-income debtors. Low-income debtors do not have much money and, at times, need to charge certain items or to take a cash advance to buy necessary goods, such as clothing. It is wrong—or so I believe—to assume these people acted fraudulently. They acted of necessity—or I believe that is a fair assumption. They did what they needed to do to get by. The thresholds as they exist under current law would continue to apply to median and below-median income families.

I will make the point that we are, by this amendment, not changing current law. We are not introducing a novel concept into bankruptcy proceedings. We are providing for low-income persons to continue to have the same presumptions in their favor, or against them, that we have lived with for many years, with fair success, as I understand it.

S. 625 adds a new exception to discharge for debt incurred to pay nondischargeable debt and creates a presumption of nondischargeability for debts incurred to pay such debt within 70 days of filing the bankruptcy petition. This amendment would retain the current state of the law as to debt incurred to pay nondischargeable debt for median and below-median income families.

I do believe this is a worthy amendment. I commend it to my colleagues. I have had the opportunity to have worked through this, and I express my own gratitude that in many years distant past I did not decide to become a bankruptcy lawyer. That would have been a complexity beyond my capacity.

Mr. President, I thank the Chair for his courtesy and the Senate for its equal attention. I commend this matter. I think it is something we would be wise to do. The essence of the proposal is: For low-income debtors, don't change the rules. They are not the problem. Don't create problems for them.

A well-documented and prevalent form of abuse by some creditors is the filing of unfounded complaints alleging that debtors committed fraud, or the use of the threat of such a complaint, to coerce debtors into giving up valuable bankruptcy rights, typically by agreeing that all or part of the debt is not discharged.

Such threats are especially potent against low-income debtors. That is why the safe harbor in my amendment is necessary. These debtors often do not have lawyers, and they certainly do not have the funds to pay hundreds or even thousands of dollars to defend against creditor litigation. When a creditor threatens to or actually files a complaint alleging fraud, the debtor has to choose either to pay to defend against the complaint (requiring a lump sum payment to an attorney of at least several hundred dollars and usually more) or to make a deal with the creditor (who will offer to take a reaffirmation or settlement with ''low monthly payments'' of perhaps $50). Most cash-strapped debtors will take the ''low monthly payment'' option, often the only thing they can afford, regardless of whether the creditor has a good case.

This scenario is played out already, in the area of dischargeability litigation. Several courts have found practices of creditors filing ''fraud'' dischargeability cases, for which there is no factual basis, simply to coerce reaffirmations, and actually dropping those cases when they are defended. Most of these cases are in fact settled through reaffirmations, because the debtors have no choice but to take the ''low monthly payment'' option.

The new presumptions of fraud proposed in S. 625, against debtors who have charged as little as $250 on a credit card, and under the amorphous standard that a debt was incurred to pay another debt, will embolden creditors to file many more of these complaints. My amendment to S. 625 addresses these presumptions. I will explain how.

First, under current law, consumer debts owed to a single creditor (excluding ''goods or services reasonably necessary'') of more than $1,075 obtained within 60 days of bankruptcy and cash advances of more than $1,075 obtained within 60 days of bankruptcy are presumed to be fraudulent, and thus nondischargeable. S. 625 seeks to expand the circumstances under which such transactions would be considered fraudulent in two ways: first, by lowering the threshold amount that would trigger the fraud presumption to $250 for consumer debts and to $750 for cash advances; and, second, by increasing the number of days prior to bankruptcy during which debt incurred and cash advances obtained would be presumed fraudulent (to 90 days for consumer debts and to 70 days for cash advances).

Under my proposed amendment, the threshold amounts of money and numbers of days triggering a presumption of fraud in S. 625 would only apply to debtors whose total monthly income is greater than the median monthly income, while the current thresholds would continue to apply to median and below-median income families.

Second, S. 625 adds a new exception to discharge for debt—a loan or credit card debt—incurred to pay nondischargeable debt with the intent to discharge such debt in bankruptcy; it also creates a presumption of nondischargeability for debts incurred to pay nondischargeable debt within 70 days prior to filing the bankruptcy petition. My proposed amendment would retain the current state of the law as to debt incurred to pay nondischargeable debt for median and below-median income families.

Nothing in the amendment would prevent a creditor with evidence of fraud from pursuing a case against a low-income debtor. However, the creditor would not be entitled to the benefit of a presumption to make its case. And low-income debtors would not be forced to spend money they don't have to defend against an expanded presumption of their dishonesty.

The filing of abusive dischargeability complaints is not a new phenomenon in bankruptcy law. It was the subject of legislation when the Bankruptcy Code

was first passed in 1978. At that time, a strong attorney's fee provision was added to the Code to deter such creditor tactics. The House Judiciary Committee report (95–595, p.131) found the problem prevalent at that time:

> The threat of litigation over this exception to discharge and its attendant costs are often enough to induce the debtor to settle for a reduced sum, in order to avoid the costs of litigation. Thus, creditors with marginal cases are usually able to have at least part of their claim excepted from discharge (or reaffirmed), even though the merits of the case are weak.

Unfortunately, in 1984 Congress weakened the attorney's fees provision and added, for the first time, a presumption of fraud based on purchases in the period immediately before bankruptcy. Then the concerns of the House Judiciary Committee proved prescient. Creditors began filing fraud complaints in large numbers, and courts have found that most debtors settle those complaints, regardless of how weak they are, rather than incur the expense of litigation.

The amendment before us is a very modest one. It does not return to the law the strong attorney's fee provision enacted in 1978. It does not eliminate the presumptions of fraud that were added in 1984 and made more expansive in 1994. It does not even completely eliminate the additional presumptions of fraud added by this bill, or the new exceptions to discharge. The only thing my amendment does is to make these new presumptions of fraud inapplicable to families below median income—those who would have the most difficulty affording a defense against unfounded fraud complaints.

The amendment will not shelter anyone who commits fraud. The current fraud provisions of the Bankruptcy Code will continue to apply to them. Those provisions already clearly deem fraudulent any debt that is incurred with no intent to pay it or with an intent to discharge it in bankruptcy. My amendment merely requires that a creditor produce meaningful evidence to establish fraud, rather than rely on S. 625's new presumption of fraud, at least in cases filed by low-income families who are most vulnerable to, and least able to afford the expenses associated with, creditor-initiated litigation.

PRIVILEGE OF THE FLOOR

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that during the pendency of this amendment, Kathleen McGowan of my staff be allowed privileges of the floor.

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

Mr. MOYNIHAN. Mr. President, seeing no other Senators seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. 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. GRASSLEY. Mr. President, I ask unanimous consent that tomorrow, immediately following the Wellstone amendment, there be a vote on the Moynihan amendment, except for 4 minutes in between to be evenly divided for the proponents and the opponents of the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, it is my understanding that no amendments would be in order to the Moynihan amendment prior to the vote.

Mr. GRASSLEY. That is right.

Mr. REID. No objection.

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

Mr. GRASSLEY. Mr. President, I know the Senator from New York is very sincere about the amendment he has proposed. I know he is cognizant of a discussion on a similar subject that we had on the amendment by the Senator from Connecticut last week. I think in a good-faith effort he comes in with something that does not go quite as far as Senator DODD's amendment goes. But I still think, for the very same reasons I expressed opposition to the Dodd amendment last week, I must express opposition to the Moynihan amendment.

In addition, I think perhaps by setting up one category for people who are in bankruptcy court who are below the national average and allowing a certain behavior on their part that you don't for people above the national average of income sets up a double standard that is not justified.

I oppose this amendment for pretty much the same reasons I opposed the Dodd amendment—that Congress needs to be very careful to fight against fraud and abuse and to say no to fraud and no to this financial abuse whenever we can. It seems to me it is a standard of ethic that is justified—being against fraud and abuse and treating it the same wherever it might happen.

One type of fraud and abuse involves loading up on debt right before bankruptcy and then discharging that debt. It doesn't seem to me we need to allow that above the limits of our legislation. The bill before us now contains provisions limiting the amount of debt incurred to purchase luxury goods within 90 days of declaring bankruptcy.

Senator MOYNIHAN's amendment would let people below the median income load up on more debt than higher income people. This lets people at low income levels get away with fraud and more fraud. I think this is not a very good idea. I respectfully oppose this amendment with obvious good intentions. I have never known Senator MOYNIHAN to have anything but good intentions, but this is one amendment that could bring about very unfair results as we allow people at a lower income get away with more fraud and abuse than we would people with higher income.

I oppose the amendment and yield the floor.

Mr. REID. Mr. President, to engage my friend on the bill generally, we have been working with the ranking member of the Judiciary Committee, Senator DASCHLE's floor staff, and Senator GRASSLEY and his staff during all or parts of the day. We are in a position now where this bill can be completed in a relatively short period of time. We have worked with Members on this side of the aisle, and with the cooperation of the manager of this bill there is a tentative agreement to accept about 10 amendments that the Democrats have offered. They may want to change the amendments in some fashion. We have been able to work on a finite number of hours that would be left in those amendments, with the exception of one Senator.

In short, for notice to the other Members of the Senate, with a little bit of luck we can finish this bill relatively shortly. I hope the majority allows Members to continue to work on this bill to complete it.

Mr. GRASSLEY. Mr. President, responding to the Senator from Nevada and going back to his efforts of last Wednesday before we adjourned for the national Veterans Day holiday, I can say that on that day as well as other periods of time over the weekend, and even as late as yesterday, between his efforts working with me and the efforts of our respective staffs, I have found the Senator from Nevada very cooperative. As a result of his cooperation, what we thought was an impossible amount of amendments to work our way through to bring this bill to finality has been dramatically reduced. The Senator needs to be credited with that extra effort.

I encourage Members on my side of the aisle to reach agreement. There may be one or two items that are above my pay grade, maybe even above the pay grade of the Senator from Nevada, that will have to be decided by leadership, but except for those items, we are making tremendous progress. I want to work in that direction, and I assure the Senator from Nevada of my efforts in that direction.

Mr. REID. Mr. President, I say to my friend from Iowa, we have made great progress. Originally, the bill had about 320 amendments. We are now down to no more than 15 amendments. Of those amendments, some can be negotiated. There are some that will require votes.

As I indicated, there is only one Senator, who has two amendments, who hasn't agreed on time for those amendments. Of course, if everyone is serious about completing the bankruptcy bill, going from 320 amendments to approximately 15 amendments says it all. We should complete this bill. Significant progress has been made.

I acknowledge there are a couple of issues that will be more difficult. However, people on our side—even on those two amendments—have agreed to times. One Senator has agreed to a 30-

minute time agreement; the other Senator has agreed to a 70-minute time agreement. As contentious as these two amendments might be, we recognize we are in the minority. We are willing, in spite of our being in the minority, to agree to a time limit to let the will of this body work. We would agree to a way of disposing of those. Two Senators feel very strongly that they deserve a vote on these two amendments.

Other than those two amendments, I think we should be able to go through this bill at a relatively rapid rate. From all I have been able to determine, we are not going to be leaving here tomorrow anyway. We should try to complete this bill if at all possible. It would be a shame if cloture were attempted to be invoked on this bill, after having gone from 320 amendments to a mere handful. I think that would leave a pretty good argument on the side of the minority not to go along with cloture. We have done everything we can to be reasonable. A few Senators desire to offer amendments. They should have the right to offer those amendments.

I have appreciated the cooperation of the Senator from Iowa, the manager of this bill, and his staff. They have been very easy to work with and very understanding of what we have been trying to accomplish.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. 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. GRASSLEY. Mr. President, I add to what the Senator from Nevada has said about bringing this bill, hopefully, to finality within just the last few days of this session, and I remind everybody that should be possible because of the bipartisan cooperation we had in drawing up the bill that brought the Senate to this point, as well as the fact that similar legislation passed last year on a vote of 97–1, I believe.

I ask unanimous consent to lay the pending Moynihan amendment aside.

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

AMENDMENTS NOS. 2529 AND 2478, AS MODIFIED

Mr. GRASSLEY. I ask unanimous consent to modify amendments 2529 and 2478, and I send the modifications to the desk.

The PRESIDING OFFICER. The clerk will report.

The Senator from Iowa [Mr. GRASSLEY], for Mr. THURMOND, proposes an amendment No. 2478, as modified.

Mr. GRASSLEY. These amendments have been cleared by both sides. I ask unanimous consent they be agreed to en bloc and the motion to reconsider be laid upon the table.

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

The amendments (Nos. 2529 and 2478), as modified, were agreed to, as follows:

AMENDMENT NO. 2529

On page 115, line 23, strike all through page 117, line 20, and insert the following:

''(iv) copies of all payment advices or other evidence of payment, if any, received by the debtor from any employer of the debtor in the period 60 days before the filing of the petition;

''(v) a statement of the amount of projected monthly net income, itemized to show how the amount is calculated; and

''(vi) a statement disclosing any reasonably anticipated increase in income or expenditures over the 12-month period following the date of filing''; and

(2) by adding at the end the following:

''(d)(1) At any time, a creditor, in the case of an individual under chapter 7 or 13, may file with the court notice that the creditor requests the petition, schedules, and a statement of affairs filed by the debtor in the case and the court shall make those documents available to the creditor who request those documents.

''(2)(A) At any time, a creditor in a case under chapter 13 may file with the court notice that the creditor requests the plan filed by the debtor in the case.

''(B) The court shall make such plan available to the creditor who request such plan—

''(i) at a reasonable cost; and

''(ii) not later than 5 days after such request.

''(e) An individual debtor in a case under chapter 7, 11 or 13 shall file with the court at the request of any party in interest—

''(1) at the time filed with the taxing authority, all tax returns required under applicable law, including any schedules or attachments, with respect to the period from the commencement of the case until such time as the case is closed;

''(2) at the time filed with the taxing authority, all tax returns required under applicable law, including any schedules or attachments, that were not filed with the taxing authority when the schedules under subsection (a)(1) were filed with respect to the period that is 3 years before the order of relief;

''(3) any amendments to any of the tax returns, including schedules or attachments, described in paragraph (1) or (2); and''

At the appropriate place, insert the following:

''In the case of an individual under chapter 7, the court shall not grant a discharge unless requested tax documents have been provided to the court. In the case of an individual under chapter 11 or 13, the court shall not confirm a plan of reorganization unless requested tax documents have been filed with the court.''

AMENDMENT NO. 2478

(Purpose: To provide for exclusive jurisdiction in Federal court for matters involving bankruptcy professional persons)

On page 124, insert between lines 14 and 15 the following:

SEC. 322. EXCLUSIVE JURISDICTION IN MATTERS INVOLVING BANKRUPTCY PROFESSIONALS.

Section 1334 of title 28, United States Code, is amended—

(1) in subsection (b) by striking ''Notwithstanding'' and inserting ''Except as provided in subsection (e)(2), and notwithstanding''; and

(2) amending subsection (e) to read as follows:

''(e) The district court in which a case under title 11 is commenced or is pending shall have exclusive jurisdiction—

''(1) of all the property, wherever located, of the debtor as of the commencement of such case, and of property of the estate; and

''(2) over all claims or causes of action that involve construction of section 327 of title 11, United States Code, or rules relating to disclosure requirements under section 327.

Mr. SPECTER. Mr. President, I seek recognition to discuss two important provisions that were added to the bankruptcy reform bill by unanimous consent. The first provides that bankruptcy attorneys who represent debtors will be liable for paying certain attorneys' fees only if their own actions are ''frivolous''—the bill had originally required these attorneys to pay fees for merely losing the argument on a motion to remove a case from Chapter 7 to Chapter 13. The second of these provisions empowers judges to waive the bankruptcy filing fee for individuals who cannot afford to pay it, even in installments. I have fought for these two provisions, together with Senator FEINGOLD, since this bill first came before the Senate Judiciary Committee last Congress, and I believe their inclusion in the bill is a significant improvement that will ensure sufficient access to justice for all who seek relief in our bankruptcy courts.

As originally drafted, the bankruptcy bill provided that if a debtor files in Chapter 7, and a bankruptcy trustee prevails on a motion to remove the debtor to Chapter 13 because the debtor is found to have the ability to pay at least 25% of his debts, then the debtor's attorney must pay the reasonable costs and attorneys' fees incurred by the trustee in filing and arguing the removal motion.

This was an inappropriate provision. We would have had attorneys being penalized not because they were bad actors, but because they engaged in zealous advocacy on behalf of clients and happened to lose the argument. This would have had an enormous chilling effect on debtors' attorneys. In all cases where the outcome was less than certain, lawyers would have been inclined to file their clients in Chapter 13, even if they truly believe that the clients belong in Chapter 7, in order to avoid the penalty.

When the bill came before the Senate Judiciary Committee last Congress, I offered an amendment together with Senator FEINGOLD to provide that the debtors' attorneys should pay these fees only if their actions in filing in Chapter 7 were ''frivolous.'' Our amendment was defeated by a roll call vote of 9–9. We then offered our amendment on the Senate floor, where it was tabled by a vote of 57–42.

As the result of our efforts last Congress, the attorneys' fees standard was improved when the bill was re-introduced this Congress. The current version of the bill provides that lawyers must pay these fees only if their actions in filing in Chapter 7 were not ''substantially justified.'' Still, I believe that this standard is too broad and will still chill attorneys from zealous advocacy. As in every other area of the law, lawyers must be punished only if their actions are ''frivolous'' or in

bad faith. I am glad that this is the standard that is now in the bill.

A second problem with the bankruptcy bill as originally drafted was that it did not permit bankruptcy judges to waive the bankruptcy filing fee for indigent individuals. Individuals who petition for Chapter 7 bankruptcy must pay a filing fee of approximately $175. There are many individuals who are so indigent by time they decide to seek the relief of bankruptcy, however, that they cannot even afford this relatively small fee. As a result, some individuals are actually too poor to go bankrupt. This is an absurd result. In such limited cases, we must empower a judge to decide that the filing fee can waived.

Many individuals opposed to waiving the filing fee have argued that doing so would open the door to an enormous increase in the number of individuals taking advantage of the bankruptcy system. The idea is that ''free'' bankruptcies will lead to a bankruptcy bonanza.

Unfortunately, these individuals have failed to look at the record. In the appropriations bill for FY '94, Congress authorized a pilot in forma pauperis program in six federal judicial districts, including Eastern District of Pennsylvania, for three years. These pilots demonstrated that the program worked as intended, and did not significantly change the number or nature of bankruptcy filings.

In the six pilot districts, waivers were requested in only 3.4% of all nonbusiness Chapter 7 cases, and waivers were granted in only 2.9% of all nonbusiness Chapter 7 cases. This number was small enough that it did not lead to a significant increase in the number of overall Chapter 7 filings or a significant loss in revenue to the courts.

When the bankruptcy bill was before the Senate Judiciary Committee last Congress, I offered an amendment to permit the waiver of filing fees together with Senator FEINGOLD. Our amendment was defeated in Committee by a vote of 9–9. When we introduced our amendment on the floor of the Senate, however, the motion to table the amendment was rejected by a vote of 47–52, and the amendment was accepted into the bill. I am glad that this Congress our waiver provision has been included without the necessity of a vote.

Taken together, these two provisions ensure that all who are in need will have access to our bankruptcy courts and will enjoy the benefits of zealous advocacy on their behalf that is the cornerstone of our legal system. They are valuable improvements, and I commend Senators GRASSLEY, LEAHY, TORRICELLI and FEINGOLD for their inclusion in the bill.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ROBERT M. BRYANT, DEPUTY DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

Mr. THURMOND. Mr. President, the Federal Bureau of Investigation is perhaps the most renown and respected law enforcement agency in the world. Though the FBI is famous for its laboratories, embracing new crime fighting techniques, and ability to ''get its man'', the real secret and heart of this organization's success has always been its people—-the capable, courageous, and conscientious men and women who serve as Special Agents. Today, I rise to pay tribute to an individual who has given much to the FBI and the nation, Robert M. ''Bear'' Bryant, who will retire from his position as the Deputy Director of the Federal Bureau of Investigation on November 30th.

Bear Bryant's career as a Special Agent began in 1968, when he hit the foggy and mean streets of Seattle, Washington, a distinctly different environment than his native Missouri. The atmosphere in Seattle, and across the nation, was combustible and there was just the right amount of tension to spur extensive criminal and violent activities. Without question, it was a busy and dangerous time to be making one's living as a lawman, and it was in such an environment that Special Agent Bryant cut his teeth in law enforcement and made a lifelong commitment to the Bureau.

Though he certainly had no inkling as a young Special Agent that his career would take him to the most senior levels of the FBI, Robert Bryant would spend three decades criss-crossing the United States as his career moved progressively forward and up the FBI chain of command. Subsequent assignments to Dallas, Headquarters in Washington, Salt Lake City, and Kansas City, as well as promotions to Supervisor, Permanent Inspector, and Special Agent in Charge, all helped to prepare Bear for his ultimately taking the second-in-command slot in the Bureau.

Surely one of the most rewarding assignments Bear had during his career was the time he spent as Special Agent in Charge of the Washington Field Office. When he took that job in 1991, the Capital was a violent city as a result of ''crack wars'' that were breaking out in urban areas from coast to coast. As the Special Agent in Charge of the Washington Field Office, Bear Bryant was responsible for establishing the ''Bureau Safe Streets'' program, which directed significant FBI resources toward combating street-level organized crime. The success of Mr. Bryant's efforts and leadership are evident. Thanks to his efforts, in conjunction with other agencies including the Metropolitan Police, crime is down in this city today, especially those offenses associated with the crack trade. This program was so successful in the District of Columbia, it was adapted as a tactic for reducing violent crime in other cities and there are currently more than 160 taskforces in operation throughout the United States making streets safe again.

Those familiar with the FBI will tell you that service as the Special Agent in Charge of the Washington Field Office is an indication that someone is on their way to assuming one of the senior positions within the leadership of the Bureau, and in 1993, SAC Bryant was tapped for the very critical post of Assistant Director of the National Security Division. This segment of the Bureau is responsible for battling the considerable threats to national security from both outside and within the borders of the United States. During his tenure of the head of the National Security Division, Mr. Bryant was responsible for supervising and directing investigations that represented some of the most serious acts of espionage, treason, and terrorism that law enforcement has had to deal with in recent years including, the Oklahoma City bombing, the bombing of the Al-Khobar Towers in Saudi Arabia, as well as the espionage cases of Aldrich Ames, Earl Edwin Pitts, and Harold Nicholson.

Two-years-ago, Director Louis Freeh needed a new Deputy Director and given his considerable experience as an investigator, supervisor, and administrator, it came to no one's surprise that it was Bear Bryant who took the co-pilot's chair. The position of Deputy Director is one of great responsibility and importance, for it is this person who runs the day-to-day operations of the Bureau and its 28,000 agents and support personnel. In addition to assuring the smooth running of this global agency that is always on duty, Deputy Director Bryant was also tasked with drafting the Bureau's strategic plan for the next five years, a document which has been described as a ''sea change'' in FBI policy for it included a major reassessment of how resources are allocated and how the Bureau is going to do its job.

Robert ''Bear'' Bryant has had a career of impressive achievement and unflagging service. Through his work, he has taken criminals, spies, and terrorists off of our streets and put them into the prison cells where they belong, and in the process, he has helped to keep the United States and its citizens safe. After more than thirty-years since raising his right hand and taking the oath as a Special Agent, Deputy Director Bryant has decided to retire from the Federal Bureau of Investigation. We are grateful for his diligent service, and I am sure that all my colleagues would join me in wishing Mr. Bryant, his wife of 33-years, Beth, and their three children Barbara, Dan, and Matt, happiness, health, and success in all their future endeavors.

REFUGEE PROTECTION ACT OF 1999

Mr. JEFFORDS. Mr. President, I rise today to recognize the importance of the Refugee Protection Act of 1999 and to honor those most affected by this legislation.

The Refugee Protection Act of 1999 will continue a tradition that is as old as the United States itself. Our great country was founded by men and women who left their homeland for a better life in the new world. Many of these individuals escaped persecution in their home countries, made the difficult decision to leave what they knew behind and to take their chances in a new country where many did not know the language and customs or have friends or family. The Refugee Protection Act helps to continue this tradition by ensuring that those who seek entrance to the United States as refugees are given fair consideration and due process.

The Refugee Protection Act of 1999 would reinstate important protections against the deportation and refusal of refugees and asylum seekers who enter the United States from countries in which they face danger and persecution, whether it is due to ethnic, religious or political beliefs. Over the past few years Vermont has seen an increase in the number of refugees who have come to live in our great state. These refugees are well served by a number of agencies in Vermont which provide them help and promote their interests, including the Vermont Refugee Resettlement Program, the Tibetan Resettlement Project, the Tibetan Association of Vermont and Vermont Refugee Assistance. The Refugee Protection Act of 1999 will continue the example set in the state of Vermont, by welcoming refugees to our country and ensuring that all are given the full extent of protection they deserve.

MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999

Mr. CLELAND. Mr. President, I rise today to discuss S. 1501, the Motor Carrier Safety Improvement Act of 1999. During the Commerce Committee's Subcommittee on Surface Transportation hearing on this bill, I brought the attention of the entire room to a deadly tractor trailer accident that occurred in Atlanta in the early morning hours of August 31, 1999. Two lives were lost as a result of that accident, but if the incident would have occurred at a busier time of day, I shudder to think of the fatalities that could have resulted.

In 1998, 221 people were killed in Georgia as a result of truck related crashes, and thousands more were injured. Recently, I met with two people who lost their families in truck related accidents. These stories are ones which I hope will become less frequent as a result of the action we are taking in S. 1501. This bill has the opportunity to improve safety for drivers and truckers.

S. 1501 would make the Office of Motor Carrier a separate office within the Department of Transportation (DOT), as opposed to being within the Federal Highway Administration as it is now. This action will allow Congress to statutorily mandate safety as the main focus of the office. Additionally, it promotes enforcement as a main goal and provides some teeth to this new agency's punitive actions.

However, there are some areas within the legislation that I believe need attention as we work to form a final bill. For example, I believe that a conflict of interest provision should be included. Without such a provision, the new agency could continue to award contracts to the very industry that operates under the federal motor carrier safety regulations the new agency will administer. An unbiased, multifaceted panel would be a better option to conduct sensitive research with federal money.

In fact, the DOT's Inspector General (IG) released a report to Congress that cites the too close relationship between the industry and the regulators who oversee it:

> [A collaborative, educational, partnership-with industry] is a good approach for motor carriers that have safety as a top priority, but it has gone too far. It does not work effectively with firms that persist in violating safety rules and do not promptly take sustained corrective action.

I believe this finding supports the inclusion of conflict of interest standards in the final bill.

S. 1501 does a great deal to improve motor carrier safety in this country, but we can do more. I hope that the conferees on this bill will give strong consideration to including a conflict of interest provision in the final bill.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Monday, November 15, 1999, the federal debt stood at $5,686,436,332,009.22 (Five trillion, six hundred eighty-six billion, four hundred thirty-six million, three hundred thirty-two thousand, nine dollars and twenty-two cents).

Five years ago, November 15, 1994, the federal debt stood at $4,747,133,000,000 (Four trillion, seven hundred forty-seven billion, one hundred thirty-three million).

Ten years ago, November 15, 1989, the federal debt stood at $2,916,316,000,000 (Two trillion, nine hundred sixteen billion, three hundred sixteen million).

Fifteen years ago, November 15, 1984, the federal debt stood at $1,626,849,000,000 (One trillion, six hundred twenty-six billion, eight hundred forty-nine million).

Twenty-five years ago, November 15, 1974, the federal debt stood at $481,430,000,000 (Four hundred eighty-one billion, four hundred thirty million) which reflects a debt increase of more than $5 trillion—$5,205,006,332,009.22 (Five trillion, two hundred five billion, six million, three hundred thirty-two thousand, nine dollars and twenty-two cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAN AND IRANIAN ASSETS BLOCKING—MESSAGE FROM THE PRESIDENT—PM 74

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 16, 1999*.

20TH ANNUAL REPORT OF THE FEDERAL LABOR RELATIONS AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 75

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of the United States:

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95–454; 5 U.S.C. 7104(e)), I have the pleasure of transmitting to you the twentieth Annual Report of the Federal Labor Relations Authority for Fiscal Year 1998.

The report includes information on the cases heard and decisions rendered by the Federal Labor Relations Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 16, 1999*.

1999 ANNUAL REPORT OF THE RAILROAD RETIREMENT BOARD—MESSAGE FROM THE PRESIDENT—PM 76

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Health, Education, Labor, and Pensions.

To the Congress of the United States:

I transmit herewith the Annual Report of the Railroad Retirement Board for Fiscal Year 1998, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act and section 12(1) of the Railroad Unemployment Insurance Act.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 16, 1999.*

MESSAGE FROM THE HOUSE

At 10:05 a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 2724) to make technical corrections to the Water Resources Development Act of 1999.

The message also announced that the House agrees to the amendments of the Senate to the bill (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.

The message further announced that the House has passed the following bill, with amendment, in which it requests the concurrence of the Senate:

S. 376. An act to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1869. An act to amend title 18, United States Code, to expand the prohibition on stalking, and for other purposes.

H.R. 2442. An act 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.

H.R. 3073. An act 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.

H.R. 3234. An act to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports and Elimination and Sunset Act of 1995.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 122. Concurrent resolution recognizing the United States Border Patrol's 75 years of service since its founding.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 2454. An act 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.

H.R. 2724. An act to make technical corrections to the Water Resources Development Act of 1999.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–6159. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to medical and dental care for members of the Reserve components; to the Committee on Armed Services.

EC–6160. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed Manufacturing License Agreement with Canada; to the Committee on Foreign Relations.

EC–6161. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Canada; to the Committee on Foreign Relations.

EC–6162. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Norway, Ukraine, Russia, and the United Kingdom; to the Committee on Foreign Relations.

EC–6163. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to the Netherlands; to the Committee on Foreign Relations.

EC–6164. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–6165. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to the Gulf Cooperation Council; to the Committee on Foreign Relations.

EC–6166. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to the Procurement List, received November 9, 1999; to the Committee on Governmental Affairs.

EC–6167. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–6168. A communication from the Director, National Science Foundation, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–6169. A communication from the Inspector General, National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–6170. A communication from the Inspector General, Federal Communications Commission, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–6171. A communication from the Executive Director for Operations, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–6172. A communication from the Administrator, Small Business Administration, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–6173. A communication from the Chairman, Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting, pursuant to the Federal Manager's Financial Integrity Act and the Inspector General Act, the annual report for fiscal year 1998; to the Committee on Governmental Affairs.

EC–6174. A communication from the Secretary, American Battle Monuments Commission, transmitting, pursuant to the Federal Manager's Financial Integrity Act and the Inspector General Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–6175. A communication from the Executive Director, Office of Navajo and Hopi Indian Relocation, transmitting, pursuant to the Federal Manager's Financial Integrity Act and the Inspector General Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–6176. A communication from the Executive Director, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, a report relative to audit reports issued during fiscal year 1999 regarding the Board and the Thrift Savings Plan; to the Committee on Governmental Affairs.

EC–6177. A communication from the Chairman, United States International Trade Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–6178. A communication from the Chairman and Chief Executive Officer, Federal Credit Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999,

through September 30, 1999; to the Committee on Governmental Affairs.

EC–6179. A communication from the Assistant Attorney General for Administration, transmitting, pursuant to law, the report of a rule entitled ''Exemption of the System of Records Under the Privacy Act'' (AAG/A Order No. 180-99), received November 9, 1999; to the Committee on Governmental Affairs.

EC–6180. A communication from the Secretary of the Army, and the Secretary of Agriculture, transmitting jointly, pursuant to law, a report relative to the jurisdiction of Military and National Forest System lands at the Army's Fort Hunter Liggett Military Reservation, California, and the USDA's Forest Service Toiyabe National Forest in Mineral County, Nevada; to the Committee on Energy and Natural Resources.

PETITIONS AND MEMORIALS

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

POM–371. A resolution adopted by the board of directors of the Texas and Southwestern Cattle Raisers Association relative to invasive species; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, without amendment:

S. 1928. A bill to amend title XVIII of the Social Security Act to establish a medicare subvention demonstration project for veterans, and for other purposes (Rept. No. 106–222).

By Mr. HATCH, from the Committee on the Judiciary, with amendments and an amendment to the title and with a preamble:

S. Res. 200. A resolution designating the week of February 14–20 as ''National Biotechnology Week.''

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. McCAIN for the Committee on Commerce, Science, and Transportation:

Linda J. Bilmes, of California, to be an Assistant Secretary of Commerce.

Linda J. Bilmes, of California, to be Chief Financial Officer, Department of Commerce.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. McCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably nomination lists which were printed in the RECORDS of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of October 12, 1999 and October 27, 1999, at the end of the Senate proceedings.)

In the Coast Guard, 1 nomination of Richard B. Gaines, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of October 12, 1999.

In the Coast Guard, 96 nominations beginning Peter K. Oittinen, and ending Joseph P. Sargent, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 27, 1999.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. CAMPBELL:

S. 1921. A bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service; to the Committee on Energy and Natural Resources.

By Mr. KERREY (for himself and Mr. GRASSLEY):

S. 1922. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for modifications to inter-city buses required under the Americans with Disabilities Act of 1990; to the Committee on Finance.

By Mr. BROWNBACK:

S. 1923. A bill to prohibit the Federal Communications Commission from applying spectrum aggregation limits to spectrum assigned by auction after 1999; to the Committee on Commerce, Science, and Transportation.

By Mr. LEAHY (for himself, Mr. BRYAN, Mr. HARKIN, Mr. DURBIN, Mr. FEINGOLD, and Mr. ROBB):

S. 1924. A bill to ensure personal privacy with respect to financial information, to provide customers notice and choice about how their financial institutions share or sell their personally identifiable sensitive financial information, to provide for strong enforcement of these rights, and to protect States' rights; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself, Mr. REID, Mrs. BOXER, and Mr. BRYAN):

S. 1925. A bill to promote environmental restoration around the Lake Tahoe basin; to the Committee on Energy and Natural Resources.

By Mrs. MURRAY:

S. 1926. A bill to amend the Elementary and Secondary Education Act of 1965 to improve student achievement by helping local educational agencies improve the quality of, and technology training for, teachers, to improve teacher accountability, and to enhance the leadership skills of principals; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BREAUX:

S. 1927. A bill to establish the National Recording Registry in the Library of Congress to maintain and preserve recordings that are cultrally, historically, or aesthetically significant, and for other purposes; to the Committee on Rules and Administration.

By Mr. ROTH:

S. 1928. A bill to amend title XVIII of the Social Security Act to establish a medicare subvention demonstration project for veterans, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 1929. A bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend such Act; to the Committee on Indian Affairs.

By Mr. GRAMS:

S. 1930. A bill to amend the Agricultural Adjustment Act to provide for the termination of milk marketing orders; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH (for himself and Mr. LEAHY):

S. 1931. A bill to provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes; to the Committee on the Judiciary.

By Mr. JEFFORDS:

S. 1932. A bill to amend the Ricky Ray Hemophilia Relief Fund Act of 1998 to revise and extend certain provisions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THOMPSON:

S. 1933. A bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies; to the Committee on Finance.

By Mr. DODD (for himself and Mr. BENNETT):

S. 1934. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for business-provided student education and training; to the Committee on Finance.

By Mr. HARKIN (for himself and Mr. SPECTER):

S. 1935. A bill to amend title XIX of the Social Security Act to provide for coverage of community attendant services and supports under the Medicaid Program; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. SMITH of Oregon):

S. 1936. A bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL:

S. 1921. A bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service; to the Committee on Energy and Natural Resources.

THE VIETNAM VETERANS RECOGNITION ACT OF 1999

Mr. CAMPBELL. Mr. President, today I am introducing legislation which would create a plaque honoring those Vietnam veterans who died as a result of the war but who are not eligible to have their names placed on the Vietnam Veterans Memorial. The ''Vietnam Veterans Recognition Act of 1999'' would authorize the placement of a plaque within the sight of the Vietnam Veterans Memorial to honor those Vietnam veterans who died after their service in the Vietnam War, but as a direct result of that service. This bill is similar to H.R. 3293, which was introduced by my colleague in the House of Representatives, Congressman GALLEGLY.

Deadly war wounds do not always kill right away. Sometimes these fatal

war wounds may linger on for many years after the fighting is done. Sometimes these wounds are clearly evident from the time they are inflicted, sometimes they are not. The terrible toll that Agent Orange has taken on our Vietnam veterans stands as one stark example. What we do know is that all too often these war wounds eventually take the lives of many of our brave Vietnam veterans.

Even though these veterans may not have been killed in action while they served in the tropical jungles of Vietnam, in the end they too made the ultimate sacrifice for their country. Like their brothers and sisters who died on the field of battle, they too deserve to be duly recognized and honored.

Mr. President, duly honoring the men and women who made the ultimate sacrifice for our country should always be a priority. Unfortunately, the service and sacrifices made by some Vietnam veterans is still not being fully recognized since their names are not included on the Vietnam Veterans Memorial Wall.

This bill recognizes the sacrifices made by these Vietnam veterans by authorizing a plaque that will be engraved with an appropriate inscription honoring these fallen veterans.

Since no federal funds will be used for the plaque, it will be up to our nation's leading veteran's organizations and individual Americans to demonstrate their commitment to honoring these fallen veterans through charitable giving to help make it a reality. The American Battle Monument Commission will lead the effort in collecting the private funds necessary.

It is vital for us to have a place to honor all the men and women who have served and died for their country. It is also important for the families of these fallen heroes to have a place in our nation's capital where their loved one's sacrifice is honored and recognized for future generations.

I urge my colleagues to join me in supporting this important bill. I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1921

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 ''Vietnam Veterans Recognition Act of 1999''.

SEC. 2. ADDITION OF A COMMEMORATIVE PLAQUE ON THE SITE OF THE VIETNAM VETERANS MEMORIAL.

Public Law 96-297 (16 U.S.C. 431 note), which authorized the establishment of the Vietnam Veterans Memorial, is amended by adding at the end the following:

''SEC. 5. PLAQUE TO HONOR OTHER VIETNAM VETERANS WHO DIED AS A RESULT OF SERVICE IN THE VIETNAM WAR.

''(a) Plaque Authorized.—The American Battle Monuments Commission is authorized to place within the Vietnam Veterans Memorial a suitable plaque containing an inscription intended to honor Vietnam veterans—

''(1) who died after their service in the Vietnam war, but as a direct result of that service; and

''(2) whose names are not otherwise eligible for placement on the Vietnam Veterans Memorial wall.

''(b) SPECIFICATIONS.—The plaque shall be at least 6 square feet in size and not larger than 18 square feet in size, and of whatever shape as the American American Battle Monuments Commission determines to be appropriate for the site. The plaque shall bear an inscription prepared by the American Battle Monuments Commission.

''(c) RELATION TO COMMEMORATIVE WORKS ACT.—Except as provided in subsection (a), the Commemorative Works Act (40 U.S.C. 1001 et seq.) shall apply to the design and placement of the plaque within the site of the Vietnam Veterans Memorial.

''(d) CONSULTATION.—In designing the plaque, preparing the inscription, and selecting the specific location for the plaque within the Vietnam Veterans Memorial, the American Battle Monuments Commission shall consult with the architects of the Vietnam Veterans Memorial Fund, Inc.

''(e) FUNDS FOR PLAQUE.—Federal funds may not be used to design, procure, or install the plaque.

''(f) VIETNAM VETERANS MEMORIAL DEFINED.—In this section, the term 'Vietnam Veterans Memorial' means the structures and adjacent areas extending to and bounded by the south curb of Constitution Avenue on the north, the east curb of Henry Bacon Drive on the west, the north side of the north Reflecting Pool walkway on the south and a line drawn perpendicular to Constitution Avenue 200 feet from the east tip of the memorial wall on the east (this is also a line extended from the east side of the western concrete border of the steps to the west of the center steps to the Federal Reserve Building extending to the Reflecting pool walkway). This is the same definition used by the National Park Service as of the date of the enactment of this section, as contained in section 7.96(g)(1)(x) of title 36, Code of Federal Regulations.''.

By Mr. KERREY (for himself and Mr. GRASSLEY):

S. 1922. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for modifications to intercity buses required under the Americans with Disabilities Act of 1990; to the Committee on Finance.

TAX CREDIT FOR MODIFICATIONS TO INTERCITY BUSES REQUIRED UNDER THE AMERICANS WITH DISABILITIES ACT

• Mr. KERREY. Mr. President, today I am introducing legislation to give privately owned, over-the-road bus operators, the assistance they need to equip their buses with wheelchair lifts. These operators provide vital intercity bus services to millions of Americans who have access to no other form of public transportation, most particularly in rural areas. The legislation I am introducing today passed the Senate earlier this year as part of a larger tax bill and enjoyed bipartisan support. Indeed I am delighted that Senator GRASSLEY has agreed to join me as a cosponsor of this bill.

In keeping with the Americans with Disabilities Act, the Department of Transportation (DOT) is requiring that a wheelchair lift be installed on every new over-the-road bus operating intercity bus service. In addition, comparable requirements are being imposed on over the road buses providing charter service. This largely unfunded mandate is estimated to cost the industry $25 million a year in acquisition and training costs alone. In some years, that $25 million figure is expected to exceed the entire profit for the industry.

DOT's new requirement serves the important public purpose of ensuring that disabled persons in wheelchairs will have access to over-the-road buses. Yet the cost of this requirement poses a significant threat to the continuation of this service for millions of rural and low-income Americans. Over-the-road buses serve roughly 4,000 communities that have no other form of intercity public transportation. Additionally, with an average fare of $34, they are the only form of affordable transportation available for millions of passengers.

The legislation we are introducing today provides over-the-road bus operators with a 50-percent tax credit for the unsubsidized costs of complying with the DOT requirement. This tax credit gives them the support that they need to ensure both that disabled people in wheelchairs have access to over-the-road bus service and that that service remains available to the millions of passengers who rely on that service.

I urge my colleagues to join us in supporting this legislation.•

By Mr. BROWNBACK.

S. 1923. A bill to prohibit the Federal Communications Commission from applying spectrum aggregation limits to spectrum assigned by auction after 1999; to the Committee on Commerce, Science, and Transportation.

THE THIRD-GENERATION WIRELESS INTERNET ACT

Mr. BROWNBACK. Mr. President, I rise today to introduce the Third-Generation Wireless Internet Act of 1999, a bill to prevent the FCC from applying the current spectrum cap imposed upon commercial mobile wireless services to new spectrum auctions.

Mr. President, the popularity of wireless services has far exceeded expectations. More people purchase wireless phones every month, and the duration of calls is growing rapidly as per-minute rates decline.

Mr. President, while the popularity of wireless has increased, the Internet has become a mass-market phenomenon. Flat-rate Internet-usage plans have lured millions of Americans online. Broadband services have increased the Internet applications available to consumers and drastically reduced the amount of time necessary to access information online.

Now, we are witnessing the marriage of the wireless and Internet crazes. Wireless Internet access presents consumers with the opportunity to access the Internet anywhere and anytime.

With wireless access, consumers will no longer be dependent upon personal computers to reach the Internet. However, wireless Internet access will only

become a mass-market phenomenon when consumers can obtain wireless broadband services that provide the bandwidth necessary to download information from the Internet on a handheld device at reasonable speeds.

Third-generation wireless services represent the first wave of truly broadband mobile services. Third-generation services should enable wireless users to achieve speeds of up to 384 kilobits per second. But, Mr. President, to ensure the rapid deployment of third-generation services, Congress needs to provide wireless carriers with the ability to purchase additional spectrum at future FCC auctions, which many carriers cannot do under the current FCC policy.

Manufacturers are hesitant to produce equipment for third-generation applications, and wireless carriers are unable to roll out third-generation services, because wireless carriers do not have enough spectrum to offer true third-generation services. Consumers have an opportunity to have wireless high-speed access to the Internet. But until there is regulatory certainty that carriers will be able to obtain the spectrum necessary to offer third-generation services, consumers will have to wait before they can have a mobile on-ramp to the information superhighway.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1923

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 ''Third-Generation Wireless Internet Act.''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Mobile telephony has been one of the fastest growing industries of the telecommunications sector, offering consumers innovative services at affordable rates.

(2) Demand for mobile telecommunications services has greatly exceeded industry expectations.

(3) Mobile carriers are poised to bring high-speed Internet access to consumers through wireless telecommunications devices.

(4) Third Generation mobile systems (hereinafter referred to as ''3G'') are capable of delivering high-speed data services for Internet access and other multimedia applications.

(5) Advanced wireless services such as 3G may be the most efficient and economic way to provide high-speed Internet access to rural areas of the United States.

(6) Under the current Federal Communications Commission rules, commercial mobile service providers may not use more than 45 megahertz of combined cellular, broadband Personal Communications Service, and Specialized Mobile Radio spectrum within any geographic area.

(7) Assignments of additional spectrum may be needed to enable mobile operators to keep pace with the demand for 3G services.

(8) The application of the current Commission spectrum cap rules to new spectrum auctioned by the FCC would greatly impede the deployment of 3G services.

SEC. 3. WIRELESS TELECOMMUNICATIONS SERVICES.

Section 332(c) of the Communications Act of 1934 (47 U.S.C. 332(c)) is amended by adding at the end thereof the following:

''(9) NON-APPLICATION OF SPECTRUM AGGREGATION LIMITS TO NEW AUCTIONS.—

''(A) The Commission may not apply section 20.6(a) of its regulations (47 C.F.R. 20.6(a)) to a license for spectrum assigned by initial auction held for after December 31, 1999.

''(B) The Commission may relax or eliminate the spectrum aggregation limits of section 20.6 of its regulations (47 C.F.R. 20.6), but may not lower these limits.''.

By Mr. LEAHY (for himself, Mr. BRYAN, Mr. HARKIN, Mr. DURBIN, Mr. FEINGOLD, and Mr. ROBB):

S. 1924. A bill to ensure personal privacy with respect to financial information, to provide customers notice and choice about how their financial institutions share or sell their personally identifiable sensitive financial information, to provide for strong enforcement of these rights, and to protect States' rights; to the Committee on Banking, Housing, and Urban Affairs.

THE FINANCIAL INFORMATION PRIVACY AND SECURITY ACT

Mr. LEAHY. Mr. President, I rise today to introduce the Financial Information Privacy and Security Act of 1999. I am pleased that Senators BRYAN, HARKIN, DURBIN, and FEINGOLD are original cosponsors of this legislation to protect the financial privacy of all Americans.

The right of privacy is a personal and fundamental right protected by the Constitution of the United States. But today, the American people are growing more and more concerned over encroachments on their personal privacy.

New technologies, new communications media, and new business services created with the best of intentions and highest of expectations also pose a threat to our ability to keep our lives to ourselves, and to live, work and think without having personal information about us collected without our knowledge or consent.

This incremental invasion of our privacy has happened through the lack of safeguards on personal, financial and medical information, which can be stolen, sold or mishandled and find its way into the wrong hands with the push of a button or click of a mouse.

Our right of privacy has become one of the most vulnerable rights in the information age. The digitalization of information and the explosion in the growth of computing and electronic networking offer tremendous potential benefits to the way Americans live, work, conduct commerce, and interact with their government.

It makes it possible for me, sitting in my farmhouse in Vermont, to connect with any Member of Congress or friends around the world, to get information with the click of a mouse on my computer.

But the new technology also presents new threats to our individual privacy and security, in particular, our ability to control the terms under which our personal information is acquired, disclosed, and used.

Just last week, President Clinton signed into law the landmark Financial Modernization Act of 1999, which updates our financial laws and opens up the financial services industry to become more competitive, both at home and abroad. I supported this legislation because I believe it will benefit businesses and consumers. It will make it easier for banking, securities, and insurance firms to consolidate their services, cut expenses and offer more products at a lower cost to all. But it also raises new concerns about our financial privacy.

New conglomerates in the financial services industry may now offer a widening variety of services, each of which may require a customer to provide financial, medical or other personal information. Nothing in the new law prevents these new subsidiaries or affiliates of financial conglomerates from sharing this information for uses beyond those the customer thought he or she was providing it.

For example, the new law has no requirement for the consumer to consent before these new financial subsidiaries or affiliates sell, share, or publish information on savings account balances, certificates of deposit maturity dates and balances, stock and mutual fund purchases and sales, life insurance payouts or health insurance claims.

That is wrong. You shouldn't be able to have that information and go around to anybody who wants to use it to pitch you some new product or scare you into cashing in life savings or anything else.

As President Clinton recently warned:

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

I strongly agree. If we had this information in a desk drawer at home, nobody could come in and just take it. Instead, it is in the electronic desk drawer of one of the companies we have given it to, and they can share it with anybody they want within their organization.

Mr. President, the Financial Information Privacy and Security Act of 1999 offers this Congress the historic opportunity to provide fundamental privacy of every American's personal financial information. This bill would protect the privacy of this financial information by directing the Federal Reserve Board, Office of Thrift Supervision, Federal Deposit Insurance Corporation, Office of the Comptroller of the Currency, and the Securities and Exchange Commission jointly to promulgate rules requiring the financial

institutions they regulate to: (1) inform their customers about what information may be disclosed, and under what circumstances, including when, to whom and for what purposes; (2) allow customers to review the information for accuracy; (3) establish safeguards to protect the confidentiality of personally identifiable customer information and records to prevent unauthorized disclosure; and (4) for new customers, obtain the customers' consent to disclosure, and for existing customers, give the customers a reasonable opportunity to object to disclosure. These financial institutions could use confidential customer information from other entities only if the entities provides their customers with similar privacy protections.

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

To be sure, this legislation would not affect any state law which provides greater financial privacy protections to its citizens. Some states have already recognized the growing need for financial privacy protections. For example, I am proud to say that Vermont instituted cutting edge financial privacy laws five years ago. This bill is intended to provide the most basic rights of financial privacy to all American consumers. They deserve nothing less.

When President Clinton signed the financial modernization bill last week, he directed the National Economic Council to work with the Treasury Department and Office of Management and Budget to craft legislative proposals to forward to Congress next year to protect financial privacy in the new financial services marketplace. I believe the Financial Information Privacy and Security Act of 1999, which we are introducing today, should serve as the foundation for the Administration's financial privacy bill.

Americans ought to be able to enjoy the exciting innovations of this burgeoning information era without losing control over the use of their financial information.

The Financial Information Privacy and Security Act updates United States privacy laws to provide these fundamental protections of personal financial information in the evolving financial services industry.

I urge my colleagues to support it.

On privacy, in Vermont we care greatly about this. I have been in public life for a long time. During that time, I have only clipped and actually saved and framed a couple articles about me from the press.

My distinguished friend from Nevada, who is on the floor, like me lives in a rural area—he in Searchlight, I in Middlesex, VT. I live on this dirt road. I look down this valley, 35 miles down a valley, mountains on either side. I literally cannot see another house from my front yard. It is a beautiful spot, this place my parents got when I was a teenager just for a summer home. Marcelle and I have made a year-round place out of it. There is a neighboring farm family who, for 40 years, have hayed the fields and done work around there. They have known me since I was a teenager. The article I cut from the papers was from one of our largest newspapers. It was a sidebar. Here is almost verbatim the way it went.

The out-of-State reporter drives up to a farmer who is sitting on his porch along the dirt road. He says to the farmer, ''Does Senator LEAHY live up this road?'' The farmer said, ''You a relative of his?'' He said, ''No, I am not.'' He says, ''You a friend of his?'' He said, ''Not really.'' He says, ''Is he expecting you?'' The reporter says, ''No.'' The farmer looks him right in the eye and says, ''Never heard of him.''

Now, we Vermonters like our privacy. This was a Saturday, and the farmer wasn't about to tell somebody where I lived and direct him down the dirt road to it. It is a humorous story, but I kept that over the years because it reminds me of other ways to protect our privacy. By the same token, I would not want—whether it is that reporter or somebody I never met—to go onto a computer and find my bank statements, my medical records, my children's medical records, or my spouse's, and find out whether we have applied for a mortgage or not, or find out whether we have bought life insurance or cashed in life insurance. So I think we have to ask ourselves as we go into the new millennium, one where information will flow quicker and in more detail than could have even been conceived a generation ago—it could not have been conceived at the time my parents purchased that beautiful spot in Vermont. Ten years from now, we will move faster and with more complexity than we could even think of today.

So I think the Congress, if it is going to fulfill its responsibility to the American people, has to do more and more to protect our privacy and allow technology to move as fast as it can, but not at the price of our individual privacy. We all know basically what we, our friends, neighbors, families, would want to give up of their personal privacy—not very much. Think to yourself, if this was something you had in the top drawer of your desk at home, knowing nobody could get it, they would need search warrants or they would break the law by coming in and taking it. That is all the more reason why on somebody's computer they should not be allowed to take it.

By Mrs. FEINSTEIN (for herself, Mr. REID, Mrs. BOXER, and Mr. BRYAN):

S. 1925. A bill to promote environmental restoration around the Lake Tahoe basin; to the Committee on Energy and Natural Resources.

THE LAKE TAHOE RESTORATION ACT

Mrs. FEINSTEIN. Mr. President, in June, joined by Senators REID, BOXER, and BRYAN, I introduced the Lake Tahoe Restoration Act (S. 1192) which would jump start the process of cleaning up Lake Tahoe.

Lake Tahoe, one of the largest, deepest, clearest lakes in the world is in the midst of an economic crisis. Water clarity is declining at the rate of more than 1 foot each year; more than ⅓ of the trees in the forest are either dead or dying; and sediment and algae-nourishing phosphorus and nitrogen continue to flow into the lake from a variety of sources.

Over the last few months, I worked with the Congressmen from the Tahoe areas, Representative DOOLITTLE and Representative GIBBONS to craft a House version of the Lake Tahoe Restoration Act that could garner bipartisan support. I am pleased that we've been able to build on S. 1192 and develop a compromise bill which I am introducing today.

Like S. 1192, this bill first and foremost authorizes the necessary funding to clean up and restore Lake Tahoe. This bill includes two major changes:

First, to address the problem of MTBE in the Lake Tahoe basin, I added a section that provides $1 million to the Tahoe Regional Planning Agency and local utility districts to clean up contaminated wells and surface water.

Second, to help local governments who would otherwise be burdened by relocation costs that may be needed to clean up the basin, this bill promises that the federal government will pay ⅔ of any needed relocation costs.

I believe these provisions improve on the original bill and increase the breadth of support for this bill.

The bill requires the Forest Service to develop an annual priority list of environmental restoration projects and authorizes $200 million dollars over 10 years to the forest service to implement these projects on federal lands. The list must include projects that will improve water quality, forest health, soil conservation, air quality, and fish and wildlife habitat around the lake.

In developing the environmental restoration priority list, the Forest Service must rely on the best available science, and consider projects that local governments, businesses, and environmental groups have targeted as top priorities. The Forest Service also must consult with local community leaders.

The bill requires the Forest Service to give special attention on its priority list to five key activities: acquisition of environmentally sensitive land from willing sellers, erosion and sediment control, fire risk reduction, cleaning up MTBE contamination, and traffic and parking management, including promotion of public transportation.

The Lake Tahoe Restoration Act also requires that an additional $100 million be authorized over 10 years be as payments to local governments for erosion

control activities on non-federal lands. These payments will help local governments conduct soil conservation and erosion mitigation projects, restore wetlands and stream environmental zones, and plant native vegetation to filter out sediment and debris.

I spent my childhood at Lake Tahoe, but I had not been back for a number of years until I returned for the 1997 Presidential summit with President Clinton. I saw things I had never seen before at Lake Tahoe.

I saw the penetration of MTBE in the water and learned that 30 percent of the South Lake Tahoe water supply has been eliminated by MTBE. I observed gasoline spread over the water surface. I noticed that a third of the magnificent forest that surrounds the lake was dead or dying. I saw major land erosion problems that were bringing all kinds of sediment into the lake and which had effectively cut the lake's clarity by thirty feet since the last time I had visited. And then I learned that the experts believe that in 10 years the clouding of the amazing crystal water clarity would be impossible to reverse and in 30 years it would be lost forever.

The Tahoe Regional Planning Agency estimates that it will cost $900 million over the next 10 years to restore the Lake.

For me, that was a call to action and prompted me to sponsor this bill which will authorize $300 million of Federal moneys on a matching basis over 10 years for environmental restoration projects at Lake Tahoe to preserve the region's water quality and forest health. Put simply, this crown jewel deserves the attention, and the fact that the federal government owns 77 percent of that troubled area makes the responsibility all so clear.

Through funding over the past few years we have already begun to make some early strides such as the purchase of important pieces of land like the Sunset Ranch and the planning for a Coordinated Transit System.

Already, California and Nevada have begun contributing their portion of the restoration efforts.

California is in the second year of a ten year $275 million commitment through the California Tahoe Conservancy, Caltrans, and the Parks Service.

Nevada has authorized the issuance of bonds that will constitute an $82 million contribution over an 8-year period.

Local governments and private industry have also agreed to commit $300 million. The Tahoe Transportation and Water Quality Coalition, a coalition of 18 businesses and environmental groups, including Placer County, El Dorado County, the city of South Lake Tahoe, Douglass County in Nevada, and Washoe County in Nevada have all agreed. This is an extraordinary commitment for a region with only 50,000 year-round residents.

President Clinton took an important first step in 1997 when he held an environmental summit at Lake Tahoe and promised $50 million over 2 years for restoration activities around the lake. Unfortunately, the President's commitments lasted for only 2 years, so important areas like land acquisition and road decommissioning were not funded at the levels the President tried to accomplish. What is needed is a more sustained, long-term effort, and one that will meet the federal government's $300 million responsibility to save the environment at Lake Tahoe.

The Lake Tahoe Restoration Act will build upon the President's commitment to Lake Tahoe and authorize full funding for a new environmental restoration program at the lake.

I am also grateful to the Lake Tahoe Transportation and Water Quality Coalition, a local consensus group of 18 businesses and environmental groups, who has worked extremely hard on this bill.

Thanks in large part to their work, the bill has strong, bipartisan support from nearly every major group in the Tahoe Basin.

The bottom line is that time is running out for Lake Tahoe. We have 10 years to do something major or the water quality deterioration is irreversible.

I am hopeful that Congress will move quickly to consider the Lake Tahoe Restoration Act. I urge my colleagues to join Senator REID, Senator BOXER, Senator BRYAN, Congressman DOOLITTLE, Congressman GIBBONS, Congresswoman ESHOO, and me in preserving this national treasure for generations to come.

By Mrs. MURRAY:

S. 1926. A bill to amend the Elementary and Secondary Education Act of 1965 to improve student achievement by helping local educational agencies improve the quality of, and technology training for, teachers, to improve teacher accountability, and to enhance the leadership skills of principals; to the Committee on Health, Education, Labor, and Pensions.

QUALITY AND ACCOUNTABILITY ARE BEST FOR CHILDREN ACT (QUALITY ABCS ACT)

• Mrs. MURRAY. Mr. President, today I introduce a bill entitled the ''Quality and Accountability Are Best for Children Act.'' Every child in every classroom in America deserves to have a fully-qualified teacher; this legislation takes a comprehensive approach to helping communities make that a reality. The bill should be seen as complementary to the professional development sections of last year's Higher Education Act, and to the professional development sections of S. 7, the Public Schools Excellence Act. It should also be seen as part of a comprehensive strategy to forge a strong partnership on education between the Congress and the teachers, families, and students in communities across America which it serves.

While my efforts today are to address educator quality issues, I also recently introduced S. 1773, the Youth and Adult School Partnership Act of 1999, and S. 1772, the Family and School Partnership Act of 1999. In addition, I have been working for some time to pass S. 1304, the Time for Schools Act. All these efforts work in concert, to address the very real needs of our local schools when it comes to investing in the strategies that work, and in making it possible to involve all the necessary members of our local school communities in the decisions that affect them.

I have spoken before about what I have heard from the literally thousands of families and students and educators and community leaders I have met. I have spoken about how most Americans want an increased but appropriate federal role in education. They want decisions about how to help students achieve at higher levels to be made in the local school, but they also want increased federal funds—help where help is needed—to support their local efforts. Most people are shocked to learn that their federal government only devotes 1.6 percent of overall spending to education.

I have spoken before about how the federal class size reduction initiative has at its core a streamlined funding mechanism that targets funds to a goal and then holds the school accountable to the local community for making progress toward that goal. I have talked about how important I feel this funding mechanism can be as a way for us to look at other federal programs in education. I have spoken about the importance of keeping the federal role firmly in mind: to ensure opportunity on the one hand, and to fund shared national priorities on the other. In addition, we must ensure accountability for results at every step along the way.

We need to remember that what families and students and educators and community leaders have asked us for is targeted help and support, to fund such efforts as reducing class size, and providing for special education students, and after-school programs, and school modernization, and education technology, and school safety and other efforts. Our responsibility is to give them the help they have sought, and no topic is more important to them than funding the necessary steps it will take to help local schools improve the quality of their corps of educators. We must rethink how educators are taught, and how we support their learning of the new skills it takes to teach students the basics and ''new basics'' that it will take for them to succeed in today's complex world.

In addition, we must fund local schools' efforts to recruit, retain and reward the world's finest corps of educators. And assure that their local communities can hold them accountable for doing so.

Today I introduce the Quality and Accountability are Best for Children Act, or Quality ABCs Act. This bill will help school districts improve the quality of their educator corps, and help

communities hold schools accountable for results. Since all communities are struggling to improve the quality of their teaching force, funds are provided at a level that allow all school districts to participate. It will authorize an additional formula grant, based on enrollment, in the amount of $2 billion per year for teacher quality improvement, plus $100 million per year for principal professional development. Funds will supplement current federal, state, and local professional development efforts, and school districts are encouraged to use existing law, waivers, of Ed Flex authority to coordinate activities at the local level.

With the goal of reducing paperwork and avoiding lengthy program descriptions, my legislation is based on the bipartisan mechanism agreed to under the fiscal year 1999 Appropriations Class Size Reduction Initiative. Applications are streamlined, school districts can use money flexibly at the local level, as long as they target funds to improving educator quality in at least one of three subject areas (recruitment, retention, and rewards) and school districts are accountable to the local community in the form of a report card describing district efforts to improve teacher quality.

School district are required to use funds to improve educator quality, but have a broad range of options to do so.

To recruit new teachers, school districts may use tools such as the following:

Establishing or expanding teacher academies, teachers-recruiting-future-teacher programs, and programs to encourage high school and middle school students to pursue a career in teaching;

Establishing or expanding para-professional training programs, para-educator-to-teacher career ladders or other efforts to improve the training and supervision of para-educators;

Establishing or expanding programs for mid-career professionals to become certificated teachers;

Reaching out to communities of color or other special populations to make the teaching corps more reflective of current and future student demographics:

Placing advertisements, attending college job fairs, offering signing bonuses, and other recruitment efforts;

Embarking on and coordinating with other activities to help recruit the best quality teaching corps, such as: offering forgivable loans; assisting new hires to reach higher levels of state certification or to become national board certified teachers; recruiting new teachers in specific disciplines including math and science;

In addition, the Secretary of Education will be authorized directly, or by creating programs at the state or local level to:

Offer incentives for teachers to achieve national board certification;

Create forgivable loan programs under the current student aid programs;

Report on successful efforts and take part in dissemination activities;

Provide technical assistance to states and school districts to assist them to use technology in recruitment, processing, hiring, and placement of qualified teaching candidates.

To retain teachers, school districts may:

Use funds to offer or stipends or bonuses to educators to seek further subject matter endorsements, advanced levels of state certification or national board certification. These retention efforts can also fund other local initiatives specifically designed, such as mentor teacher programs, to retain teachers in the first 5 years of teaching;

Local education agencies can use funds, within district criteria for mentor or master teacher criteria, for a range of retention activities: mentor and/or master teacher job classification/career ladders; sabbatical/research activities such as the Fulbright program, or working in industry/non-profit world to improve teacher education; or other activities that keep teachers fresh while preserving their job slot/pay/benefits. These retention efforts can also fund other local initiatives specifically designed to retain experienced teachers, beyond the first five years of teaching;

To reward teachers:

School districts can reward elementary and secondary schools, based on improvement in the proportion of highly qualified teachers or other measures of teacher quality—improved recruiting, retention, improved ''in endorsement'' ratio, higher percentage of certificated staff, higher levels of certification, professional development curricular improvement;

School districts can provide teachers with a one-time bonus/reward of $5,000 for achieving national board certification;

Each state will receive $100,000 to support the McAuliffe awards and National Teacher of the year awards to create additional forms of conferring respect and recognition upon distinguished educators.

The bill requires school district report cards to contain information about efforts they have undertaken to improve the recruiting, retention, rewarding, and accountability for teachers. Reports include which programs were offered locally, how much of the funding was spent on which efforts, and what results were achieved in terms of measurable improvements to teacher quality and student achievement.

Each report card shall include information about how parents and other community members can access processes under school district policies regarding teacher accountability.

The bill includes an effort to provide, on a statewide basis, professional development services for public elementary school and secondary school principals designed to enhance the principals' educational leadership skills.

The programs will provide principals with:

Knowledge of effective instructional leadership skills and practices;

Comprehensive whole-school approaches and programs that improve teaching and learning;

Improved understanding of the effective uses of educational technology, including best practices for incorporating technology into the instructional program and management of the school;

Increased knowledge of State content and performance standards, and appropriate related curriculum;

Assistance in the development of effective programs, and strategies for assessing the effectiveness of such programs;

Training in effective, fair evaluation and supervision of school staff, and training in improvement of instruction;

Assistance in the enhancement and development of the principals' overall school management and business skills;

Knowledge of school safety and discipline practices, school law, and school funding issues.

The bill also includes the K–12 school sections of my teacher Technology Training Act. Last year, I included in the Higher Education Act provisions to improve pre-service teacher training offered by universities, by including technology in teacher training. The Quality ABCs Act will take the relevant steps to integrate technology into the professional development offered by school districts.

This bill is only one step but it is a necessary one. We cannot succeed in improving student learning if we do not also invest in the quality of our educators. We must assure that schools can use all the tools at their disposal to do what's necessary, and the Quality ABCs Act funds the recruitment, retention, rewards and accountability measures essential to their success.

In all these pieces of legislation, whether I am a sponsor or a cosponsor, my approach is to offer help where help is needed. Schools face increasing challenges and higher expectations from their communities and from all Americans.

Now is not the time for easy answers. Too many have suggested that it's all about paperwork or all about trust or all about bureaucracy. We must take steps to squeeze the most out of every dollar, and make things more efficient, but, as we've seen with the funding mechanism under the class size reduction initiative, local flexibility, targeted to a specific purpose, with local accountability built in, can work very well.

But even that approach is only a partial answer. Helping all our schools perform for all students now and into the next century is a monumental task. None of these challenges is easy. The kind of student success we are hoping for will not happen without an actual, working partnership among local

schools and school districts, state and regional education agencies, and the federal government. The success will not happen without a partnership between educators and families and young people and community leaders.

No person, school, or government entity has the resources, the research, the leadership, the experience, or the capability to go it alone. People cannot succeed in a global economy without an education that is world-class, relevant, and sufficiently funded. We all must work together as a nation if we want to succeed as a nation in a complex world. We owe this kind of perspective to our children and to our future. We must all strive to find the areas where we agree. Only a shared vision of the future of education will help us all to move toward our destination. Let us take that first step together.

Mr. President, the drafting of these bills would have been impossible without the efforts of two legislative fe3llows in my office, Ann Mary Ifekwunigwe and Peter Hatch. I thank them for their work.

Mr. President, I ask that the text of the bill be printed in the RECORD.

The bill follows:

S. 1926

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 ''Quality and Accountability are Best for Children Act''.

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) Academically qualified, highly trained and professional teachers are a critical component in children's educational success.

(2) The Department of Education has reported that our Nation will need to hire 2,200,000 more teachers during the 10-year period beginning in fiscal year 2000.

(3) Newspaper accounts from the 18th century described teachers as well-respected, but ill-rewarded.

(4) In 1999, because many individuals view teaching as a thankless profession which garners little respect, little support, and little money, nearly 50 percent of those who enter teaching leave the profession within 5 years.

(5) Sixty-three percent of parents and teachers believe that accountability systems with financial rewards are a good idea, and would motivate teachers to work harder to improve student achievement.

(6) Paying professional salaries is integral to teacher retention. The State of Connecticut, for example, has been able to improve student achievement, eliminate its teacher shortage, and retain highly qualified teachers by offering the highest salaries in the Nation (an average of $51,727 per year).

(7) Dissemination of information regarding the teacher corps working at individual elementary schools and secondary schools, and accountability procedures enforced by the local educational agency can provide an important tool for parents and taxpayers to measure the quality of the elementary schools or secondary schools and to hold the schools and teachers accountable for improving student performance.

(8) Although elementary school and secondary school teachers need the most up-to-date skills possible to ensure that students are equipped to deal with a complex economy and society, less than 50 percent of such teachers report that they are competent in using technology effectively in the classroom.

(9) Although principals and other administrators are the educational leaders and chief executive officers of our Nation's elementary schools and secondary schools, and research strongly suggests that strong leadership from the principal is the single most important factor in effective schools, research also has revealed that the characteristics of a good principal are not necessarily those things for which principals are trained and rewarded.

SEC. 4. PURPOSES.

The purposes of this Act are—

(1) to recruit the best and the brightest candidates to teach in public elementary schools and secondary schools by looking to young people, people from special populations, mid-career professionals, and others as potential new teachers;

(2) to offer retention incentives to highly qualified teachers to keep the teachers in the classroom;

(3) to reward elementary schools and secondary schools that, and teachers in such schools who, succeed in improving student achievement;

(4) to hold elementary school and secondary school teachers accountable for achieving high levels of professionalism, including possessing expert knowledge and skills in the subject areas in which the teachers teach, being actively involved in all aspects of the school community, and being committed to the academic success of students, by providing parents and the school community with specific information about the qualifications of the local teaching corps;

(5) to improve teacher professional development in the uses of technology in teaching and learning and in the study of technology, and to help local communities to use technology as a vehicle to improve teacher professional development; and

(6) to improve the professional development of elementary school and secondary school principals and other administrators to ensure that the principals and administrators are the community's educational leaders, and have sophisticated knowledge about student achievement, school safety, management, evaluation, and community outreach.

SEC. 5. IMPROVING TEACHER RECRUITMENT, RETENTION, REWARDS, AND ACCOUNTABILITY.

Title II (20 U.S.C. 6601 et seq.) is amended—

(1) by redesignating part E as part G;

(2) by redesignating sections 2401 and 2402 (20 U.S.C. 6701, 6702) as sections 2601 and 2602, respectively; and

(3) by inserting after part D the following:

"PART E—IMPROVING TEACHER RECRUITMENT, RETENTION, REWARDS, AND ACCOUNTABILITY;

"SEC. 2401. DEFINITIONS.

''For purposes of this part:

''(1) OUTLYING AREAS.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(2) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 2402. PROGRAM AUTHORIZED.

''(a) GRANTS AUTHORIZED.—The Secretary shall award a grant, from allotments under subsection (b), to each State to enable the State to provide grants to local educational agencies to carry out activities consistent with section 2404.

''(b) RESERVATIONS AND ALLOTMENTS.—

''(1) RESERVATIONS.—From the amount appropriated under section 2406 to carry out this part for each fiscal year, the Secretary shall reserve—

''(A) a total of 1 percent of such amount for payments to—

''(i) the Secretary of the Interior for activities, that are approved by the Secretary and consistent with this part, in schools operated or supported by the Bureau of Indian Affairs, on the basis of the schools' respective needs for assistance under this part; and

''(ii) the outlying areas, to be allotted in accordance with their respective needs for assistance under this part as determined by the Secretary, for activities that are approved by the Secretary and consistent with this part; and

''(B) 0.5 percent to enable the Secretary directly or through programs with State educational agencies and local educational agencies—

''(i) to offer incentives to teachers to obtain certification from the National Board for Professional Teaching Standards;

''(ii) to create student loan forgiveness programs;

''(iii) to report on and disseminate successful activities assisted under this part; and

''(iv) to provide technical assistance to States and local educational agencies to assist the States and agencies in using technology in the recruitment, processing, hiring, and placement of qualified teaching candidates.

''(2) ALLOTMENTS TO STATES.—From the amount appropriated under section 2406 for any fiscal year that remains after making the reservations under paragraph (1), the Secretary shall allot to each State an amount that bears the same relationship to the remainder as the number of children, aged 5 to 17, enrolled in the public and private nonprofit elementary schools and secondary schools in the State bears to the number of such children enrolled in such schools in all States.

''(c) WITHIN-STATE ALLOCATIONS.—Each State receiving an allotment under subsection (b)(2)—

''(1) shall reserve $100,000 of the allotment for a fiscal year—

''(A) to support the Christa McAuliffe awards, the National Teacher of the Year awards, and other awards that confer respect and recognition upon outstanding teachers; and

''(B) to establish other forms of conferring respect and recognition upon distinguished teachers;

''(2) shall reserve not more than ½ of 1 percent of the grant funds for a fiscal year, or $50,000, whichever is greater, for the administrative costs of carrying out this part; and

''(3) shall allocate the amount that remains after reserving funds under paragraphs (1) and (2) among local educational agencies in the State by allocating to each local educational agency in the State submitting an application that is consistent with section 2403 an amount that bears the same relationship to the remainder as the number of children, aged 5 to 17, enrolled in the public and private nonprofit elementary schools and secondary schools served by the local educational agency bears to the number of such children enrolled in such schools served by all local educational agencies in the State.

"SEC. 2403. LOCAL APPLICATIONS.

Each local educational agency desiring assistance under section 2402(c)(3) shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require. At a minimum, the application shall contain a description of the programs to be assisted under this part consistent with section 2404.

"SEC. 2404. USE OF FUNDS.

''(a) IN GENERAL.—Each local educational agency receiving funds under this part shall use the funds to carry out activities described in subsections (b) and (c) that are designed to improve student achievement by improving the quality of the local teacher corps, including improving recruitment and retention of highly qualified new teachers, offering rewards to teachers based on teachers' successes, and holding teachers accountable for the results attained by the teachers by notifying the community in the school district served by the local educational agency about the local educational agency's efforts to improve teacher quality.

''(b) RECRUITMENT, RETENTION, AND REWARDS.—

''(1) TEACHER RECRUITMENT.—A local educational agency may support teacher recruitment activities by—

''(A) establishing or expanding teacher academies, teachers-recruiting-future-teachers programs, and programs designed to encourage secondary school students to pursue a career in teaching;

''(B) establishing or expanding paraprofessional training programs, paraprofessional-to-teacher career ladders, and other programs designed to improve the training and supervision of paraprofessionals;

''(C) establishing or expanding programs designed to assist mid-career professionals to become certificated teachers;

''(D) reaching out to communities of color or other special populations to make teachers teaching in the elementary schools and secondary schools served by the local educational agency more reflective of the student demographics (at the time of the outreach and as anticipated in the future) in such schools;

''(E) placing advertisements, attending college job fairs, offering signing bonuses, or engaging in other efforts designed to recruit highly qualified new teachers; and

''(F) establishing activities, and coordinating with existing activities, designed to help recruit the highest quality new teachers, such as—

''(i) offering student loan forgiveness;

''(ii) offering assistance for newly hired teachers to reach higher levels of State certification or certification from the National Board for Professional Teaching Standards; and

''(iii) recruiting new teachers in specific disciplines, including mathematics and science.

''(2) TEACHER RETENTION.—A local educational agency may support teacher retention activities by—

''(A) offering stipends or bonuses to teachers who seek further subject matter endorsements and advanced levels of State certification or certification from the National Board for Professional Teaching Standards;

''(B) establishing or expanding local initiatives, such as mentor teacher programs, that are specifically designed to retain teachers during the teachers' first 5 years of teaching;

''(C) supporting other teacher retention activities that are consistent with local educational agency criteria for mentor teacher job classifications or master teacher job classifications, including—

''(i) establishing such classifications;

''(ii) establishing career ladders for mentor teachers or master teachers; and

''(iii) providing teachers with time outside the classroom to improve the teachers' teaching skills while preserving the teachers' job, pay, and benefits, including providing sabbaticals, research opportunities, such as the Fulbright Academic Exchange Programs, and the opportunity to work in an industry or a not-for-profit organization; and

''(D) supporting local initiatives specifically designed to retain experienced teachers beyond the teacher's first 5 years of teaching.

''(3) REWARDS.—A local educational agency may reward—

(A) elementary schools and secondary schools by providing bonuses or financial awards to the schools, with priority given to financially needy schools, based on—

''(i) the school's increased percentage of highly qualified teachers teaching in the school; or

''(ii) other measures demonstrating an improvement in the quality of teachers teaching in the school, including an improvement in the school's recruitment and retention of teachers, a reduction in out-of-field placement of teachers, an increased percentage of certificated staff teaching in the school, an increase in the number of teachers in the school attaining higher levels of certification, and a school's adoption of professional development programs that improve curricula; and

''(B) highly qualified elementary school and secondary school teachers by offering a 1-time bonus, reward, or stipend of not more than $5,000 to teachers who are certified by the National Board for Professional Teaching Standards.

''(c) ACCOUNTABILITY.—An elementary school or secondary school receiving assistance under this part, and the local educational agency serving that school, shall provide an annual report to parents, the general public, and the State educational agency, in easily understandable language, containing—

(1) information regarding—

''(A) the demographic makeup and professional credentials of the agency's teacher corps;

''(B) efforts to increase student achievement by improving the recruitment, retention, and rewarding of teachers, and improving accountability for teachers; and

''(C) local programs assisted, expenditures made, and results achieved under this part in terms of measurable improvements in teacher quality and student achievement; and

''(2) notification of the community served by the local educational agency with respect to local educational agency policies regarding teacher accountability.

"SEC. 2405. GENERAL PROVISIONS.

''(a) SUPPLEMENT NOT SUPPLANT.—A local educational agency shall use funds under this part to supplement, and not to supplant, State and local funds that, in the absence of funds provided under this part, would otherwise be spent for activities under this part.

''(b) PROHIBITION.—No local educational agency shall use funds provided under this part to increase the salaries of or to provide benefits to teachers, other than providing professional development programs, bonuses, and enrichment programs described in section 2404.

''(c) PROFESSIONAL DEVELOPMENT.—If a local educational agency uses funds made available under this part for professional development activities, the local educational agency shall ensure the equitable participation of private nonprofit elementary schools and secondary schools in such activities.

''(d) COORDINATION.—A local educational agency shall coordinate any professional development activities carried out under this part with activities carried out under title II of the Higher Education Act of 1965, if the local educational agency is participating in programs funded under such title.

''(e) ADMINISTRATIVE EXPENSES.—A local educational agency receiving grant funds under this part may use not more than 3 percent of the grant funds for any fiscal year for the cost of administering this part.

''(f) REPORT.—Each State receiving funds under this part shall submit an annual report to the Secretary containing information regarding activities assisted under this part.

"SEC. 2406. AUTHORIZATION OF APPROPRIATIONS.

''For the purpose of carrying out this part, there are authorized to be appropriated $2,100,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"PART F—EXCELLENT PRINCIPALS CHALLENGE GRANT

"SEC. 2501. GRANTS TO STATES FOR THE TRAINING OF ELEMENTARY SCHOOL AND SECONDARY SCHOOL PRINCIPALS.

''(a) GRANTS AUTHORIZED.—From amounts appropriated under section 2504, the Secretary shall award grants to State educational agencies or consortia of State educational agencies that submit applications consistent with subsection (d), to enable such agencies or consortia to provide, on a statewide basis, professional development services for elementary school and secondary school principals designed to enhance the principals' leadership skills.

''(b) RESERVATIONS AND AWARDS.—

''(1) RESERVATIONS.—From the amount appropriated under section 2503 to carry out this part for each fiscal year, the Secretary may reserve not more than 2 percent to develop model national programs, in accordance with section 2502, that provide activities described in subsection (e) for elementary school and secondary school principals.

''(2) AWARDS TO STATES.—From the amount appropriated under section 2504 for a fiscal year and remaining after the Secretary makes the reservation under paragraph (1), the Secretary shall award grants, in an amount determined by the Secretary, to State educational agencies and consortia of State educational agencies on the basis of—

''(A) the quality of the proposed uses of the grant funds; and

''(B) the educational needs of the State or States.

''(c) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—The amount provided to a State educational agency or consortia under subsection (b)(2) shall not exceed 75 percent of the cost of the program described in the application submitted pursuant to subsection (d).

''(2) NON-FEDERAL CONTRIBUTIONS.—The non-Federal share of payments under this section may be in cash or in kind, fairly evaluated, including planned equipment or services. Amounts provided by the Federal Government, and any portion of any service subsidized by the Federal Government, may not be included in determining the amount of the non-Federal share.

''(3) WAIVER.—The Secretary shall promulgate regulations to waive the matching requirement of paragraph (1) with respect to State educational agencies or consortia of State educational agencies that the Secretary determines serve low-income areas.

''(d) APPLICATION REQUIRED.—Each State educational agency or consortia of State educational agencies desiring a grant under subsection (b)(2) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall reasonably require. At a minimum, the application shall contain—

''(1) a description of the activities to be assisted under this section consistent with subsection (e); and

''(2) an assurance that—

''(A) matching funds will be provided in accordance with subsection (c); and

''(B) elementary school and secondary school principals in the State were involved in developing the application and the proposed uses of grant funds.

''(e) USE OF FUNDS.—A State educational agency or consortia of State educational agencies receiving a grant under this part shall use the grant funds to provide, on a statewide basis, professional development services and training to increase the instructional leadership and other skills of principals in elementary schools and secondary schools. Such activities may include activities—

''(1) to provide principals with knowledge of—

''(A) effective instructional leadership skills and practices; and

''(B) comprehensive whole-school approaches and programs that improve teaching and learning;

''(2) to provide training in effective, fair evaluation and supervision of school staff, and to provide training in improvement of instruction; and

''(3) to improve understanding of the effective uses of educational technology, and to incorporate technology into the instructional program and the operation and management of the school;

''(4) to improve knowledge of State content and performance standards and appropriate related curriculum;

''(5) to improve the development of effective programs, the assessment of program effectiveness, and other related programs;

''(6) to enhance and develop school management and business skills;

''(7) to improve training in school safety and discipline;

''(8) to improve training in school finance, grant-writing and fund-raising; and

''(9) to improve training regarding school legal requirements.

''(f) DEFINITION.—For purposes of this section, the term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

''SEC. 2502. MODEL NATIONAL PROGRAMS.

''(a) IN GENERAL.—From the amounts reserved under section 2501(b)(1), the Secretary, in consultation with the Commission described in subsection (b), shall develop model national programs to provide activities described in section 2501(e) for elementary school and secondary school principals.

''(b) COMMISSION.—

''(1) IN GENERAL.—The Secretary shall appoint a Commission—

''(A) to examine existing professional development programs for elementary school and secondary school principals; and

''(B) to provide, not later than 1 year after the date of enactment of the Quality and Accountability are Best for Children Act, a report regarding the best practices to help elementary school and secondary school principals in multiple education environments across our Nation.

''(2) MEMBERSHIP.—The Commission shall consist of representatives of local educational agencies, State educational agencies, departments of education within institutions of higher education, elementary school and secondary school principals, education organizations, community and business groups, and labor organizations.

''SEC. 2503. GENERAL PROVISIONS.

''(a) SUPPLEMENT NOT SUPPLANT.—A State educational agency or consortium of State educational agencies shall use funds under this part to supplement, and not to supplant, State and local funds that, in the absence of funds provided under this part, would otherwise be spent for activities under this part.

''(b) PROFESSIONAL DEVELOPMENT.—If a State educational agency or consortium of State educational agencies uses funds made available under this part for professional development activities, the State educational agency or consortium of State educational agencies shall ensure the equitable participation of private nonprofit elementary schools and secondary schools in such activities.

''SEC. 2504. AUTHORIZATION OF APPROPRIATIONS; SUPPLEMENT NOT SUPPLANT.

''For the purpose of carrying out this part, there are authorized to be appropriated, $100,000,000 for each of the fiscal years 2001 through 2004 to carry out this part.

SEC. 6. AMENDMENTS REGARDING IMPROVING TEACHER TECHNOLOGY TRAINING.

(a) STATEMENT OF PURPOSE FOR TITLE I.—Section 1001(d)(4) (20 U.S.C. 6301(d)(4)) is amended by inserting '', giving particular attention to the role technology can play in professional development and improved teaching and learning'' before the semicolon.

(b) SCHOOL IMPROVEMENT.—Section 1116(c)(3) (20 U.S.C. 6317(c)(3)) is amended by adding at the end the following:

''(D) In carrying out professional development under this paragraph an elementary school or secondary school shall give particular attention to professional development that incorporates technology used to improve teaching and learning.''.

(c) PROFESSIONAL DEVELOPMENT.—Section 1119(b) (20 U.S.C. 6320(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking ''and'' after the semicolon;

(B) in subparagraph (E), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(F) include instruction in the use of technology.''; and

(2) in paragraph (2)—

(A) by striking subparagraph (D); and

(B) by redesignating subparagraphs (E) through (I) as subparagraphs (D) through (H), respectively.

(d) PURPOSES FOR TITLE II.—Section 2002(2) (20 U.S.C. 6602(2)) is amended—

(1) in subparagraph (E), by striking ''and'' after the semicolon;

(2) in subparagraph (F), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(G) uses technology to enhance the teaching and learning process.''.

(e) NATIONAL TEACHER TRAINING PROJECT.—Section 2103(b)(2) (20 U.S.C. 6623(b)(2)) is amended by adding at the end the following:

''(J) Technology.''.

(f) LOCAL PLAN FOR IMPROVING TEACHING AND LEARNING.—Section 2208(d)(1)(F) (20 U.S.C. 6648(d)(1)(F)) is amended by inserting '', technologies,'' after ''strategies''.

(g) AUTHORIZED ACTIVITIES.—Section 2210(b)(2)(C) (20 U.S.C. 6650(b)(2)(C)) is amended by inserting '', and in particular technology,'' after ''practices''.

(h) HIGHER EDUCATION ACTIVITIES.—Section 2211(a)(1)(C) (20 U.S.C. 6651(a)(1)(C)) is amended by inserting '', including technological innovation,'' after ''innovation''.●

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 1929. A bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend such Act; to the Committee on Indian Affairs.

NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT REAUTHORIZATION OF 1999

Mr. INOUYE. Mr. President, I rise today to introduce a bill to reauthorize and extend the provisions of the Native Hawaiian Health Care Act. I am joined in the sponsorship of this measure by my esteemed colleague, Senator DANIEL AKAKA.

Although the act was enacted into law in 1988, appropriations to implement these critically-needed health care programs and services were not forthcoming for several years. As a result, the Native Hawaiian Health care Systems are still struggling to address the overwhelming need for health care services that are designed to improve the health status of the native people of Hawaii.

Native Hawaiians have the highest cancer mortality rates in the State of Hawaii, as well as the highest years of productive life lost from cancer. Native Hawaiians also have the highest mortality rates in the State of Hawaii from diabetes mellitus—130 percent higher than the statewide rate for all other races. The death rate from heart disease is 66 percent higher amongst Native Hawaiians than for the entire State of Hawaii. The Native Hawaiian mortality rate associated with hypertension is 84 percent higher than that for the rest of the State. These are just a few of the health status indicators at which the health care programs and services authorized by the Native Hawaiian Health Care Improvement Act are targeted.

Through the training of Native Hawaiian health care professionals, and the assignment of physicians, nurses, allied health professionals, and traditional healers to serve the needs of the Native Hawaiian community, we anticipate that the objectives established by the Surgeon General—the Healthy People 2010 goals—as well as kanaka maoli health objectives—will be attained. But to do so will require a sustained effort and a continuity of authorization and support for health care services provided to our most needy population.

Mr. President, I ask unanimous consent that the text of this measure be printed in the RECORD.

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

S. 1829

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 ''Native Hawaiian Health Care Improvement Act Reauthorization of 1999''.

SEC. 2. AMENDMENT TO THE NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT.

The Native Hawaiian Health Care Improvement Act (42 U.S.C. 11701 et seq.) is amended to read as follows:

''SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

''(a) SHORT TITLE.—This Act may be cited as the 'Native Hawaiian Health Care Improvement Act'.

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

''Sec. 1. Short title; table of contents.
''Sec. 2. Findings.
''Sec. 3. Definitions.
''Sec. 4. Declaration of policy.
''Sec. 5. Comprehensive health care master plan for Native Hawaiians.
''Sec. 6. Functions of Papa Ola Lokahi.
''Sec. 7. Native Hawaiian Health Care Systems.
''Sec. 8. Administrative grant for Papa Ola Lokahi.
''Sec. 9. Administration of grants and contracts.
''Sec. 10. Assignment of personnel.
''Sec. 11. Native Hawaiian health scholarships and fellowships.
''Sec. 12. Report.
''Sec. 13. Demonstration projects of national significance.
''Sec. 14. National Bipartisan Commission on Native Hawaiian Health Care Entitlement.
''Sec. 15. Rule of construction.
''Sec. 16. Compliance with Budget Act.
''Sec. 17. Severability.

''SEC. 2. FINDINGS.

''(a) GENERAL FINDINGS.—Congress makes the following findings:

''(1) Native Hawaiians begin their story with the Kumulipo which details the creation and inter-relationship of all things, including their evolvement as healthy and well people.

''(2) Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago and have a distinct society organized almost 2,000 years ago.

''(3) Native Hawaiians have never directly relinquished to the United States their claims to their inherent sovereignty as a people or over their national lands, either through their monarchy or through a plebiscite or referendum.

''(4) The health and well-being of Native Hawaiians are intrinsically tied to their deep feelings and attachment to their lands and seas.

''(5) The long-range economic and social changes in Hawaii over the 19th and early 20th centuries have been devastating to the health and well-being of Native Hawaiians.

''(6) The Native Hawaiian people are determined to preserve, develop and transmit to future generations their ancestral territory, and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions. In referring to themselves, Native Hawaiians use the term ''Kanaka Maoli'', a term frequently used in the 19th century to describe the native people of Hawaii.

''(7) The constitution and statutes of the State of Hawaii—

''(A) acknowledge the distinct land rights of Native Hawaiian people as beneficiaries of the public lands trust; and

''(B) reaffirm and protect the unique right of the Native Hawaiian people to practice and perpetuate their cultural and religious customs, beliefs, practices, and language.

''(8) At the time of the arrival of the first nonindigenous people in Hawaii in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient, subsistence social system based on communal land tenure with a sophisticated language, culture, and religion.

''(9) A unified monarchical government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawaii.

''(10) Throughout the 19th century and until 1893, the United States—

''(A) recognized the independence of the Hawaiian Nation;

''(B) extended full and complete diplomatic recognition to the Hawaiian Government; and

''(C) entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875 and 1887.

''(11) In 1893, John L. Stevens, the United States Minister assigned to the sovereign and independent Kingdom of Hawaii, conspired with a small group of non-Hawaiian residents of the Kingdom, including citizens of the United States, to overthrow the indigenous and lawful government of Hawaii.

''(12) In pursuance of that conspiracy, the United States Minister and the naval representative of the United States caused armed naval forces of the United States to invade the sovereign Hawaiian Nation in support of the overthrow of the indigenous and lawful Government of Hawaii and the United States Minister thereupon extended diplomatic recognition of a provisional government formed by the conspirators without the consent of the native people of Hawaii or the lawful Government of Hawaii in violation of treaties between the 2 nations and of international law.

''(13) In a message to Congress on December 18, 1893, then President Grover Cleveland reported fully and accurately on these illegal actions, and acknowledged that by these acts, described by the President as acts of war, the government of a peaceful and friendly people was overthrown, and the President concluded that a ''substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people required that we should endeavor to repair''.

''(14) Queen Lili'uokalani, the lawful monarch of Hawaii, and the Hawaiian Patriotic League, representing the aboriginal citizens of Hawaii, promptly petitioned the United States for redress of these wrongs and for restoration of the indigenous government of the Hawaiian nation, but this petition was not acted upon.

''(15) Further, the United States has acknowledged the significance of these events and has apologized to Native Hawaiians on behalf of the people of the United States for the overthrow of the Kingdom of Hawaii with the participation of agents and citizens of the United States, and the resulting deprivation of the rights of Native Hawaiians to self-determination in legislation in 1993 (Public Law 103-150; 107 Stat. 1510).

''(16) In 1898, the United States annexed Hawaii through the Newlands Resolution without the consent of or compensation to the indigenous people of Hawaii or their sovereign government who were thereby denied the mechanism for expression of their inherent sovereignty through self-government and self- determination, their lands and ocean resources.

''(17) Through the Newlands Resolution and the 1900 Organic Act, the Congress received 1,750,000 acres of lands formerly owned by the Crown and Government of the Hawaiian Kingdom and exempted the lands from then existing public land laws of the United States by mandating that the revenue and proceeds from these lands be ''used solely for the benefit of the inhabitants of the Hawaiian Islands for education and other public purposes'', thereby establishing a special trust relationship between the United States and the inhabitants of Hawaii.

''(18) In 1921, Congress enacted the Hawaiian Homes Commission Act, 1920 which designated 200,000 acres of the ceded public lands for exclusive homesteading by Native Hawaiians, thereby affirming the trust relationship between the United States and the Native Hawaiians, as expressed by then Secretary of the Interior Franklin K. Lane who was cited in the Committee Report of the Committee on Territories of the House of Representatives as stating, ''One thing that impressed me . . . was the fact that the natives of the islands . . . for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty.''.

''(19) In 1938, Congress again acknowledged the unique status of the Native Hawaiian people by including in the Act of June 20, 1938 (52 Stat. 781 et seq.), a provision to lease lands within the extension to Native Hawaiians and to permit fishing in the area ''only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance''.

''(20) Under the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (73 Stat. 4), the United States transferred responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii but reaffirmed the trust relationship which existed between the United States and the Native Hawaiian people by retaining the exclusive power to enforce the trust, including the power to approve land exchanges, and legislative amendments affecting the rights of beneficiaries under such Act.

''(21) Under the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (73 Stat. 4), the United States transferred responsibility for administration over portions of the ceded public lands trust not retained by the United States to the State of Hawaii but reaffirmed the trust relationship which existed between the United States and the Native Hawaiian people by retaining the legal responsibility of the State for the betterment of the conditions of Native Hawaiians under section 5(f) of such Act.

''(22) The authority of the Congress under the Constitution to legislate in matters affecting the aboriginal or indigenous peoples of the United States includes the authority to legislate in matters affecting the native peoples of Alaska and Hawaii.

''(23) Further, the United States has recognized the authority of the Native Hawaiian people to continue to work towards an appropriate form of sovereignty as defined by the Native Hawaiian people themselves in provisions set forth in legislation returning the Hawaiian Island of Kaho'olawe to custodial management by the State of Hawaii in 1994.

''(24) In furtherance of the trust responsibility for the betterment of the conditions of Native Hawaiians, the United States has established a program for the provision of comprehensive health promotion and disease prevention services to maintain and improve the health status of the Hawaiian people. This program is conducted by the Native Hawaiian Health Care Systems, the Native Hawaiian Health Scholarship Program and Papa Ola Lokahi. Health initiatives from these and other health institutions and agencies using Federal assistance have begun to lower the century-old morbidity and mortality rates of Native Hawaiian people by providing comprehensive disease prevention, health promotion activities and increasing the number of Native Hawaiians in the health and allied health professions. This has been accomplished through the Native Hawaiian Health Care Act of 1988 (Public Law 100-579) and its reauthorization in section 9168 of Public Law 102-396 (106 Stat. 1948).

''(25) This historical and unique legal relationship has been consistently recognized and affirmed by Congress through the enactment of Federal laws which extend to the Native Hawaiian people the same rights and privileges accorded to American Indian,

Alaska Native, Eskimo, and Aleut communities, including the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.), the American Indian Religious Freedom Act (42 U.S.C. 1996), the National Museum of the American Indian Act (20 U.S.C. 80q et seq.), and the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.).

''(26) The United States has also recognized and reaffirmed the trust relationship to the Native Hawaiian people through legislation which authorizes the provision of services to Native Hawaiians, specifically, the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987, the Veterans' Benefits and Services Act of 1988, the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Native Hawaiian Health Care Act of 1988 (Public Law 100-579), the Health Professions Reauthorization Act of 1988, the Nursing Shortage Reduction and Education Extension Act of 1988, the Handicapped Programs Technical Amendments Act of 1988, the Indian Health Care Amendments of 1988, and the Disadvantaged Minority Health Improvement Act of 1990.

''(27) The United States has also affirmed the historical and unique legal relationship to the Hawaiian people by authorizing the provision of services to Native Hawaiians to address problems of alcohol and drug abuse under the Anti-Drug Abuse Act of 1986 (Public Law 99-570).

''(28) Further, the United States has recognized that Native Hawaiians, as aboriginal, indigenous, native peoples of Hawaii, are a unique population group in Hawaii and in the continental United States and has so declared in Office of Management and Budget Circular 15 in 1997 and Presidential Executive Order No. 13125, dated June 7, 1999.

''(29) Despite the United States having expressed its commitment to a policy of reconciliation with the Native Hawaiian people for past grievances in Public Law 103-150 (107 Stat. 1510) the unmet health needs of the Native Hawaiian people remain severe and their health status continues to be far below that of the general population of the United States.

''(b) UNMET NEEDS AND HEALTH DISPARITIES.—Congress finds that the unmet needs and serious health disparities that adversely affect the Native Hawaiian people include the following:

''(1) CHRONIC DISEASE AND ILLNESS.—

''(A) CANCER.—

''(i) IN GENERAL.—With respect to all cancer—

''(I) Native Hawaiians have the highest cancer mortality rates in the State of Hawaii (231.0 out of every 100,000 residents), 45 percent higher than that for the total State population (159.7 out of every 100,000 residents);

''(II) Native Hawaiian males have the highest cancer mortality rates in the State of Hawaii for cancers of the lung, liver and pancreas and for all cancers combined;

''(III) Native Hawaiian females ranked highest in the State of Hawaii for cancers of the lung, liver, pancreas, breast, cervix uteri, corpus uteri, stomach, and rectum, and for all cancers combined;

''(IV) Native Hawaiian males have the highest years of productive life lost from cancer in the State of Hawaii with 8.7 years compared to 6.4 years for other males; and

''(V) Native Hawaiian females have 8.2 years of productive life lost from cancer in the State of Hawaii as compared to 6.4 years for other females in the State of Hawaii;

''(ii) BREAST CANCER.—With respect to breast cancer—

''(I) Native Hawaiians have the highest mortality rates in the State of Hawaii from breast cancer (37.96 out of every 100,000 residents), which is 25 percent higher than that for Caucasian Americans (30.25 out of every 100,000 residents) and 106 percent higher than that for Chinese Americans (18.39 out of every 100,000 residents); and

''(II) nationally, Native Hawaiians have the third highest mortality rates due to breast cancer (25.0 out of every 100,000 residents) following African Americans (31.4 out of every 100,000 residents) and Caucasian Americans (27.0 out of every 100,000 residents).

''(iii) CANCER OF THE CERVIX.—Native Hawaiians have the highest mortality rates from cancer of the cervix in the State of Hawaii (3.82 out of every 100,000 residents) followed by Filipino Americans (3.33 out of every 100,000 residents) and Caucasian Americans (2.61 out of every 100,000 residents).

''(iv) LUNG CANCER.—Native Hawaiians have the highest mortality rates from lung cancer in the State of Hawaii (90.70 out of every 100,000 residents), which is 61 percent higher than Caucasian Americans, who rank second and 161 percent higher than Japanese Americans, who rank third.

''(v) PROSTATE CANCER.—Native Hawaiian males have the second highest mortality rates due to prostate cancer in the State of Hawaii (25.86 out of every 100,000 residents) with Caucasian Americans having the highest mortality rate from prostate cancer (30.55 out of every 100,000 residents).

''(B) DIABETES.—With respect to diabetes, for the years 1989 through 1991—

''(i) Native Hawaiians had the highest mortality rate due to diabetes mellitis (34.7 out of every 100,000 residents) in the State of Hawaii which is 130 percent higher than the statewide rate for all other races (15.1 out of every 100,000 residents);

''(ii) full-blood Hawaiians had a mortality rate of 93.3 out of every 100,000 residents, which is 518 percent higher than the rate for the statewide population of all other races; and

''(iii) Native Hawaiians who are less than full-blood had a mortality rate of 27.1 out of every 100,000 residents, which is 79 percent higher than the rate for the statewide population of all other races.

''(C) ASTHMA.—With respect to asthma—

''(i) in 1990, Native Hawaiians comprised 44 percent of all asthma cases in the State of Hawaii for those 18 years of age and younger, and 35 percent of all asthma cases reported; and

''(ii) in 1992, the Native Hawaiian rate for asthma was 81.7 out of every 1000 residents, which was 73 percent higher than the rate for the total statewide population of 47.3 out of every 1000 residents.

''(D) CIRCULATORY DISEASES.—

''(i) HEART DISEASE.—With respect to heart disease—

''(I) the death rate for Native Hawaiians from heart disease (333.4 out of every 100,000 residents) is 66 percent higher than for the entire State of Hawaii (201.1 out of every 100,000 residents); and

''(II) Native Hawaiian males have the greatest years of productive life lost in the State of Hawaii where Native Hawaiian males lose an average of 15.5 years and Native Hawaiian females lose an average of 8.2 years due to heart disease, as compared to 7.5 years for all males in the State of Hawaii and 6.4 years for all females.

''(ii) HYPERTENSION.—The death rate for Native Hawaiians from hypertension (3.5 out of every 100,000 residents) is 84 percent higher than that for the entire State (1.9 out of every 100,000 residents).

''(iii) STROKE.—The death rate for Native Hawaiians from stroke (58.3 out of every 100,000 residents) is 13 percent higher than that for the entire State (51.8 out of every 100,000 residents).

''(2) INFECTIOUS DISEASE AND ILLNESS.—The incidence of AIDS for Native Hawaiians is at least twice as high per 100,000 residents (10.5 percent) than that for any other non-Caucasian group in the State of Hawaii.

''(3) ACCIDENTS.—With respect to accidents—

''(A) the death rate for Native Hawaiians from accidents (38.8 out of every 100,000 residents) is 45 percent higher than that for the entire State (26.8 out of every 100,000 residents);

''(B) Native Hawaiian males lose an average of 14 years of productive life lost from accidents as compared to 9.8 years for all other males in Hawaii; and

''(C) Native Hawaiian females lose and average of 4 years of productive life lost from accidents but this rate is the highest rate among all females in the State of Hawaii.

''(4) DENTAL HEALTH.—With respect to dental health—

''(A) Native Hawaiian children exhibit among the highest rates of dental caries in the nation, and the highest in the State of Hawaii as compared to the 5 other major ethnic groups in the State;

''(B) the average number of decayed or filled primary teeth for Native Hawaiian children ages 5 through 9 years was 4.3 as compared with 3.7 for the entire State of Hawaii and 1.9 for the United States; and

''(C) the proportion of Native Hawaiian children ages 5 through 12 years with unmet treatment needs (defined as having active dental caries requiring treatment) is 40 percent as compared with 33 percent for all other races in the State of Hawaii.

''(5) LIFE EXPECTANCY.—With respect to life expectancy—

''(A) Native Hawaiians have the lowest life expectancy of all population groups in the State of Hawaii;

''(B) between 1910 and 1980, the life expectancy of Native Hawaiians from birth has ranged from 5 to 10 years less than that of the overall State population average; and

''(C) the most recent tables for 1990 show Native Hawaiian life expectancy at birth (74.27 years) to be about 5 years less than that of the total State population (78.85 years).

''(6) MATERNAL AND CHILD HEALTH.—

''(A) PRENATAL CARE.—With respect to prenatal care—

''(i) as of 1996, Native Hawaiian women have the highest prevalence (21 percent) of having had no prenatal care during their first trimester of pregnancy when compared to the 5 largest ethnic groups in the State of Hawaii;

''(ii) of the mothers in the State of Hawaii who received no prenatal care throughout their pregnancy in 1996, 44 percent were Native Hawaiian;

''(iii) over 65 percent of the referrals to Healthy Start in fiscal years 1996 and 1997 were Native Hawaiian newborns; and

''(iv) in every region of the State of Hawaii, many Native Hawaiian newborns begin life in a potentially hazardous circumstance, far higher than any other racial group.

''(B) BIRTHS.—With respect to births—

''(i) in 1996, 45 percent of the live births to Native Hawaiian mothers were infants born to single mothers which statistics indicate put infants at higher risk of low birth weight and infant mortality;

''(ii) in 1996, of the births to Native Hawaiian single mothers, 8 percent were low birth weight (under 2500 grams); and

''(iii) of all low birth weight babies born to single mothers in the State of Hawaii, 44 percent were Native Hawaiian.

''(C) TEEN PREGNANCIES.—With respect to births—

''(i) in 1993 and 1994, Native Hawaiians had the highest percentage of teen (individuals

who were less than 18 years or age) births (8.1 percent) compared to the rate for all other races in the State of Hawaii (3.6 percent);

''(ii) in 1996, nearly 53 percent of all mothers in Hawaii under 18 years of age were Native Hawaiian;

''(iii) lower rates of abortion (a third lower than for the statewide population) among Hawaiian women may account in part, for the higher percentage of live births;

''(iv) in 1995, of the births to mothers age 14 years and younger in Hawaii, 66 percent were Native Hawaiian; and

''(v) in 1996, of the births in this same group, 48 percent were Native Hawaiian.

''(D) FETAL MORTALITY.—In 1996, Native Hawaiian fetal mortality rates comprised 15 percent of all fetal deaths for the State of Hawaii. However, for fetal deaths occurring in mothers under the age of 18 years, 32 percent were Native Hawaiian, and for mothers 18 through 24 years of age, 28 percent were Native Hawaiians.

''(7) MENTAL HEALTH.—

''(A) ALCOHOL AND DRUG ABUSE.—With respect to alcohol and drug abuse—

''(i) Native Hawaiians represent 38 percent of the total admissions to Department of Health, Alcohol, Drugs and Other Drugs, funded substance abuse treatment programs;

''(ii) in 1997, the prevalence of smoking by Native Hawaiians was 28.5 percent, a rate that is 53 percent higher than that for all other races in the State of Hawaii which is 18.6 percent;

''(iii) Native Hawaiians have the highest prevalence rates of acute drinking (31 percent), a rate that is 79 percent higher than that for all other races in the State of Hawaii;

''(iv) the chronic drinking rate among Native Hawaiians is 54 percent higher than that for all other races in the State of Hawaii;

''(v) in 1991, 40 percent of the Native Hawaiian adults surveyed reported having used marijuana compared with 30 percent for all other races in the State of Hawaii; and

''(vi) nine percent of the Native Hawaiian adults surveyed reported that they are current users (within the past year) of marijuana, compared with 6 percent for all other races in the State of Hawaii.

''(B) CRIME.—With respect to crime—

''(i) in 1996, of the 5,944 arrests that were made for property crimes in the State of Hawaii, arrests of Native Hawaiians comprised 20 percent of that total;

''(ii) Native Hawaiian juveniles comprised a third of all juvenile arrests in 1996;

''(iii) In 1996, Native Hawaiians represented 21 percent of the 8,000 adults arrested for violent crimes in the State of Hawaii, and 38 percent of the 4,066 juvenile arrests;

''(iv) Native Hawaiians are over-represented in the prison population in Hawaii;

''(v) in 1995 and 1996 Native Hawaiians comprised 36.5 percent of the sentenced felon prison population in Hawaii, as compared to 20.5 percent for Caucasian Americans, 3.7 percent for Japanese Americans, and 6 percent for Chinese Americans;

''(vi) in 1995 and 1996 Native Hawaiians made up 45.4 percent of the technical violator population, and at the Hawaii Youth Correctional Facility, Native Hawaiians constituted 51.6 percent of all detainees in fiscal year 1997; and

''(vii) based on anecdotal information from inmates at the Halawa Correction Facilities, Native Hawaiians are estimated to comprise between 60 and 70 percent of all inmates.

''(8) HEALTH PROFESSIONS EDUCATION AND TRAINING.—With respect to health professions education and training—

''(A) Native Hawaiians age 25 years and older have a comparable rate of high school completion, however, the rates of baccalaureate degree achievement amongst Native Hawaiians are less than the norm in the State of Hawaii (6.9 percent and 15.76 percent respectively);

''(B) Native Hawaiian physicians make up 4 percent of the total physician workforce in the State of Hawaii; and

''(C) in fiscal year 1997, Native Hawaiians comprised 8 percent of those individuals who earned Bachelor's Degrees, 14 percent of those individuals who earned professional diplomas, 6 percent of those individuals who earned Master's Degrees, and less than 1 percent of individuals who earned doctoral degrees at the University of Hawaii.

''SEC. 3. DEFINITIONS.

''In this Act:

''(1) DISEASE PREVENTION.—The term 'disease prevention' includes—

''(A) immunizations;

''(B) control of high blood pressure;

''(C) control of sexually transmittable diseases;

''(D) prevention and control of diabetes;

''(E) control of toxic agents;

''(F) occupational safety and health;

''(G) accident prevention;

''(H) fluoridation of water;

''(I) control of infectious agents; and

''(J) provision of mental health care.

''(2) HEALTH PROMOTION.—The term 'health promotion' includes—

''(A) pregnancy and infant care, including prevention of fetal alcohol syndrome;

''(B) cessation of tobacco smoking;

''(C) reduction in the misuse of alcohol and drugs;

''(D) improvement of nutrition;

''(E) improvement in physical fitness;

''(F) family planning;

''(G) control of stress;

''(H) reduction of major behavioral risk factors and promotion of healthy lifestyle practices; and

''(I) integration of cultural approaches to health and well-being, including traditional practices relating to the land ('aina), water (wai), and ocean (kai).

''(3) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is Kanaka Maoli (a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii) as evidenced by—

''(A) genealogical records,

''(B) Kupuna (elders) or Kama'aina (long-term community residents) verification; or

''(C) birth records of the State of Hawaii.

''(4) NATIVE HAWAIIAN HEALTH CARE SYSTEM.—The term 'Native Hawaiian health care system' means an entity—

''(A) which is organized under the laws of the State of Hawaii;

''(B) which provides or arranges for health care services through practitioners licensed by the State of Hawaii, where licensure requirements are applicable;

''(C) which is a public or nonprofit private entity;

''(D) in which Native Hawaiian health practitioners significantly participate in the planning, management, monitoring, and evaluation of health care services;

''(E) which may be composed of as many as 8 Native Hawaiian health care systems as necessary to meet the health care needs of each island's Native Hawaiians; and

''(F) which is—

''(i) recognized by Papa Ola Lokahi for the purpose of planning, conducting, or administering programs, or portions of programs, authorized by this chapter for the benefit of Native Hawaiians; and

''(ii) certified by Papa Ola Lokahi as having the qualifications and the capacity to provide the services and meet the requirements under the contract the Native Hawaiian health care system enters into with the Secretary or the grant the Native Hawaiian health care system receives from the Secretary pursuant to this Act.

''(5) NATIVE HAWAIIAN ORGANIZATION.—The term 'Native Hawaiian organization' means any organization—

''(A) which serves the interests of Native Hawaiians; and

''(B) which is—

''(i) recognized by Papa Ola Lokahi for the purpose of planning, conducting, or administering programs (or portions of programs) authorized under this Act for the benefit of Native Hawaiians; and

''(ii) a public or nonprofit private entity.

''(6) PAPA OLA LOKAHI.—

''(A) IN GENERAL.—The term 'Papa Ola Lokahi' means an organization that is composed of public agencies and private organizations focusing on improving the health status of Native Hawaiians. Board members of such organization may include representation from—

''(i) E Ola Mau;

''(ii) the Office of Hawaiian Affairs of the State of Hawaii;

''(iii) Alu Like Inc.;

''(iv) the University of Hawaii;

''(v) the Hawaii State Department of Health;

''(vi) the Kamehameha Schools Bishop Estate, or other Native Hawaiian organization responsible for the administration of the Native Hawaiian Health Scholarship Program;

''(vii) the Hawaii State Primary Care Association, or other organizations responsible for the placement of scholars from the Native Hawaiian Health Scholarship Program;

''(viii) Ahahui O Na Kauka, the Native Hawaiian Physicians Association;

''(ix) Ho'ola Lahui Hawaii, or a health care system serving Kaua'i or Ni'ihau, and which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of those islands;

''(x) Ke Ola Mamo, or a health care system serving the island of O'ahu and which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island;

''(xi) Na Pu'uwai or a health care system serving Moloka'i or Lana'i, and which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of those islands;

''(xii) Hui No Ke Ola Pono, or a health care system serving the island of Maui, and which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island;

''(xiii) Hui Malama Ola Ha 'Oiwi, or a health care system serving the island of Hawaii, and which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island;

''(xiv) other Native Hawaiian health care systems as certified and recognized by Papa Ola Lokahi in accordance with this Act; and

''(xv) such other member organizations as the Board of Papa Ola Lokahi may admit from time to time, based upon satisfactory demonstration of a record of contribution to the health and well-being of Native Hawaiians.

''(B) LIMITATION.—Such term does not include any organization described in subparagraph (A) if the Secretary determines that such organization has not developed a mission statement with clearly defined goals and objectives for the contributions the organization will make to the Native Hawaiian health care systems, and an action plan for carrying out those goals and objectives.

''(7) PRIMARY HEALTH SERVICES.—The term 'primary health services' means—

''(A) services of physicians, physicians' assistants, nurse practitioners, and other health professionals;

''(B) diagnostic laboratory and radiologic services;

''(C) preventive health services including perinatal services, well child services, family planning services, nutrition services, home health services, and, generally, all those services associated with enhanced health and wellness.

''(D) emergency medical services;

''(E) transportation services as required for adequate patient care;

''(F) preventive dental services; and

''(G) pharmaceutical and nutraceutical services.

''(8) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

''(9) TRADITIONAL NATIVE HAWAIIAN HEALER.—The term 'traditional Native Hawaiian healer' means a practitioner—

''(A) who—

''(i) is of Native Hawaiian ancestry; and

''(ii) has the knowledge, skills, and experience in direct personal health care of individuals; and

''(B) whose knowledge, skills, and experience are based on demonstrated learning of Native Hawaiian healing practices acquired by—

''(i) direct practical association with Native Hawaiian elders; and

''(ii) oral traditions transmitted from generation to generation.

"SEC. 4. DECLARATION OF POLICY.

''(a) CONGRESS.—Congress hereby declares that it is the policy of the United States in fulfillment of its special responsibilities and legal obligations to the indigenous people of Hawaii resulting from the unique and historical relationship between the United States and the indigenous people of Hawaii—

''(1) to raise the health status of Native Hawaiians to the highest possible health level; and

''(2) to provide existing Native Hawaiian health care programs with all resources necessary to effectuate this policy.

''(b) INTENT OF CONGRESS.—

''(1) IN GENERAL.—It is the intent of the Congress that—

''(A) health care programs having a demonstrated effect of substantially reducing or eliminating the over-representation of Native Hawaiians among those suffering from chronic and acute disease and illness and addressing the health needs of Native Hawaiians shall be established and implemented; and

''(B) the Nation meet the Healthy People 2010 and Kanaka Maoli health objectives described in paragraph (2) by the year 2010.

''(2) HEALTHY PEOPLE AND KANAKA MAOLI HEALTH OBJECTIVES.—The Healthy People 2010 and Kanaka Maoli health objectives described in this paragraph are the following:

''(A) CHRONIC DISEASE AND ILLNESS.—

''(i) CARDIOVASCULAR DISEASE.—With respect to cardiovascular disease—

''(I) to increase to 75 percent the proportion of females who are aware that cardiovascular disease (heart disease and stroke) is the leading cause of death for all females.

''(II) to increase to at least 95 percent the proportion of adults who have had their blood pressure measured within the preceding 2 years and can state whether their blood pressure was normal or high; and

''(III) to increase to at least 75 percent the proportion of adults who have had their blood cholesterol checked within the preceding 5 years.

''(ii) DIABETES.—With respect to diabetes—

''(I) to increase to 80 percent the proportion of persons with diabetes whose condition has been diagnosed;

''(II) to increase to at least 20 percent the proportion of patients with diabetes who annually obtain lipid assessment (total cholesterol, LDL cholesterol, HDL cholesterol, triglyceride); and

''(III) to increase to 52 percent the proportion of persons with diabetes who have received formal diabetes education.

''(iii) CANCER.—With respect to cancer—

''(I) to increase to at least 95 percent the proportion of women age 18 and older who have ever received a Pap test and to at least 85 percent those who have received a Pap test within the preceding 3 years; and

''(II) to increase to at least 40 percent the proportion of women age 40 and older who have received a breast examination and a mammogram within the preceding 2 years.

''(iv) DENTAL HEALTH.—With respect to dental health—

''(I) to reduce untreated cavities in the primary and permanent teeth (mixed dentition) so that the proportion of children with decayed teeth not filled is not more than 12 percent among children ages 2 through 4, 22 percent among children ages 6 through 8, and 15 percent among adolescents ages 8 through 15;

''(II) to increase to at least 70 percent the proportion of children ages 8 through 14 who have received protective sealants in permanent molar teeth; and

''(III) to increase to at least 70 percent the proportion of adults age 18 and older using the oral health care system each year.

''(v) MENTAL HEALTH.—With respect to mental health—

''(I) to incorporate or support land('aina)-based, water(wai)-based, or the ocean(kai)-based programs within the context of mental health activities; and

''(II) to reduce the anger and frustration levels within 'ohana focusing on building positive relationships and striving for balance in living (lokahi) and achieving a sense of contentment (pono).

''(vi) ASTHMA.—With respect to asthma—

''(I) to increase to at least 40 percent the proportion of people with asthma who receive formal patient education, including information about community and self-help resources, as an integral part of the management of their condition;

''(II) to increase to at least 75 percent the proportion of patients who receive counseling from health care providers on how to recognize early signs of worsening asthma and how to respond appropriately; and

''(III) to increase to at least 75 percent the proportion of primary care providers who are trained to provide culturally competent care to ethnic minorities (Native Hawaiians) seeking health care for chronic obstructive pulmonary disease.

''(B) INFECTIOUS DISEASE AND ILLNESS.—

''(i) IMMUNIZATIONS.—With respect to immunizations—

''(I) to reduce indigenous cases of vaccine-preventable disease;

''(II) to achieve immunization coverage of at least 90 percent among children between 19 and 35 months of age; and

''(III) to increase to 90 percent the rate of immunization coverage among adults 65 years of age or older, and 60 percent for high-risk adults between 18 and 64 years of age.

''(ii) SEXUALLY TRANSMITTED DISEASES, HIV; AIDS.—To increase the number of HIV-infected adolescents and adults in care who receive treatment consistent with current public health treatment guidelines.

''(C) WELLNESS.—

''(i) EXERCISE.—With respect to exercise—

''(I) to increase to 85 percent the proportion of people ages 18 and older who engage in any leisure time physical activity; and

''(II) to increase to at least 30 percent the proportion of people ages 18 and older who engage regularly, preferably daily, in sustained physical activity for at least 30 minutes per day.

''(ii) NUTRITION.—With respect to nutrition—

''(I) to increase to at least 60 percent the prevalence of healthy weight (defined as body mass index equal to or greater than 19.0 and less than 25.0) among all people age 20 and older;

''(II) to increase to at least 75 percent the proportion of people age 2 and older who meet the dietary guidelines' minimum average daily goal of at least 5 servings of vegetables and fruits; and

''(III) to increase the use of traditional Native Hawaiian foods in all peoples' diets and dietary preferences.

''(iii) LIFESTYLE.—With respect to lifestyle—

''(I) to reduce cigarette smoking among pregnant women to a prevalence of not more than 2 percent;

''(II) to reduce the prevalence of respiratory disease, cardiovascular disease, and cancer resulting from exposure to tobacco smoke;

''(III) to increase to at least 70 percent the proportion of all pregnancies among women between the ages of 15 and 44 that are planned (intended); and

''(IV) to reduce deaths caused by unintentional injuries to not more than 25.9 per 100,000.

''(iv) CULTURE.—With respect to culture—

''(I) to develop and implement cultural values within the context of the corporate cultures of the Native Hawaiian health care systems, the Native Hawaiian Health Scholarship Program, and Papa Ola Lokahi; and

''(II) to facilitate the provision of Native Hawaiian healing practices by Native Hawaiian healers for those clients desiring such assistance.

''(D) ACCESS.—With respect to access—

''(i) to increase the proportion of patients who have coverage for clinical preventive services as part of their health insurance; and

''(ii) to reduce to not more than 7 percent the proportion of individuals and families who report that they did not obtain all the health care that they needed.

''(E) HEALTH PROFESSIONS TRAINING AND EDUCATION.—With respect to health professions training and education—

''(i) to increase the proportion of all degrees in the health professions and allied and associated health professions fields awarded to members of underrepresented racial and ethnic minority groups; and

''(ii) to support training activities and programs in traditional Native Hawaiian healing practices by Native Hawaiian healers.

''(c) REPORT.—The Secretary shall submit to the President, for inclusion in each report required to be transmitted to Congress under section 11, a report on the progress made in each toward meeting each of the objectives described in subsection (b)(2).

"SEC. 5. COMPREHENSIVE HEALTH CARE MASTER PLAN FOR NATIVE HAWAIIANS.

''(a) DEVELOPMENT.—

''(1) IN GENERAL.—The Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of coordinating, implementing and updating a Native Hawaiian comprehensive health care master plan designed to promote comprehensive health promotion and disease prevention services and to maintain and improve the health status of Native Hawaiians, and to support community-based initiatives that

are reflective of holistic approaches to health.

''(2) COLLABORATION.—The Papa Ola Lokahi shall collaborate with the Office of Hawaiian Affairs in carrying out this section.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out subsection (a).

''SEC. 6. FUNCTIONS OF PAPA OLA LOKAHI.

''(a) RESPONSIBILITY.—Papa Ola Lokahi shall be responsible for the—

''(1) coordination, implementation, and updating, as appropriate, of the comprehensive health care master plan developed pursuant to section 5;

''(2) training for the persons described in subparagraphs (B) and (C) of section 7(c)(1);

''(3) identification of and research into the diseases that are most prevalent among Native Hawaiians, including behavioral, biomedical, epidemiological, and health services; and

''(4) the development of an action plan outlining the contributions that each member organization of Papa Ola Lokahi will make in carrying out the policy of this Act.

''(b) SPECIAL PROJECT FUNDS.—Papa Ola Lokahi may receive special project funds that may be appropriated for the purpose of research on the health status of Native Hawaiians or for the purpose of addressing the health care needs of Native Hawaiians.

''(c) CLEARINGHOUSE.—

''(1) IN GENERAL.—Papa Ola Lokahi shall serve as a clearinghouse for—

''(A) the collection and maintenance of data associated with the health status of Native Hawaiians;

''(B) the identification and research into diseases affecting Native Hawaiians;

''(C) the availability of Native Hawaiian project funds, research projects and publications;

''(D) the collaboration of research in the area of Native Hawaiian health; and

''(E) the timely dissemination of information pertinent to the Native Hawaiian health care systems.

''(2) CONSULTATION.—The Secretary shall consult periodically with Papa Ola Lokahi for the purposes of maintaining the clearinghouse under paragraph (1) and providing information about programs in the Department that specifically address Native Hawaiian issues and concerns.

''(d) FISCAL ALLOCATION AND COORDINATION OF PROGRAMS AND SERVICES.—

''(1) RECOMMENDATIONS.—Papa Ola Lokahi shall provide annual recommendations to the Secretary with respect to the allocation of all amounts appropriated under this Act.

''(2) COORDINATION.—Papa Ola Lokahi shall, to the maximum extent possible, coordinate and assist the health care programs and services provided to Native Hawaiians.

''(3) REPRESENTATION ON COMMISSION.—The Secretary, in consultation with Papa Ola Lokahi, shall make recommendations for Native Hawaiian representation on the President's Advisory Commission on Asian Americans and Pacific Islanders.

''(e) TECHNICAL SUPPORT.—Papa Ola Lokahi shall act as a statewide infrastructure to provide technical support and coordination of training and technical assistance to the Native Hawaiian health care systems.

''(f) RELATIONSHIPS WITH OTHER AGENCIES.—

''(1) AUTHORITY.—Papa Ola Lokahi may enter into agreements or memoranda of understanding with relevant agencies or organizations that are capable of providing resources or services to the Native Hawaiian health care systems.

''(2) MEDICARE, MEDICAID, SCHIP.—Papa Ola Lokahi shall develop or make every reasonable effort to—

''(A) develop a contractual or other arrangement, through memoranda of understanding or agreement, with the Health Care Financing Administration or the agency of the State which administers or supervises the administration of a State plan or waiver approved under title XVIII, XIX or title XXI of the Social Security Act for payment of all or a part of the health care services to persons who are eligible for medical assistance under such a State plan or waiver; and

''(B) assist in the collection of appropriate reimbursement for health care services to persons who are entitled to insurance under title XVIII of the Social Security Act.

''SEC. 7. NATIVE HAWAIIAN HEALTH CARE SYSTEMS.

''(a) COMPREHENSIVE HEALTH PROMOTION, DISEASE PREVENTION, AND PRIMARY HEALTH SERVICES.—

''(1) GRANTS AND CONTRACTS.—The Secretary, in consultation with Papa Ola Lokahi, may make grants to, or enter into contracts with, any qualified entity for the purpose of providing comprehensive health promotion and disease prevention services, as well as primary health services, to Native Hawaiians who desire and are committed to bettering their own health.

''(2) PREFERENCE.—In making grants and entering into contracts under this subsection, the Secretary shall give preference to Native Hawaiian health care systems and Native Hawaiian organizations and, to the extent feasible, health promotion and disease prevention services shall be performed through Native Hawaiian health care systems.

''(3) QUALIFIED ENTITY.—An entity is a qualified entity for purposes of paragraph (1) if the entity is a Native Hawaiian health care system.

''(4) LIMITATION ON NUMBER OF ENTITIES.—The Secretary may make a grant to, or enter into a contract with, not more than 8 Native Hawaiian health care systems under this subsection during any fiscal year.

''(b) PLANNING GRANT OR CONTRACT.—In addition to grants and contracts under subsection (a), the Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of planning Native Hawaiian health care systems to serve the health needs of Native Hawaiian communities on each of the islands of O'ahu, Moloka'i, Maui, Hawai'i, Lana'i, Kaua'i, and Ni'ihau in the State of Hawaii.

''(c) SERVICES TO BE PROVIDED.—

''(1) IN GENERAL.—Each recipient of funds under subsection (a) shall ensure that the following services either are provided or arranged for:

''(A) Outreach services to inform Native Hawaiians of the availability of health services.

''(B) Education in health promotion and disease prevention of the Native Hawaiian population by, wherever possible, Native Hawaiian health care practitioners, community outreach workers, counselors, and cultural educators.

''(C) Services of physicians, physicians' assistants, nurse practitioners or other health and allied-health professionals.

''(D) Immunizations.

''(E) Prevention and control of diabetes, high blood pressure, and otitis media.

''(F) Pregnancy and infant care.

''(G) Improvement of nutrition.

''(H) Identification, treatment, control, and reduction of the incidence of preventable illnesses and conditions endemic to Native Hawaiians.

''(I) Collection of data related to the prevention of diseases and illnesses among Native Hawaiians.

''(J) Services within the meaning of the terms 'health promotion', 'disease prevention', and 'primary health services', as such terms are defined in section 3, which are not specifically referred to in subsection (a).

''(K) Support of culturally appropriate activities enhancing health and wellness including land-based, water-based, ocean-based, and spiritually-based projects and programs.

''(2) TRADITIONAL HEALERS.—The health care services referred to in paragraph (1) which are provided under grants or contracts under subsection (a) may be provided by traditional Native Hawaiian healers.

''(d) FEDERAL TORT CLAIMS ACT.—Individuals that provide medical, dental, or other services referred to in subsection (a)(1) for Native Hawaiian health care systems, including providers of traditional Native Hawaiian healing services, shall be treated as if such individuals were members of the Public Health Service and shall be covered under the provisions of section 224 of the Public Health Service Act.

''(e) SITE FOR OTHER FEDERAL PAYMENTS.—A Native Hawaiian health care system that receives funds under subsection (a) shall provide a designated area and appropriate staff to serve as a Federal loan repayment facility. Such facility shall be designed to enable health and allied-health professionals to remit payments with respect to loans provided to such professionals under any Federal loan program.

''(f) RESTRICTION ON USE OF GRANT AND CONTRACT FUNDS.—The Secretary may not make a grant to, or enter into a contract with, an entity under subsection (a) unless the entity agrees that amounts received under such grant or contract will not, directly or through contract, be expended—

''(1) for any services other than the services described in subsection (c)(1);

''(2) to provide inpatient services;

''(3) to make cash payments to intended recipients of health services; or

''(4) to purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase major medical equipment.

''(g) LIMITATION ON CHARGES FOR SERVICES.—The Secretary may not make a grant to, or enter into a contract with, an entity under subsection (a) unless the entity agrees that, whether health services are provided directly or through contract—

''(1) health services under the grant or contract will be provided without regard to ability to pay for the health services; and

''(2) the entity will impose a charge for the delivery of health services, and such charge—

''(A) will be made according to a schedule of charges that is made available to the public; and

''(B) will be adjusted to reflect the income of the individual involved.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) GENERAL GRANTS.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2000 through 2010 to carry out subsection (a).

''(2) PLANNING GRANTS.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2000 through 2010 to carry out subsection (b).

''SEC. 8. ADMINISTRATIVE GRANT FOR PAPA OLA LOKAHI.

''(a) IN GENERAL.—In addition to any other grant or contract under this Act, the Secretary may make grants to, or enter into contracts with, Papa Ola Lokahi for—

''(1) coordination, implementation, and updating (as appropriate) of the comprehensive health care master plan developed pursuant to section 5;

''(2) training for the persons described in subparagraphs (B) and (C) of section 7(c)(1);

''(3) identification of and research into the diseases that are most prevalent among Native Hawaiians, including behavioral, biomedical, epidemiological, and health services;

''(4) the development of an action plan outlining the contributions that each member organization of Papa Ola Lokahi will make in carrying out the policy of this Act;

''(5) a clearinghouse function for—

''(A) the collection and maintenance of data associated with the health status of Native Hawaiians;

''(B) the identification and research into diseases affecting Native Hawaiians; and

''(C) the availability of Native Hawaiian project funds, research projects and publications;

''(6) the coordination of the health care programs and services provided to Native Hawaiians; and

''(7) the administration of special project funds.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2000 through 2010 to carry out subsection (a).

''SEC. 9. ADMINISTRATION OF GRANTS AND CONTRACTS.

''(a) TERMS AND CONDITIONS.—The Secretary shall include in any grant made or contract entered into under this Act such terms and conditions as the Secretary considers necessary or appropriate to ensure that the objectives of such grant or contract are achieved.

''(b) PERIODIC REVIEW.—The Secretary shall periodically evaluate the performance of, and compliance with, grants and contracts under this Act.

''(c) ADMINISTRATIVE REQUIREMENTS.—The Secretary may not make a grant or enter into a contract under this Act with an entity unless the entity—

''(1) agrees to establish such procedures for fiscal control and fund accounting as may be necessary to ensure proper disbursement and accounting with respect to the grant or contract;

''(2) agrees to ensure the confidentiality of records maintained on individuals receiving health services under the grant or contract;

''(3) with respect to providing health services to any population of Native Hawaiians, a substantial portion of which has a limited ability to speak the English language—

''(A) has developed and has the ability to carry out a reasonable plan to provide health services under the grant or contract through individuals who are able to communicate with the population involved in the language and cultural context that is most appropriate; and

''(B) has designated at least 1 individual, fluent in both English and the appropriate language, to assist in carrying out the plan;

''(4) with respect to health services that are covered in the plan of the State of Hawaii approved under title XIX of the Social Security Act—

''(A) if the entity will provide under the grant or contract any such health services directly—

''(i) the entity has entered into a participation agreement under such plans; and

''(ii) the entity is qualified to receive payments under such plan; and

''(B) if the entity will provide under the grant or contract any such health services through a contract with an organization—

''(i) the organization has entered into a participation agreement under such plan; and

''(ii) the organization is qualified to receive payments under such plan; and

''(5) agrees to submit to the Secretary and to Papa Ola Lokahi an annual report that describes the use and costs of health services provided under the grant or contract (including the average cost of health services per user) and that provides such other information as the Secretary determines to be appropriate.

''(d) CONTRACT EVALUATION.—

''(1) DETERMINATION OF NONCOMPLIANCE.—If, as a result of evaluations conducted by the Secretary, the Secretary determines that an entity has not complied with or satisfactorily performed a contract entered into under section 7, the Secretary shall, prior to renewing such contract, attempt to resolve the areas of noncompliance or unsatisfactory performance and modify such contract to prevent future occurrences of such noncompliance or unsatisfactory performance.

''(2) NONRENEWAL.—If the Secretary determines that the noncompliance or unsatisfactory performance described in paragraph (1) with respect to an entity cannot be resolved and prevented in the future, the Secretary shall not renew the contract with such entity and may enter into a contract under section 7 with another entity referred to in subsection (a)(3) of such section that provides services to the same population of Native Hawaiians which is served by the entity whose contract is not renewed by reason of this paragraph.

''(3) CONSIDERATION OF RESULTS.—In determining whether to renew a contract entered into with an entity under this Act, the Secretary shall consider the results of the evaluations conducted under this section.

''(4) APPLICATION OF FEDERAL LAWS.—All contracts entered into by the Secretary under this Act shall be in accordance with all Federal contracting laws and regulations, except that, in the discretion of the Secretary, such contracts may be negotiated without advertising and may be exempted from the provisions of the Act of August 24, 1935 (40 U.S.C. 270a et seq.).

''(5) PAYMENTS.—Payments made under any contract entered into under this Act may be made in advance, by means of reimbursement, or in installments and shall be made on such conditions as the Secretary deems necessary to carry out the purposes of this Act.

''(e) LIMITATION ON USE OF FUNDS FOR ADMINISTRATIVE EXPENSES.—Except with respect to grants and contracts under section 8, the Secretary may not make a grant to, or enter into a contract with, an entity under this Act unless the entity agrees that the entity will not expend more than 15 percent of the amounts received pursuant to this Act for the purpose of administering the grant or contract.

''(f) REPORT.—

''(1) IN GENERAL.—For each fiscal year during which an entity receives or expends funds pursuant to a grant or contract under this Act, such entity shall submit to the Secretary and to Papa Ola Lokahi an annual report—

''(A) on the activities conducted by the entity under the grant or contract;

''(B) on the amounts and purposes for which Federal funds were expended; and

''(C) containing such other information as the Secretary may request.

''(2) AUDITS.—The reports and records of any entity concerning any grant or contract under this Act shall be subject to audit by the Secretary, the Inspector General of the Department of Health and Human Services, and the Comptroller General of the United States.

''(g) ANNUAL PRIVATE AUDIT.—The Secretary shall allow as a cost of any grant made or contract entered into under this Act the cost of an annual private audit conducted by a certified public accountant.

''SEC. 10. ASSIGNMENT OF PERSONNEL.

''(a) IN GENERAL.—The Secretary may enter into an agreement with any entity under which the Secretary may assign personnel of the Department of Health and Human Services with expertise identified by such entity to such entity on detail for the purposes of providing comprehensive health promotion and disease prevention services to Native Hawaiians.

''(b) APPLICABLE FEDERAL PERSONNEL PROVISIONS.—Any assignment of personnel made by the Secretary under any agreement entered into under subsection (a) shall be treated as an assignment of Federal personnel to a local government that is made in accordance with subchapter VI of chapter 33 of title 5, United States Code.

''SEC. 11. NATIVE HAWAIIAN HEALTH SCHOLARSHIPS AND FELLOWSHIPS.

''(a) ELIGIBILITY.—Subject to the availability of amounts appropriated under subsection (c), the Secretary shall provide funds through a direct grant or a cooperative agreement to Kamehameha Schools Bishop Estate or another Native Hawaiian organization or health care organization with experience in the administration of educational scholarships or placement services for the purpose of providing scholarship assistance to students who—

''(1) meet the requirements of section 338A of the Public Health Service Act, except for assistance as provided for under subsection (b)(2); and

''(2) are Native Hawaiians.

''(b) TERMS AND CONDITIONS.—

''(1) IN GENERAL.—The scholarship assistance under subsection (a) shall be provided under the same terms and subject to the same conditions, regulations, and rules as apply to scholarship assistance provided under section 338A of the Public Health Service Act (except as provided for in paragraph (2)), except that—

''(A) the provision of scholarships in each type of health care profession training shall correspond to the need for each type of health care professional to serve the Native Hawaiian health care systems identified by Papa Ola Lokahi;

''(B) to the maximum extent practicable, the Secretary shall select scholarship recipients from a list of eligible applicants submitted by the Kamehameha Schools Bishop Estate or the Native Hawaiian organization administering the program;

''(C) the obligated service requirement for each scholarship recipient (except for those receiving assistance under paragraph (2)) shall be fulfilled through service, in order of priority, in—

''(i) any one of the Native Hawaiian health care systems; or

''(ii) health professions shortage areas, medically underserved areas, or geographic areas or facilities similarly designated by the United States Public Health Service in the State of Hawaii;

''(D) the provision of counseling, retention and other support services shall not be limited to scholarship recipients, but shall also include recipients of other scholarship and financial aid programs enrolled in appropriate health professions training programs.

''(E) financial assistance may be provided to scholarship recipients in those health professions designated in such section 338A while they are fulfilling their service requirement in any one of the Native Hawaiian health care systems or community health centers.

''(2) FELLOWSHIPS.—Financial assistance through fellowships may be provided to Native Hawaiian applicants accepted and participating in a certificated program provided by a traditional Native Hawaiian healer in

traditional Native Hawaiian healing practices including lomi-lomi, la'au lapa'au, and ho'oponopono. Such assistance may include a stipend or reimbursement for costs associated with participation in the program.

''(3) RIGHTS AND BENEFITS.—Scholarship recipients in health professions designated in section 338A of the Public Health Service Act while fulfilling their service requirements shall have all the same rights and benefits of members of the National Health Service Corps during their period of service.

''(4) NO INCLUSION OF ASSISTANCE IN GROSS INCOME.—Financial assistance provided to scholarship recipients for tuition, books and other school-related expenditures under this section shall not be included in gross income for purposes of the Internal Revenue Code of 1986.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2000 through 2010 for the purpose of funding the scholarship assistance program under subsection (a).

''SEC. 12. REPORT.

''The President shall, at the time the budget is submitted under section 1105 of title 31, United States Code, for each fiscal year transmit to Congress a report on the progress made in meeting the objectives of this Act, including a review of programs established or assisted pursuant to this Act and an assessment and recommendations of additional programs or additional assistance necessary to, at a minimum, provide health services to Native Hawaiians, and ensure a health status for Native Hawaiians, which are at a parity with the health services available to, and the health status of, the general population.

''SEC. 13. DEMONSTRATION PROJECTS OF NATIONAL SIGNIFICANCE.

''(a) AUTHORITY AND AREAS OF INTEREST.—The Secretary, in consultation with Papa Ola Lokahi, may allocate amounts appropriated under this Act, or any other Act, to carry out Native Hawaiian demonstration projects of national significance. The areas of interest of such projects may include—

''(1) the education of health professionals, and other individuals in institutions of higher learning, in health and allied health programs in complementary healing practices, including Native Hawaiian healing practices;

''(2) the integration of Western medicine with complementary healing practices including traditional Native Hawaiian healing practices;

''(3) the use of tele-wellness and telecommunications in chronic disease management and health promotion and disease prevention;

''(4) the development of appropriate models of health care for Native Hawaiians and other indigenous people including the provision of culturally competent health services, related activities focusing on wellness concepts, the development of appropriate kupuna care programs, and the development of financial mechanisms and collaborative relationships leading to universal access to health care;

''(5) the development of a centralized database and information system relating to the health care status, heath care needs, and wellness of Native Hawaiians; and

''(6) the establishment of a Native Hawaiian Center of Excellence for Nursing at the University of Hawaii at Hilo, a Native Hawaiian Center of Excellence for Mental Health at the University of Hawaii at Manoa, a Native Hawaiian Center of Excellence for Maternal Health and Nutrition at the Waimanalo Health Center, and a Native Hawaiian Center of Excellence for Research, Training, and Integrated Medicine at Molokai General Hospital.

''(b) NONREDUCTION IN OTHER FUNDING.—The allocation of funds for demonstration projects under subsection (a) shall not result in a reduction in funds required by the Native Hawaiian health care systems, the Native Hawaiian Health Scholarship Program, or Papa Ola Lokahi to carry out their respective responsibilities under this Act.

''SEC. 14. NATIONAL BIPARTISAN COMMISSION ON NATIVE HAWAIIAN HEALTH CARE ENTITLEMENT.

''(a) ESTABLISHMENT.—There is hereby established a National Bipartisan Native Hawaiian Health Care Entitlement Commission (referred to in this Act as the 'Commission').

''(b) MEMBERSHIP.—The Commission shall be composed of 21 members to be appointed as follows:

''(1) CONGRESSIONAL MEMBERS.—

''(A) APPOINTMENT.—Eight members of the Commission shall be members of Congress, of which—

''(i) two members shall be from the House of Representatives and shall be appointed by the Majority Leader;

''(ii) two members shall be from the House of Representatives and shall be appointed by the Minority Leader;

''(iii) two members shall be from the Senate and shall be appointed by the Majority Leader; and

''(iv) two members shall be from the Senate and shall be appointed by the Minority Leader.

''(B) RELEVANT COMMITTEE MEMBERSHIP.—The members of the Commission appointed under subparagraph (A) shall each be members of the committees of Congress that consider legislation affecting the provision of health care to Native Hawaiians and other Native American.

''(C) CHAIRPERSON.—The members of the Commission appointed under subparagraph (A) shall elect the chairperson and vice-chairperson of the Commission.

''(2) HAWAIIAN HEALTH MEMBERS.—Eleven members of the Commission shall be appointed by Hawaiian health entities, of which—

''(A) five members shall be appointed by the Native Hawaiian Health Care Systems;

''(B) one member shall be appointed by the Hawaii State Primary Care Association;

''(C) one member shall be appointed by Papa Ola Lokahi;

''(D) one member shall be appointed by the State Council of Hawaiian Homestead Associations;

''(E) one member shall be appointed by the Office of Hawaiian Affairs; and

''(F) two members shall be appointed by the Association of Hawaiian Civic Clubs and shall represent Native Hawaiian populations on the United States continent.

''(3) SECRETARIAL MEMBERS.—Two members of the Commission shall be appointed by the Secretary and shall possess knowledge of the health concerns and wellness issues facing Native Hawaiians.

''(c) TERMS.—

''(1) IN GENERAL.—The members of the Commission shall serve for the life of the Commission.

''(2) INITIAL APPOINTMENT OF MEMBERS.—The members of the Commission shall be appointed under subsection (b)(1) not later than 90 days after the date of enactment of this Act, and the remaining members of the Commission shall be appointed not later than 60 days after the date on which the members are appointed under such subsection (b)(1).

''(3) VACANCIES.—A vacancy in the membership of the Commission shall be filled in the manner in which the original appointment was made.

''(d) DUTIES OF THE COMMISSION.—The Commission shall carry out the following duties and functions:

''(1) Review and analyze the recommendations of the report of the study committee established under paragraph (3).

''(2) Make recommendations to Congress for the provision of health services to Native Hawaiian individuals as an entitlement, giving due regard to the effects of a program on existing health care delivery systems for Native Hawaiians and the effect of such programs on self-determination and their reconciliation.

''(3) Establish a study committee to be composed of at least 10 members from the Commission, including 4 members of the members appointed under subsection (b)(1), 5 of the members appointed under subsection (b)(2), and 1 of the members appointed by the Secretary under subsection (b)(3), which shall—

''(A) to the extent necessary to carry out its duties, collect and compile data necessary to understand the extent of Native Hawaiian needs with regards to the provision of health services, including holding hearings and soliciting the views of Native Hawaiians and Native Hawaiian organizations, and which may include authorizing and funding feasibility studies of various models for all Native Hawaiian beneficiaries and their families, including those that live on the United States continent;

''(B) make recommendations to the Commission for legislation that will provide for the culturally-competent and appropriate provision of health services for Native Hawaiians as an entitlement, which shall, at a minimum, address issues of eligibility and benefits to be provided, including recommendations regarding from whom such health services are to be provided and the cost and mechanisms for funding of the health services to be provided;

''(C) determine the effect of the enactment of such recommendations on the existing system of delivery of health services for Native Hawaiians;

''(D) determine the effect of a health service entitlement program for Native Hawaiian individuals on their self-determination and the reconciliation of their relationship with the United States;

''(E) not later than 12 months after the date of the appointment of all members of the Commission, make a written report of its findings and recommendations to the Commission, which report shall include a statement of the minority and majority position of the committee and which shall be disseminated, at a minimum, to Native Hawaiian organizations and agencies and health organizations referred to in subsection (b)(2) for comment to the Commission; and

''(F) report regularly to the full Commission regarding the findings and recommendations developed by the committee in the course of carrying out its duties under this section.

''(4) Not later than 18 months after the date of the appointment of all members of the Commission, submit a written report to Congress containing a recommendation of policies and legislation to implement a policy that would establish a health care system for Native Hawaiians, grounded in their culture, and based on the delivery of health services as an entitlement, together with a determination of the implications of such an entitlement system on existing health care delivery systems for Native Hawaiians and their self-determination and the reconciliation of their relationship with the United States.

''(e) ADMINISTRATIVE PROVISIONS.—

''(1) COMPENSATION AND EXPENSES.—

''(A) CONGRESSIONAL MEMBERS.—Each member of the Commission appointed under subsection (b)(1) shall not receive any additional compensation, allowances, or benefits by reason of their service on the Commission. Such members shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

''(B) OTHER MEMBERS.—The members of the Commission appointed under paragraphs (2) and (3) of subsection (b) shall, while serving on the business of the Commission (including travel time), receive compensation at the per diem equivalent of the rate provided for individuals under level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while serving away from their home or regular place of business, be allowed travel expenses, as authorized by the chairperson of the Commission.

''(C) OTHER PERSONNEL.—For purposes of compensation (other than compensation of the members of the Commission) and employment benefits, rights, and privileges, all personnel of the Commission shall be treated as if they were employees of the Senate.

''(2) MEETINGS AND QUORUM.—

''(A) MEETINGS.—The Commission shall meet at the call of the chairperson.

''(B) QUORUM.—A quorum of the Commission shall consist of not less than 12 members, of which—

''(i) not less than 4 of such members shall be appointees under subsection (b)(1)l;

''(ii) not less than 7 of such members shall be appointees under subsection (b)(2); and

''(iii) not less than 1 of such members shall be an appointee under subsection (b)(3).

''(3) DIRECTOR AND STAFF.—

''(A) EXECUTIVE DIRECTOR.—The members of the Commission shall appoint an executive director of the Commission. The executive director shall be paid the rate of basic pay equal to that under level V of the Executive Schedule under section 5316 of title 5, United States Code.

''(B) STAFF.—With the approval of the Commission, the executive director may appoint such personnel as the executive director deems appropriate.

''(C) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

''(D) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the executive director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

''(E) FACILITIES.—The Administrator of the General Services Administration shall locate suitable office space for the operations of the Commission in the State of Hawaii. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for the proper functioning of the Commission.

''(f) POWERS.—

''(1) HEARINGS AND OTHER ACTIVITIES.—For purposes of carrying out its duties, the Commission may hold such hearings and undertake such other activities as the Commission determines to be necessary to carry out its duties, except that at least 8 hearings shall be held on each of the Hawaiian Islands and 3 hearings in the continental United States in areas where large numbers of Native Hawaiians are present. Such hearings shall be held to solicit the views of Native Hawaiians regarding the delivery of health care services to such individuals. To constitute a hearing under this paragraph, at least 4 members of the Commission, including at least 1 member of Congress, must be present. Hearings held by the study committee established under subsection (d)(3) may be counted towards the number of hearings required under this paragraph.

''(2) STUDIES BY THE GENERAL ACCOUNTING OFFICE.—Upon the request of the Commission, the Comptroller General shall conduct such studies or investigations as the Commission determines to be necessary to carry out its duties.

''(3) COST ESTIMATES.—

''(A) IN GENERAL.—The Director of the Congressional Budget Office or the Chief Actuary of the Health Care Financing Administration, or both, shall provide to the Commission, upon the request of the Commission, such cost estimates as the Commission determines to be necessary to carry out its duties.

''(B) REIMBURSEMENTS.—The Commission shall reimburse the Director of the Congressional Budget Office for expenses relating to the employment in the office of the Director of such additional staff as may be necessary for the Director to comply with requests by the Commission under subparagraph (A).

''(4) DETAIL OF FEDERAL EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency is authorized to detail, without reimbursement, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employees.

''(5) TECHNICAL ASSISTANCE.—Upon the request of the Commission, the head of any Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

''(6) USE OF MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

''(7) OBTAINING INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable the Commission to carry out its duties, if the information may be disclosed under section 552 of title 5, United States Code. Upon request of the chairperson of the Commission, the head of such agency shall furnish such information to the Commission.

''(8) SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

''(9) PRINTING.—For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of Congress.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,500,000 to carry out this section. The amount appropriated under this subsection shall not result in a reduction in any other appropriation for health care or health services for Native Hawaiians.

''SEC. 15. RULE OF CONSTRUCTION.

''Nothing in this Act shall be construed to restrict the authority of the State of Hawaii to license health practitioners.

''SEC. 16. COMPLIANCE WITH BUDGET ACT.

''Any new spending authority (described in subparagraph (A) of (B) of section 401(c)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 651(c)(2)(A) or (B))) which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided for in appropriation Acts.

''SEC. 17. SEVERABILITY.

''If any provision of this Act, or the application of any such provision to any person or circumstances is held to be invalid, the remainder of this Act, and the application of such provision or amendment to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.''.

By Mr. HATCH (for himself and Mr. LEAHY):

S. 1931. A bill to provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes; to the Committee on the Judiciary.

CIVIL ASSET FORFEITURE REFORM ACT

Mr. HATCH. Mr. President, today Senator LEAHY and I are introducing a civil asset forfeiture reform bill.

First and foremost, I want to emphasize that civil asset forfeiture is an important tool in America's fight against crime and drugs. Last year, the federal government seized nearly $500 million in assets. It is vitally important that the fruits of crime and the property used to commit crimes are forfeited to the government. In recent years, however, there have been numerous examples of civil asset forfeiture actions that should not have been taken. While the vast majority of civil asset forfeiture actions are justified, there have been cases in which government officials did not use good judgment. Some would even say that civil asset forfeiture has been abused in some instances by overzealous law enforcement officials.

I will mention just a few examples of such imprudent civil forfeiture actions. In *United States* v. *$506,231*, 125 F.3d 442 (7th Cir. 1997), the court dismissed a forfeiture action involving $506,231 and scolded the government for its conduct. In this case, state authorities obtained a warrant to search a pizzeria for stolen goods. During the search of the restaurant, authorities did not find any stolen goods, but they did discover a large amount of currency. Criminal charges were not filed against the owners of the restaurant. Nevertheless, alleging that the currency was related to narcotics, the federal government filed a civil complaint for forfeiture of the $506,231.

Four years after the money was seized, the court dismissed the forfeiture complaint and returned the currency to its owner. The court found that the evidence ''does not come close to showing any connection between the money and narcotics,'' that ''there is no evidence that drug trafficking was going on at the pizzeria,'' and that ''nothing ties this money to any narcotics activities that the government knew about or charged, or to any crime that was occurring when the government attempted to seize the property.'' At the conclusion of the case, the court stated that ''we believe the government's conduct in forfeiture cases leaves much to be desired.''

Even more disturbing is *United States* v. *$14,665*, 33 F. Supp. 2d 47 (D. Mass. 1998). In this case, airline officials informed the police that a passenger, Manuel Espinola, was carrying a large amount of currency in a briefcase. The police questioned Espinola about the $14,665 in cash. Espinola, a 23-year-old man who purchased the plane ticket in his own name, told the police that he and his brother earned the money selling personal care products for a company called Equinox International. When the police asked Espinola what the money was going to be used for, he stated that he was planning to move to Las Vegas and intended to use the cash as a down payment on a home. Espinola told police that he did not deposit the currency in a bank because he was afraid that it might be attached due to a prior credit problem. Espinola also gave the police a pager number of a co-worker who he said could verify his employment and his plans in Las Vegas.

Based on Espinola's explanation, the police officer seized the money because the officer believed it was related to purchase narcotics. The officer did not arrest Espinola, who had no criminal record.

After the seizure, in an attempt to get his money back, Espinola submitted documents that largely confirmed his explanation of the currency, including receipts for personal care products from Equinox International and copies of a settlement check from a personal injury claim. By contrast, the government offered no additional evidence that the currency was related to drugs and was subject to forfeiture.

The court granted summary judgment to Espinola and, in its order, harshly criticized the forfeiture action. The court stated: ''Even in the byzantine world of forfeiture law, this case is an example of overreaching. The government's showing of probable cause is completely inadequate, based on a troubling mix of baseless generalizations, leaps of logic or worse, blatant ethnic stereotyping.'' Nearly two years after the police seized his money without any evidence it was related to narcotics, the court returned the currency to Espinola.

Other federal courts have also criticized federal civil forfeiture actions. For example, in 1992, the Second Circuit Court of Appeals stated: ''We continue to be enormously troubled by the government's increasing and virtually unchecked use of the civil forfeiture statutes and the disregard for due process that is buried in those statutes.''

While I believe that these and other cases prove the need for some reform of civil asset forfeiture law, I want to take this opportunity to praise federal law enforcement officials. Federal law enforcement does an outstanding job fighting crime under the most difficult circumstances. In short, Mr. President, I believe that the problems with civil asset forfeiture have much more to do with defects in the law than with the character or competency of federal law enforcement officials. Senator LEAHY and I drafted this bill to improve civil asset forfeiture law and ensure the continued use of civil asset forfeiture in appropriate cases.

The Hatch-Leahy bill makes important improvements to existing law. I will describe a few of these improvements today. The first major reform places the burden of proof in civil asset forfeiture cases on the government throughout the proceeding. Under current law, the government is only required to make an initial showing of probable cause that the property is connected to criminal activity and is thus subject to forfeiture. After the government makes this modest showing, the burden then shifts to the property owner to prove that the property was not involved in criminal activity. Not surprisingly, the fact that the property owner bears the burden of proving the property is not subject to forfeiture has been extensively criticized by the federal judiciary and numerous legal commentators. As one federal court that has been particularly critical of civil asset forfeiture noted, placing the burden of proof on the property owner is a ''constitutional anomaly.'' *United States* v. *$49,576*, 116 F.3d 425 (9th. Cir. 1997). The court in *$49,576* even questioned whether requiring a property owner to bear the burden of proof in a civil forfeiture action is constitutional: ''We would find it surprising were the Constitution to permit such an important decision to turn on a meager burden of proof like probable cause.''

I, too, believe that placing the burden of proof on the property owner contradicts our nation's traditional notions of justice and fairness. Under the Hatch-Leahy bill, the government will have the burden in civil forfeiture actions to prove by the preponderance of the evidence that the property is connected with criminal activity and is subject to forfeiture.

Another major reform in the Hatch-Leahy bill involves what is known as the cost bond. Under current civil forfeiture law, a property owner must post a cost bond of the lessor of $5,000 or 10 percent of the value of the property seized in order to contest a seizure of property. It is important to note that the cost bond merely allows the property owner to contest the forfeiture. It does not entitle the property owner to the return of the property pending trial.

I believe that it is fundamentally unfair to require a person to post a bond in order to be allowed to contest the seizure of property. For example, what if the government required persons who were indicted to post a bond to contest the indictment? Such a requirement would be unconstitutional under the Sixth Amendment. I believe that requiring a property owner to post a bond to contest the seizure of property is no less objectionable. Such a requirement, Mr. President, seems un-American. The framers of our Constitution would be appalled to know that the federal government, after seizing private property, required the property owner to post a bond in order to contest the seizure.

The Justice Department argues that the cost bond requirement reduces frivolous claims. To address this concern, the Hatch-Leahy bill requires that a person who challenges a forfeiture must file his claim to the property under oath, subject to penalty of perjury. I predict that eliminating the cost bond will produce, at most, minor inconveniences because persons who file frivolous claims will be deterred by the substantial legal fees and costs incurred in contesting the forfeiture. After all, who is willing to hire counsel and pay other expenses to litigate a frivolous claim, especially when subject to penalty of perjury?

Another reform in the Hatch-Leahy bill addresses the situation in which the government's possession of seized property pending trial causes hardship to the property owner. Under current law, the government maintains possession of seized property pending trial even if it causes hardship to the property owner. A common example of such hardship is where the government seizes an automobile, and the seizure prevents the property owner or members of the property owner's family from getting to and from work pending the forfeiture trial. The Hatch-Leahy bill changes current law to allow, but not require, the court to release property pending trial if the court determines that the hardship to the property owner of continued possession by the government outweighs the risk that the property will be damaged or lost. This is a common sense reform that allows the court to release property in appropriate cases.

Another reform in the Hatch-Leahy bill involves reimbursement of attorney fees. The Hatch-Leahy bill awards attorney fees and costs to property owners who prevail against the government in civil forfeiture cases. The costs of contesting a civil forfeiture of property can be substantial. The award of attorney fees and costs to property owners who prevail against the government in civil forfeiture cases is justified because unlike criminal forfeiture actions, the property owner is not charged with a crime. Instead, the government proceeds ''in rem'' against the property. Given that the government does not sue or indict the property owner, it is unfair for the property owner to have to incur attorney fees and costs when the government does not prevail in civil forfeiture actions.

The award of attorney fees is also justified because the government only has to prove its case against the property by a preponderance of the evidence. By contrast, the government must prove beyond a reasonable doubt that property is subject to forfeiture in

criminal forfeiture actions. If the government decides to pursue a civil forfeiture action instead of the more difficult to prove criminal forfeiture action, it should be obligated to pay the attorney fees and costs of the property owner when the property owner prevails.

Mr. President, I would like to emphasize that while the Hatch-Leahy Civil Asset Forfeiture Reform Act contains important reforms; it retains civil forfeiture as an important tool for law enforcement. In fact, the Hatch-Leahy bill is a cautious, responsible reform. Some would even argue that this bill is too modest.

A comparison of the reforms enacted by the State of California in 1993 is instructive. For example, California changed its civil forfeiture law to require the government to prove beyond a reasonable doubt and achieve a related criminal conviction in most civil asset forfeiture cases. The exception to this rule in California involves seizures of currency in excess of $25,000. In these cases, the State must prove the currency is subject to forfeiture by clear and convincing evidence. Also, California abolished the cost bond in civil forfeiture cases.

In short, California's reforms go far beyond anything in the Hatch-Leahy bill, but these reforms have not undermined civil asset forfeiture as a law enforcement tool. The modest reforms in the Hatch-Leahy bill will add much needed protections for property owners at no significant costs to law enforcement. By making these needed reforms, the Hatch-Leahy bill will preserve civil forfeiture as a law enforcement tool for the future.

Lastly, I would like to thank Senator LEAHY and his staff for their tireless effort on this legislation. Senator LEAHY has been an advocate for civil asset forfeiture reform for many years. He is one of the leading champions of civil liberties in the Senate. This legislation would not have occurred without his interest and persistence, and I thank him for his efforts.

I ask unanimous consent that the bill and a section-by-section summary of the bill be included in the RECORD.

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

S. 1931

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 ''Civil Asset Forfeiture Reform Act''.

SEC. 2. CREATION OF GENERAL RULES RELATING TO CIVIL FORFEITURE PROCEEDINGS.

(a) IN GENERAL.—Chapter 46 of title 18, United States Code, is amended by inserting after section 981 the following:

''§ 981A. General rules for civil forfeiture proceedings

''(a) NOTICE; CLAIM; COMPLAINT.—(1)(A)(i) Except as provided in clauses (ii) and (iii), in any nonjudicial civil forfeiture proceeding under a civil forfeiture statute, with respect to which the Government must send written notice to interested parties, such notice shall be sent in a manner to achieve proper service as soon as practicable, and in no case more than 60 days after the date of the seizure.

''(ii) In a case in which the property is seized by a State or local law enforcement agency and turned over to a Federal law enforcement agency for the purpose of forfeiture under Federal law, notice shall be sent no more than 90 days after the date of seizure by the State or local law enforcement agency.

''(iii) If the identity or interest of a party is not determined until after the seizure or turnover but is determined before a declaration of forfeiture is entered, notice shall be sent to such interested party not later than 60 days after the determination by the Government of the identity of the party or the party's interest.

''(B) A court shall extend the period for sending notice under subparagraph (A) for a period not to exceed 60 days (which period may be further extended), if the court determines, based on a written ex parte certification of a supervisory official of the seizing agency, that there is reason to believe that notice may have an adverse result, including—

''(i) endangering the life or physical safety of an individual;

''(ii) flight from prosecution;

''(iii) destruction of or tampering with evidence;

''(iv) intimidation of potential witnesses; or

''(v) otherwise seriously jeopardizing an investigation or unduly delaying a trial.

''(C) If the Government does not send notice of a seizure of property in accordance with subparagraph (A) to the person from whom the property was seized, and no extension of time is granted, the Government shall return the property to that person without prejudice to the right of the Government to commence a forfeiture proceeding at a later time.

''(2)(A) Any person claiming property seized in a nonjudicial forfeiture proceeding may file a claim with the appropriate official after the seizure.

''(B) A claim under subparagraph (A) may be filed not later than the deadline set forth in a personal notice letter, except that if that letter is not received, then a claim may be filed not later than 30 days after the date of final publication of notice of seizure.

''(C) The claim shall state the claimant's interest in the property and be made under oath, subject to penalty of perjury. The seizing agency shall make claim forms generally available on request.

''(D) Any person may make a claim under subparagraph (A) without posting bond with respect to the property which is the subject of the claim.

''(3)(A) Not later than 90 days after a claim has been filed, the Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims or return the property pending the filing of a complaint, except that a court in the district in which the complaint will be filed may extend the period for filing a complaint for good cause shown or upon agreement of the parties.

''(B) If the Government does not file a complaint for forfeiture or return the property, in accordance with subparagraph (A), it shall return the property and may not take any further action to effect the civil forfeiture of such property.

''(C) In lieu of, or in addition to, filing a civil forfeiture complaint, the Government may include a forfeiture allegation in a criminal indictment. In such case, the Government's right to continued possession of the property shall be governed by the applicable criminal forfeiture statute.

''(D) No complaint may be dismissed on the ground that the Government did not have adequate evidence at the time the complaint was filed to establish the forfeitability of the property by a preponderance of the evidence.

''(4)(A) In any case in which the Government files in the appropriate United States district court a complaint for forfeiture of property, any person claiming an interest in the seized property may file a claim asserting such person's interest in the property in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims, except that such claim may be filed not later than 30 days after the date of service of the Government's complaint or, as applicable, not later than 30 days after the date of final publication of notice of the filing of the complaint.

''(B) A person asserting an interest in seized property, in accordance with subparagraph (A), shall file an answer to the Government's complaint for forfeiture not later than 20 days after the date of the filing of the claim.

''(b) APPOINTMENT OF COUNSEL.—(1) If—

''(A) a person in a judicial civil forfeiture proceeding under a civil forfeiture statute is financially unable to obtain representation by counsel; and

''(B)(i) the property subject to forfeiture is real property that is being used by the person as a primary residence; or

''(ii) the person is represented by counsel appointed under section 3006A of this title in connection with a related criminal case;

the court may appoint or authorize counsel to represent that person with respect to the claim, as appropriate.

''(2) In determining whether to appoint or authorize counsel to represent a person asserting a claim under this subsection, the court shall take into account such factors as—

''(A) the person's standing to contest the forfeiture; and

''(B) whether the claim appears to be made in good faith.

''(3) The court shall set the compensation for representation under this subsection, which shall be equivalent to that provided for court-appointed representation under section 3006A of this title.

''(c) BURDEN OF PROOF.—In all suits or actions brought under any civil forfeiture statute for the civil forfeiture of any property, the burden of proof is on the Government to establish, by a preponderance of the evidence, that the property is subject to forfeiture. The Government may use evidence gathered after the filing of a complaint for forfeiture to establish, by a preponderance of the evidence, that property is subject to forfeiture.

''(d) INNOCENT OWNER DEFENSE.—(1) An innocent owner's interest in property shall not be forfeited under any civil forfeiture statute. The claimant shall have the burden of proving that he is an innocent owner by a preponderance of the evidence.

''(2)(A) With respect to a property interest in existence at the time the illegal conduct giving rise to forfeiture took place, the term 'innocent owner' means an owner who—

''(i) did not know of the conduct giving rise to forfeiture; or

''(ii) upon learning of the conduct giving rise to the forfeiture, did all that reasonably could be expected under the circumstances to terminate such use of the property.

''(B)(i) For the purposes of this paragraph, ways in which a person may show that such person did all that reasonably could be expected may include demonstrating that such person, to the extent permitted by law—

''(I) gave timely notice to an appropriate law enforcement agency of information that led the person to know the conduct giving rise to a forfeiture would occur or has occurred; and

''(II) in a timely fashion revoked or attempted to revoke permission for those engaging in such conduct to use the property or took reasonable actions in consultation with a law enforcement agency to discourage or prevent the illegal use of the property.

''(ii) A person is not required by this subparagraph to take steps that the person reasonably believes would be likely to subject any person (other than the person whose conduct gave rise to the forfeiture) to physical danger.

''(3)(A) With respect to a property interest acquired after the conduct giving rise to the forfeiture has taken place, the term 'innocent owner' means a person who, at the time that person acquired the interest in the property—

''(i) was a bona fide purchaser or seller for value (including a purchaser or seller of goods or services for value); and

''(ii) did not know and was reasonably without cause to believe that the property was subject to forfeiture.

''(B) An otherwise valid claim under subparagraph (A) shall not be denied on the ground that the claimant gave nothing of value in exchange for the property if—

''(i) the property is the primary residence of the claimant;

''(ii) depriving the claimant of the property would deprive the claimant of the claimant's only means of maintaining adequate shelter in the community for the claimant and all dependents residing with the claimant;

''(iii) the property is not, and is not traceable to, the proceeds of any criminal offense; and

''(iv) the claimant acquired his or her interest in the property through marriage, divorce, or legal separation, or the claimant was the spouse or legal dependent of a person whose death resulted in the transfer of the property to the claimant through inheritance or probate;

except that the court shall limit the value of any real property interest for which innocent ownership is recognized under this subparagraph to the value necessary to maintain adequate shelter in the community for such claimant and all dependents residing with the claimant.

''(4) Notwithstanding any provision of this subsection, no person may assert an ownership interest under this subsection in contraband or other property that it is illegal to possess.

''(e) MOTION TO SET ASIDE FORFEITURE.—(1) Any person entitled to written notice in any nonjudicial civil forfeiture proceeding under a civil forfeiture statute who does not receive such notice may file a motion to set aside a declaration of forfeiture with respect to that person's interest in the property, which motion shall be granted if—

''(A) the Government knew, or reasonably should have known, of the moving party's interest and failed to take reasonable steps to provide such party with notice; and

''(B) the moving party did not know or have reason to know of the seizure within sufficient time to file a timely claim.

''(2) If the court grants a motion under paragraph (1), the court shall set aside the declaration of forfeiture as to the interest of the moving party without prejudice to the right of the Government to commence a subsequent forfeiture proceeding as to the interest of the moving party, which proceeding shall be instituted within 60 days of the entry of the order granting the motion.

''(3) A motion under paragraph (1) may be filed not later than 6 years after the date that the claimant discovered or had reason to discover that the property was forfeited, subject to the doctrine of laches, except that no motion may be filed more than 11 years after the date that the Government's forfeiture cause of action accrued.

''(f) RELEASE OF SEIZED PROPERTY.—(1) A claimant under subsection (a) is entitled to immediate release of seized property if—

''(A) the claimant has a possessory interest in the property;

''(B) the claimant has sufficient ties to the community to provide assurance that the property will be available at the time of the trial;

''(C) the continued possession by the Government pending the final disposition of forfeiture proceedings will cause substantial hardship to the claimant, such as preventing the functioning of a business, preventing an individual from working, or leaving an individual homeless;

''(D) the claimant's likely hardship from the continued possession by the Government of the seized property outweighs the risk that the property will be destroyed, damaged, lost, concealed, or transferred if it is returned to the claimant during the pendency of the proceeding; and

''(E) none of the conditions set forth in paragraph (7) applies.

''(2) A claimant seeking release of property under this subsection must request possession of the property from the appropriate official, and the request must set forth the basis on which the requirements of paragraph (1) are met.

''(3) If not later than 10 days after the date of a request under paragraph (2) the property has not been released, the claimant may file a motion or complaint in the district court in which the complaint has been filed or, if no complaint has been filed, any district court that would have jurisdiction of forfeiture proceedings relating to the property, setting forth—

''(A) the basis on which the requirements of paragraph (1) are met; and

''(B) the steps the claimant has taken to secure release of the property from the appropriate official.

''(4) The court shall render a decision on a motion or complaint filed under paragraph (3) no later than 30 days after the date of the filing, unless such 30-day limitation is extended by consent of the parties or by the court for good cause shown.

''(5) If—

''(A) a motion or complaint is filed under paragraph (3); and

''(B) the claimant demonstrates that the requirements of paragraph (1) have been met; the district court shall order that the property be returned to the claimant, pending completion of proceedings by the Government to obtain forfeiture of the property.

''(6) If the court grants a motion or complaint under paragraph (3)—

''(A) the court may enter any order necessary to ensure that the value of the property is maintained while the forfeiture action is pending, including—

''(i) permitting the inspection, photographing, and inventory of the property;

''(ii) fixing a bond in accordance with rule E(5) of the Supplemental Rules for Certain Admiralty and Maritime Claims; and

''(iii) requiring the claimant to obtain or maintain insurance on the subject property; and

''(B) the Government may place a lien against the property or file a lis pendens to ensure that the property is not transferred to another person.

''(7) This subsection shall not apply if the seized property—

''(A) is contraband, currency or other monetary instrument, or electronic funds unless such currency or other monetary instrument or electronic funds constitutes the assets of a legitimate business which has been seized;

''(B) is to be used as evidence of a violation of the law;

''(C) by reason of design or other characteristic, is particularly suited for use in illegal activities; or

''(D) is likely to be used to commit additional criminal acts if returned to the claimant.

''(g) PROPORTIONALITY.—The claimant may petition the court to determine whether the forfeiture was constitutionally excessive. In making this determination, the court shall compare the forfeiture to the gravity of the offense giving rise to the forfeiture. If the court finds that the forfeiture is grossly disproportional to the offense it shall reduce or eliminate the forfeiture as necessary. The claimant shall have the burden of establishing that the forfeiture is grossly disproportional by a preponderance of the evidence at a hearing conducted by the court without a jury.

''(h) DEFINITIONS.—In this section:

''(1)(A) Except as provided in subparagraph (B), the term 'civil forfeiture statute' means any provision of Federal law providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense.

''(B) The term 'civil forfeiture statute' does not include—

''(i) the Tariff Act of 1930 or any other provision of law codified in title 19;

''(ii) the Internal Revenue Code of 1986;

''(iii) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.);

''(iv) the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.); or

''(v) section 1 of title VI of the Act of June 15, 1917 (40 Stat. 233; 22 U.S.C. 401).

''(2)(A) The term 'owner' means a person with an ownership interest in the specific property sought to be forfeited, including a leasehold, lien, mortgage, recorded security interest, or valid assignment of an ownership interest.

''(B) The term 'owner' does not include—

''(i) a person with only a general unsecured interest in, or claim against, the property or estate of another;

''(ii) a bailee unless the bailor is identified and the bailee shows a colorable legitimate interest in the property seized; or

''(iii) a nominee who exercises no dominion or control over the property.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 46 of title 18, United States Code, is amended by inserting after the item relating to section 981 the following:

''981A. General rules for civil forfeiture proceedings.''.

SEC. 3. COMPENSATION FOR DAMAGE TO SEIZED PROPERTY.

(a) TORT CLAIMS ACT.—Section 2680(c) of title 28, United States Code, is amended—

(1) by striking ''any goods or merchandise'' and inserting ''any goods, merchandise, or other property'';

(2) by striking ''law-enforcement'' and inserting ''law enforcement''; and

(3) by inserting before the period at the end the following: '', except that the provisions of this chapter and section 1346(b) of this title apply to any claim based on injury or loss of goods, merchandise, or other property, while in the possession of any officer of customs or excise or any other law enforcement officer, if—

''(1) the property was seized for the purpose of forfeiture under any provision of Federal law providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense;

''(2) the interest of the claimant is not forfeited; and

''(3) the claimant is not convicted of a crime for which the interest of the claimant in the property would be subject to forfeiture under a Federal criminal forfeiture law.''.

(b) DEPARTMENT OF JUSTICE.—

(1) IN GENERAL.—With respect to a claim that cannot be settled under chapter 171 of title 28, United States Code, the Attorney General may settle, for not more than $50,000 in any case, a claim for damage to, or loss of, privately owned property caused by an investigative or law enforcement officer (as defined in section 2680(h) of title 28, United States Code) who is employed by the Department of Justice acting within the scope of his or her employment.

(2) LIMITATIONS.—The Attorney General may not pay a claim under paragraph (1) that—

(A) is presented to the Attorney General more than 1 year after it occurs; or

(B) is presented by an officer or employee of the Federal Government and arose within the scope of employment.

SEC. 4. ATTORNEY FEES, COSTS, AND INTEREST.

(a) IN GENERAL.—Section 2465 of title 28, United States Code, is amended to read as follows:

''§ 2465. Return of property to claimant; liability for wrongful seizure; attorney fees, costs, and interest

''(a) Upon the entry of a judgment for the claimant in any proceeding to condemn or forfeit property seized or arrested under any provision of Federal law—

''(1) such property shall be returned forthwith to the claimant or his agent; and

''(2) if it appears that there was reasonable cause for the seizure or arrest, the court shall cause a proper certificate thereof to be entered and, in such case, neither the person who made the seizure or arrest nor the prosecutor shall be liable to suit or judgment on account of such suit or prosecution, nor shall the claimant be entitled to costs, except as provided in subsection (b).

''(b)(1) Except as provided in paragraph (2), in any civil proceeding to forfeit property under any provision of Federal law in which the claimant substantially prevails, the United States shall be liable for—

''(A) reasonable attorney fees and other litigation costs reasonably incurred by the claimant;

''(B) post-judgment interest, as set forth in section 1961 of this title; and

''(C) in cases involving currency, other negotiable instruments, or the proceeds of an interlocutory sale—

''(i) interest actually paid to the United States from the date of seizure or arrest of the property that resulted from the investment of the property in an interest-bearing account or instrument; and

''(ii) an imputed amount of interest that such currency, instruments, or proceeds would have earned at the rate described in section 1961, for any period during which no interest was paid (not including any period when the property reasonably was in use as evidence in an official proceeding or in conducting scientific tests for the purpose of collecting evidence).

''(2)(A) The United States shall not be required to disgorge the value of any intangible benefits nor make any other payments to the claimant not specifically authorized by this subsection.

''(B) The provisions of paragraph (1) shall not apply if the claimant is convicted of a crime for which the interest of the claimant in the property would be subject to forfeiture under a Federal criminal forfeiture law.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 163 of title 28, United States Code, is amended by striking the item relating to section 2465 and inserting following:

''2465. Return of property to claimant; liability for wrongful seizure; attorney fees, costs, and interest.''.

SEC. 5. SEIZURE WARRANT REQUIREMENT.

(a) IN GENERAL.—Section 981(b) of title 18, United States Code, is amended to read as follows:

''(b)(1) Except as provided in section 985, any property subject to forfeiture to the United States under subsection (a) may be seized by the Attorney General and, in the case of property involved in a violation investigated by the Secretary of the Treasury or the United States Postal Service, the property may also be seized by the Secretary of the Treasury or the Postal Service, respectively.

''(2) Seizures pursuant to this section shall be made pursuant to a warrant obtained in the same manner as provided for a search warrant under the Federal Rules of Criminal Procedure, except that a seizure may be made without a warrant if—

''(A) a complaint for forfeiture based on probable cause has been filed in the United States district court and the court has issued an arrest warrant in rem pursuant to the Supplemental Rules for Certain Admiralty and Maritime Claims;

''(B) there is probable cause to believe that the property is subject to forfeiture and—

''(i) the seizure is made pursuant to a lawful arrest or search; or

''(ii) another exception to the Fourth Amendment warrant requirement would apply; or

''(C) the property was lawfully seized by a State or local law enforcement agency and has been transferred to a Federal agency in accordance with State law.

''(3) Notwithstanding the provisions of rule 41(a) of the Federal Rules of Criminal Procedure, a seizure warrant may be issued pursuant to this subsection by a judicial officer in any district in which a forfeiture action against the property may be filed under section 1355(b) of title 28, and executed in any district in which the property is found.''.

(b) DRUG FORFEITURES.—Section 511(b) of the Controlled Substances Act (21 U.S.C. 881(b)) is amended to read as follows:

''(b) SEIZURE PROCEDURES.—Any property subject to forfeiture to the United States under this section may be seized by the Attorney General in the manner set forth in section 981(b) of title 18, United States Code.''.

SEC. 6. USE OF FORFEITED FUNDS TO PAY RESTITUTION TO CRIME VICTIMS.

Section 981(e) of title 18, United States Code, is amended by striking paragraph (6) and inserting the following:

''(6) as restoration to any victim of the offense giving rise to the forfeiture, including, in the case of a money laundering offense, any offense constituting the underlying specified unlawful activity; or''.

SEC. 7. CIVIL FORFEITURE OF REAL PROPERTY.

(a) IN GENERAL.—Chapter 46 of title 18, United States Code, is amended by inserting after section 984 the following:

''§ 985. Civil forfeiture of real property

''(a) Notwithstanding any other provision of law, all civil forfeitures of real property and interests in real property shall proceed as judicial forfeitures.

''(b)(1) Except as provided in this section—

''(A) real property that is the subject of a civil forfeiture action shall not be seized before entry of an order of forfeiture; and

''(B) the owners or occupants of the real property shall not be evicted from, or otherwise deprived of the use and enjoyment of, real property that is the subject of a pending forfeiture action.

''(2) The filing of a lis pendens and the execution of a writ of entry for the purpose of conducting an inspection and inventory of the property shall not be considered a seizure under this subsection.

''(c)(1) The Government shall initiate a civil forfeiture action against real property by—

''(A) filing a complaint for forfeiture;

''(B) posting a notice of the complaint on the property; and

''(C) serving notice on the property owner, along with a copy of the complaint.

''(2) If the property owner cannot be served with the notice under paragraph (1) because the owner—

''(A) is a fugitive;

''(B) resides outside the United States and efforts at service pursuant to Rule 4 of the Federal Rules of Civil Procedure are unavailing; or

''(C) cannot be located despite the exercise of due diligence,

constructive service may be made in accordance with the laws of the State in which the property is located.

''(3) If real property has been posted in accordance with this subsection, it shall not be necessary for the court to issue an arrest warrant in rem, or to take any other action to establish in rem jurisdiction over the property.

''(d) Real property may be seized prior to the entry of an order of forfeiture if—

''(1) the Government notifies the court that it intends to seize the property before trial; and

''(2) the court—

''(A) issues a notice of application for warrant, causes the notice to be served on the property owner and posted on the property, and conducts a hearing to determine if there is probable cause for the forfeiture; or

''(B) makes an ex parte determination that there is probable cause for the forfeiture and that there are exigent circumstances that permit the government to seize the property without prior notice and an opportunity for the property owner to be heard.

For purposes of paragraph (2)(B), to establish exigent circumstances, the Government shall show that less restrictive measures such as a lis pendens, restraining order, or bond would not suffice to protect the Government's interests in preventing the sale, destruction, or continued unlawful use of the real property.

''(e) If the court authorizes a seizure of real property under subsection (d)(2), it shall conduct a prompt post-seizure hearing during which the property owner shall have an opportunity to contest the basis for the seizure.

''(f) This section—

''(1) applies only to civil forfeitures of real property and interests in real property;

''(2) does not apply to forfeitures of the proceeds of the sale of such property or interests, or of money or other assets intended to be used to acquire such property or interests; and

''(3) shall not affect the authority of the court to enter a restraining order relating to real property.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 46 of title 18, United States Code, is amended by inserting after the item relating to section 984 the following:

''985. Civil forfeiture of real property.''.

SEC. 8. APPLICABILITY.

This Act and the amendments made by this Act shall apply to any forfeiture proceeding commenced on or after the date of enactment of this Act.

HATCH/LEAHY CIVIL ASSET FORFEITURE REFORM ACT—SECTION-BY-SECTION SUMMARY

OVERVIEW

The Hatch/Leahy Civil Asset Forfeiture Reform Act would provide a more uniform procedure for federal civil asset forfeitures while increasing the due process safeguards for property owners. Among other things, the bill (1) places the burden of proof in civil forfeiture proceedings upon the government, by a preponderance of the evidence; (2) allows for the provision of counsel to indigent claimants where the property at issue is the claimant's primary residence, and where the claimant is represented by court-appointed counsel in connection with a related criminal case; (3) requires the government to pay attorney fees, costs and interest in any civil forfeiture proceeding in which the claimant substantially prevails; (4) eliminates the cost bond requirement; (5) creates a uniform innocent owner defense; (6) allows property owners more time to challenge a seizure; (7) codifies existing practice with respect to Eighth Amendment proportionality review and seizures of real property; (8) permits the pre-adjudication return of property to owners upon a showing of hardship; and (9) allows property owners to sue the government for any damage to their property.

SECTION-BY-SECTION SUMMARY

SEC. 2. CREATION OF GENERAL RULES RELATING TO CIVIL FORFEITURE PROCEEDINGS.

Creates a new section in federal criminal code (18 U.S.C. §981A) that establishes general rules for virtually all proceedings under a federal civil forfeiture statute.

Notice; claim; complaint. Subsection (a) establishes general procedures and deadlines for initiating civil forfeiture proceedings.

Paragraph (1) provides that, in general, a Federal law enforcement agency has 60 days to send notice of a seizure of property. A court shall extend the period for sending notice for 60 days upon written ex parte certification by the seizing agency that notice may have an adverse result. If the government fails to send notice, it must return the property, without prejudice to the right of the Government to commence a forfeiture proceeding at a later time.

Paragraph (2) allows property owners more time to challenge a seizure. Any person claiming an interest in seized property may file a claim not later than the deadline set forth in a personal notice letter, except that if such letter is not received, then a claim may be filed not later than 30 days after the date of final publication of notice of seizure. Claims shall be made under oath, subject to penalty of perjury. No cost bond need be posted.

Paragraph (3) allows the government 90 days after a claim has been filed to file a complaint for forfeiture or return the property, except that a court may extend the time for filing a complaint for good cause shown or upon agreement of the parties. If the government does not comply with this rule, it may not take further action to effect forfeiture of the property.

Paragraph (4) provides that any person claiming an interest in seized property must file a claim in court not later than 30 days after service of the government's complaint or, where applicable, not later than 30 days after final publication of notice of seizure. A claimant must file an answer to the government's complaint within 20 days of the filing of such claim.

Appointment of counsel. Subsection (b) permits a court to appoint counsel to represent an indigent claimant in a judicial civil forfeiture proceeding if the property subject to forfeiture is real property used by the claimant as a primary residence, or the claimant is already represented by a court-appointed attorney in connection with a related Federal criminal case.

Burden of proof. Subsection (c) shifts the burden of proof in civil asset forfeiture cases to the government, by a preponderance of the evidence. It also makes clear that the government may use evidence gathered after the filing of a complaint to meet that burden of proof.

Innocent owner. Subsection (d) codifies a uniform innocent owner defense. With respect to a property interest in existence at the time the illegal conduct giving rise to forfeiture took place, ''innocent owner'' means an owner who did not know of the conduct giving rise to forfeiture or who, upon learning of such conduct, did all that reasonably could be expected under the circumstances to terminate such use of the property. With respect to a property interest acquired after the conduct giving rise to the forfeiture has taken place, ''innocent owner'' means a person who, at the time that person acquired the interest in property, was a bona fide purchaser or seller for value and reasonably without cause to believe that the property was subject to forfeiture or, in limited circumstances involving a principal residence, a spouse or legal dependent.

Motion to set aside declaration of forfeiture. Subsection (e) provides that a person who was entitled to notice of a nonjudicial civil forfeiture who did not receive such notice may file a motion to set aside a declaration of forfeiture with respect to his or her interest in the property. This subsection codifies current case law holding that such motion must be filed not later than 6 years after the date that the claimant discovered or had reason to discover that the property was forfeited, but in no event more than 11 years after the government's cause of action in forfeiture accrued. The common law doctrine of laches applies to any motion made under this subsection. If such motion is granted, the government has 60 days to reinstitute proceedings against the property.

Release of property to avoid hardship. Subsection (f) entitles a claimant to immediate release of seized property in certain cases of hardship. Among other things, the claimant must have sufficient ties to the community to provide assurance that the property will be available at the time of the trial, the claimant's likely hardship from such continued possession outweighs the risk that the property will be destroyed, damaged, lost, concealed, or transferred if it is returned to the claimant during the pendency of the preceding. Hardship return of property does not apply to contraband, currency, electronic funds, property that is evidence of a crime, property that is specially designed to use in a crime, or any other item likely to be used to commit additional crimes if returned.

Proportionality review. Subsection (g) implements United States v. Bajakajian, 524 U.S. 321 (1998), which held that a punitive forfeiture violates the Excessive Fines Clause of the Eighth Amendment if it is grossly disproportionate to the gravity of the offense.

SEC. 3. COMPENSATION FOR DAMAGE TO SEIZED PROPERTY.

Amends the federal Tort Claims Act to apply to claims based on injury or loss of property while in the possession of the government, if the property was seized for the purpose of forfeiture but the interest of the claimant was not forfeited.

SEC. 4. ATTORNEY FEES, COSTS AND INTEREST.

Amends 28 U.S.C. §2465 to provide that, with limited exceptions, in any civil proceeding to forfeit property in which the claimant substantially prevails, the United States shall be liable for (1) reasonable attorney fees and other litigation costs reasonably incurred by the claimant; (2) post-judgment interest; and (3) in cases involving currency, negotiable instruments, or the proceeds of an interlocutory sale, any interest actually paid to the United States, or imputed interest (except where the property was in use as evidence or for testing).

SEC. 5. SEIZURE WARRANT REQUIREMENT.

Amends 18 U.S.C. §981(b) to require that seizures be made pursuant to a warrant obtained in the same manner as provided for a search warrant under the Federal Rules of Criminal Procedure, with limited exceptions.

SEC. 6. CIVIL FORFEITURE OF REAL PROPERTY.

Implements United States v. James Daniel Good Real Property, 510 U.S. 43 (1993), which held that real property may not be seized, except in exigent circumstances, without giving a property owner notice of the proposed seizure and an opportunity for an adversarial hearing. All forfeitures of real property must proceed as judicial forfeitures. Real property may be seized before entry of an order of forfeiture only if notice has been served on the property owner and the court determines that there is probable cause for the forfeiture, or if the court makes an ex parte determination that there is probable cause for the forfeiture and exigent circumstances justify immediate seizure without a pre-seizure hearing.

SEC. 7. APPLICABILITY.

Provides that all changes in the bill apply prospectively.

Mr. LEAHY. Mr. President, asset forfeiture is a powerful crime-fighting tool. It has been a particularly potent weapon in the war on drugs, allowing the government to take the cars and boats and stash houses amassed by drug dealers and put them to honest use. Last year alone, the government was able to seize nearly half a billion dollars worth of assets, cutting a big chunk out of criminals' profit stream and returning it to the law-abiding community.

Unfortunately, our nation's asset forfeiture is not fail-safe; it can be abused. In hearings on this issue, the Judiciary Committee has heard examples of what happens when prosecutorial zeal skirts the boundaries of due process, leading to the taking of private property regardless of whether the owner is innocent of, or even cognizant of, the property's use in an illegal act.

In recent years, our nation's asset forfeiture system has drawn increasing and exceedingly sharp criticism from scholars and commentators. Federal judges have also added their voices to the growing chorus of concern. In 1992, the Second Circuit Court of Appeals stated, ''We continue to be enormously troubled by the government's increasing and virtually unchecked use of the civil forfeiture statutes and the disregard for due process that is buried in those statutes.'' Four years later, the Eighth Circuit rebuked the government for capitalizing on the claimants' confusion to forfeit over $70,000 of their currency, and expressed alarm that:

> the war on drugs has brought us to the point where the government may seize . . . a citizen's property without any initial showing of cause, and put the onus on the citizen to perfectly navigate the bureaucratic labyrinth in order to liberate what is presumptively his or hers in the first place. . . .

Should the citizen prove inept, the government may keep the property, without ever having to justify or explain its actions.

Similarly, the Seventh Circuit recently expressed its belief that ''the government's conduct in forfeiture cases leaves much to be desired,'' and ordered the return of over $500,000 in currency that had been improperly seized from a Chicago pizzeria.

Civil asset forfeiture rests upon the medieval notion that property is somehow guilty when it causes harm to another. The notion of ''guilty property'' is what enables the government to seize property regardless of the guilt or innocence of the property owner. In many asset forfeiture cases, the person whose property is taken is never charged with any crime.

The ''guilty property'' notion also explains the topsy-turvy nature of today's civil forfeiture proceedings, in which the property owner—not the government—bears the burden of proof. Under current law, all the government must do is make an initial showing of probable cause that the property is ''guilty'' and subject to forfeiture; it is then up to the property owner to prove a negative—that the property was not involved in any wrongdoing.

It is time to reexamine the obsolete underpinnings of our civil forfeiture laws and bring these laws in line with more modern principles of due process and fair play. We must be especially careful to ensure that innocent property owners are adequately protected.

The Hatch-Leahy Civil Asset Forfeiture Reform Act provides greater safeguards for individuals whose property has been seized by the government. It incorporates all of the core reforms of H.R. 1658, which passed the House of Representatives in June by an overwhelming bipartisan majority. The Hatch-Leahy bill also includes a number of additional reforms which, among other things, establish a fair and uniform procedure for forfeiting real property, and entitle property owners to challenge a forfeiture as constitutionally excessive.

During our hearing this year on civil asset forfeiture reform, the Justice Department and other law enforcement organizations expressed concern that some of the reforms included in the House bill would interfere with the government's ability to combat crime. The bill we introduce today addresses the legitimate concerns of law enforcement. In particular, the bill puts the burden of proof on the government by a preponderance of the evidence, and not by clear and convincing evidence. The preponderance standard is used in virtually all other civil cases, and we believe it is sufficient to protect the interests of property owners.

We have also removed provisions in H.R. 1658 that would allow criminals to leave their ill-gotten gains to their heirs, and would bar the government from forfeiting property if it inadvertently sent notice of a seizure to the wrong address. These provisions did little more than create procedural ''gotchas'' for criminals and their heirs, and are neither necessary nor desirable as a matter of policy.

The Hatch-Leahy bill also differs from the House bill in its approach to the issue of appointed counsel. Under H.R. 1658, anyone asserting an interest in seized property could apply for a court-appointed lawyer. There is no demonstrated need for such an unprecedented extension of the right to counsel, nor is there any principled distinction between defendants in civil forfeiture actions and defendants in other federal enforcement actions who are not eligible for court-appointed counsel. Moreover, property owners who are indigent may be eligible to obtain representation through various legal aid clinics.

The Hatch-Leahy bill authorizes courts to appoint counsel for indigent claimants in just two limited circumstances. First, a court may appoint counsel in the handful of forfeiture cases in which the property at issue is the claimant's primary residence. When a forfeiture action can result in a claimant's eviction and homelessness, there is more at stake than just a property interest, and it is fair and just that the claimant be provided with an attorney if she cannot otherwise afford one. Second, if a claimant is already represented by a court-appointed attorney in a related federal criminal case, the court may authorize that attorney to represent the claimant in the civil forfeiture action. This is both fair and efficient, and eliminates any appearance that the government chose to pursue the forfeiture in a civil proceeding rather than as part of the criminal case in order to deprive the claimant of his right to counsel.

For claimants who were not appointed counsel by the court, the Hatch-Leahy bill allows for the recovery of reasonable attorney fees and costs if they substantially prevail in court. The bill also makes the government liable for post-judgment interest on any money judgment, and imputed interest in certain cases involving currency or negotiable instruments.

Another core reform of the Hatch-Leahy bill is the elimination of the so-called ''cost bond.'' Under current law, a property owner that seeks to recover his property after it has been seized by the government must pay for privilege by posting a bond with the court. The government has strongly defended the ''cost bond,'' not as a device for ensuring that its court costs are covered, but as a way of deterring frivolous claims. Of course, we are all in favor of deterring frivolous claims, but there are ways to deter frivolous claims without offending the fundamental principle of equal and open access to the courts, a bedrock of our American system of justice. The Hatch-Leahy bill provides that a person who challenges a forfeiture must file his claim on oath, under penalty of perjury. Claimants also remain subject to the general sanctions for bad faith in instituting or conducting litigation. Further, most claimants will continue to bear the substantial costs of litigating their claims in court. The additional financial burden of the ''cost bond'' serves no legitimate purpose.

Under current law, a property owner has only 20 days from the date of first publication of the notice of seizure to file a claim challenging an administrative forfeiture, and only 10 days to file a claim challenging a judicial forfeiture. It is therefore unlikely that anyone who misses the first of three published notices will be able to file a timely claim. The Hatch-Leahy bill extends the property owner's time to file a claim following administrative and judicial forfeiture actions to 30 days. The bill also codifies current Department of Justice policy with respect to the time period for sending notice of seizure, and establishes a 90-day period for filing a complaint. The bill leaves undisturbed current laws and procedures with respect to the proper form and content of notices, claims and complaints.

Finally, the Hatch-Leahy bill will allow property owners to hold on to their property while a case in process, if they can show that continued possession of the government will cause substantial hardship to the owner, such as preventing him from working, and that this hardship outweighs the risk that the property will be destroyed or concealed if returned to the owner during the pendency of the case. Unlike H.R. 1658, the Hatch-Leahy bill adopts the primary safeguards that the Justice Department wanted added to the provision—that property owners must have sufficient ties to the community to provide assurance that the property will not disappear and that certain property, such as currency and property particularly suited for use in illegal activities, cannot be returned. As amended, the hardship provision in the Hatch-Leahy bill is substantially similar to the hardship provision in another civil asset forfeiture bill, S. 1701, which the Justice Department has endorsed.

The fact is, the Justice Department has endorsed most of the core reforms contained in the Hatch-Leahy bill. Indeed, the Department has already taken administrative steps to remedy many of the civil forfeiture abuses identified in recent years by the federal courts. For this, the Department is to be commended. But administrative policy can be modified on the whim of whoever is in charge, and the law remains susceptible to abuse.

It is time for Congress to catch up with the Justice Department and the courts on this important issue. Due to internecine fighting among law enforcement officials whose views Congress always wants to take into consideration, action on civil forfeiture reform has been delayed for far too long. The Hatch-Leahy bill strikes the appropriate middle ground between the

House bill and S. 1701, providing comprehensive and meaningful reform while ensuring the continued potency of civil asset forfeiture in the war on crime.

Senator HATCH and I share a longstanding and deeply-held appreciation for law enforcement and the officers who work on the front lines to protect our families and communities, and we have worked together on a number of crime-related issues in the past. I want to commend him for his commitment, not just to law enforcement, but to the rights of all Americans. It has been my pleasure to work with him on this issue, to bring balance back in the relationship between our police forces and the citizens of this country.

By Mr. JEFFORDS:

S. 1932. A bill to amend the Ricky Ray Hemophilia Relief Fund Act of 1998 to revise and extend certain provisions; to the Committee on Health, Education, Labor, and Pensions.

THE RICKY RAY FAIRNESS ACT OF 1999

• Mr. JEFFORDS. Mr. President, last year Congress passed and the President signed a significant measure that will, as funds are provided, provide compassionate compensation payments to hundreds of individuals. Public Law 105–369, the Ricky Ray Hemophilia Relief Act of 1998, authorizes payments for hemophiliacs treated with blood products infected with HIV during the 1980s as well as their infected spouses and children. Last year, Mr. President, you and I, and all of our colleagues gave our unanimous consent to this measure because we all knew it was the right thing to do. But we accomplished only part of the job. We provided compassionate compensation to only a portion of the Americans who, through indecisiveness and inaction on the part of federal government, became infected with HIV. So today I am introducing legislation that will set the record straight and finish what needs to be done, and I hope that our colleagues will once again in the name of fairness and compassion give this measure their unanimous support.

I am on the floor today to introduce legislation that will bring much needed fairness to hundreds of our citizens. This bill, the Ricky Ray Fairness Act of 1999 will finally include those people, other than hemophiliacs, who were infected with HIV and contracted AIDS through HIV contaminated blood products or tissues.

The blood crisis of the 1980s resulted in the HIV infection of thousands of Americans who trusted that the blood or blood product with which they were treated was safe. The tragedy of the blood supply's contamination has brought unbearable pain to families all over the country. I have heard from dozens over the past months. These are people like any of us—like our children and our grandchildren—who went to hospitals for standard procedures, emergency care, or were transfused due to complications in childbirth. Many children and adults were secondarily infected: children through childbirth or HIV-infected breast milk and adults through their spouses. Lives were lost and futures were ruined. Not only were there physical and emotional costs, but there exists a tremendous drain on personal finances as a result of lost income and extreme medical expenses. In the minds of these and in the minds of members who advocated for the Ricky Ray bill, the federal government played the determining role in the tragedy.

Mr President, these people were infected with HIV because the federal government failed to protect the blood supply during the mid-1980s when it did not use its regulatory authority to implement a wide range of blood and blood-donor screening options recommended by the Centers for Disease Control and Prevention. Had the federal government taken the recommendations of the CDC, thousands of American men, women and children would not have contracted AIDS through HIV-contaminated blood and blood products.

Sadly, and unfairly, the Ricky Ray Hemophilia Relief Fund Act as passed last year does not include all victims of the blood supply crisis. I feel strongly that the Act must be amended to include compensation for not only hemophiliacs, but also people who received a blood transfusion or blood product in the course of medical treatment. Though it was right for us to pass the Ricky Ray Act last year, it remains an inequity and a tragedy that the federal government did so without including victims of transfusion-associated AIDS.

Unlike a few individuals, most people infected with HIV through blood and blood products have been unable to track the source of their infection; nor have they been able to obtain some judicial relief through the courts. The community hit by this tragedy has found it nearly impossible to make recovery through the courts because of blood shield laws in most states that raise the burden of proof for product liability claims for blood and blood products. In addition, all States have statutes of limitations that prohibit litigation if the suit was not filed within a certain period of time.

I am introducing today what can be the final chapter in our Country's responsibility for not adequately protecting the blood supply during the 1980s. The Ricky Ray Fairness Act of 1999 provides compassionate payments to those infected with HIV contaminated blood, blood components, or human tissues. While the change to include transfusion cases increases the cost of this bill, many have already noted that this bill is not about money, it's about fairness. I urge my colleagues to join me in recognizing the terrible tragedy the blood supply crisis of the 1980s cast upon all of its victims.•

By Mr. DODD (for himself and Mr. BENNETT):

S. 1934. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for business-provided student education and training; to the Committee on Finance.

THE BUSINESSES EDUCATING STUDENTS IN TECHNOLOGY (BEST) ACT

• Mr. DODD. Mr. President, today I rise to introduce legislation with my colleague from Utah, Senator BENNETT, that addresses the serious shortage of students graduating from our nation's colleges and universities with technology-based education and skills.

Technology is reshaping our world at a rapid pace. Competition to meet the needs, wants, and expectations of businesses and consumers has accelerated the rate of technological progress to a level inconceivable even a few years ago. Today, technology is playing an increasingly important role in the lives of every American and is a key ingredient in sustaining America's economic growth. It is the wellspring from which new businesses, high-wage jobs, and a rising quality of life will flow in the 21st century.

This profound technological change, coupled with a period of sustained fiscal discipline in the federal government, has led to an unprecedented period of economic growth in our nation. For the first time in three decades, we are enjoying the prospect of budget surpluses that could total one trillion dollars over the next ten years. We have the lowest unemployment in 29 years. Inflation has fallen to its lowest rate in almost 30 years. Our economy has created 20 million new jobs in the last seven years.

If we want to build on this progress, we must encourage people to develop and use emerging technologies. Technological progress has become the single most important determining factor in sustaining economic growth in our economy. It is estimated that technological innovation has accounted for as much as half the nation's long-term economic growth over the past 50 years and is expected to account for an even higher percentage in the next 50 years.

And yet, there is growing evidence that we are not doing enough to prepare people to make the most of this emerging ''New Economy.'' The explosive growth in the technology industry has resulted in a growing shortage of qualified and educated workers with skills in computer science and other technologically advanced systems. For example, more than 350,000 information technology positions are currently vacant throughout the United States. That is an astounding statistic. While we have managed to erase the budget deficit, our nation faces a rising knowledge deficit that could just as readily impede economic growth.

At this moment, there is little sign that this technology deficit will be erased. The supply of technology-savvy U.S. college graduates appears to be on the wane. In my home state of Connecticut, public and private colleges

combined produced only 297 computer and information science graduates in 1997, a 50 percent decline since 1987. The decline in students receiving engineering degrees is even more troubling. From 1989 to 1999, the number of Connecticut students graduating in this field has decreased by 65 percent.

This trend is not limited to any one state; it is nationwide in scope. The number of graduates receiving bachelor of science degrees in engineering has fallen to a 17-year low of 19.8 percent. Between 1990 and 1996, the number of students obtaining high-tech degrees declined by 5 percent. These are clearly trends that must be reversed if we wish to continue building upon the technological achievements we have already made and ensure that our economy can continue to grow and create jobs to its full potential.

Indeed, at large and mid-sized companies, there is already one vacancy for every 10 information technology jobs, and eight out of 10 companies expect to hire information technology workers in the year ahead. Over the next decade, the Department of Commerce estimates that 1.3 million new jobs will be created for systems analysts, computer engineers, and computer scientists. Moreover, by 2006, nearly half of the U.S. workforce will be employed by industries that are either producers or significant users of technology products and services.

Clearly, we must do more to eliminate this shortage of technologically skilled workers. Some have suggested stop-gap measures such as extending more visas to foreign nationals who possess the skills most in demand here in the United States. More important than steps such as this are efforts to promote technology-based learning among American students. In Connecticut, many businesses are making such efforts. They are establishing scholarships, donating lab equipment and computers, planning curricula, and sending employees into colleges and universities to instruct and help prepare students for technology-based jobs.

For instance, one Connecticut company, the Bayer Corporation, has committed $1.1 million to the University of New Haven over six years to help increase the effectiveness of its science curriculum. This partnership includes the donation of equipment, scholarships, internships, and other efforts that seek to engage students more actively in science and technology.

Another positive example of cooperation between business and academic institutions in Connecticut is the support provided to the biotechnology program at Middlesex Community-Technical College by the Bristol Myers Squibb Pharmaceutical Research Institute and the Curagen Corporation. These companies, too, have established scholarships, donated lab equipment, and encouraged their research scientists to give lectures to students.

While these partnerships do exist in Connecticut, and indeed, across the country, businesses and academic institutions should not be left to tackle alone the challenge of helping students obtain the technological learning and skills they need to succeed in the new century. The Senate has before it the opportunity to assist in this effort, to encourage the growth of innovation and education, and to address the shortage of skilled high-tech workers so vital to our continued technological and economic growth.

That is why I am pleased to have the opportunity today to introduce legislation that will encourage businesses to form partnerships with institutions of higher learning in order to improve technology-based learning so that more of our nation's students will be better prepared to fill the jobs of the 21st century.

The ''Businesses Educating Students in Technology,'' or BEST Act, will give a tax credit to any business that joins with a university, college, or community-technical school to support technology-based educational activities which are directly related to the purpose of that business. The legislation would allow businesses to claim a tax credit for 40 percent of these educational expenses, up to a maximum of $100,000 for any one company.

Mr. President, it is my hope that this tax credit will provide the incentive for more of our country's corporate leaders to take a more active role in the technological education, training, and skill development of our nation's most valuable resource—its students.

If businesses take advantage of this credit, they will help create a larger pool of skilled workers to draw from and, in turn, help our nation foster a better educated population that possesses the knowledge to succeed in the information-based economy of the future.

I hope my colleagues join me and Senator BENNETT in supporting this important legislation. Mr. President, I ask that the text of the legislation be printed in the RECORD.

The bill follows:

S. 1934

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 ''Businesses Educating Students in Technology (BEST) Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Technological progress is the single most important determining factor in sustaining growth in the Nation's economy. It is estimated that technological innovation has accounted for as much as half the Nation's long-term economic growth over the past 50 years and will account for an even higher percentage in the next 50 years.

(2) The number of jobs requiring technological expertise is growing rapidly. For example, it is estimated that 1,300,000 new computer engineers, programmers, and systems analysts will be needed over the next decade in the United States economy. Yet, our Nation's computer science programs are only graduating 25,000 students with bachelor's degrees yearly.

(3) There are more than 350,000 information technology positions currently unfilled throughout the United States, and the number of students graduating from colleges with computer science degrees has declined dramatically.

(4) In order to help alleviate the shortage of graduates with technology-based education and skills, businesses in a number of States have formed partnerships with colleges, universities, community-technical schools, and other institutions of higher learning to give lectures, donate equipment, plan curricula, and perform other activities designed to help students acquire the skills and knowledge needed to fill jobs in technology-based industries.

(5) Congress should encourage these partnerships by providing a tax credit to businesses that enter into them. Such a tax credit will help students obtain the knowledge and skills they need to obtain jobs in technology-based industries which are among the best paying jobs being created in the economy. The credit will also assist businesses in their efforts to develop a more highly-skilled, better trained workforce that can fill the technology jobs such businesses are creating.

SEC. 3. ALLOWANCE OF CREDIT FOR BUSINESS-PROVIDED STUDENT EDUCATION AND TRAINING.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following:

''SEC. 45D. BUSINESS-PROVIDED STUDENT EDUCATION AND TRAINING.

''(a) ALLOWANCE OF CREDIT.—For purposes of section 38, the business-provided student education and training credit determined under this section for the taxable year is an amount equal to 40 percent of the qualified student education and training expenditures of the taxpayer for such taxable year.

''(b) DOLLAR LIMITATION.—The credit allowable under subsection (a) for any taxable year shall not exceed $100,000.

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED STUDENT EDUCATION AND TRAINING EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified student education and training expenditure' means—

''(i) any amount paid or incurred by the taxpayer for the qualified student education and training services provided by any employee of the taxpayer, and

''(ii) the basis of the taxpayer in any tangible personal property contributed by the taxpayer and used in connection with the provision of any qualified student education and training services.

''(B) EXCLUSION FOR AMOUNTS FUNDED BY GRANTS, ETC.—The term 'qualified student education and training expenditure' shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise by another person (or any governmental entity).

''(2) QUALIFIED STUDENT EDUCATION AND TRAINING SERVICES.—

''(A) IN GENERAL.—For purposes of paragraph (1), the term 'qualified student education and training services' means technology-based education and training of students in any eligible educational institution in employment skills related to the trade or business of the taxpayer.

''(B) TECHNOLOGY-BASED EDUCATION AND TRAINING.—

''(i) IN GENERAL.—For purposes of subparagraph (A), the term 'technology-based education and training' means education and training in—

''(I) aerospace technology,

''(II) biotechnology,

''(III) electronic device technology,

''(IV) environmental technology,

''(V) medical device technology,

''(VI) computer technology or equipment, or

''(VII) advanced materials.

''(ii) DEFINITIONS.—For purposes of clause (i)—

''(I) AEROSPACE TECHNOLOGY.—The term 'aerospace technology' means technology used in the manufacture, design, maintenance, or servicing of aircraft, aircraft components, or other aeronautics, including space craft or space craft components.

''(II) BIOTECHNOLOGY.—The term 'biotechnology' means technology (including products and services) developed as the result of the study of the functioning of biological systems from the macro level to the molecular and sub-atomic levels.

''(III) ELECTRONIC DEVICE TECHNOLOGY.—The term 'electronic device technology' means technology involving microelectronics, semiconductors, electronic equipment, instrumentation, radio frequency, microwave, millimeter electronics, optical and optic-electrical devices, or data and digital communications and imaging devices.

''(IV) ENVIRONMENTAL TECHNOLOGY.—The term 'environmental technology' means technology involving the assessment and prevention of threats or damage to human health or the environment, environmental cleanup, or the development of alternative energy sources.

''(V) MEDICAL DEVICE TECHNOLOGY.—The term 'medical device technology' means technology involving any medical equipment or product (other than a pharmaceutical product) which has therapeutic value, diagnostic value, or both, and is regulated by the Federal Food and Drug Administration.

''(VI) COMPUTER TECHNOLOGY OR EQUIPMENT.—The term 'computer technology or equipment' has the meaning given such term in section 170(e)(6)(E)(i).

''(VII) ADVANCED MATERIALS.—The term 'advanced materials' means materials with engineered properties created through the development of specialized processing and synthesis technology, including ceramics, high value-added metals, electronics materials, composites, polymers, and biomaterials.

''(C) ELIGIBLE EDUCATIONAL INSTITUTION.—For purposes of subparagraph (A), the term 'eligible educational institution' has the meaning given such term by section 529(e)(5).

''(d) SPECIAL RULES.—For purposes of this section—

''(1) AGGREGATION RULES.—All persons which are treated as a single employer under subsections (a) and (b) of section 52 shall be treated as a single taxpayer.

''(2) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(3) ALLOCATION IN THE CASE OF PARTNERSHIPS.—In the case of partnerships, the credit shall be allocated among partners under regulations prescribed by the Secretary.

''(f) NO DOUBLE BENEFIT.—No deduction or credit shall be allowed under any other provision of this chapter with respect to any expenditure taken into account in computing the amount of the credit determined under this section.''

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of the Internal Revenue Code of 1986 is amended—

(A) by striking out ''plus'' at the end of paragraph (11),

(B) by striking out the period at the end of paragraph (12), and inserting a comma and ''plus'', and

(C) by adding at the end the following:

''(13) the business-provided student education and training credit determined under section 45D.''

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following:

''Sec. 45D. Business-provided student education and training credit.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.●

By Mr. HARKIN (for himself and Mr. SPECTER):

S. 1935. A bill to amend title XIX of the Social Security Act to provide for coverage of community attendant services and supports under the Medicaid Program; to the Committee on Finance.

THE MEDICAID COMMUNITY ATTENDANT SERVICES AND SUPPORT ACT

Mr. HARKIN. Mr. President, today, along with Senator ARLEN SPECTER, I am introducing the Medicaid Community Attendant Services and Supports Act. Our bill allows people to have a real choice about where they receive certain types of Medicaid long term services and supports. It also provides grants to the States to assist them as they redirect Medicaid resources into community-based services and supports.

We all know that given a real choice, most Americans who need long term services and supports would rather remain in their own homes and communities than go to a nursing home. Older people want to stay in their homes; parents want to keep their children with disabilities close by; and adults with disabilities want to live in the community.

And yet, even though many people prefer home and community services and supports, our current long term care program favors institutional programs. Under our current Medicaid system, a person has a right to the most expensive form of care, a nursing home bed, because nursing home care is an entitlement. But if that same person wants to live in the community, he or she is likely to encounter a lack of available services, because community services are optional under Medicaid. The deck is stacked against community living, and the purpose of our bill is to level the playing field and give people a real choice.

Our bill would allow any person entitled to medical assistance in a nursing facility or an intermediate care facility to use the money for community attendant services and supports. Those services and supports include help with eating, bathing, brooming, toileting, transferring in and out of a wheelchair, meal planning and preparation, shopping, household chores, using the telephone, participating in the community, and health-related functions like taking pills, bowel and bladder care, and tube feeding. In short, personal assistance services and supports help people do tasks that they would do them selves, if they did not have a disability.

Personal assistance services and supports are the lowest-cost and most consumer friendly services in the long-term care spectrum. They can be provided by a variety of people, including friends and neighbors of the recipient. In many instances, with supervision, the consumer can direct his or her own care and manage his or her own attendants. This cuts down on expensive administrative overhead and the current practice of relying on medical personnel such as nurses to coordinate a person's care. States can save money and redirect medically-oriented care to those who need it most.

Not only is home and community-based care what people want, it can also be far less expensive. There is a wide variation in the cost of supporting people with disabilities in the community because individuals have different levels of need. But, for the average person, the annual cost of home and community based services is less than one-half the average cost of institutional care. In 1997, Medicaid spent $56 billion on long term care. Out of that $56 billion, $42.5 billion was spent on nursing home and institutional care. This paid for a little over 1 million people. In comparison, only $13.5 billion was spent on home and community-based care—but this money paid for almost 2 million people. Community services make sound, economic sense.

In fact, the States are out ahead of us here in Washington on this issue. Thirty States are now providing the personal care optional benefit through their Medicaid programs. Almost every State offers at least one home and community based Medicaid waiver program. Indeed, this is one of Senator Chafee's most important legacies. He was ahead of his time.

The States have realized that community based care is both popular and cost effective, and personal assistance services and supports are a key component of a successful program.

And yet there are several reasons why we have to do more.

Federal Medicaid policy should reflect the consensus that Americans with disabilities should have the equal opportunity to contribute to our communities and participate in our society as full citizens. Instead, our current Federal Medicaid policy favors exclusion over integration, and dependence over self-determination. This legislation will bring Medicaid policy in line with our broader agreement that Americans with disabilities should have the chance to move toward independence. This bill allows people to receive certain types of services in the community so that they don't have to sacrifice their full participation in society simply because they require a catheter, assistance with medication, or some other basic service.

Take the example of a friend of mine in Iowa. Dan Piper works at a hardware store. He has his own apartment and just bought a VCR. He also has Down's syndrome and diabetes. For years Dan has received services through a community waiver program. But, he recently learned that he might not be

able to receive some basic services under the waiver. The result of this decision? He may have to sacrifice his independence for services. Today, Dan works and contributes to the economy as both a wage earner and a consumer. But, tomorrow, he may be forced into a nursing home, far from his roommate, his job, and his family.

In addition, our country is facing a long-term care crisis of epic proportions in the not-too distant future. We all talk about the coming Social Security shortfall and the Medicare shortfall, but we do not talk about the long-term care shortfall. The truth is that our current long-term care system will be inadequate to deal with the aging of the baby boom generation, the oldest of whom are now turning 60. Our bill helps to create the infrastructure we will need to create the high-quality, community based long term care system of the future. And it will give families the small amount of outside help they need to continue providing care to their loved ones at home.

And, finally, in a common sense decision last June, the Supreme Court found that, to the extent Medicaid dollars are used to pay for a person's long term care, that person has a right to receive those services in the most integrated setting. States must take practical steps to avoid unjustified institutionalization by offering individuals with disabilities the supports they need to live in the community. We in Congress have a responsibility to help States meet the financial costs associated with serving people with disabilities that want to leave institutions and live in the community, and the bill I am introducing will provide that help.

And so I call upon my colleagues for your support. Millions of Americans require some assistance to help them eat, dress, go to the bathroom, clean house, move from bed to wheelchair, remember to take medication, and to perform other activities that make it possible for them to live at home. These Americans live in every State and every congressional district. Most of these people have depended on unpaid caregivers—usually family members—for their needs. But a number of factors have affected the ability of family members to help. A growing number of elderly people need assistance, and aging parents will no longer be able to care for their adult children with disabilities.

But they all have one thing in common with every American. We all deserve to live in our own homes, and be an integral part of our families, our neighborhoods, our communities. Community attendant services and supports allow people with disabilities to lead richer, fuller lives, perhaps have a job, and participate in the community. Some will become taxpayers, some will do volunteer work, some will get an education, some will participate in recreational and other community activities. All will experience a better quality of life, and a better chance to take part in the American dream.

I urge my colleagues and their staff to study our proposal over the break. I hope there will be hearings and action on this bill next year. And, finally, I ask unanimous consent that the bill, along with letters in support of the bill, be printed in the RECORD.

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

S. 1935

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 ''Medicaid Community Attendant Services and Supports Act of 1999''.

SEC. 2. FINDINGS, PURPOSES, AND POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) Many studies have found that an overwhelming majority of individuals with disabilities needing long-term services and supports would prefer to receive them in home and community-based settings rather than in institutions. However, research on the provision of long-term services and supports under the medicaid program (conducted by and on behalf of the Department of Health and Human Services) has revealed a significant bias toward funding these services in institutional rather than home and community-based settings. The extent of this bias is indicated by the fact that 75 percent of medicaid funds for long-term services and supports are expended in nursing homes and intermediate care facilities for the mentally retarded while approximately 25 percent of such funds pays for services in home and community-based settings.

(2) Because of this bias, significant numbers of individuals with disabilities of all ages who would prefer to live in the community and could do so with community attendant services and supports are forced to live in unnecessarily segregated institutional settings if they want to receive needed services and supports. Benefit packages provided in these settings are medically-oriented and constitute barriers to the receipt of the types of services individuals need and want. Decisions regarding the provision of services and supports are too often influenced by what is reimbursable rather than by what individuals need and want.

(3) There is a growing recognition that disability is a natural part of the human experience that in no way diminishes an individual's right to—

(A) live independently;

(B) enjoy self-determination;

(C) make choices;

(D) contribute to society; and

(E) enjoy full inclusion and integration in the mainstream of American society.

(4) Long-term services and supports provided under the medicaid program must meet the evolving and changing needs and preferences of individuals with disabilities, including the preferences for living within one's own home or living with one's own family and becoming productive members of the community.

(5) The goals of the Nation properly include providing individuals with disabilities with—

(A) a meaningful choice of receiving long-term services and supports in the most integrated setting appropriate;

(B) the greatest possible control over the services received; and

(C) quality services that maximize social functioning in the home and community.

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

(1) To provide that States shall offer community attendant services and supports for eligible individuals with disabilities.

(2) To provide financial assistance to States to support systems change initiatives that are designed to assist each State in developing and enhancing a comprehensive consumer-responsive statewide system of long-term services and supports that provides real consumer choice and direction consistent with the principle that services and supports should be provided in the most integrated setting appropriate to meeting the unique needs of the individual.

(c) POLICY.—It is the policy of the United States that all programs, projects, and activities receiving assistance under this Act shall be carried out in a manner consistent with the following principles:

(1) Individuals with disabilities, or, as appropriate, their representatives, must be empowered to exercise real choice in selecting long-term services and supports that are of high quality, cost-effective, and meet the unique needs of the individual in the most integrated setting appropriate.

(2) No individual should be forced into an institution to receive services that can be effectively and efficiently delivered in the home or community.

(3) Federal and State policies, practices, and procedures should facilitate and be responsive to, and not impede, an individual's choice in selecting long-term services and supports.

(4) Individuals and their families receiving long-term services and supports must be involved in decisionmaking about their own care and be provided with sufficient information to make informed choices.

SEC. 3. COVERAGE OF COMMUNITY ATTENDANT SERVICES AND SUPPORTS UNDER THE MEDICAID PROGRAM.

(a) REQUIRED COVERAGE FOR INDIVIDUALS ENTITLED TO NURSING FACILITY SERVICES OR ELIGIBLE FOR INTERMEDIATE CARE FACILITY SERVICES FOR THE MENTALLY RETARDED.—Section 1902(a)(10)(D) of the Social Security Act (42 U.S.C. 1396a(a)(10)(D)) is amended—

(1) by inserting ''(i)'' after ''(D)'';

(2) by adding ''and'' after the semicolon; and

(3) by adding at the end the following:

''(ii) subject to section 1935, for the inclusion of community attendant services and supports for any individual who is eligible for medical assistance under the State plan and with respect to whom there has been a determination that the individual requires the level of care provided in a nursing facility or an intermediate care facility for the mentally retarded (whether or not coverage of such intermediate care facility is provided under the State plan) and who requires such community attendant services and supports based on functional need and without regard to age or disability;''.

(b) MEDICAID COVERAGE OF COMMUNITY ATTENDANT SERVICES AND SUPPORTS.—

(1) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(A) by redesignating section 1935 as section 1936; and

(B) by inserting after section 1934 the following:

''COMMUNITY ATTENDANT SERVICES AND SUPPORTS

''SEC. 1935. (a) DEFINITIONS.—In this title:

''(1) COMMUNITY ATTENDANT SERVICES AND SUPPORTS.—

''(A) IN GENERAL.—The term 'community attendant services and supports' means attendant services and supports furnished to

an individual, as needed, to assist in accomplishing activities of daily living, instrumental activities of daily living, and health-related functions through hands-on assistance, supervision, or cueing—

''(i) under a plan of services and supports that is based on an assessment of functional need and that is agreed to by the individual or, as appropriate, the individual's representative;

''(ii) in a home or community setting, which may include a school, workplace, or recreation or religious facility, but does not include a nursing facility, an intermediate care facility for the mentally retarded, or other congregate facility;

''(iii) under an agency-provider model or other model (as defined in paragraph (2)(C)); and

''(iv) the furnishing of which is selected, managed, and dismissed by the individual, or, as appropriate, with assistance from the individual's representative.

''(B) INCLUDED SERVICES AND SUPPORTS.—Such term includes—

''(i) tasks necessary to assist an individual in accomplishing activities of daily living, instrumental activities of daily living, and health-related functions;

''(ii) acquisition, maintenance, and enhancement of skills necessary for the individual to accomplish activities of daily living, instrumental activities of daily living, and health-related functions;

''(iii) backup systems or mechanisms (such as the use of beepers) to ensure continuity of services and supports; and

''(iv) voluntary training on how to select, manage, and dismiss attendants.

''(C) EXCLUDED SERVICES AND SUPPORTS.—Subject to subparagraph (D), such term does not include—

''(i) provision of room and board for the individual;

''(ii) special education and related services provided under the Individuals with Disabilities Education Act and vocational rehabilitation services provided under the Rehabilitation Act of 1973;

''(iii) assistive technology devices and assistive technology services;

''(iv) durable medical equipment; or

''(v) home modifications.

''(D) FLEXIBILITY IN TRANSITION TO COMMUNITY-BASED HOME SETTING.—Such term may include expenditures for transitional costs, such as rent and utility deposits, first months's rent and utilities, bedding, basic kitchen supplies, and other necessities required for an individual to make the transition from a nursing facility or intermediate care facility for the mentally retarded to a community-based home setting where the individual resides.

''(2) ADDITIONAL DEFINITIONS.—

''(A) ACTIVITIES OF DAILY LIVING.—The term 'activities of daily living' includes eating, toileting, grooming, dressing, bathing, and transferring.

''(B) CONSUMER DIRECTED.—The term 'consumer directed' means a method of providing services and supports that allow the individual, or where appropriate, the individual's representative, maximum control of the community attendant services and supports, regardless of who acts as the employer of record.

''(C) DELIVERY MODELS.—

''(i) AGENCY-PROVIDER MODEL.—The term 'agency-provider model' means, with respect to the provision of community attendant services and supports for an individual, a method of providing consumer-directed services and supports under which entities contract for the provision of such services and supports.

''(ii) OTHER MODELS.—The term 'other models' means methods, other than an agency-provider model, for the provision of consumer-directed services and supports. Such models may include the provision of vouchers, direct cash payments, or use of a fiscal agent to assist in obtaining services.

''(D) HEALTH-RELATED FUNCTIONS.—The term 'health-related functions' means functions that can be delegated or assigned by licensed health-care professionals under State law to be performed by an attendant.

''(E) INSTRUMENTAL ACTIVITIES OF DAILY LIVING.—The term 'instrumental activities of daily living' includes meal planning and preparation, managing finances, shopping for food, clothing and other essential items, performing essential household chores, communicating by phone and other media, and getting around and participating in the community.

''(F) INDIVIDUAL'S REPRESENTATIVE.—The term 'individual's representative' means a parent, a family member, a guardian, an advocate, or an authorized representative of an individual.

''(b) LIMITATION ON AMOUNTS OF EXPENDITURES UNDER THIS TITLE.—In carrying out section 1902(a)(10)(D)(ii), a State shall permit an individual who has a level of severity of physical or mental impairment that entitles such individual to medical assistance with respect to nursing facility services or qualifies the individual for intermediate care facility services for the mentally retarded to choose to receive medical assistance for community attendant services and supports (rather than medical assistance for such institutional services and supports), in the most integrated setting appropriate to the needs of the individual, so long as the aggregate amount of the Federal expenditures for community attendant services and supports for all such individuals in a fiscal year does not exceed the total that would have been expended for such individuals to receive such institutional services and supports in the year.

''(c) MAINTENANCE OF EFFORT.—With respect to a fiscal year quarter, no Federal funds may be paid to a State for medical assistance provided to individuals described in section 1902(a)(10)(D)(ii) for such fiscal year quarter if the Secretary determines that the total of the State expenditures for programs to enable such individuals with disabilities to receive community attendant services and supports (or services and supports that are similar to such services and supports) under other provisions of this title for the preceding fiscal year quarter is less than the total of such expenditures for the same fiscal year quarter for the preceding fiscal year.

''(d) STATE QUALITY ASSURANCE PROGRAM.—In order to continue to receive Federal financial participation for providing community attendant services and supports under this section, a State shall, at a minimum, establish and maintain a quality assurance program that provides for the following:

''(1) The State shall establish requirements, as appropriate, for agency-based and other models that include—

''(A) minimum qualifications and training requirements, as appropriate for agency-based and other models;

''(B) financial operating standards; and

''(C) an appeals procedure for eligibility denials and a procedure for resolving disagreements over the terms of an individualized plan.

''(2) The State shall modify the quality assurance program, where appropriate, to maximize consumer independence and consumer direction in both agency-provided and other models.

''(3) The State shall provide a system that allows for the external monitoring of the quality of services by entities consisting of consumers and their representatives, disability organizations, providers, family, members of the community, and others.

''(4) The State provides ongoing monitoring of the health and well-being of each recipient.

''(5) The State shall require that quality assurance mechanisms appropriate for the individual should be included in the individual's written plan.

''(6) The State shall establish a process for mandatory reporting, investigation, and resolution of allegations of neglect, abuse, or exploitation.

''(7) The State shall obtain meaningful consumer input, including consumer surveys, that measure the extent to which a participant receives the services and supports described in the individual's plan and the participant's satisfaction with such services and supports.

''(8) The State shall make available to the public the findings of the quality assurance program.

''(9) The State shall establish an on-going public process for the development, implementation, and review of the State's quality assurance program.

''(10) The State shall develop and implement a program of sanctions.

''(e) FEDERAL ROLE IN QUALITY ASSURANCE.—The Secretary shall conduct a periodic sample review of outcomes for individuals based upon the individual's plan of support and based upon the quality assurance program of the State. The Secretary may conduct targeted reviews upon receipt of allegations of neglect, abuse, or exploitation. The Secretary shall develop guidelines for States to use in developing sanctions.

''(f) REQUIREMENT TO EXPAND ELIGIBILITY.—Effective October 1, 2000, a State may not exercise the option of coverage of individuals under section 1902(a)(10)(A)(ii)(V) without providing coverage under section 1902(a)(10)(A)(ii)(VI).

''(g) REPORT ON IMPACT OF SECTION.—The Secretary shall submit to Congress periodic reports on the impact of this section on beneficiaries, States, and the Federal Government.''.

(c) INCLUSION IN OPTIONAL ELIGIBILITY CLASSIFICATION.—Section 1902(a)(10)(A)(ii)(VI) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)(VI)) is amended by inserting ''or community attendant services and supports described in section 1935'' after ''section 1915'' each place such term appears.

(d) COVERAGE AS MEDICAL ASSISTANCE.—

(1) IN GENERAL.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) by striking ''and'' at the end of paragraph (26);

(B) by redesignating paragraph (27) as paragraph (28); and

(C) by inserting after paragraph (26) the following:

''(27) community attendant services and supports (to the extent allowed and as defined in section 1935); and''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1902(j) of the Social Security Act (42 U.S.C. 1396a(j)) is amended by striking ''of of'' and inserting ''of''.

(B) Section 1902(a)(10)(C)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended by inserting ''and (27)'' after ''(24)''.

SEC. 4. GRANTS TO DEVELOP AND ESTABLISH REAL CHOICE SYSTEMS CHANGE INITIATIVES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall award grants described in subsection (b) to States to support real choice systems change initiatives

that establish specific action steps and specific timetables to provide consumer-responsive long term services and supports to eligible individuals in the most integrated setting appropriate based on the unique strengths and needs of the individual and the priorities and concerns of the individual (or, as appropriate, the individual's representative).

(2) ELIGIBILITY.—To be eligible for a grant under this section, a State shall—

(A) establish the Consumer Task Force in accordance with subsection (d); and

(B) submit an application at such time, in such manner, and containing such information as the Secretary may determine. The application shall be jointly developed and signed by the designated State official and the chairperson of such Task Force, acting on behalf of and at the direction of the Task Force.

(3) DEFINITION OF STATE.—In this section, the term ''State'' means each of the 50 States, the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(b) GRANTS FOR REAL CHOICE SYSTEMS CHANGE INITIATIVES.—

(1) IN GENERAL.—From funds appropriated under subsection (f), the Secretary shall award grants to States to—

(A) support the establishment, implementation, and operation of the State real choice systems change initiatives described in subsection (a); and

(B) conduct outreach campaigns regarding the existence of such initiatives.

(2) DETERMINATION OF AWARDS; STATE ALLOTMENTS.—The Secretary shall develop a formula for the distribution of funds to States for each fiscal year under subsection (a). Such formula shall give preference to States that have a relatively higher proportion of long-term services and supports furnished to individuals in an institutional setting but who have a plan described in an application submitted under subsection (a)(2).

(c) AUTHORIZED ACTIVITIES.—A State that receives a grant under this section shall use the funds made available through the grant to accomplish the purposes described in subsection (a) and, in accomplishing such purposes, may carry out any of the following systems change activities:

(1) NEEDS ASSESSMENT AND DATA GATHERING.—The State may use funds to conduct a statewide needs assessment that may be based on data in existence on the date on which the assessment is initiated and may include information about the number of individuals within the State who are receiving long-term services and supports in unnecessarily segregated settings, the nature and extent to which current programs respond to the preferences of individuals with disabilities to receive services in home and community-based settings as well as in institutional settings, and the expected change in demand for services provided in home and community settings as well as institutional settings.

(2) INSTITUTIONAL BIAS.—The State may use funds to identify, develop, and implement strategies for modifying policies, practices, and procedures that unnecessarily bias the provision of long-term services and supports toward institutional settings and away from home and community-based settings, including policies, practices, and procedures governing statewideness, comparability in amount, duration, and scope of services, financial eligibility, individualized functional assessments and screenings (including individual and family involvement), and knowledge about service options.

(3) OVER MEDICALIZATION OF SERVICES.—The State may use funds to identify, develop, and implement strategies for modifying policies, practices, and procedures that unnecessarily bias the provision of long-term services and supports by health care professionals to the extent that quality services and supports can be provided by other qualified individuals, including policies, practices, and procedures governing service authorization, case management, and service coordination, service delivery options, quality controls, and supervision and training.

(4) INTERAGENCY COORDINATION; SINGLE POINT OF ENTRY.—The State may support activities to identify and coordinate Federal and State policies, resources, and services, relating to the provision of long-term services and supports, including the convening of interagency work groups and the entering into of interagency agreements that provide for a single point of entry and the design and implementation of a coordinated screening and assessment system for all persons eligible for long-term services and supports.

(5) TRAINING AND TECHNICAL ASSISTANCE.—The State may carry out directly, or may provide support to a public or private entity to carry out training and technical assistance activities that are provided for individuals with disabilities, and, as appropriate, their representatives, attendants, and other personnel (including professionals, paraprofessionals, volunteers, and other members of the community).

(6) PUBLIC AWARENESS.—The State may support a public awareness program that is designed to provide information relating to the availability of choices available to individuals with disabilities for receiving long-term services and support in the most integrated setting appropriate.

(7) DOWNSIZING OF LARGE INSTITUTIONS.—The State may use funds to support the per capita increased fixed costs in institutional settings directly related to the movement of individuals with disabilities out of specific facilities and into community-based settings.

(8) TRANSITIONAL COSTS.—The State may use funds to provide transitional costs described in section 1935(a)(1)(D) of the Social Security Act, as added by this Act.

(9) TASK FORCE.—The State may use funds to support the operation of the Consumer Task Force established under subsection (d).

(10) DEMONSTRATIONS OF NEW APPROACHES.—The State may use funds to conduct, on a time-limited basis, the demonstration of new approaches to accomplishing the purposes described in subsection (a).

(11) OTHER ACTIVITIES.—The State may use funds for any systems change activities that are not described in any of the preceding paragraphs of this subsection and that are necessary for developing, implementing, or evaluating the comprehensive statewide system of long term services and supports.

(d) CONSUMER TASK FORCE.—

(1) ESTABLISHMENT AND DUTIES.—To be eligible to receive a grant under this section, each State shall establish a Consumer Task Force (referred to in this section as the ''Task Force'') to assist the State in the development, implementation, and evaluation of real choice systems change initiatives.

(2) APPOINTMENT.—Members of the Task Force shall be appointed by the Chief Executive Officer of the State in accordance with the requirements of paragraph (3), after the solicitation of recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities.

(3) COMPOSITION.—

(A) IN GENERAL.—The Task Force shall represent a broad range of individuals with disabilities from diverse backgrounds and shall include representatives from Developmental Disabilities Councils, State Independent Living Councils, Commissions on Aging, organizations that provide services to individuals with disabilities and consumers of long-term services and supports.

(B) INDIVIDUALS WITH DISABILITIES.—A majority of the members of the Task Force shall be individuals with disabilities or the representatives of such individuals.

(C) LIMITATION.—The Task Force shall not include employees of any State agency providing services to individuals with disabilities other than employees of agencies described in the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.).

(e) AVAILABILITY OF FUNDS.—

(1) FUNDS ALLOTTED TO STATES.—Funds allotted to a State under a grant made under this section for a fiscal year shall remain available until expended.

(2) FUNDS NOT ALLOTTED TO STATES.—Funds not allotted to States in the fiscal year for which they are appropriated shall remain available in succeeding fiscal years for allotment by the Secretary using the allotment formula established by the Secretary under subsection (b)(2).

(f) ANNUAL REPORT.—A State that receives a grant under this section shall submit an annual report to the Secretary on the use of funds provided under the grant. Each report shall include the percentage increase in the number of eligible individuals in the State who receive long-term services and supports in the most integrated setting appropriate, including through community attendant services and supports and other community-based settings.

(g) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is authorized to be appropriated and there is appropriated to make grants under this section for—

(1) fiscal year 2001, $25,000,000; and

(2) for fiscal year 2002 and each fiscal year thereafter, such sums as may be necessary to carry out this section.

SEC. 5. STATE OPTION FOR ELIGIBILITY FOR INDIVIDUALS.

(a) IN GENERAL.—Section 1903(f) of the Social Security Act (42 U.S.C. 1396b(f)) is amended—

(1) in paragraph (4)(C), by inserting ''subject to paragraph (5),'' after ''does not exceed'', and

(2) by adding at the end the following:

''(5)(A) A State may waive the income, resources, and deeming limitations described in paragraph (4)(C) in such cases as the State finds the potential for employment opportunities would be enhanced through the provision of medical assistance for community attendant services and supports in accordance with section 1935.

''(B) In the case of an individual who is eligible for medical assistance described in subparagraph (A) only as a result of the application of such subparagraph, the State may, notwithstanding section 1916(b), impose a premium based on a sliding scale related to income.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to medical assistance provided for community attendant services and supports described in section 1935 of the Social Security Act furnished on or after October 1, 2000.

SEC. 6. STUDIES AND REPORTS.

(a) REVIEW OF, AND REPORT ON, REGULATIONS.—The National Council on Disability established under title IV of the Rehabilitation Act of 1973 (29 U.S.C. 780 et seq.) shall review regulations in existence under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) on the date of enactment of this Act insofar as such regulations regulate the provision of home health services, personal care

services, and other services in home and community-based settings and, not later than 1 year after such date, submit a report to Congress on the results of such study, together with any recommendations for legislation that the Council determines to be appropriate as a result of the study.

(b) REPORT ON REDUCED TITLE XIX EXPENDITURES.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on how expenditures under the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) can be reduced by the furnishing of community attendant services and supports in accordance with section 1935 of such Act (as added by section 3 of this Act).

SEC. 7. TASK FORCE ON FINANCING OF LONG-TERM CARE SERVICES.

The Secretary of Health and Human Services shall establish a task force to examine appropriate methods for financing long-term services and supports. The task force shall include significant representation of individuals (and representatives of individuals) who receive such services and supports.

NATIONAL COUNCIL ON INDEPENDENT LIVING,
Arlington, VA, November 15, 1999.

Hon. TOM HARKIN,
U.S. Senate, Washington, DC.

DEAR SENATOR HARKIN, The National Council on Independent Living (NCIL) applauds your leadership in introducing the Medicaid Community Attendant Services and Supports Act (MiCASSA).

NCIL is the national membership organization for centers for independent living and people with disabilities. Our membership includes individuals and organizations from each of the 50 states. As a leading national, cross-disability, grassroots organization run by and for people with disabilities, NCIL has been instrumental in efforts to advance the rights and opportunities for all Americans with disabilities.

The members of NCIL have wholeheartedly endorsed MiCASSA, have selected its passage as one of our top priorities. We join with our colleagues from ADAPT, who are leading the national effort to pass MiCASSA. There is nothing more important to our members than real choice for people with disabilities. Passage of MiCASSA will create the critical systems change needed for people with disabilities to enjoy the freedom of real choice in services and supports. This will allow people with disabilities to finally enjoy their civil right to live in their own homes, free from isolation and segregation in nursing homes and institutions.

We thank you for your vision and for your willingness to lead the effort to achieve freedom for our people. You can count on NCIL to work alongside you as we give our finest efforts towards passage of MiCASSA at the very beginning of the new millennium.

Sincerely Yours,

PAUL SPOONER,
President.

MIKE OXFORD,
Vice President and Chair, Personal Assistance Services Sub-Committee.

THE ASSOCIATION OF PROGRAMS FOR RURAL INDEPENDENT LIVING,
Kent, OH, November 12, 1999.

Senator TOM HARKIN, Iowa,
U.S. Senate, Washington, DC.

DEAR HONORABLE SENATOR, It is my understanding that the Community Attendant Services and Support Act (MiCASA) is about to be introduced by you, into Congress on Monday, November 15, 1999. On behalf of the Governing Board of the Association of Programs for Rural Independent Living (APRIL) I want to wholeheartedly endorse your efforts to pass this important piece of legislation.

APRIL is a national network of over 150 members, primarily rural centers for independent living (CILs), CIL satellite offices and statewide independent living councils (SILCs), as well as other related organizations and individuals concerned about people with disabilities living and working in Rural America. We are a nonprofit group, who for the past twelve years, has continued to grow in both numbers and in our efforts to bring to light the myriad of issues facing our rural constituents. Our membership in turn, represents thousands of consumers, many of whom still remain confined to rooms in their homes, or in institutions due to lack of community supports.

MiCASA is a Bill that has been long in coming and APRIL has joined with it's national colleagues throughout the years to urge that such a consumer-directed, community-based model of attendant services and support be implemented throughout the United States. Let's hope that as the new millennium draws near, that mandatory institutionalization will be unnecessary, and that the long-standing bias toward these institutions will have ended.

As you well know, coming from the rural state of Iowa, there are too many barriers for people with disabilities—from lack of transportation, housing, job opportunities, personal attendants, financial resources, community access and outdated, limiting attitudes. All these obstacles are compounded in the isolation of rural America. The passage of MiCASA would eliminate of one of the greatest barriers that people face. Your record of supporting the rights of our people, is solid. Our continued support of you and your efforts is assured. Please let us know, as the legislation begins it's journey towards passage, how we may help assure it's success.

As always, our thanks to ADAPT and the others who work so steadfastly on our behalf.

LINDA GONZALES,
National Coordinator.

PARALYZED VETERANS OF AMERICA,
Washington, DC, November 16, 1999.

Hon. TOM HARKIN,
Senate Office Building, Washington, DC.

DEAR SENATOR HARKIN: On behalf of the Paralyzed Veterans of America (PVA), I want to thank you for introducing ''The Medicaid Community Attendant Services and Supports Act of 1999.'' This bill will allow qualified individuals with disabilities the option of receiving long term services and supports including personal assistant services in a home and community based settings rather than in institutions.

PVA has been a long time advocate for consumer-directed personal assistant services (PAS). Attendants providing PAS perform activities of daily living (ADLs) for people with disabilities including feeding, bathing, toileting, dressing, and transferring. With PAS, many PVA members and thousands of people with disabilities across the country are able to live independent and active lives at home or in a community setting.

Historically, long term services for people with disabilities have been provided in nursing homes and in institutional settings. However, your bill will provide funds to States to support systems change initiatives that are designed to assist each State in developing a comprehensive consumer responsive state wide system of long term services and supports that will provide real consumer choice and direct in an integrated setting appropriate to the needs of the individual.

PVA has long recognized that disability is a natural part of life. People with disabilities have the right to live independently, enjoy self-determination, make independent choices, contribute to society and enjoy full inclusion and integration into the mainstream of American society. This legislation will help advance this cause and PVA stands ready and willing to work with you and your staff to ensure passage of the Medicaid Community Attendant Services and Supports Act of 1999.

Sincerely,

JOHN C. BOLLINGER,
Deputy Executive Director.

THE ARC,
Arlington, TX, November 16, 1999.

Hon. THOMAS HARKIN,
Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR SENATORS HARKIN AND SPECTER: On behalf of The Arc of the United States, I wish to express our strong support for introducing the Medicaid Community Attendant Services and Supports Act (MiCASSA). MiCASSA represents an important step in reforming our long-term care policy by helping to reduce the institutional bias in our long-term care services system. By doing so, MiCASSA would help individuals with mental retardation live quality lives in the community.

Created over thirty years ago, our long-term care service system is funded mainly by Medicare and Medicaid dollars. Today, over 75 percent of Medicaid long-term care dollars are spent on institutional services, leaving few dollars for community-based services. A national long-term service policy should not favor institutions over home and community-based services. It should allow families and individuals real choice regarding where and how services should be delivered.

People with mental retardation want to live, work and play in the community. MiCASSA would help keep families together and would prevent people with mental retardation from being unnecessarily institutionalized. Community services have also shown on average to be less expensive than institutional services.

MiCASSA complements the 1999 Supreme Court decision in Olmstead, by providing a way for states to meet their obligations under the decision. It would also help reduce the interminable waiting lists for community-based services and supports.

The Arc of the Untied States, the largest national voluntary organization devoted solely to the welfare of people with mental retardation and their families, stands ready to assist you in any way to move this important piece of legislation.

Sincerely,

BRENDA DOSS,
President.

JUSTIN DART, Jr.,
Washington, DC, November 16, 1999.

Hon. TOM HARKIN,
U.S. Senator, Senate Hart Office Building, Washington, DC.

DEAR SENATOR HARKIN: I know that the great majority of 54 million Americans with disabilities join me in congratulating you and Senator Spector on introducing the Medicaid Community Attendant Services and Supports Act of 1999.

The passage of this law will be a landmark progress for free-enterprise democracy. It will pave the way for liberating hundreds of thousands of Americans from institutions by providing the simple services they need to live in their homes and participate in their communities.

I urge every member of Congress to support this historic legislation.

Sincerely,

JUSTIN DART,
Justice For All.

NATIONAL SPINAL CORD INJURY ASSOCIATION,
Silver Spring, MD, November 16, 1999.

Hon. TOM HARKIN,
U.S. Senate, Washington, DC.

DEAR SENATOR HARKIN: The National Spinal Cord Injury Association (NSCIA) joins our colleagues from the National Council on Independent Living and ADAPT in thanking you for your leadership in introducing the Medicaid Community Attendant Services and Support Act (MiCASSA).

This bill, when passed, will make a significant difference in the lives of the 600,000 people with spinal cord injury and disease in the United States, many of whom are currently forced to choose institutional and nursing home services when what they really need are personal assistance services. It has been demonstrated repeatedly that community-based services are better, more cost effective and preferred.

We thank you for your support for people living with spinal cord injury and disease and for your willingness to lead the effort to offer real choices for people with disabilities. You can count on NSCIA's support in the effort to pass MiCASSA.

Sincerely Yours,

THOMAS H. COUNTEE, JR.,
Executive Director.

• Mr. SPECTER. Mr. President, I have sought recognition to join Senator TOM HARKIN, my colleague and distinguished ranking member of the Appropriations Subcommittee on Labor, Health and Human Services and Education, which I chair, in introducing the Medicaid Attendant Care Services and Supports Act of 1999. This creative proposal addresses a glaring gap in Federal health coverage, and assists one of our Nation's most vulnerable populations, persons with disabilities. I would also note that a similar version on this bill was included in the Health Care Assurance Act of 1999 (S. 24), which I introduced on January 19, 1999.

In an effort to improve the delivery of care and the comfort of those with long-term disabilities, this vital legislation would allow for reimbursement for community-based attendant care services, in lieu of institutionalization, for eligible individuals who require such services based on functional need, without regard to the individual's age or the nature of the disability. The most recent data available tell us that 5.9 million individuals receive care for disabilities under the Medicaid program. The number of disabled who are not currently enrolled in the program who would apply for this improved benefit is not easily counted, but would likely be substantial given the preference of home and community-based care over institutional care.

Under this proposal, States may apply for grants for assistance in implementing ''systems change'' initiatives, in order to eliminate the institutional bias in their current policies and for needs assessment activities. Further, if a state can show that the aggregate amounts of Federal expenditures on people living in the community exceeds what would have been spent on the same people had they been in nursing homes, the state can limit the program, perhaps by not letting any more people apply; no limiting mechanism is mandated under this bill. And finally, States would be required to maintain expenditures for attendant care services under other Medicaid community-based programs, thereby preventing the states from shifting patients into the new benefit proposed under this bill.

Let me speak briefly about why such a change in Medicaid law is so desperately needed. Only a few short months ago, the Supreme Court held in *Olmstead* v. *L.C.*, 119 S. Ct. 2176 (1999), that the Americans with Disabilities Act (ADA) requires States, under some circumstances, to provide community-based treatment to persons with mental disabilities rather than placing them in institutions. This decision and several lower court decisions have pointed to the need for a structured Medicaid attendant-care services benefit in order to meet obligations under the ADA. Disability advocates strongly support this legislation, arguing that the lack of Medicaid communty-based services options is discriminatory and unhealthful for disabled individuals. Virtually every major disability advocacy group supports this bill, including ADAPT, the Arc, the National Council on Independent Living, Paralyzed Veterans of America, and the National Spinal Cord Injury Association.

Senator HARKIN and I recognize that such a shift in the Medicaid program is a huge undertaking—but feel that it is a vitally important one. We are introducing this legislation today in an attempt to move ahead with the consideration of crucial disability legislation and to provide a starting point for debate. Mr. President, the time has come for concerted action in this arena.

I urge the congressional leadership, including the appropriate committee chairmen, to move forward in considering this legislation, and take the significant next step forward in achieving the objective of providing individuals with disabilities the freedom to live in their own communities.•

By Mr. WYDEN (for himself and Mr. SMITH or Oregon):

S. 1936. A bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes; to the Committee on Energy and Natural Resources.

THE BENT PINE NURSERY LAND CONVEYANCE ACT

Mr. WYDEN. Mr. President, I am introducing today legislation that will allow the Forest Service to sell an abandoned facility to the city of Bend, OR, to be used for recreational purposes. The idea for this legislation came from the citizens of Bend themselves. They worked with Forest Service personnel in the adjacent Deschutes National Forest and crafted a win-win solution to different problems. What others might have seen as a problem, namely the shutdown of the Pine Nursery facility, they saw as an opportunity—the opportunity to provide a recreational complex for the community and to generate funding for needed facilities in the Deschutes Forest. This legislation would allow them to implement this creative idea.

Faced with the inevitable sale, trade or development of the Forest Service's Bend Pine Nursery, which supplied seedlings for five decades of reforestation work, last spring I met with representatives from the Bend Metro Parks and Recreation District; the city of Bend; the Bend School District; folks from the soccer and Little League baseball programs; and others who are concerned about central Oregon's youth and adults having adequate recreational facilities.

What these folks asked me to do was very straightforward: if the Forest service is going to sell, exchange, or otherwise develop the former Bend Pine Nursery, the community wanted the opportunity to acquire the property for the development of a sports complex, playing fields and other facilities.

My bill simply creates an opportunity for the Bend Metro Parks and Recreation District to work with the people of Bend on whether or not to purchase this property. It does not require purchase by the community, it simply gives the community a right of first refusal to buy the property at fair market value.

At the same time, this legislation allows the Deschutes National Forest to address its need for a new administrative site. Currently, the Deschutes pays approximately $725,000 per year in annual lease and utility costs. This is ¾ of a million dollars that is not being spent on the ground, improving the quality of Deschutes National Forest facilities, lands and resources. It is a credit to the leadership of the Deschutes National Forest that they seek a way out from this unnecessary, unproductive and recurring expense.

My bill will enable the Deschutes to use the money raised from the sale of the nursery and other surplus properties in Oregon toward the acquisition—and ownership—of a new administrative site. The cost of a new building is estimated to be about $7 million; as my colleagues can see, the forest is paying almost a million dollars in rent each year. In the words of an ad from today's ''Bend Bulletin'', and I quote: ''Tired of throwing away thousands on rent? Think you can't buy? think again. If you're stuck in the renter rut, try it our way.''

I look forward to a hearing next year on this bill in the Energy and Natural Resources Subcommittee on Forests and Public Land Management, of which

I am ranking member. I welcome my colleague, Mr. SMITH, as an original cosponsor of this innovative bill

I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 1936

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 ''Bend Pine Nursery Land Conveyance Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(2) STATE.—The term ''State'' means the State of Oregon.

SEC. 3. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.

(a) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any or all right, title, and interest of the United States in and to the following National Forest System land and improvements:

(1) Bend Pine Nursery, comprising approximately 210 acres, as depicted on site plan map entitled ''Bend Pine Nursery Administrative Site'', dated May 13, 1999.

(2) The Federal Government-owned facilities at Shelter Cove Resort, as depicted on site plan map entitled ''Shelter Cove Resort'', dated November 3, 1997.

(3) Isolated parcels of National Forest System land located in sec. 25, T. 20 S., R. 10 E., and secs. 16, 17, 20, and 21, T. 20 S., R. 11 E., Willamette Meridian, as depicted on the map entitled ''Isolated Parcels, Deschutes National Forest'', dated 1988.

(4) Alsea Administrative Site, consisting of approximately 24 acres, as depicted on site plan map entitled ''Alsea Administrative Site'', dated May 14, 1999.

(5) Mapleton Administrative Site, consisting of approximately 8 acres, as depicted on site plan map entitled ''Mapleton Administrative Site'', dated May 14, 1999.

(6) Springdale Administrative Site, consisting of approximately 3.6 acres, as depicted on site plan map entitled ''Site Development Plan, Columbia Gorge Ranger Station'', dated April 22, 1964.

(7) Dale Administrative Site, consisting of approximately 40 acres, as depicted on site plan map entitled ''Dale Administrative Site'', dated July 7, 1999.

(b) CONSIDERATION.—Consideration for a sale or exchange of land under subsection (a) may include the acquisition of land, existing improvements, or improvements constructed to the specifications of the Secretary.

(c) APPLICABLE LAW.—Except as otherwise provided in this Act, any sale or exchange of National Forest System land under subsection (a) shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

(d) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of land exchanged under subsection (a).

(e) SOLICITATIONS OF OFFERS.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary may solicit offers for sale or exchange of land under this section on such terms and conditions as the Secretary may prescribe.

(2) REJECTION OF OFFERS.—The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(3) RIGHT OF FIRST REFUSAL.—The Bend Metro Parks and Recreation District or other units of local government in Deschutes County, Oregon, shall be given the right of first refusal to purchase the Bend Pine Nursery described in subsection (a)(1).

(f) REVOCATIONS.—

(1) IN GENERAL.—Any public land order withdrawing land described in subsection (a) from all forms of appropriation under the public land laws is revoked with respect to any portion of the land conveyed by the Secretary under this section.

(2) EFFECTIVE DATE.—The effective date of any revocation under paragraph (1) shall be the date of the patent or deed conveying the land.

SEC. 4. DISPOSITION OF FUNDS.

(a) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale or exchange under section 3(a) in the fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the ''Sisk Act'').

(b) USE OF PROCEEDS.—Funds deposited under subsection (a) shall be available to the Secretary, without further Act of appropriation, for—

(1) the acquisition, construction, or improvement of administrative facilities and associated land in connection with the Deschutes National Forest; and

(2) to the extent the funds are not necessary to carry out paragraph (1), the acquisition of land and interests in land in the State.

(c) ADMINISTRATION.—Subject to valid existing rights, the Secretary shall manage any land acquired by purchase or exchange under this Act in accordance with the Act of March 1, 1911 (16 U.S.C. 480 et seq.) (commonly known as the ''Weeks Act'') and other laws (including regulations) pertaining to the National Forest System.

SEC. 5. CONSTRUCTION OF NEW ADMINISTRATIVE FACILITIES.

The Secretary may acquire, construct, or improve administrative facilities and associated land in connection with the Deschutes National Forest System by using—

(1) funds made available under section 4(b); and

(2) to the extent the funds are insufficient to carry out the acquisition, construction, or improvement, funds subsequently made available for the acquisition, construction, or improvement.

SEC. 6. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

ADDITIONAL COSPONSORS

S. 345

At the request of Mr. ALLARD, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 386

At the request of Mr. GORTON, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 386, a bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt bond financing of certain electric facilities.

S. 424

At the request of Mr. MACK, his name was added as a cosponsor of S. 424, a bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 484

At the request of Mr. CAMPBELL, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 866

At the request of Mr. CONRAD, the name of the Senator from Arkansas [Mrs. LINCOLN] was added as a cosponsor of S. 866, a bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the medicare program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements.

S. 1109

At the request of Mr. MCCONNELL, the names of the Senator from Wisconsin [Mr. FEINGOLD] and the Senator from Alabama [Mr. SESSIONS] were added as cosponsors of S. 1109, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1198

At the request of Mr. SHELBY, the names of the Senator from Tennessee [Mr. THOMPSON], the Senator from Arkansas [Mrs. LINCOLN], the Senator from Ohio [Mr. VOINOVICH], the Senator from Nebraska [Mr. KERREY], the Senator from Alaska [Mr. STEVENS], the Senator from Louisiana [Mr. BREAUX], the Senator from Utah [Mr. BENNETT], the Senator from Louisiana [Ms. LANDRIEU], the Senator from Oklahoma [Mr. INHOFE], the Senator from Virginia [Mr. ROBB], the Senator from Delaware [Mr. ROTH], and the Senator from Nebraska [Mr. HAGEL] were added as cosponsors of S. 1198, a bill to amend chapter 8 of title 5, United States Code, to provide for a report by the General Accounting Office to Congress on agency regulatory actions, and for other purposes.

S. 1200

At the request of Ms. SNOWE, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1200, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 1272

At the request of Mr. NICKLES, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1272, a bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes.

S. 1332

At the request of Mr. LUGAR, the names of the Senator from Virginia [Mr. WARNER], the Senator from North Carolina [Mr. HELMS], the Senator from Missouri [Mr. ASHCROFT], the Senator from South Carolina [Mr. THURMOND], the Senator from Idaho [Mr. CRAIG], the Senator from Maine [Ms. SNOWE], the Senator from Florida [Mr. MACK], the Senator from Washington [Mr. GORTON], the Senator from Vermont [Mr. JEFFORDS], the Senator from Nebraska [Mr. HAGEL], the Senator from Kansas [Mr. BROWNBACK], the Senator from Utah [Mr. HATCH], the Senator from Utah [Mr. BENNETT], the Senator from New Hampshire [Mr. SMITH], the Senator from New Mexico [Mr. DOMENICI], the Senator from Mississippi [Mr. LOTT], the Senator from Montana [Mr. BURNS], the Senator from Michigan [Mr. ABRAHAM], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 1332, a bill to authorize the President to award a gold medal on behalf of Congress to Father Theodore M. Hesburg, in recognition of his outstanding and enduring contributions to civil rights, higher education, the Catholic Church, the Nation, and the global community.

S. 1384

At the request of Mr. ABRAHAM, the name of the Senator from Georgia [Mr. CLELAND] was added as a cosponsor of S. 1384, a bill to amend the Public Health Service Act to provide for a national folic acid education program to prevent birth defects, and for other purposes.

S. 1438

At the request of Mr. ROBB, his name was added as a cosponsor of S. 1438, a bill to establish the National Law Enforcement Museum on Federal land in the District of Columbia.

S. 1446

At the request of Mr. LOTT, the names of the Senator from Virginia [Mr. ROBB] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 1446, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 1448

At the request of Mr. HUTCHINSON, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 1448, a bill to amend the Food Security Act of 1985 to authorize the annual enrollment of land in the wetlands reserve program, to extend the program through 2005, and for other purposes.

S. 1464

At the request of Mr. ROBERTS, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 1464, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish certain requirements regarding the Food Quality Protection Act of 1996, and for other purposes.

S. 1498

At the request of Mr. BURNS, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 1498, a bill to amend chapter 55 of title 5, United States Code, to authorize equal overtime pay provisions for all Federal employees engaged in wildland fire suppression operations.

S. 1561

At the request of Mr. ABRAHAM, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 1561, a bill to amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of control substances, to provide for a national awareness campaign, and for other purposes.

S. 1638

At the request of Mr. ASHCROFT, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1638, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

S. 1718

At the request of Mr. KERRY, the name of the Senator from New York [Mr. SCHUMER] was added as a cosponsor of S. 1718, a bill to amend the Internal Revenue Code of 1986 to provide a credit for medical research related to developing vaccines against widespread diseases.

S. 1733

At the request of Mr. FITZGERALD, the names of the Senator from Kentucky [Mr. MCCONNELL] and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 1733, a bill to amend the Food Stamp Act of 1977 to provide for a national standard of interoperability and portability applicable to electronic food stamp benefit transactions.

S. 1738

At the request of Mr. JOHNSON, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 1738, a bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter.

S. 1760

At the request of Mr. BIDEN, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 1760, a bill to provide reliable officers, technology, education, community prosecutors, and training in our neighborhoods.

S. 1762

At the request of Mr. COVERDELL, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 1762, a bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws.

S. 1796

At the request of Mr. MACK, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 1796, a bill to modify the enforcement of certain anti-terrorism judgements, and for other purposes.

S. 1800

At the request of Mr. GRAHAM, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1800, a bill to amend the Food Stamp Act of 1977 to improve onsite inspections of State food stamp programs, to provide grants to develop community partnerships and innovative outreach strategies for food stamp and related programs, and for other purposes.

S. 1813

At the request of Mr. KENNEDY, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1813, a bill to amend the Public Health Service Act to provide additional support for and to expand clinical research programs, and for other purposes.

S. 1823

At the request of Mr. DEWINE, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 1823, a bill to revise and extend the Safe and Drug-Free Schools and Communities Act of 1994.

S. 1851

At the request of Mr. CAMPBELL, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 1851, a bill to amend the Elementary and Secondary Education Act of 1965 to ensure that seniors are given an opportunity to serve as mentors, tutors, and volunteers for certain programs.

S. 1873

At the request of Mr. SESSIONS, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1873, a bill to delay the effective date of the final rule regarding the Organ Procurement and Transplantation Network.

S. 1891

At the request of Mr. CHAFEE, the name of the Senator from Maine [Ms. COLLINS] was added as a cosponsor of S. 1891, a bill to amend the Elementary and Secondary Education Act of 1965 to improve literacy through family literacy projects.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

SENATE CONCURRENT RESOLUTION 60

At the request of Mr. FEINGOLD, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

SENATE RESOLUTION 87

At the request of Mr. DURBIN, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of Senate Resolution 87, a resolution commemorating the 60th anniversary of the International Visitors Program

SENATE RESOLUTION 106

At the request of Mr. DOMENICI, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Resolution 106, a resolution to express the sense of the Senate regarding English plus other languages.

SENATE RESOLUTION 108

At the request of Mr. BREAUX, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Vermont [Mr. LEAHY], the Senator from Missouri [Mr. BOND], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of Senate Resolution 108, a resolution designating the month of March each year as ''National Colorectal Cancer Awareness Month.''

SENATE RESOLUTION 128

At the request of Mr. COCHRAN, the names of the Senator from Kentucky [Mr. BUNNING], the Senator from Georgia [Mr. CLELAND], the Senator from New York [Mr. MOYNIHAN], the Senator from New York [Mr. SCHUMER], the Senator from Alaska [Mr. STEVENS], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Resolution 128, a resolution designating March 2000, as ''Arts Education Month.''

SENATE RESOLUTION 134

At the request of Mr. THURMOND, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of Senate Resolution 134, a resolution expressing the sense of the Senate that Joseph Jefferson ''Shoeless Joe'' Jackson should be appropriately honored for his outstanding baseball accomplishments.

SENATE RESOLUTION 196

At the request of Mr. WARNER, the names of the Senator from Vermont [Mr. JEFFORDS], the Senator from Idaho [Mr. CRAIG], the Senator from North Dakota [Mr. DORGAN], and the Senator from Maine [Ms. COLLINS] were added as cosponsors of Senate Resolution 196, a resolution commending the submarine force of the United States Navy on the 100th anniversary of the force.

SENATE RESOLUTION 200

At the request of Mr. GRAMS, the names of the Senator from Virginia [Mr. WARNER] and the Senator from Virginia [Mr. ROBB] were added as cosponsors of Senate Resolution 200, a resolution designating the week of February 14–20 as ''National Biotechnology Week.''

SENATE RESOLUTION 212

At the request of Mr. ABRAHAM, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Senate Resolution 212, a resolution to designate August 1, 2000, as ''National Relatives as Parents Day.''

SENATE RESOLUTION 225

At the request of Mr. DURBIN, the names of the Senator from Nebraska [Mr. HAGEL], the Senator from Virginia [Mr. ROBB], and the Senator from Louisiana [Ms. LANDRIEU] were added as cosponsors of Senate Resolution 225, a resolution to designate November 23, 2000, Thanksgiving Day, as a day to ''Give Thanks, Give Life'' and to discuss organ and tissue donation with other family members.

SENATE RESOLUTION 227

At the request of Mr. BOND, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of Senate Resolution 227, a resolution expressing the sense of the Senate in appreciation of the National Committee for Employer Support of the Guard and Reserve.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON FINANCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate Committee on Finance be authorized to meet during the session of the Senate on Tuesday, November 16, 1999, at 10 a.m., in 215 Dirksen, to conduct a hearing.

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

ADDITIONAL STATEMENTS

THE CAREER OF MICHAEL J. PETRINA

• Mr. HATCH. Mr. President, occasionally in Washington, an individual crosses our paths whose talents go beyond legal and government relations skills or polished representation of political and policy issues, and extend to an elusive higher level. At this level, we think of him not as a creature of the policies he advocates but as a person—a man of integrity and decency. Mike Petrina is such a man. Generous and unfailingly courteous, Mike has represented the Cosmetic, Toiletry, and Fragrance Association with intelligence, savvy, and charm. In doing his job well, he also has achieved what is often very difficult in this town—an excellent reputation as a genuinely nice guy.

Before he joined CTFA, Mike worked as legislative counsel to the Pharmaceutical Research and Manufacturers Association, as an attorney both in private practice and in community legal services, and as a legislative assistant to the late Representative Silvio Conte. In each of these capacities, his watchword was integrity and his purpose was to achieve the goal without compromising either his own principles or the credibility of his employer.

It is clear that among the defining moments of Mike's life—those moments that signaled how successful he would be here in wonk universe, were his quiz show triumphs. If winning on Jeopardy doesn't tell us anything else about a person, it tells us that he will always be able to produce an obscure fact and that he can react instantaneously to a totally unexpected question or comment. Surely those two skills suited Mike superbly for his fruitful Washington career.

Mike has chosen to retire early in the year 2000, when he is young enough to enjoy his retirement and to have a long time to do it. I wish him well, and want him to know that many of us here will miss him. With Mike and CTFA president Ed Kavanaugh, the industry made a lasting mark on the Utah Children's Charities through contributions of products to our golf tournament each August. I have been grateful for the contribution and, more importantly, for the spirit of good will that always characterized my interactions with CTFA and with Mike.

Mike illustrated, through effective use of his talents, the sense of humor that always tided him over the tough moments, and his gentle approach to people, what the poet and artist J. Stone once said: ''the most visible creators I know of are those artists whose medium is life itself . . . They neither paint nor sculpt—their medium is being. Whatever their presence touches has increased life.''

I am sure I speak for all those who worked with Mike in thanking him for all he did here to make our work together so pleasant and productive. I wish Mike Petrina a long and enjoyable retirement, and urge him to remember always the words of Robert Browning: ''The best is yet to be, the last of life for which the first was made.''•

90TH ANNIVERSARY OF THE AMERICAN RED CROSS OF SOUTHEASTERN CONNECTICUT

• Mr. DODD. Mr. President, it is with great enthusiasm that I rise today to celebrate the 90th Anniversary of the American Red Cross of Southeastern Connecticut. Since 1909, victims of war, strife and natural disaster have been given the gift of hope and the means of

survival by the selfless men and women who make up the Red Cross' Southeastern Connecticut Chapter. Indeed, for nine decades, the Southeastern Connecticut Chapter has provided assistance to those in need in Connecticut, across the United States and around the world—truly exemplifying the ideals of the American Red Cross—offering aid and support during periods of acute emergency and prolonged rebuilding alike.

The Red Cross itself has a long and distinguished history in the United States. In 1881, the American Red Cross was founded by Clara Barton and dedicated to the basic principles of service to humanity, independence, voluntary service, unity and universality. President Taft described the American Red Cross as ''the only volunteer society now authorized by this government to render aid to its land and naval forces in times of war,'' for that was its original intent, to aid the casualties of war. As we all know, the organization's peace-time role grew rapidly, however, and at the turn of the century, new leadership brought new goals and expanded the services of the American Red Cross.

The growth of the American Red Cross was made possible by the success of regional chapters and the dedication of countless volunteers. The Red Cross was entirely staffed by volunteers until 1941, and today, volunteers still make up ninety-eight percent of all Red Cross personnel. When membership drives were initiated by the Southeastern Connecticut Chapter, residents of that area answered the call. Citizens from all walks of life—businesses, mills, farms, schools, churches and hospitals—donated their time, skill and money to the organization. Over the years, the Southeastern Chapter has been able to generate the ever-increasing support required to meet developing demands because of the sacrifice of their volunteers and the generosity of their neighbors.

Over the last 90 years, this generosity and self-sacrifice has produced a remarkable track record. Historically speaking, the Red Cross organization in Southeastern Connecticut was active even before its formal charter was granted on November 1, 1909. The founding members began organizing at the Park Congressional Church in Norwich, Connecticut in October, 1905. They played a role in the relief efforts following the eruption of Mount Vesuvius and in 1906 helped survivors of the San Francisco earthquake and fire. Back home in Connecticut, the chapter also moved rapidly to combat a growing tuberculosis epidemic in its early days.

As the world braced for war in August, 1914, the Chapter prepared for its own humanitarian campaign. The Chapter's members opened their hearts and homes to the work at hand. Preparations were carried out in homes, offices, social clubs, church societies and any other available space. The spirit of the Red Cross in Southeastern Connecticut was truly embraced by the community as a whole. The Honor Roll Committee, the Home Service Section, the Motor Corps and the Junior Red Cross were all formed in the endeavor to relieve those affected by war.

During the latter decades of the century, the Chapter, and the Red Cross in general, made great strides in the field of blood donation. Connecticut Chapters contributed to the Blood Services of the war in Vietnam by sponsoring ''Operation Helpmate'' in which each Chapter supplied a mobile blood unit in Mekong, Vietnam. Relentless in their selfless devotion to humanitarianism worldwide, Southeastern Connecticut Red Cross has provided a safety net for the 20th Century.

While most of us think of the Red Cross as an international force for good, the presence of the American Red Cross in Connecticut has been important, as well. When the deadliest hurricane to ever hit New England slammed into Eastern Connecticut on September 21, 1938, the Disaster and Civil Preparedness Committee of the Southeastern Chapter responded to the emergency situation immediately, helping countless lives. And the Chapter led the effort to rebuild once the storm had passed. Had it not been for the preparedness of the Chapter in disaster situations, the damage and loss of life sustained would have been far greater.

More recently, the state's organization has created what is now hailed as a model program for preventing the spread of HIV throughout the state. This program has become highly successful, and is partly the reason why cases of new infections have dropped significantly.

Just this year, the destruction brought by hurricane Floyd was mitigated by the Southeastern Red Cross. While parts of Connecticut were so badly soaked by floods that they were declared federal disaster areas, the Southeastern Connecticut American Red Cross was assisting local hospitals and rescuing those in need.

At the turn of the millennium, the American Red Cross faces new challenges. Cultural and national conflicts, natural disasters and acts of nature have caused unimaginable human suffering in recent memory. After each calamity, however, the Red Cross and its volunteers have been there to pick up the pieces. Volunteers from Connecticut have played an active role both around the world and at home over the last 90 years and I rest easier knowing they will continue to play a vital role well into the next century.

So, it is with great pride and gratitude, Mr. President, that I stand on the floor of the Senate today to recognize the accomplishments of the Southeastern Connecticut American Red Cross over these past 90 years. I know I speak for many Connecticut residents in expressing congratulations for achieving this milestone, and best wishes in coming years for continued service to those in need.●

IMAM VEHBI ISMAIL PROCLAMATION

● Mr. ABRAHAM. Mr. President, it gives me great pleasure to rise today and honor Imam Vehbi Ismail for his fifty years of dedicated service to the Islamic community.

The Imam has been an instrumental force in the Albanian American and Islamic communities in Michigan. Originally, from Albania he emigrated to the United States in 1949 after studying theology in Egypt. Through his spiritual leadership the Imam set himself on a path to improve the Albanian American community. One of his greatest accomplishments was the establishment of the Albanian Islamic Center where he served as the Senior Cleric.

What is truly remarkable about this extraordinary individual is his work in the areas of democratic and human rights. The Imam has been the driving force in the Michigan community, raising awareness for human rights for Albanians world wide.

The Imam has proudly served as one of the longest active Clerics in the country. His family and the Albanian American community look to him as the elder statesman and guiding spirit for their community.

Mr. President it is with sincere joy and appreciation that I honor the Imam Vehbi Ismail. He is truly an example of unselfish charity and an inspiration to many.●

JERRY DAVIS, JR., TRIBUTE

● Mr. CLELAND. Mr. President, I come before my colleagues today to pay tribute to a dear friend, Jerry Davis, Jr. Jerry and I first met in the Army when we were stationed in New Jersey together before we headed to Vietnam. Jerry is a man with an extraordinary story and I am proud to be among his circle of friends.

Jerry was born on January 2, 1925 in Terry, Louisiana—a humble beginning for a sharecropper's son destined for the cover of FORTUNE Magazine (October, 1975). Jerry was a man committed to a life of service and his family, his church, his community and his country. A generous, loving and forgiving spirit, a respect for order and tradition and a legendary helping hand were the hallmarks of his life.

After graduating first in his class from the Magnolia Training School, he cut his formal education short , despite receiving a scholarship from Southern University, by enlisting in the U.S. Army. Joining the all African-American 94th Engineer Construction Battalion at the end of World War II, he began his military career as an enlisted man in Paris. Seven years later he completed Officer Training School in Fort Benning, Georgia and as a new 2nd Lieutenant was company commander in the Korean War. In 1967, he returned to combat as one of two African-American battalion commanders in Vietnam. After 26 years of distinguished

service, Lieutenant Colonel Davis retired.

From there, Jerry went on to accomplish many great things. Among them were, being Chairman of the Board of M.U.S.C.L.E.—a non-profit organization providing low income housing in Southwest Washington—and serving as a trustee for the retirement fund of the Washington Suburban Sanitation Commission. In the early 1970's, Jerry founded Unified Services Inc., a successful building service management company and was Chairman of the Board and CEO of Unibar Maintenance in Ann Arbor, Michigan. Jerry was also a delegate to the 1980 White House Conference on Small Business.

While on a business trip to Portland, Oregon with a friend, he met Jean Cotton Simmons and swept her off her feet. They married and shortly after created a family whose dimensions extend miles beyond their shared hearth with a tradition of hospitality, humor and huge holiday celebrations.

Jerry fills his free time with the sounds of Duke Ellington, Frank Sinatra and Miles Davis, and when his wife isn't looking, it's long cigars and the Redskins. And I can't forget our shared love of Westerns, especially ''Gunfight at the OK Corral.'' Countless people have had life defining moments with this ordinary man who produced extraordinary results, leaving behind an enduring legacy of living life to its unreasonable fullest. As Jerry and his family battle against his cancer, I applaud the courage and determination he has shown throughout his life.

As George Bernard Shaw once said, ''The reasonable man adapts himself to the conditions that surround him. The unreasonable man adapts surrounding conditions to himself. Our progress depends on the unreasonable man.''●

TRIBUTE TO HENRY VOGT HEUSER, SR.

● Mr. McCONNELL. Mr. President, I rise today to pay tribute to a dear friend, a successful businessman, and community leader, the late Henry Heuser, Sr. I also would like to extend my condolences to his two sons, Henry, Jr. and Marshall.

Henry has made it easy for us to remember him—leaving behind an impressive list of accomplishments that most people only hope to achieve in their lifetime. Henry will be remembered for many different reasons, not least of which is his generosity to the Louisville community. Henry gave much of his time, energy and monetary resources to benefit others. Aware that he had resources which not everyone was privileged to have, he shared his wealth both of knowledge and of money with the city over his lifetime. Henry often gave to charity and community groups that needed support, including a recent $1 million donation to the Louisville Deaf Oral School for a much-needed expansion project. He made the donation in memory of his late wife, Edith, who volunteered for and supported the school for many years.

Henry also will be remembered as a dedicated civic leader for Louisville—Henry had a heart for the city of Louisville, and a vision for its bright future. Henry was a founder of Leadership Louisville, a group of community leaders that were committed to making a difference in the city. Henry also was very involved in the religious community of Louisville, and even led the effort to bring the Presbyterian Church's headquarters to the city several years ago. Another of the legacies Henry leaves behind is that of ''The Derby Clock,'' as it has come to be known. Henry was an integral part of the planning and design for the clock, and I know I will think of him when I see it repaired, reassembled, and prominently displayed in our city.

Henry also will be remembered for his success in business, with the Henry Vogt Machine Company and his more recent enterprises, Unistar and Equisource. Henry's sharp mind and innate common sense clearly served him in the business world and in the community.

I am certain that the legacy of excellence that Henry Heuser, Sr. has left will continue on, and will encourage and inspire others. Hopefully it will be a comfort to the family and friends he leaves behind to know that his efforts to better the community will be felt for years to come. On behalf of myself and my colleagues, I offer my deepest condolences to Henry's loved ones, and express my gratitude for all he contributed to Jefferson County, the State of Kentucky, and to our great nation.●

PFIZER'S 150TH ANNIVERSARY

● Mr. LIEBERMAN. Mr. President, I rise today to congratulate Pfizer, Inc. on its 150th anniversary. As one of the global leaders of the important pharmaceutical industry, Pfizer has helped to improve the health of men, women and children around the world for the last century and a half. The company employs 4,939 men and women in its Groton, CT research facility, which lies in my home state.

Pfizer is committed to helping people live better lives—not only by bringing best-in-class medicines to market, but also by working with patients and physicians to develop comprehensive disease management programs that educate people about ways to better control their illness, rather than letting their illness control them.

Pfizer's long history is full of adventure, daring risk-taking, and intrepid decision-making. Founded by German immigrant cousins Charles Pfizer and Charles Erhart in 1849, Pfizer has grown from a small chemical firm in Brooklyn, NY to a multinational corporation, which employs close to 50,000 people.

Pfizer has a long tradition of developing innovative drugs to combat a variety of illnesses. In 1944, Pfizer was the first company to successfully mass-produce penicillin, a breakthrough that led to the company's emergence as a global leader in its industry. Since then, Pfizer has marketed dozens of effective medicines designed to fight conditions like arthritis, diabetes, heart disease, and infections. Nearly all of the major medicines marketed by Pfizer are No. 1 or No. 2 in their categories

In addition, Pfizer provides a wide range of assistance to those in need. The desire to live a healthy life is universal. But for millions of people around the world, access to high quality health care remains out of reach. Pfizer is committed to bringing their medicines to those in need. Through Sharing the Care, a program started in 1993, Pfizer has filled more than 3.0 million prescriptions for its medicines—valued at over $170 million—for more than one million uninsured patients in the United States. The program was cited by American Benefactor, a leading philanthropy journal, in selecting Pfizer as one of America's 25 most generous companies for 1998.

As you can see, Pfizer has made innumerable contributions to our nation and our world, and its accomplishments should be applauded as it celebrates its 150th anniversary.●

SHARED APPRECIATION AGREEMENTS

● Mr. BURNS. Mr. President, shared appreciation agreements have the potential to cause hundreds of farm foreclosures across the nation, and especially in my home state of Montana. Ten years ago, a large number of farmers signed these agreements. At that time they were under the impression that they would be required to pay these back at the end of ten years, at a reasonable rate of redemption.

However, that has not proved to be the case. The appraisals being conducted by the Farm Service Agency are showing increased values of ridiculous proportions. By all standards, one would expect the value to have decreased. Farm prices are the lowest they have been in years, and there does not seem to be a quick recovery forthcoming. Farmers cannot possibly be expected to pay back a value twice the amount they originally wrote down. Especially in light of the current market situation, I believe something must be done about the way these appraisals are conducted.

USDA has proposed rules and regulations but farmers need help with these agreements now. This legislation mandates these important regulations. It will exclude capital investments from the increase in appreciation and allow farmers to take out a loan at the ''Homestead Rate'', which is the government's cost of borrowing.

Farmers should not be penalized for attempting to better their operations. Nor can they be expected to delay capital improvements so that they will

not be penalized. It will be necessary for most of these agricultural producers to take out an additional loan during these hard times. It is important that the interest rate on that loan will accommodate their needs. The governments current cost of borrowing equals about 6.25 percent, far less than the original 9 percent farmers and ranchers were paying.

I look forward to working with members in other states to alleviate the financial burdens imposed by shared appreciation agreements. I hope that we may move this through the legislative process quickly to provide help as soon as possible to our farmers.●

IN MEMORY OF JOHN A. SACCI

● Mr. TORRICELLI. Mr. President, I rise today to pay homage to one of my constituents, the late John A. Sacci, who was a resident in my home county of Bergen. John Sacci served with distinction as a history teacher in the Hoboken Public Schools until his untimely death in 1997. The good citizens of Hoboken will dedicate a playground in the historic Columbus Park in honor of his memory, and I join his family, friends and colleagues in paying tribute to a man who inspired so many young people.

John Sacci lived a short life, but it was not without ample achievements and success. Mr. Sacci helped to shape the minds of our children and did so with his unique brand of humor. His approach to teaching was filled with a refreshing attitude that won him the affection of countless students. Mr. President, above all, John Sacci was a committed and dedicated teacher and servant of the people.

Mr. Sacci lent his support to countless causes, including the implementation of Advanced Placement courses and the International Bacculauralate programs at Hoboken High School, creating scholarship opportunities for students, and initiating professional learning opportunities like the Academic Bowl and Mock Trial providing for Hoboken's students to be among the brightest in Hudson County. Additionally, John served as the Girl's Softball Team Coach and helped to build young women's self-esteem through leadership and team work.

When it came time to assist students with the college application process, John Sacci was the one hundreds of students turned to for assistance because they knew he cared. Indeed, John Sacci's efforts made it possible for hundreds of students to go on and become productive citizens. In fact, John Sacci helped and inspired a member of my own staff, George A. Ortiz, who serves as my press secretary. He was a vital asset to the success of Hoboken High School and his loss is profoundly felt. For all who ever crossed his path and benefitted from his intrinsic commitment to helping shape the future of America, we are all the better for it today.

Mr. President, I have stood on the floor of this great chamber time and again to urge the imperative need for meaningful gun control. On February 17, 1997 the tragedies that have struck in places like Littleton, Jonesboro and Columbine were all too familiar to the small community of Hoboken, as John Sacci's life was tragically cut short by gun violence. To all of my constituents in New Jersey who have died from gun violence, like John Sacci, I commit to fighting so that their memories and untimely deaths are not forgotten.

In conclusion, I want to express my personal condolences to John Sacci's family and friends. To his wife, Kathy, his children, Carla, Christi, Jenna and Elaina, though nothing I can say today will change the pain you feel, but take pride in your husband and father John Sacci. He was, indeed, a man of courage, inspiration and above all, he cared enough to want to make a difference.

Mr. President, I would like the record to reflect that today, Tuesday, November 23, 1999, family, friends and countless students gathered together in the City of Hoboken, in Hudson County in my great state of New Jersey to dedicate a playground in the living memory of John A. Sacci, an accomplished teacher.●

LA SALLE COLLEGE HIGH SCHOOL FATHER/SON BANQUET

● Mr. SANTORUM. Mr. President, I would like to call to your attention a special event which will be occurring in Wyndmoor, Pennsylvania on Thursday, November 18, 1999. La Salle College High School will be celebrating the 50th anniversary of their Father/Son Banquet, sponsored by the ''Men of La Salle,'' otherwise known as the Father's Club.

La Salle College High School is a private, independent Catholic college preparatory school for young men of varied backgrounds and abilities. La Salle is dedicated to providing a challenging and nurturing environment for learning, inspired by Saint John Baptist De La Salle, and seeks to empower each student to accept responsibility and achieve his fullest potential. La Salle is committed to Christian values, academic excellence, spiritual fulfillment, cultural enrichment, and physical development. The Lasallian experience prepares young men who are dedicated to leadership, achievement, and service to help build a society that is more human, more Christ-like, and more just.

The Father's Club has a long history of doing good for the La Salle College High School and its families. Much of the money raised by the Men of La Salle College High School and its families. Much of the money raised by the Men of La Salle, for example, goes to help students at La Salle who find themselves in financial difficulties as a result of the death of an employed parent. This scholarship fund makes it possible for students who go through a family tragedy to stay at La Salle, and helps to foster a family-like atmosphere. The Father's Club also contributes to the financial growth and stability of La Salle, and provides a wholesome social climate through its various events and activities.

Once again, I would like to congratulate La Salle College High School and the Men of La Salle for the 50th anniversary of their Father/Son banquet, and thank them for the great work which they are doing. They are a tribute to Pennsylvania and should be recognized as a model organization to be emulated.●

DAVID AND ANN CANNON

● Mr. DODD. Mr. President, I raise today to honor the enduring union of David and Ann Cannon and the legacy of accomplishment that their partnership has produced. On December 19, 1999, they will retire together, 35 years to the day after David was ordained as a priest and the two began their work at the St. James Episcopal Church in the Village of Poquetanuck, Connecticut, located in the greater Norwich area of my home state.

For these past three and a half decades, David and Ann have been pillars of the Norwich community. Through their unflagging commitment to improving the lot of those in need, they have touched the lives of countless neighbors and set an impressive example for the rest of us to follow. Specifically, their work on behalf of the homeless of Martin House and Thames River Family Program has given dignity and hope to those who previously had little of either.

Individually, each has many accomplishments for which to be proud. David has been a faithful pastor and a caring leader for his parish. He has dedicated himself to increasing access to quality higher education and ensuring compassionate care for the ill and infirm. To her great credit, Ann has worked tirelessly to shape a more responsive local government and to conserve the history of the community for generations to come.

But the sum of this pair's worth is well beyond the measure of its distinguished parts. Perhaps it is the love and good humor these two share with themselves and others, their common zeal for hard work, and their joint commitment to excellence that is most memorable about them. Perhaps, as well, it is their unbending faith and their untempered compassion for their neighbors, and their talent for simply caring about others that has magnified their impact. All these traits have defined David and Ann for the many years I have known them and undoubtedly long before.

While I merely scratch the surface of their many virtues and accomplishments here today, I would be remiss not to mention David and Ann's three most remarkable accomplishments—David, Andrew and Ruth, their three wonderful and loving children.

Through 42 years of marriage, 35 years of selfless dedication to their parish and community, and 3 wonderful children, David and Ann Cannon have remained the central characters in a wonderful life story. I know I speak for countless others in the Norwich area in wishing that the next chapter in their remarkable life story be one of many rewarding years filled with love and happiness.●

DUTCH AMERICAN HERITAGE DAY

● Mr. KYL. Mr. President, on November 17, 1776 a small American warship, the *Andrew Doria*, sailed into the harbor of the island of Saint Eustatius in the West Indies. Only 4 months before, the United States had declared its independence from Great Britain. The American crew was delighted when the Governor of the island, Johannes de Graaf, ordered that his fort's cannons be fired in a friendly salute. The first ever given by a foreign power to the flag of the United States, it was a risky and courageous act. The British seized the island a few years later. De Graff'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 the longest unbroken 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 tested by time and by the crucible of armed conflict, Dutch American Heritage is even older than our official relationship. It dates back to the early seventeenth century, when the Dutch West India Company founded New Netherland and its main settlements, New Amsterdam and Fort 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 and Pella, Iowa where many people trace their roots to settlers from the Netherlands.

Generations of Dutch immigrants have enriched the United States with the unique customs and traditions of their ancestral homeland—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. Three presidents, Martin Van Buren, Theodore Roosevelt and Franklin D. Roosevelt, came from Dutch stock.

Our Dutch heritage is seen not only in our 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 systems of government that inspired our Nation's Founders as they shaped our Constitution.

In celebration 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, we observe Dutch American Heritage Day on November 16.

I salute the over eight million Dutch Americans and the sixteen million people of the Netherlands in the celebration of this joyous occasion.●

USE OF SECRET EVIDENCE IN DEPORTATION PROCEEDINGS

● Mr. MOYNIHAN. Mr. President, on November 6, Nat Hentoff devoted his ever insightful column to the Kafka-like use of secret evidence by our Federal government in deportation proceedings. Once again, Mr. Hentoff has highlighted yet another distressing aspect of the 1996 Anti-Terrorism and Effective Death Penalty Act. I ask that Mr. Hentoff's column be printed in the RECORD.

The column follows.

[From the Washington Post, Nov. 6, 1999]

PROSECUTION IN DARKNESS

(By Nat Hentoff)

Around the country, 24 immigrants, most of them Muslim or of Arab descent, are being detained—that is, imprisoned—by the Immigration and Naturalization Service, which intends to deport them.

None of them, nor any of their lawyers, has been allowed to see the evidence against them or to confront their accusers. This denial of fundamental due process is justified on the grounds of national security.

In 1996, the president signed the Anti-Terrorism and Effective Death Penalty Act, which authorized secret evidence. A federal district judge in Newark, N.J., William Walls, has now described this as "government processes initiated and prosecuted in darkness." (The use of secret evidence, however, goes back to the 1950s).

Although many active lawsuits, in various stages, are attacking this use of secret evidence, Judge Walls is the first jurist to flatly declare the use of such evidence unconstitutional.

His decision was in the case of Hany Mahmoud Kiareldeen, a Palestinian who has been in this country for nine years, managed an electronics store in New Jersey and is married to an American citizen.

First arrested for having an expired student visa, he later was accused of meeting in his New Jersey home, a week before the 1993 World Trade Center bombing, with one of the men convicted in that attack. He also was accused of threatening to kill Attorney General Janet Reno.

The source of this classified evidence is the FBI's Joint Terrorism Task Force. But, as Judge Walls has noted, the INS failed to produce any witnesses—either from the FBI or from the INS—or "original source material" in support of these charges. Therefore no witnesses could be cross-examined at the hearings.

At the hearings, Kiareldeen produced witnesses and other evidence that he was not living in the town where he is supposed to have met with bombing conspirators. And an expert witness, Dr. Laurie Myleroie, appeared for him. She is described by James Fox, former head of the FBI's New York office, as "one of the world-class experts regarding Islam and the World Trade Center bombing." She testified that no evidence showed that the accused had any connection with that bombing.

The government's evidence, said the judge, failed "to satisfy the constitutional standard of fundamental fairness." The INS—part of the Justice Department—denied Kiareldeen's "due process right to confront his accusers . . . even one person during his extended tour through the INS's administrative procedures."

These due process protections, declared the judge, "must be extended to all persons within the United States, citizens and resident aliens alike. . . . Aliens, once legally admitted into the United States are entitled to the shelter of the Constitution." The judge went even farther. Even if the government's reliance on secret evidence has been provably based on a claim of national security, Judge Walls—quoting from a District of Columbia Court of Appeals decision, *Rafeedie* v. *INS*—asked "whether that government interest is so all-encompassing that it requires that the petitioner be denied virtually every fundamental feature of due process."

In *Rafeedie*, Judge David Ginsburg noted in 1989 that the permanent resident alien in That case, in this country for 14 years, was "like Joseph K. in Kafka's 'The Trial' in that he could only prevail if he ware able to rebut evidence that he was not permitted to see."

Kiareldeen is now free after 19 months, but Judge Walls's decision that secret evidence is unconstitutional applied only to the state of New Jersey. The INS did not pursue its appeal because it wants to avoid a Supreme Court decision. The INS continues to insist it will keep on using secret evidence.

One of the victims of these prosecutions in darkness still in prison is Nasser Ahmed, who has been in INS detention for 3½ years.

Congress has the power to bring in the sunlight by passing the Secret Evidence Repeal Act of 1999 (H.R. 2121)—introduced in June by Rep. David Bonior (D–Mich.). It would "abolish the use of secret evidence in American courts and reaffirm the Fifth Amendment's guarantee that no person shall be deprived of liberty without due process."

Will a bipartisan congress vote in favor of the Constitution? And then, will the president allow the removal of the secret evidence provisions of his cherished 1996 Anti-Terrorism Act?●

HAPPY BIRTHDAY PERRY, GEORGIA

● Mr. CLELAND. Mr. President, on the eve of its one hundred and seventy-fifth birthday, I rise today to recognize a most charming and prosperous town, Perry, GA. When the first settlers came to the fertile plains of central Georgia, they found a wealth of natural

resources that promised prosperity. The land proved not only beautiful, but also perfectly suited for agriculture. The town's initial successes attracted entrepreneurial citizens who contributed greatly to Perry's strong industrial and agricultural presence in Georgia which continues to grow to this day.

Perry is the seat of Houston County, and is blessed with a rich abundance of natural, historic and cultural diversity. Formerly known as Wattsville, Perry became the first official town in the county on November 25, 1824. Perry is named after Commodore Oliver Perry, who became famous for a battle on Lake Erie during the war of 1812. During the battle of September 10, 1813, Perry defeated and captured a flotilla of six large British frigates with an improvised fleet of nine American vessels and in so doing neutralized the British naval presence on Lake Erie.

For as long as anyone can remember, Perry has been a favorite place for tourists to stop. Known as the ''Crossroads of Georgia,'' Perry is located in the geographic center of the state where U.S. Highways 341 and 41 and the Golden Isles Parkway intersect with Interstate 75. With an ideal location along I–75, Perry has long enjoyed the distinction as Georgia's halfway point to Florida. As a result, snowbirds and vacationers of every type have recognized Perry as a pleasant place to stop and rest, grab a bite to eat at one of Perry's many restaurants, including one of my favorites, The New Perry Hotel, or simply to enjoy the peacefulness of the small town. Combined with the graciousness with which they are received by Perryans, many have found it difficult to leave!

For festival-goers, Perry's warm climate and 628-acre events complex provide ample opportunity for fun and entertainment. Perry is home to Georgia's National Fair, a much-anticipated, 10-day extravaganza held each October. Activities at the fair are reminiscent of county fairs of old, revolving around livestock and horse shows, FAA and FHA events, home and fine arts displays, as well as the ever-popular baking and quilting competitions. This year marked the 10-year anniversary of the fair. The 628-acre complex is the largest of its kind, and the events hosted at the Georgia National Fairgrounds and Agricenter have an estimated economic impact of $30 million annually.

For about two weeks starting in mid-March, the Peach Blossom Trail on U.S. 341 north of Perry is lined with pink and white blossoms. From mid-May through mid-August, an abundance of fresh peaches can be found for sale at roadside stands. Dogwoods and azaleas bloom profusely during the spring and camellias brighten the landscape during the winter. The dogwood has been adopted as the city's official tree. Perry's downtown has been maintained as a colonial-style village with specialty shops and restful atmosphere.

More than the festivals, beauty, history or industry, it is the wonderful people of Perry who make it such a unique place. Perry manages to maintain a less hectic pace and small town friendliness that has become a rarity in today's hustle-bustle society. There is an extremely strong sense of community in Perry as is evident in the strong church attendance, school participation, civic activism and neighborhood involvement among Perry's citizens. Additionally, Perry can be claimed as home by such noted national leaders as General Courtney Hodges of World War II fame, former U.S. Senator Sam Nunn, and the late former Congressman Richard Ray.

Mr. President, I warmly request that you and my colleagues join me in paying tribute to a jewel of a town, Perry, GA.●

JOHN GIOVANNINI

● Mr. SANTORUM. Mr. President, I rise today to recognize a genuine hero, who paid the ultimate price so that a loved one might live.

John Edward Giovannini, born in 1958, was an employee of US Airways and a member of the Pennsylvania Air National Guard, stationed in Harrisburg, PA. He served in the Marines from 1976 to 1980, and joined the Air National Guard in 1985.

On September 13, 1999, while vacationing with his girlfriend and her family in Ocean City, Maryland, John was faced with a fateful decision. While enjoying a relaxing day on the beach, the calm was suddenly shattered by desperate cries from Kim, the 21-year-old daughter of John's girlfriend. Kim was swimming in the ocean when a riptide threatened to carry her out to sea. Without concern for his own safety, John immediately swam out to reach Kim before the current could carry her away. Being an exceptionally strong swimmer, John was able to reach Kim despite the riptide, and began towing her toward the beach. Before reaching shore, John became overwhelmed with exhaustion from fighting the strong current. He continued to struggle toward shore, and when unable to swim any further, John fought with all his might to keep Kim above water as he cried out for help. Kim's grandmother, Deanna, swam out to the pair and successfully helped Kim back to shore. Meanwhile John's friend, Ron, came to his aid and pulled John the remaining distance to the beach. By the time John reached shore, he was completely incapacitated, having expended all of his energy in his effort to save Kim. The lifeguard and medical technicians were unable to revive John, and he died while being transported to the hospital. If not for John's quick actions and refusal to put his own life before Kim's, she would surely have been swept away.

Words can not begin to adequately describe the ultimate sacrifice John made on that fateful September day. His selfless courage is rarely demonstrated today apart from storybooks and movies. John Giovannini is truly an American hero, and as I extend my heartfelt condolences to John's loved ones for their tragic loss, I would also like to express my sincere admiration for the courage which John displayed throughout this tragic event.●

RECOGNITION OF CAPTAIN JAMES L. CARDOSO

● Mr. TORRICELLI. Mr. President, I rise today in recognition of Captain James L. Cardoso, a native of Cherry Hill, New Jersey, as he receives the Silver Star for gallantry from the United States Air Force. Captain Cardoso's daring rescue of a downed F–117 ''Stealth Fighter'' pilot makes him more than worthy of this prestigious honor. It is a pleasure for me to be able to honor his accomplishments.

On March 27, Captain Cardoso led his helicopter unit through Serbian air defenses within 25 miles of Belgrade. His extraordinary effort is even more remarkable considering the low visibility and the minimal air support his unit received in the rescue. He fearlessly led his formation, at great personal risk to himself and his crew, in penetrating an extremely formidable Serbian air defense system which knew of the rescue. In the process, Captain Cardoso successfully avoided Serbian ground forces located a mere 10 miles away.

Despite these difficulties, Captain Cardoso's unit was able to rescue the downed pilot within 45 seconds of landing. He narrowly escaped encroaching Serbian forces.

Having learned of Captain Cardoso's heroic leadership, I am pleased to recognize his efforts. Captain Cardoso's actions saved an American pilot from enemy hands at a critical time in the Kosovo campaign. By his gallantry and sense of duty, Captain Cardoso has proven a great credit to himself, the State of New Jersey and to the country. I wish him the best as he receives this tremendous honor.●

TRIBUTE TO ROBERT GIBSON

● Mr. JEFFORDS. Mr. President, today I rise to pay tribute to an extraordinary Vermonter, a gifted parliamentarian, and a true friend, Robert Gibson. Bob Gibson served the Vermont Legislature for over 35 years, first as Assistant Secretary of the Senate, and then as Secretary of the Senate. In these positions, he provided invaluable advice and counsel to every Senator who has served Vermont, from 1963, until his death in October.

Bob Gibson was born in Brattleboro in 1931, into one of Vermont's most distinguished families, a family dedicated to serving the public good. Bob's grandfather, Ernest Gibson, was president of the state Senate in 1908, a U.S. Congressman and a U.S. Senator. His father, Ernest Gibson, Jr., was an appointed U.S. Senator, Governor of

Vermont, a U.S. District Court judge, a decorated war hero and a close friend of my father. And both of Bob's brothers are exceptional citizens and public servants. His brother, Ernest III, is a former Vermont Supreme Court Justice and his other brother, David, is a former state's attorney for Windham County.

Both Bob Gibson and his father helped me immeasurably in my early years as a lawyer and a legislator. I clerked for Bob's father after law school, and was impressed by his vast knowledge of and respect for our laws, and his dedication to making Vermont a better place. And when I was elected to my first public office in 1967, as a Senator from Rutland County, it was Bob who steered me through the legislative process and set a standard of bipartisanship that has guided me throughout my career.

With a rare sense of fairness and a vast knowledge of the Vermont Legislature, Bob extended the same helping hand to every Senator that served in the Chamber during his tenure. Current Vermont State Senator from Caledonia County, Robert Ide, recently stated, ''Bob Gibson's reputation for fairness and honesty was above reproach from any member of the Senate. His guidance and respect from the leadership of both parties was unparalleled in the Vermont statehouse. He was a true friend and mentor for everyone who served in his classroom, and he will be sorely missed.''

Bob Gibson was a positive force in the Senate, who kept lawmakers moving forward in an orderly fashion. He was a positive force in his native Brattleboro, serving the community in a variety of ways before moving to Montpelier and becoming Assistant Secretary. He was a positive force in his family, dedicated to his wife, daughters, parents and brothers. And he was a positive force to all those who had the privilege of calling him a friend.

I pay tribute today to a man who paid tribute every day, to the values that Vermont holds dear—hard work, honesty and fairness. We have lost a Vermont institution, but Bob Gibson's legacy lives on in the laws he helped to enact and the lives that he touched.●

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 105–277, announces the appointment of Deborah C. Ball, of Georgia, to serve as a member of the Parents Advisory Council on Youth Drug Abuse for a 3-year term.

ORDERS FOR WEDNESDAY, NOVEMBER 17, 1999

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, November 17. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on the pending Wellstone amendment to S. 625, the bankruptcy reform bill, under the previous order.

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

Mr. GRASSLEY. Mr. President, I further ask unanimous consent that the Senate stand in recess from 12:30 p.m. until 2:15 p.m. for the weekly policy conferences to meet.

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

PROGRAM

Mr. GRASSLEY. For the information of all Senators, the Senate will begin the final hour of debate on the Wellstone amendment at 9:30 a.m. on Wednesday. By previous consent, the Senate will proceed to a vote on the amendment following the use or yielding back of all the time. A vote on the Moynihan amendment, No. 2663, has been ordered to occur immediately following the vote on the Wellstone amendment.

Therefore, Senators may expect two back-to-back votes at approximately 10:30 a.m. tomorrow. If my plans work out, I prefer to have a third vote immediately afterwards on an amendment on which we are working to try to get consent. Then, in addition, other votes may be anticipated during tomorrow's session in an effort to complete the first session of the 106th Congress.

Therefore, Senators should adjust their schedules for the possibility of votes throughout the day and also into the evening on Wednesday. The leader appreciates the patience and cooperation of all of our colleagues as we attempt to complete the appropriations process.

Mr. REID. Mr. President, I wish to renew what I said earlier today. We have taken this bankruptcy bill a long way. When the bill started, we had 320 amendments that had been filed. We are down now to a handful of amendments, literally—12 to 15 amendments.

I suggest to the majority, after we complete our votes in the morning, we should go immediately to offering some of these amendments. I think, without a lot of work tomorrow, we can complete this bill. There is no reason at this stage to even consider invoking cloture; we are so close to being able to complete this bill. I can't speak for the entire minority, but if a cloture motion were filed at this late day, I am confident it would not be passed.

I think we should do everything within our power to complete this bill before we adjourn.

Mr. GRASSLEY. Mr. President, I don't take exception to anything the Senator from Nevada stated. I simply add, we have been on this very important bankruptcy reform legislation over a week and we have gotten to where we are on this legislation only because we have had an extreme amount of bipartisan cooperation, starting with the introduction of the bill by Senator TORRICELLI and myself, getting it out of the Judiciary Committee in April by a vote of 14–4, awaiting our place in line to come up on the floor of the Senate, and having had considerable success eliminating a lot of amendments and hoping to get it to conference before we adjourn for the first session of the 106th Congress.

We have had that bipartisan cooperation. I expect to continue to work with the Senator from Nevada; the Senator from Vermont, Mr. LEAHY, the ranking member of the Judiciary Committee; and Senator TORRICELLI, my partner on the subcommittee, to bring this bill to finality.

Mr. REID. Mr. President, I agree there has been bipartisan participation to this point. However, the majority of the time that has been spent on this bill has been in quorum calls and other matters. Rather than being involved in quorum calls, we should proceed on this legislation.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. GRASSLEY. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:15 p.m., adjourned until Wednesday, November 17, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate November 16, 1999:

ENVIRONMENTAL PROTECTION AGENCY

W. MICHAEL MCCABE, OF PENNSYLVANIA, TO BE DEPUTY ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE FREDERIC JAMES HANSEN, RESIGNED.

RAILROAD RETIREMENT BOARD

JEROME F. KEVER, OF ILLINOIS, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 2003. (REAPPOINTMENT)

VIRGIL M. SPEAKMAN, JR., OF OHIO, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 2004. (REAPPOINTMENT)

DEPARTMENT OF JUSTICE

JANIE L. JEFFERS, OF MARYLAND, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE JASPER R. CLAY, JR., TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be colonel

JOSEPH G. BAILLARGEON, JR., 0000
DAVID R. BROWN, 0000
KEVIN M. GRADY, 0000
MICHAEL C. HART, 0000
MICHAEL S. HILL, 0000
RICKY B. KELLY, 0000
STEPHEN R. SCHWALBE, 0000

To be lieutenant colonel

JACK A. SNAPP, 0000

To be major

PAUL N. BARKER, 0000
BRYAN C. BARTLETT, 0000
PATRICIA S. PARRIS, 0000

DAVID L. PHILLIPS, JR., 0000

IN THE ARMY

THE FOLLOWING NAMES ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

RICHARD T. BRITTINGHAM, 0000
WILLIAM D. STEWART, JR., 0000

IN THE MARINE CORPS

THE FOLLOWING NAMES LIMITED DUTY OFFICER TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JOSEPH B. DAVIS, JR., 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

TERRY C. PIERCE, 0000
FRANK G. RINER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be lieutenant commander

BRAD HARRIS DOUGLAS, 0000
PAUL ALAN HERBERT, 0000
GREGORY S. KIRKWOOD, 0000
STEPHEN F. O'BRYAN, JR., 0000
GREGORY J. SENGSTOCK, 0000
MARC A. STERN, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

STEPHEN C. ALSOBROOK, 0000
MARY ELIZABETH ANCKER, 0000
EDWIN I. ANDERSON, 0000
WARNER J. ANDERSON, 0000
RICHARD ALBERT ARMSTRONG, 0000
JESSE BAILEY, 0000
JAMES MICHAEL BAKER, 0000
RONALD EUGENE BANKS, 0000
KENNETH EUGENE BARTELS, 0000
ALVIN LEON BAUMWART, 0000
DONALD WILLIAM BEGEZDA, 0000
DONALD R. BIRMINGHAM, 0000
ALJERNON J. BOLDEN, 0000
MARLIN D. BRENDSEL, 0000
JESSE ABRAHAM BREWER III, 0000
KENNETH E. BROOKMAN, 0000
ROBERT E. BROUGHTON, JR., 0000
EDITH MARY BUDIK, 0000
WALTER N. BURNETTE III, 0000
CANDACE MARIE BURNS, 0000
MATTIE LEE CALDWELL, 0000
MICHAEL DAVID CARETHERS, 0000
KENNETH RAY CARLETON, 0000
KATHLEEN SUE CARLSON, 0000
ELROY CARSON, 0000
RICHARD MYRON CARTER, 0000
MARGARET LESLIE CARVETH, 0000
CORNELIUS F. CATHCART, 0000
PATRICK F. CAULFIELD, 0000
WILLIAM M. CHAMBERLAIN, 0000
AFTAB A. CHAUDRY, 0000
DOMINIC KUI K. CHEUNG, 0000
JAI JONG CHO, 0000
MARTIN J. CHRISTENSEN, 0000
MATILDE M. CHUA, 0000
TERRENCE T. CLARK, 0000
JEFFREY PAUL CLEMENTE, 0000
ALKA V. COHEN, 0000
RONALD EDWARD COLEMAN, 0000
JOSE L. COLLADOMARCIAL, 0000
DEBRA ANN COOK, 0000
ESTELLE COOKESAMPSON, 0000
BRIAN WILLIAM COOPER, 0000
WILLIAM COX, 0000
HARROLD LYNN CRANFORD, 0000
SAMUEL A. CROW, 0000
DAVID MELVIN CUMMINGS, 0000
EDWARD O. CYR, 0000
RICHARD L. DALES, 0000
ANITA K. DAS, 0000
JOSE R. DAVILAORAMA, 0000
RICHARD LEE DAVIS, 0000
WILLIAM ROSS DAVIS, 0000
MOSES DEESE, 0000
DANIEL JOSEPH DUNN, 0000
JOHN ALEXANDER DWYER, 0000
FRANK M. ELLERO, 0000
DAVID F. EVERETT, 0000
WALTER G. FAHR, 0000
JACK FOWLER FENNEL, 0000
ANTHONY JOHN FERRETTI, 0000
ROBERT ALLEN FRAMPTON, 0000
CORNELIUS E. FREEMAN, 0000
MICHAEL E. FREVILLE, 0000
BRUCE DAVID FRIED, 0000
ROBERT EDWARD GARDNER, 0000
DANIEL WAYNE GARLAND, 0000
PAUL EDWARD GAUSE, 0000
JESSE OTTO GIDDENS, JR., 0000
JOHN VERNON GLADDEN, 0000
ELLIOTT GOYTIA, 0000
RICHARD V. GRAHAM, 0000
GEORGE PATRICK GREEN, 0000
RONALD GRIMES, 0000
EDWARD ALLEN HADAWAY, 0000
J. M. HAMILTON, 0000
MARY M. HAND, 0000
CONSTANCE JEAN HARDY, 0000
JANET MARY HARRINGTON, 0000
KARL MATTHEW HARTMANN, 0000
PATRICIA HARVARD, 0000
DANIEL ALAN HARVEY, 0000
DAVID M. HAYES, 0000
MARY ANN THERESA HAYUNGA, 0000
JAMES DILLER HELMAN, 0000
SARAH KATHRYN HELMS, 0000
ANDRE FRITZ HENRY, 0000
JOHN ROBERT HERRIN, 0000
DONALD EARL HICKS, 0000
MANUEL HIGER, 0000
AUDREY LORAINE HINDS, 0000
MARK ALAN HOFFMAN, 0000
DONNIE JOE HOLDEN, 0000
ROBERT GEORGE C. HOLMES, 0000
CLYDE PHILIP HOUSTON, 0000
JAMES CURTIS HOVE, 0000
CHERYL B. HOWARD, 0000
GERTA ANNE HOWELL, 0000
VIRGINIA W. JENKINS, 0000
EUNICE GERTRUDE JOHN, 0000
MARGARET CHRISTIAN JOHNSON, 0000
RICHARD LOUIS JOHNSON, 0000
ROBERT EDMUND JOHNSTONE, 0000
ROBERT CLYDE JONES, 0000
LYNNETTE DORLENE KENNISON, 0000
DAVID E. KOSIOREK, 0000
KARL JOSEPH KREDER, JR., 0000
NANCY ANN KUHL, 0000
BENJAMIN J. KULPER, 0000
JOHN J. LAMMIE, 0000
REGINALD J. LANKFORD, 0000
FRANKLIN Y. LAU, 0000
RONALD A. LEPIANKA, 0000
PATRICIA ANN LOCKHART, 0000
ROY EDWARD MADAY, 0000
WALTER JOSEPH MAGUIRE, 0000
DANNEN D. MANNSCHRECK, 0000
ROBERT ALLEN MASON, 0000
LARRY JOHN MATTHEWS, 0000
JUDITH MC LANE MAY, 0000
RUSSELL PAUL MAYER, 0000
CLAUDIA MC ALLASTER, 0000
FRED T. MC DONALD, 0000
THOMAS W. MC DONALD, 0000
GILBERT W. MC INTOSH, JR., 0000
JAMES W. MENTZER, JR., 0000
MARGARET ANN MILLER, 0000
STEPHEN WILLIAM MITCHELL, 0000
ARLENE JACKSON MONTGOMERY, 0000
ROBERT G. MONTGOMERY, 0000
EARL W. MORGAN, 0000
ELIZABETH S. MORRIS, 0000
MICHAEL EUGENE MULLIGAN, 0000
BARBARA JEAN MURPHY, 0000
FERENC NAGY, 0000
KENT ALAN NICKELL, 0000
PATRICIA W. NISHIMOTO, 0000
HARRY WILLIAM ORF, 0000
JOHN CARL OTTENBACHER, 0000
JEFFREY J. PARASZCZUK, 0000
RAJNIKANT C. PATEL, 0000
WILLIAM P. PATTERSON, 0000
MICHAEL EDWARD PAULSEN, 0000
NANCY REED PICKETT, 0000
ROSALIND KAY PIERCE, 0000
LAURENCE ROGER PLUMB, 0000
DANNY RAY RAGLAND, 0000
JAMES DELMAR REED, 0000
DENNIS EUGENE REILLY, 0000
DANA FREDERICK REYNARD, 0000
LESLIE E. RICE, 0000
RANDY CONRAD RICHTER, 0000
ENRIQUE A. RIGGS, 0000
JAMES C. ROBERTSON, JR., 0000
RICKY JOE RODGERS, 0000
RAUL RODRIGUEZ, 0000
DONALD KARL ROKOSCH, 0000
HECTOR ROSADO, 0000
PETER JAMES ROSS, 0000
JOHN DAVID ROWEKAMP, 0000
MICHAEL JOSEPH ROY, 0000
HARRY GRAHAM RUBIN, 0000
ROBERT DAVID RUSSELL, 0000
ROBERT W. SAUM, JR., 0000
ARNOLD D. SCHELLER, 0000
JON EDWARD SCHIFF, 0000
JOHN P. SCHIRMER, 0000
ALLEN CLARK SCHMIDT, 0000
STEFAN SHERMAN, 0000
DENNIS P. SHINGLETON, 0000
STEPHEN K. SIEGRIST, 0000
HAROLD SILMAN, 0000
LEWIS D. SKULL, 0000
LANI W. SMITH, 0000
JAMES W. SNYDER, 0000
SHARON ANN R. STANLEY, 0000
VIRGINIA S. STAPLEY, 0000
PAMELA JEAN STAVES, 0000
STEVEN JAMES STEED, 0000
THOMAS MICHAEL STEIN, 0000
HERBERT A. STONE, 0000
LAURA B. STRANGE, 0000
BARRY D. STRINGFIELD, 0000
DAVIS M. STROOP, 0000
COLLEEN P. SULLIVAN, 0000
TERRY LYNN SWISHER, 0000
JAVIER G. TABOADA, 0000
JANET L. THOMPSON, 0000
JIMMY DALE THURMAN, 0000
SHAW P. WAN, 0000
DONALD G. WARD, JR., 0000
MARJORY K. WATERMAN, 0000
WILLIAM BRUCE WATSON, 0000
SHARON SUE WEESE, 0000
GORDON PAUL WESLEY, 0000
MARGARET C. WILMOTH, 0000
MICHAEL A. YOUNG, 0000
RICHARD B. YOUNG, 0000
HENRY E. ZERANSKI, JR., 0000

EXTENSIONS OF REMARKS

HONORING AMERICA'S VETERANS

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. FOLEY. Mr. Speaker, I rise today to express my gratitude to the millions of veterans who have sacrificed in order to protect the freedoms that are enjoyed by all Americans. Last week, we celebrated a very important day in America—Veteran's Day. At a ceremony honoring veterans at Jupiter Christian School in my congressional district, several students shared their thoughts on Veteran's Day through poetry.

Despite their youth, these students wrote stirring reminders of the respect and awe we feel for our veterans. These young poets displayed a tremendous understanding of why we honor our veterans and a remarkable sensitivity for the courage of the men and women who fought to preserve the liberty of our country. I believe that the entire Congress should hear these poems and reflect on their meaning and I submit them for the RECORD.

DID YOU EVER WONDER?

(By Kevin Maida, 10th grade)

Did you ever wonder how it could be
To live in a country where no one is free?
Where decisions never are your own,
And you are told what to do, even at home?
Freedom merely just a word . . .
Never spoken, never heard.

Did you ever wonder about fighters on the foreign sand
Risking their lives to protect our land?
How courageous and brave they must be,
To leave their loved ones and live at sea!
Fathers, sons, daughters, and brothers
Making a sacrifice for the freedom of others.
Giving all they had and so much more,
Awaiting the day they returned to shore.
Do you take for granted the life that you live?
Or are you truly grateful for what they did?
Think of these words; let them sink in,
''How would our world be, if not for these men?''

VETERAN'S DAY

(By Jennifer VanNest, 10th grade)

We honor the men dead and alive
That fought to make sure freedom survived.
We must never forget the sacrifice made
To protect our country, with their lives, they paid.
We need to remember the families that grieve,
The sons and daughters and wives these men leave.
We seek to praise the Vets this day
And give homage to their bravery in some kind way.
So break out the flag and start the parade
November 11th
Is Veteran's Day!

FREEDOM THROUGH THE AGES

(By Pam DeSanctis, 12th grade)

You are a hero for today,
For this I give thanks and pray.
Through your continuous bravery
You have given us history and Liberty.
For this I give you thanks and pray.
Nothing compares to the courage you've known
Or the bravery that you've shown.
We recognize the veteran's today,
And for this I give thanks and pray.
Like guardian angels sent to protect
The rights of your generation and those of the next,
You made us proud of the U.S.A.,
And for this I give thanks and pray.
May God hold you in His hand,
With this I give you one last command;
Obey the Lord in every way.
Honor Him, give thanks, and pray.

TRIBUTE TO SCHMIDT, VALENTINE, WHITTEMORE & COMPANY PC

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1999

Mr. MCINNIS. Mr. Speaker, I would like to take a moment to recognize Schmidt, Valentine, Whittemore & Company PC. This firm practices general auditing, public accounting, and tax preparation in Pueblo, Colorado. This firm has gone far beyond the call of duty.

Mr. Bernard Schmidt has been with the agency since 1946. In 1966, Virginia Whittemore joined the firm and in 1980, Dan Valentine also became a partner. Throughout the years, the firm has been through some changes in management and accounting styles, however they still remain loyal to auditors. It is their service to the community that is deserving of recognition and praise.

I applaud your generosity and kind efforts in donating time and services for the Southeastern Colorado Chapter of the Red Cross. Your firm is to be commended and admired. So it is with this that I say thank you to this group of dedicated individuals. They set out to make a difference and they have.

CHRISTIAN GATHERING ATTACKED BY BJP-INSPIRED MOB—NO RELIGIOUS FREEDOM IN INDIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. TOWNS. Mr. Speaker, I was very distressed to see that the Indian rulers are fomenting religious violence again. According to the November 14 issue of The Times of India, ''a group of about 40 persons attacked a Christian gathering outside an Independent Church (neither Catholic nor Protestant) in West Delhi's Khyala area on Saturday evening [the 13th.]'' The newspaper reported that the attack, which injured 12 people, was ''masterminded'' by 'suspected Bharatiya Janata Party (BJP) activists,' according to the police.''

The BJP is the party that advocates ''Hindu, Hindi, Hindutva, Hindu Rashtra,'' which translates as ''Hindu religion, Hindi language, Hindu culture, Hindu rule.'' A BJP spokesman said that everyone in India should either be Hindu or be subservient to Hinduism. Now, these statements might be insignificant except for the fact that the BJP heads India's governing coalition.

So far no one has been arrested in connection with this attack. According to the article, the Christians were conducting an open-air Bible reading in a tent when the tent was stormed by the Hindu militants. The attackers shouted anti-Christian slogans while they tore and burned Christian pamphlets with religious speakers.

Mr. Speaker, it is shameful that the party ruling ''the world's largest democracy'' condones and indeed organizes these kinds of attacks on people who are simply practicing their religion. But it is part of a pattern of repression which has been going on for quite some time. In 1997, police broke up a Christian festival with gunfire merely because they were presenting the theme that ''Jesus is the Answer'' and people were allegedly converting.

Just a little while ago, a nun was picked up, stripped naked, and threatened by her captors that they would rape her if she did not drink their body wastes. Sister Ruby was frightened by these threats because four nuns have been raped in 1998 and four priests were killed.

A BJP affiliate called the Bajrang Dal, a sister organization in the Fascist RSS, organized and carried out the murder by burning of missionary Graham Staines and his two sons who were just 8 and 10 years old. The killers chanted ''Victory to Lord Ram'' while they carried out this grisly murder. They surrounded the jeep where Staines and his sons slept and prevented anyone from helping the family.

There has also been a wave of violence against churches, prayer halls, and Christian schools since Christmas. But it is not just the Christians who are being persecuted.

In Kashmir, the BJP and its allies destroyed the most revered mosque in the state. In Punjab, Khalistan, the Sikh homeland, the Indian government continues to hold thousands of political prisoners and continues to carry out rapes, extrajudicial killings, and other offenses against their basic human rights.

Mr. Speaker, America is the beacon of freedom. We must do whatever we can to bring freedom to everyone. When President Clinton visits India, I urge him to bring up the issues of human rights for the Sikhs, Christians, Muslims, and all the other minorities living under Indian rule. It is time to tell India that they must respect human rights or we will stop their aid from the United States. We should also put the U.S. congress on record for self-determination by calling for a free and fair plebiscite on independence for Khalistan, Kashmir, Nagaland, and all the other countries now under India's artificial rule. It is only by taking these measures that we can spread the blessings of freedom throughout South Asia.

Mr. Speaker, I submit the article from The Times of India into the RECORD for the information of my colleagues.

[From the Times of India, Nov. 14, 1999]

MOB ATTACKS CHRISTIAN GATHERING

NEW DELHI.—In the first incident of its kind in Delhi, a group of about 40 persons attacked a Christian gathering outside an Independent Church (meaning neither Catholic nor Protestant) in west Delhi's Khyala area on Saturday evening. At least 12 persons were injured in the attack, allegedly masterminded by ''suspected Bhartiya Janata Party activists,'' according to the police.

Though four persons—Radhey Shyam Gupta, Kapila, Charan and Ashok Sharma—have been named in the police FIR, no arrests have been made so far.

Area sources said the incident took place at about 8:30 pm in the C-block of a JJ colony in Khyala, near Tilak Nagar, where the group (including some women) stormed a tent where a group of Christians were conducting an open air Bible reading session. A small of group of Christians live in the colony.

Sources said the attackers raised anti-Christians slogans, tore and burnt pamphlets with religious scriptures. A couple of Bibles and a Holy Cross were also reportedly damaged in the attack. The group then had a scuffle with scores of people present in the tent which led to the injuries, the sources said. Senior Delhi Police officers confirmed the attack but denied any Bible was torn or burnt by the mob. They also denied that a Holy Cross was damaged. ''Initial investigations have revealed that the mob, which may have had some BJP activists, disrupted the Bible reading session and then attacked the gathering. But all the injuries sustained in the attack are minor,'' joint police commissioner (southern range) Amod Kanth said.

He also said the attackers tore and burnt several pamphlets which contained passages in praise of Jesus. ''But I have personally spoken to the pastor who was conducting the proceedings and he has denied any cross being damaged or Bible being burnt by the attackers,'' Mr. Kanth added.

Local sources said the Bible reading sessions were being conducted at this Independent church for several years, and as a continuation, a pastor, Father S. John had arrived in the area on Friday from Hosangipur in southwest Delhi.

Mr. Kanth also said the police had established that the attackers did not belong to the Tilak Nagar area and had come from some other areas. ''It was clearly an unprovoked attack and all of them would be arrested,'' Mr. Kanth said.

He said the police had registered a case of rioting and of disturbing religious assembly in this connection but no arrests had been made so far. Officers said the west district police had rushed in reinforcements in the Khyala area to prevent any ''further untoward'' incidents, even though there was no tension in the area.

IN HONOR OF WORLD WAR II VETERAN, COAST GUARD CAPT. EARL FOX

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. WOLF. Mr. Speaker, I had the honor of attending Veterans Day ceremonies at Arlington National Cemetery on November 11 and was present to hear President Clinton single out a World War II veteran who is the last veteran of that war to still be on active duty.

He is 80-year-old Capt. Earl Fox, a Coast Guard doctor, who spent his last Veterans Day in uniform last week. He is retiring from active duty this week. I want to submit an article from the November 11, 1999, Washington Post, which is a tribute to Capt. Fox and his years of dedicated service to his nation. He is a patriot and hero and we salute him.

[From the Washington Post, Nov. 11, 1999]

WORLD WAR II VETERAN SOLDIERS ON, ALONE—ACTIVE-DUTY DOCTOR; 80, SALUTES HIS GENERATION

(By Roberto Suro)

Two weeks ago, Capt. Earl R. Fox learned that he is the last World War II veteran still on active duty in the U.S. armed forces. Since then he has dwelled in memories, wondering whether he will be worthy of the fallen when he walks among Arlington's serried tombstones this afternoon.

''I have felt a weight on me to expend every effort to make it honorable for them,'' said the 80-year-old Coast Guard physician.

Fox will have breakfast at the White House today and then speak at a wreath-laying ceremony at the national cemetery. This will be his final Veterans Day in uniform—he is retiring next week—and he describes himself as ''the last direct physical link'' between today's military and the warriors of Midway, Normandy and Iwo Jima.

''One generation forms the backbone for the next to build on,'' says the text he has prepared for the commemoration. ''As my generation fades into the mist of collective memory called tradition, you will continue the process for the next generation of your sons and daughters. In this way, those who have given the last full measure of devotion will live forever . . .''

As the Virginia native rehearsed his brief speech for a visitor to his office at Coast Guard headquarters yesterday, his voice cracked. He stopped in mid-sentence, reached for a handkerchief and apologized for the show of emotion.

''I had classmates who did not come home,'' he said. ''I had shipmates who did not make it. I knew these men well. I knew what they thought and what they thought about. And I am filled with humility and faith in God, because I feel like I am here today because of their courage and bravery.''

After five years of service on patrol-torpedo boats and submarines, Fox left the Navy in 1947 to attend medical school and then to prosper as a physician in St. Petersburg, Fla. In 1974, he retired at the age of 55 to enjoy his 43-foot yacht and life as a yacht club commodore who made a practice of entertaining officers from the local Coast Guard air station. He was at the club one day when an emergency call came in.

A man aboard a pleasure boat was suffering a heart attack. With the Coast Guard's doctor away, Fox was asked to help. Within minutes, he was being lowered from a helicopter at sea.

Fox enjoyed the experience so much that he agreed to join up when the local commanding officer suggested he could get a commission under a program that waived age limits for physicians. He made only one demand: He wanted to go to flight school. Eventually, he learned to fly helicopters as well as airplanes.

For 16 years, until 1990, Fox served as a flight surgeon at Coast Guard stations up and down the East Coast, making more than a dozen helicopter rescues. For the past nine years, he has worked as the senior medical officer in the personnel department at Coast Guard headquarters.

Combining his Navy and Coast Guard service, Fox has now spent 30 years in the military, the point at which most officers must retire. But he said his decision to leave uniform is driven primarily by a desire to spend more time with his wife of 56 years, Reba.

It might be mere serendipity that this genial octogenarian is the last of 16 million World War II veterans to don his ribbons and decorations every working day. But Fox seems the perfect representative of a generation that, in his words, ''experienced both great times and times of desperation.''

Thinking back to nighttime battles fought in tropical waters, Fox said, ''when things get tough you need more to fall back on than yourself and the present.'' He had the heritage of his father, grandfather and great-grandfather, all military officers. But he also had shipmates. ''We were bound together by common purpose,'' he recalled. ''The trust we had in each other made us strong.''

Fox has a small photograph, now fading to sepia, that shows 10 sailors in jaunty poses at the bow of a PT boat, one of the mahogany-hulled speedsters dispatched on hit-and-run missions against enemy fleets. Seated on stools before them are two officers. It's the summer of 1943 and Fox is already a decorated combat veteran and boat commander at the age of 23. To his right sits an even younger man Al Haywood, just out of Yale and assigned as the boat's executive officer.

A few weeks after the picture was taken, they were on patrol off the coast of New Guinea when a single Japanese airplane appeared out of nowhere. It strafed the boat. A sailor fell wounded. Haywood rushed to his side. As the fighter wheeled and dove for another run at the boat, Haywood threw himself over the injured man.

The airplane's gunfire ''stitched him from head to toe,'' recalled Fox, who buried Haywood at sea. The wounded crewman survived.

''Remembering people like Haywood and the many, many others like him is important,'' said Fox, ''because those memories of honor and sacrifice are the fabric our country is made of.''

ZERO-TOLERANCE AND COMMON SENSE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. CLAY. Mr. Speaker, I am submitting the following editorial from the November 12, 1999 St. Louis Post-Dispatch in order to make a statement in opposition to so-called ''zero-tolerance'' discipline policies in our Nation's schools.

While maintaining discipline and orderly conduct in our schools should continue to be a top priority of educators and school administrators, we must be mindful that not all misdeeds are worthy of the stringent and unbending punishments administered under these policies. Such policies fail to allow a more reasonable system of addressing each incident separately, thus failing to teach our students the values of discipline and tolerance. As I remain outraged at the actions taken against the seven students in Decatur, I am hopeful that other school boards and districts across America will soon examine their own disciplinary policies in order to create a more equitable system of punishment.

ZERO-TOLERANCE AND COMMON SENSE

The Rev. Jesse Jackson's protest of the expulsion of seven students from a Decatur,

Ill., high school goes beyond the particulars in that incident and spotlights an even larger issue—the mindless application of so-called ''zero-tolerance'' discipline policies in our schools.

The seven students were in a fight Sept. 17 at a local football game. There were no weapons, no drugs, no alcohol involved. Nobody was hurt, but someone might have been.

Punishment was certainly in order. The school board decided to suspend the students from school for two years, without the possibility of attending an alternative school. It cited its policy of zero tolerance for violence. Zero tolerance or not, the punishment was far too severe.

In the wake of the deadly school shootings at Columbine and in other cities across America, we all have become deeply concerned about school safety. As we should be. But as we seek to root out violence, our lack of tolerance must be tempered with common sense. We've become so spooked by the specters of mass shootings that we are quick to sacrifice children's lives on the alter of control. A 13-year-old Texas boy recently was jailed—jailed—for five days because some parents were troubled by a horror story he wrote for English class. Two 7-year-olds in our region were kicked out of school in separate incidents because they brought nail clippers to school.

A two-year suspension for the Decatur high school students would have virtually guaranteed that they would become dropouts.

Under pressure from the Rev. Jackson, the school board has offered a compromise that makes good sense. The students will be suspended for a year, but will be allowed to attend an alternative school. With good behavior and good grades, they can return to their regular school and graduate on time. The students will be punished but given a chance to redeem themselves. It's unfortunate that it took a national spotlight, protests and three days of school closures for the school board to find what it never should have lost in the first place: Its head.

HONORING THE 60TH ANNIVERSARY OF ANDY AND MARIE ANDERSON

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. DAVIS of Virginia. Mr. Speaker, I want to take a moment to recognize two very special constituents of mine, Herman and Marie Anderson of Annandale, Virginia, who will be celebrating their 60th wedding anniversary on November 29, 1999. It is with great pride and personal interest that I congratulate them on this special occasion.

Marie Sauer Anderson was born in Baltimore, Maryland on February 26, 1919, where she attended Baltimore City schools and graduated from the Strayer Business College. Herman C. Anderson, better known as Andy, was born in Knoxville, Tennessee on June 21, 1913. He attended Knoxville City schools and graduated from the University of Tennessee. Upon graduation, Andy became a seasoned veteran of professional baseball; however, his career was ended short due to a broken ankle sustained while sliding into second base.

In 1937, Marie Anderson visited her brother George in Knoxville, Tennessee. Marie's brother was a supervisor with the Palm Beach Company at the time. Yet his real passion was baseball, so much so that George was the team manager of a semi-pro baseball team. Playing on this semi-professional team was a young ball player from the University of Tennessee, Andy Anderson. During the season, George would invite the players over to his house for dinner, and it was at one of these gatherings where Andy met Marie for the first time.

Soon, George and Marie's parents moved to Knoxville to be closer to their children, allowing Andy his continued courtship of Marie. During Christmas of 1938, Andy surprised Marie with an engagement ring, and on November 29, 1939, Marie and Andy were united in marriage at the Chapel of the Immaculate Conception Catholic Church in Knoxville, Tennessee.

In 1941, their first daughter Marie Allene was born. Three years later in 1944, Sallie Juanita was born, and the youngest girl, Betty Jane, was born in 1950.

Also in 1941, Andy and Marie traveled to Norfolk, Virginia where Andy accepted a field assignment with the United States Coast and Geodetic Survey (USCGS). In Norfolk, Andy joined the Elks Lodge No. 38 where he became an active member and officer. In 1958, the field office of the USCGS was relocated to Washington, D.C. Moving to Arlington, Virginia, Andy continued his work with the USGCS within the United States Department of Commerce and soon became involved with the formation of the Arlington/Fairfax Elks Lodge No. 2188. To this date, Andy has coordinated the organization of nine new Elks Lodges in Virginia.

In 1975, Andy, Marie and their family moved to Annandale, Virginia where they reside at this time. Two of their daughters, Marie Allene Green and Sallie Juanita live in Thibodaux, Louisiana and Melbourne Beach, Florida, respectively. Betty Jane lives at home in Annandale, Virginia with her parents. At present, Andy and Marie are blessed with six grandchildren and four great-grandchildren.

Mr. Speaker, I respectfully ask my colleagues to join me in congratulating Andy and Marie Anderson on their 60th wedding anniversary. November 29th marks a memorable occasion, and it is only fitting that we pay tribute to this wonderful couple and the contributions they have made to their community.

TRIBUTE TO JAN KOPPRI

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. McINNIS. Mr. Speaker, I wanted to take this moment to recognize an exceptional woman. Jan Koppri was named Mancos Valley Citizen of the Year, for the year 1999. Repeatedly, Jan has gone above and beyond the call of duty.

Jan is involved quite extensively in the city of Mancos, Colorado. She is in charge of the Mancos Valley visitor center. The residents and tourists are welcomed and guided daily by her thorough knowledge of the area. Jan has also turned Mancos around from losing money to making money. A jack of all trades, Jan is a reservationist, making accommodations for lodging and tours within the area, concierge, tending to guests needs, giving directions, and advice on local attractions. Jan is also a historian. She is knowledgeable on her facts on the history of Mancos. She is famous for convincing people to stay longer in Mancos.

Besides running the visitor's center, Jan is also involved with the chamber of commerce. Jan added several new events to the Fall Festival and developed a kid's program. In addition to all of this, Jan has excellent management and people skills which are required to ensure volunteers feel appreciated and awarded.

She is an asset to the community with her involvement in activities and organizations. Jan has also helped out with fund raising events for the Mancos Opera House, the United Way, the library, Mancos Senior Center, the historical society, and the community center.

It is obvious why Jan Koppri was chosen as the 1999 Citizen of the Year. So, it is with this, Mr. Speaker, that I thank her for her service and dedication to the community.

RECOGNIZING AMNESTY INTERNATIONAL—USA FOR ITS LEADERSHIP IN PROMOTING THE HUMAN RIGHTS OF LESBIAN, GAY, BISEXUAL AND TRANSGENDER PEOPLE AROUND THE WORLD

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. LANTOS. Mr. Speaker, I rise today to commend Amnesty International—USA for its foresight in establishing the Amnesty OUTFRONT Program this past year. OUTFRONT is Amnesty's program and membership network which is focused on promoting the human rights of lesbian, gay, bisexual, and transgender people around the world.

The human rights of lesbians, gay men, bisexuals, and transgender people are violated daily, Mr. Speaker. Not only are people beaten, imprisoned, and killed by their own governments for engaging in homosexual acts, but those suspected of being lesbian, gay, bisexual, or transgender are routinely the victims of harassment, discrimination, intimidation, and violence. Many of those who speak up for lesbian and gay rights—regardless of their sexual orientation—are themselves persecuted with impunity and thus pressured to remain silent.

Mr. Speaker, the OUTFRONT Program will work with similar programs being developed in Amnesty divisions throughout the world and with Amnesty's research department to insure that human rights violations committed against lesbian, gay, bisexual, and transgender people are documented and actions are taken to combat these violations. The effort will promote human rights standards at the international and national level that recognize the basic human rights of all people. In the United States, Amnesty OUTFRONT will launch a public campaign to raise awareness of the human rights violations faced by lesbian, gay, bisexual and transgender people around the world and will work to build an activist membership committed to combating these violations wherever they occur.

As Co-Chair of the Congressional Human Rights Caucus, Mr. Speaker, I have long admired the human rights activity of Amnesty International and am proud to work with the organization in combating human rights violations. I welcome Amnesty's special concern for the human rights concerns of lesbian, gay, bisexual, and transgender people. This important aspect of human rights has not been given adequate attention, given the dimensions of the problem. I welcome the fact that a renowned human rights organization like Amnesty is taking a lead in this area.

Mr. Speaker, I urge my colleagues to work with me and with Amnesty International in promoting awareness of human rights violations on the basis of sexual orientation and mounting a forceful campaign against such injustices. I look forward to working closely with Amnesty and its OUTFRONT Program in the coming years, and I wish them great success in developing this important program.

TRIBUTE TO VICTORIA DELGADO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. TOWNS. Mr. Speaker, I want to acknowledge the great accomplishments of Victoria Delgado.

As the Director of Bilingual/Multicultural Programs for Community School District 32, Vicky, as she is affectionately known, is one of New York City's education veterans. She led the charge on behalf of bilingual education and contributed to nurturing and developing new teachers and supervisors through her teachings, coaching and mentoring. Vicky has made her mark on New York City as an effective and committed proponent and advocate for quality bilingual instruction, equal access and opportunity.

Vicky is no retiring from the New York City Board of Education. She will be forever known for her contributions to the education of children with limited English proficiency. I want to offer my congratulations and best wishes to Vicky on her retirement.

IN HONOR OF TED RADKE'S 20 YEARS OF SERVICE TO THE GREAT OUTDOORS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in congratulating Ted Radke on the occasion of his 20th year of service on the East Bay Regional Park District Board of Directors.

We all owe Ted a debt of gratitude for his successful and tireless efforts to preserve and protect precious lands in the Bay Area for generations of Californians.

Ted was originally elected to the East Bay Regional Park District Board of Directors in November, 1978 and has been re-elected every four years since that time. He served as Board President in 1986, 1987 and 1995. He ably and energetically represents the residents of Ward 7, which currently includes Antioch, Bay Point, Bethel Island, Brentwood, Byron, Crockett, Discovery Bay, El Sobrante, Hercules, Martinez, Oakley, Pacheco, Pinole, Pittsburg, Port Costa and Rodeo.

Ted has been a member of the Board's Executive, Finance and Workforce Diversity Committees, the Contra Costa Water District/EBRPD Liaison Committee, Contra Costa County Liaison Committee, Martinez JPA, North Contra Costa County Shoreline JPA and Pinole/Hercules JPA. His preferred Board Committee is the Legislative Committee over which he has expertly presided since 1983. He serves on intergovernmental Boards such as the Delta Science Center and the Carquinez Regional Land Trust, and is an active participant in the Pt. Molate Base Closure process, the Park District's East Contra Costa County Task Force, and the Concord Naval Weapons Station Joint Use Committee.

An active supporter of local, state and federal efforts to raise funding for the acquisition of park and open space lands and the preservation of natural habitats and endangered species, Ted has worked on state bond acts, Proposition 70, the Land and Water Conservation Fund, and Park District Measure AA (1988), Measures KK and LL (1996) and Measure W (1998). He has played a pivotal role in the acquisition of a number of key regional parks and trails, including Martinez Regional Shoreline, Carquinez Strait Regional Shoreline, Big Break Regional Shoreline and Black Diamond Mines Regional Preserve, significantly contributing to the Park District's acreage increasing by 40,000 acres since 1978. Ted provided a leadership role in opposition to the development of solid waste landfills at future proposed parkland sites at Round Valley and Black Diamond in East Contra Costa County.

Ted continues to seek opportunities for park and open space acquisition through partnerships with agencies such as the National Park Service (John Muir National Historic Site), Muir Regional Land Trust (Franklin Hills), and the Federal Government (Ozol Fuel Depot and Concord Naval Weapons Station).

I know I speak for all the Members of this chamber when I congratulate Ted Radke for his 20 years of service to the East Bay Regional Park District Board of Directors, and when I thank him for the many contributions he has made to our community.

HONORING THE BEACH CITIES SYMPHONY

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. KUYKENDALL. Mr. Speaker, I rise today to recognize an important organization in my district, the Beach Cities Symphony. For the last 50 years, this group has entertained the people of the South Bay with its classical music.

Celebrating its 50th anniversary, the Beach Cities Symphony continues to promote the musical arts through volunteering time and talents for the enjoyment and enhancement of both the performers and the audience.

Two individuals have been with the symphony since its inception. They were among the 20 original members who wanted to form a symphony that would bring classical music to the community, free of charge. I commend the dedication of Bob Peterson and Norma Gass; they have helped make the Beach Cities Symphony what it is today. Their commitment to the arts has enriched the community.

Each year the symphony performs four free concerts for the residents of the South Bay. The concerts are held at the 2,000 seat Marsee Auditorium on the campus of El Camino College.

I congratulate Music Director and Conductor Barry Brisk and the entire symphony on this milestone. Thank you for your contributions to the community. I wish you continued success.

JOE MANZANARES' GIFTS TO HIS COMMUNITY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. McINNIS. Mr. Speaker, I would like to take a moment to honor a man who has given selflessly of his time and effort to help others. Joe Manzanares, for the past forty–two years, has volunteered to better his community, primarily through his work with Neighborhood Housing Services of Pueblo, Colorado in the Third Congressional District.

Mr. Manzanares has accomplished several achievements through his voluntary work, including the development of El Pueblo Pride Park which is a five acre neighborhood park in Pueblo's west side. Following a tragic auto accident in his neighborhood that killed a child, Joe Manzanares and his granddaughter, Cecily Bustillo, worked to create this park out of nothing, lobbying the state to purchase the land, which was then turned into a park.

Joe Manzanares has been recognized by others for his inspirational dedication to revitalizing neighborhoods. This week, he will travel to Oakland, California to receive additional recognition for his achievements. There, Mr. Manzanares will receive the Dorothy Richardson Award for Resident Leadership Development from the Neighborhood Reinvestment Corporation. He will be one of nine people receiving the award, selected from thousands of volunteers for nonprofit organizations across this country.

I cannot think of a more fitting and deserving recipient of this honor than Joe Manzanares. I wish to extend my congratulations to Joe Manzanares upon the occasion of this award honoring the commitment that he has made to his neighborhood in Pueblo, his home since 1962. Mr. Speaker, let me close by extending my own appreciation—thank you, Joe Manzanares, for your work to improve our community.

GAO REPORT URGES IMPROVEMENTS OF FEDERAL PROGRAMS FOR CHILDREN OF MIGRANT FARM WORKERS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. LANTOS. Mr. Speaker, I rise today to call to the attention of my colleagues of a

General Accounting Office (GAO) report which I requested. The report—entitled ''Migrant Children: Education and HHS Need to Improve the Exchange of Participant Information''—has just been released. The GAO study reports problems with federal education programs which have been established to help children of migrant farm worker families. The two largest federal education programs, Migrant Education and Migrant Head Start, help over 660,000 migrant children overcome educational hardships. The report concludes that federal education programs created to help children of migrant farm worker families, could better serve migrant children.

Mr. Speaker, migrant children routinely suffer poverty, inadequate housing, social isolation, pesticide exposure, and disrupted schooling as their families move from place to place and from state to state in search of work. The fresh produce and rich variety of canned and frozen foods on our American tables would not be available without the labor of migrant farm worker families, but migrant children, many of whom labor in the fields along side their parents, frequently do not share in this bounty. We need effective programs which can help these children.

According to the GAO report, migrant workers are diverse, young, and mobile. Although most are Mexican and Mexican-American, there has been an influx of workers from Central America. At the same time, a substantial portion of the migrant labor force includes English-speaking, white U.S. families; Bengali-speaking workers harvesting grapes and fruit in California; Russian-speaking workers fishing and logging in the Northwest; and Gullah-speaking, African-American families shrimping in Georgia. Over the years, the workforce has become younger, and today most migrant farm workers are under 35. In particular, the number of teenage boys who migrate without their families—many as young as 13 years of age—continues to increase.

Mr. Speaker, about half of all migrant workers travel with their families. Most migrant farm worker families live in two or more locations per year, disrupting the education and preschool experience of children. This not only disrupts regular education, it can also disrupt special services available to migrant children. In part this is because children who may be eligible for special education services in one location are not eligible when they move to another location and in part because critical information, such as immunization records and special education needs assessments, are not transmitted or are not accepted at the new school. Because children of migrant farm families are in an area for a relatively short time, they may not receive the services they need and they may receive unnecessary immunizations or diagnostic assessments. An additional problem for older children is satisfying the courses requirements for high school graduation. Requirements differ from school district to school district and records of courses completed must be transmitted to the new school district, and frequently this does not happen or it happens only with considerable delay.

Mr. Speaker, the GAO recommends that to help all migrant infant and preschoolers get the services they need, the Secretary of Health and Human Services expand its definition of eligible agricultural occupations available for Migrant Head Start (MHS) programs to harmonize with those listed under Migrant Educational Program (MEP). Currently, only children of crop workers are eligible for MHS, whereas those eligible for MEP include children of dairy workers and fishers, as well as crop workers. As a result of MHS' narrower eligibility requirements, fewer infants and preschool migrant children are eligible for MHS than for MEP.

The GAO's second recommendation, to make sure that critical information is transmitted to the receiving school or center when it is needed. In order to assure that this is done, GAO recommends that the Secretaries of Education and of Health and Human Services to develop an electronic nationwide system that would allow schools and MHS centers to readily access or request educational and health information migrant children. Currently, the absence of a national system often results in inappropriate classroom placements, delays in receiving services, repeated immunizations, or failures to complete high school graduation requirements.

GAO's third recommendation is that the two cabinet Secretaries include in their respective research and evaluation plans studies that measure the outcomes of MEP and MHS and the extent to which programs are meeting their goals. It is important that we know if migrant education and head start programs are working. Although both Education and HHS collect substantial amounts of program data, none of the current data enables either department to evaluate how much their programs are helping migrant children.

Mr. Speaker, copies of this important report are available. I urge my colleagues to read the GAO's important new report on migrant children and join me in working to implement these important recommendations.

HONORING ELIZABETH McINTOSH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. TOWNS. Mr. Speaker, I want to recognize the achievements of community activist, Elizabeth McIntosh.

Mrs. McIntosh is a native of Aiken, South Carolina. She received her formal education in Jacksonville, Florida and came to New York in 1935, where she was employed in the garment district. Later, she was employed by the New York City Transit Authority and retired from NYCTA after thirty years of service.

She is a dedicated and faithful member of Universal Baptist Church, where she serves as a deaconess. Mrs. McIntosh enjoys working with and helping others whenever and wherever she can. She contributes her time to the Stuyvesant Heights Landmark Senior Citizen Center where she is also a member and the Retired Senior Volunteer Program (RSVP) of the Community Service Society.

For many years, Mrs. McIntosh has made significant contributions to the growth and development of the Unity Democratic Club. Her exemplary leadership and commitment as Chaplain, a member of the Executive Board, The Women's Auxiliary and numerous other committees related to campaign and election activities is an inspiration to the Club.

In addition, she is a member of the National Council of Negro Women, The 81st Precinct Community Council, The Good Neighbor Block Association, The Church Women United of Brooklyn and the NAACP. Elizabeth McIntosh has shown courage and determination in whatever task she undertakes. She leaves an indelible impression on everyone she meets. The strong desire to help and a love for humanity keeps Mrs. McIntosh on the move.

I commend the accomplishments of Elizabeth McIntosh to the attention of my colleagues.

RECOGNIZING VIRGINIA'S MINORITY-OWNED INFORMATION AND TECHNOLOGY FIRMS NAMED AMONG THE 100 LARGEST BY BLACK ENTERPRISE MAGAZINE

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to join my colleagues from Virginia in commending the work of a group of Virginia's most innovative companies. Included in Black Enterprise Magazine's list of the 100 largest minority-owned companies are 13 information and technology firms. Nine of the 13 call Virginia home. These businesses represent the very best of the Information Age true superstars in the information technology arena that is helping to fuel the economy in my home state of Virginia and across the entire nation.

These nine enterprises are fostering the emergence of an exciting new market for African American entrepreneurs. At the top of the IT industry, Universal System Technology Inc. (UNITECH); Digital Systems International Corp; SENTEL; Innovative Logistics Techniques, Inc.; Advanced Resource Technologies, Inc.; Houston Associates, Inc., and Armstrong Data Service, Inc. (ADS) are transforming Northern Virginia into one of the world's leading technology hubs.

It is not by chance that African-American-owned businesses are finding their success stories in Northern Virginia. Our region's concentration of fine colleges and universities provides a vast pool of potential employees. Emerging businesses may also choose from a large number of former government employees seeking high-tech jobs in the private sector. Furthermore, close proximity to our nation's political center renders opportunities for government contracting and access to key decision-makers.

The area also boasts a plethora of organizations that provide resources to emerging businesses. The Northern Virginia Technology Council hosts networking sessions, helping young companies build relationships with large, established IT firms. The Fairfax County Economic Development Authority and the Center for Innovative Technology provide technical, financial and business assistance.

Mr. Speaker, in closing, I want to send my sincere congratulations to the African-American entrepreneurs who are using Northern Virginia's existing resources well, while creating jobs and contributing to the area's supportive community and excellent quality of life. We celebrate their entrepreneurial spirit, we honor their commitment to the state of Virginia and applaud their vital role in the information and technology industry.

HONORING DR. MARILYN WHIRRY, CALIFORNIA'S TEACHER OF THE YEAR

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. KUYKENDALL, Mr. Speaker, I rise today to recognize an exceptional individual from my district, Dr. Marilyn Whirry. Dr. Whirry, an English teacher in Manhattan Beach, was recently named California's Teacher of the Year. She is the first South Bay teacher to win this award and advance to the National Teacher of the Year competition.

For over 30 years, Dr. Whirry has taught English to students in grades 9–12 at Mira Costa High School. She has touched the lives of thousands, instilling in her students the importance of education.

She currently teaches Advanced Placement English to Mira Costa seniors. When Dr. Whirry took over the program 9 years ago, only 26 students were in the class. The program has since developed under her direction and now enrollment is roughly 150 students. She expects a lot from her students, and implements a challenging curriculum focused upon rigorous learning and discovery.

Dr. Whirry's commitment to educational excellence extends beyond the Manhattan Beach Unified School District. She is also a professor at Loyola Marymount University and regularly conducts reading workshops throughout southern California. She has been a consultant for several states including California, and she has also advised President Clinton. Last year she was selected as the chairperson of the National Assessments Governing Board's committee to develop a voluntary national reading test to assess fourth graders. Over her career, she has become a national leader in education.

I congratulate Dr. Marilyn Whirry on being selected as California's Teacher of the Year. It is a testament of her commitment to her students as well as a reflection of the quality of education in the South Bay. She is a valuable member of the community, and I wish her much success in the national competition. The students and parents of Manhattan Beach are grateful to have her as an educator.

H.R. 3375: CONVICTED OFFENDER DNA INDEX SYSTEM SUPPORT ACT OF 1999

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. GILMAN. Mr. Speaker, today, I'm introducing H.R. 3375, the Convicted Offender DNA Index System Support Act of 1999. This legislation will provide assistance to the States to eliminate their backlog of convicted offender DNA samples, provide grants to the States to eliminate their backlog of DNA evidence for cases for which there are no suspects, provide funding to the Federal Bureau of Investigation (FBI) to eliminate their unsolved casework backlog, expand collection efforts to include Federal, District of Columbia (DC) and military violent convicted offenders into the Combined DNA Index System (CODIS), and authorize the construction of a missing persons database. Joining me as cosponsors are, my friends and colleagues, co-chairman of the Congressional Law Enforcement Caucus, Congressmen JIM RAMSTAD of (Minnesota) and BART STUPAK of Michigan.

Mr. Speaker, in 1994, the Congress passed the DNA Identification Act, which authorized the construction of the Combined DNA Index System, or CODIS, to assist our Federal, State, and local law enforcement agencies in fighting violent crime throughout the Nation. CODIS is a master database for all law enforcement agencies to submit and retrieve DNA samples of convicted violent offenders. Since beginning its operation in 1998, the system has worked extremely well in assisting law enforcement by matching DNA evidence with possible suspects and has accounted for the capture of over 200 suspects in unsolved violent crimes.

However, because of the high volume of convicted offender samples needed to be analyzed, a nationwide backlog of approximately 600,000 unanalyzed convicted offender DNA samples has formed. Furthermore, because the program has been so vital in assisting crime fighting and prevention efforts, our States are expanding their collection efforts. Recently, although New York State already has a backlog of approximately 2,000 samples, Governor George Pataki recently announced that the State will be expanding their collection of DNA samples to require all violent felons and a number of nonviolent felony offenders.

State forensic laboratories have also accumulated a backlog of evidence for cases for which there are no suspects. These are evidence ''kits'' for unsolved violent crimes which are stored away because our State forensic laboratories do not have the support necessary to analyze them and compare the evidence to our nationwide data bank. Presently, there are approximately 12,000 rape cases in New York City alone, and, it is estimated, approximately 180,000 rape cases nationwide, which are unsolved and unanalyzed. This number represents a dismal future for the success of CODIS and reflects the growing problem facing our law enforcement community. The successful elimination of both the convicted violent offender backlog and the unsolved casework backlog will play a major role in the future of our State's crime prevention and law enforcement efforts.

The Convicted Offender DNA Index System Support Act will also provide funding to the Federal Bureau of Investigation to eliminate their unsolved casework backlog and close a loophole created by the original legislation. Although all 50 States require DNA collection from designated convicted offenders, for some inexplicable reason, convicted Federal, District of Columbia, and military offenders are exempt. H.R. 3375 closes that loophole by requiring the collection of samples from any Federal, military, or DC offender convicted of a violent crime.

Moreover, this measure includes a provision, which will permit the FBI to construct a missing person database. This program will permit family members who have lost a loved one to voluntarily enter their DNA profile into a national registry. Should a missing child be found, this database will provide our law enforcement agencies with a system to locate the displaced families and bring the child home. Furthermore, it will allow individuals who, in later years, suspect they have been abducted to refer to the FBI in search of a match to their DNA.

I recently assisted in coordinating a pilot program between the National Center for Missing and Abducted Children, the Department of State, the Department of Justice, and the Rockland County, New York Clerk's and Sheriff's Offices, which will assist in stopping individuals from smuggling children out of the country. This program is an important step in protecting our Nation's children. However, constructing a missing person's database will provide a strong, national foundation to assist our Nation's families and law enforcement in the fight against child abduction.

Mr. Speaker, as you are aware, our Nation's fight against crime is never over. Every day, the use of DNA evidence is becoming a more important tool to our Nation's law enforcement in solving crimes, convicting the guilty and exonerating the innocent. The Justice Department estimates that erasing the convicted offender backlog nationwide could resolve at least 600 cases. The true amount of unsolved cases, both State and Federal, which may be concluded through the elimination of both backlogs is unknown. However, if one more case is solved and one more violent offender is detained because of our efforts, we have succeeded.

In conclusion, as we prepare to step into the 21st century, we must ensure that our Nation's law enforcement has the equipment and support necessary to fight violent crime and protect our communities. H.R. 3375, the Convicted Offender DNA Index System Support Act, will assist our local, State, and Federal law enforcement personnel by ensuring that crucial resources are provided to our DNA data-banks and crime laboratories.

COMMENDING J.C. CHAMBERS FOR HIS GREAT SUPPORT OF LUBBOCK CHARITIES

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. COMBEST. Mr. Speaker, I rise today to honor Mr. J.C. Chambers, an individual who understands the meaning of dedication and service to his neighbors and his community. On November 10, Mr. J.C. Chambers of Lubbock, TX, received the 1999 Award for Philanthropy. This award recognizes all of the many civic activities for which he has volunteered and supported. J.C.'s volunteer work in Lubbock spans 40 years and includes leading the Lubbock United Way as president and campaign chairman. He has also chaired the Red Raider Club in Lubbock. Furthermore, J.C. serves as a board member of the Lubbock Methodist Hospital Foundation, the Advisory Board of the Southwest Institute for Addictive Diseases, the Committee of Champions, the Texas Board of Health, the Center for the Study of Addiction, and the Children's Orthopaedic Center.

J.C. has earned many additional awards honoring his achievements, such as Lubbock's Outstanding Young Man in 1965 and Lubbock Christian College's Servant Leader of the Year

in 1985. In 1990, he received the Distinguished Alumni of Texas Tech honor and in 1992, the People of Vision Award. Mr. Chambers earned the Rita P. Harmon Volunteer Service Award from the United Way in 1995, the William Booth Award from the Salvation Army, and the Lubbock Chamber of Commerce Distinguished Citizen Award in 1998.

J.C. has been a local insurance sales agent at Massachusetts Mutual Life Insurance Company in Lubbock since 1957. He graduated Lubbock High School in 1950 and from Texas Tech University in 1954. J.C. volunteers out of a sense of responsibility to his community. Through his service, he has made the city of Lubbock and our society a better place to live. I would like to congratulate Mr. J.C. Chambers for his outstanding commitment to others.

THE INTRODUCTION OF H.R. , THE TRADE ENHANCEMENT ACT OF 1999

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. LEVIN. Mr. Speaker, today, along with Representatives HOUGHTON and THURMAN, I am introducing the Trade Enhancement Act of 1999. This bill will strengthen the ability of the U.S. government to counteract foreign country measures that act as market access barriers to U.S. agricultural and manufactured goods and services. It will do this by updating section 301 of the Trade Act of 1974, as well as the Sherman Antitrust Act.

For 25 years, section 301 has been essential to the effective conduct of U.S. trade policy. Section 301 investigations by the Office of the U.S. Trade Representative (''USTR'') have opened foreign markets for U.S. workers, farmers and businesses. These investigations have also led to negotiation of multilateral and bilateral agreements that liberalize trade, expand markets and strengthen rules of fair and open competition for manufactured and agricultural products and services, and improve protection of intellectual property rights. Today, benefits from these agreements flow not only to the United States, but to all WTO members.

Section 301 remains an important policy tool, even with the advent of binding dispute settlement in the WTO. As international trade and economic integration have grown, new barriers have arisen or have become more apparent. In a number of cases, neither U.S. laws nor WTO rules yet provide an adequate means for addressing such barriers. This bill identifies three significant gaps in the existing body of U.S. and WTO law and amends U.S. law to address foreign country barriers that exploit those gaps.

The first gap concerns market access barriers masquerading as health and safety measures. Such barriers come within the purview of the WTO Agreement on Sanitary and Phytosanitary Measures (''the SPS Agreement''). However, barriers in this sector have tended to proliferate in a fragmented way, which makes them difficult to challenge one at a time. WTO-inconsistent health and safety regulations often focus on individual products or narrow product categories. It is generally inefficient to take each one on independently. However, there is no mechanism under current law to call attention to or challenge a series of regulations en bloc.

This bill begins to fill that gap by creating an ''SPS Special 301'' provision, modeled after the existing Special 301 for measures affecting intellectual property rights. It requires USTR to make an annual identification of the most onerous or egregious instances of foreign country trade barriers disguised as health and safety measures. As with Special 301 for intellectual property rights, identification of the priority foreign country SPS measures will trigger a requirement for USTR to undertake a section 301 investigation of those measures.

The bill also requires the President to take into account the extent to which a country's health and safety regulations are based on scientific evidence in determining that country's eligibility for benefits under the Generalized System of Preferences.

The second gap in current U.S. and WTO law concerns market access barriers that take the form of private anticompetitive conduct supported, fostered, or tolerated by a foreign government. For example, some governments delegate regulatory-type authority to trade associations, which are thereby able to engage in conduct that would violate the antitrust laws if engaged in by entities in the United States. These practices allow foreign producers to gain a regulatory advantage over exporters from the United States and other countries.

Neither current U.S. laws nor the rules of the WTO are equipped to address fully joint public-private market access barriers. Section 301 authorizes USTR to respond to certain foreign government measures, but does not refer expressly to some of the forms of conduct that make these barriers effective. Nor does section 301 authorize USTR to respond to the private activity component of these barriers.

U.S. antitrust law authorizes the Justice Department and Federal Trade Commission to address foreign anticompetitive conduct that harms U.S. exports, but this authority has rarely been exercised, and there is no requirement that it be exercised in appropriate cases.

Nor are WTO rules yet adequate to address joint public-private anticompetitive conduct. This was illustrated by the recent Japan-Film decision, in which the WTO declined to find that U.S. benefits under the WTO had been ''nullified or impaired'' due to a Japanese distribution regime that discriminated against imports, including U.S.-made photographic film and paper.

Joint public-private barriers flourish in environments where government rulemaking and administration are opaque. While WTO rules require transparency in these processes, the WTO to date has failed to apply its rules in a way that achieves that result. Also, the WTO rules are not designed to address the private component of joint public-private market access barriers.

The Trade Enhancement Act of 1999 begins to fill this second gap by upgrading the authority of USTR so that the agency is better able to respond to joint public-private market access barriers. It does this in two principal ways.

First, the bill broadens the definition of foreign conduct that will trigger USTR's authority to take responsive action. To the category of conduct requiring responsive action by USTR, the bill adds a foreign government's fostering of systematic anticompetitive activities. (Under current law, a foreign government's toleration of systematic anticompetitive activities triggers USTR's discretionary authority to take responsive action.) The bill also makes clear that anticompetitive conduct triggering USTR's authority includes conduct coordinated between or among foreign countries (not just within a single foreign country) and conduct that has the effect of diverting goods to the U.S. market (not just conduct that keeps U.S. goods and services out of foreign markets).

Second, the bill establishes a mechanism for addressing the private components of joint public-private market access barriers. Under current law, at the conclusion of a section 301 investigation, USTR must determine whether the foreign country under investigation has engaged in conduct requiring or warranting responsive action. Under this bill, if that determination is affirmative, USTR will be required to make an additional determination, to wit: whether there is reason to believe that the conduct at issue involves anticompetitive conduct by any person or persons. If the latter determination is also affirmative, USTR will be required to refer the matter to the Department of Justice.

Upon referral of a matter from USTR, the Department of Justice will be required to undertake an investigation to determine whether there is reason to believe that any persons have violated the Sherman Antitrust Act. That investigation ordinarily will have to be completed within 180 days. An affirmative determination will require the Department either to commence an enforcement action against the alleged violators or explain to Congress its reasons for declining to do so.

The third gap in current law is the lack of any express penalty for foreign non-cooperation in the gathering of evidence relevant to an investigation of market access barriers. In recent years, there have been several instances in which a foreign government refused to cooperate with USTR in the conduct of a section 301 investigation or the enforcement of a bilateral trade agreement. In certain cases, these attempts to obstruct the conduct of an investigation extended even to refusing to meet with Cabinet-level and other senior Administration officials. These actions prevent the United States from developing a factual basis to understand and resolve important trade problems and issues and, in addition, contradict longstanding norms of diplomatic behavior.

The Trade Enhancement Act of 1999 begins to fill the third gap by creating a deterrent to non-cooperation in investigations of market access barriers. USTR will be authorized to draw an inference adverse to the interests of a foreign respondent in the event of non-cooperation in the provision of relevant evidence. The adverse inference would be limited to the issues on which the foreign government refused to cooperate. This sanction is modeled on discovery sanctions that courts and administrative bodies in the United States commonly apply.

Mr. Speaker, it is important that the agencies working to open foreign markets to U.S. goods, services, and capital be equipped with modern tools to address modern problems. It has been over a decade since these tools were last upgraded. In that time, the nature of foreign trade-impeding activity has changed. It has become more sophisticated. The tools used to defend U.S. rights ought to be equally sophisticated. Accordingly, I urge my colleagues to support this bill, and I urge that it

receive serious consideration by the committees of jurisdiction and by the full House.

TRIBUTE TO TOM SOUTHALL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. McINNIS. Mr. Speaker, I would like to recognize a man who has been an inspiration to hundreds of young men and a legend amongst his colleagues within his own profession. Mr. Speaker, I am talking about Tom Southall, Steamboat Springs High School basketball coach and a recent inductee to the Colorado High School Activities Association Hall of Fame.

Tom is known as one of the best coaches in Colorado, as the facts clearly attest. He is the all-time winningest coach in the history of Colorado. While Tom is known to be a great coach, he is also known for being a man of great character and imparts his knowledge to his players. A mark of a good coach is the ability to make his players better. While Tom certainly fulfills that role, he also makes his players better people and teaches them about what it means to do things the right way.

While being the winningest coach in the history of Colorado is more than impressive, Tom not only understands sports as a coach, but also was a great athlete in his day. He was a four-year letterman in football, basketball and track. He was on a state championship team in football as the star running back. In track, he was a three time state champion. Besides his athletic prowess, Tom was also an intelligent student, member of the student council and participated in the school band. Mr. Speaker, Tom Southall should be used as a role model of what being a good coach and doing things the right way is all about.

PRESIDENT ABDURRAHMAN WAHID TAKES IMPORTANT STEPS TO STRENGTHEN DEMOCRACY AND CIVIL SOCIETY IN DEMOCRACY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. LANTOS. Mr. Speaker, this past week His Excellency Abdurrahman Wahid, the newly elected President of Indonesia, paid a brief visit to Washington, where he met with President Clinton and other officials of our government.

This was an important visit, Mr. Speaker, because it reflected the desire to strengthen Indonesia's relations with the United States. President Wahid—both in private in conversations with President Clinton and publicly in statements to the press and to friends of Indonesia who welcomed him to Washington—affirmed Indonesia's desire, as he said ''to make sure that we are still great friends of the United States.'' I am pleased that President Clinton affirmed our friendship with Indonesia and emphasized our interest in a stable, prosperous, and democratic Indonesia.

Mr. Speaker, I want to reaffirm my own commitment to strengthening our nation's relations with Indonesia. Indonesia is the fourth largest nation in the world, and it is a country that has recently taken the first important steps in the direction of greater democracy. The Indonesian elections held last June were an important step forward, the first democratic elections in Indonesia in nearly half a century. The next important step in strengthening democracy was the action of the Indonesian parliament just three weeks ago in voting to elect Abdurrahman Wahid as President of the country.

Mr. Speaker, in the few short weeks since President Wahid has been in office he has taken a number of important steps to strengthen democracy in his country. There are still difficulties ahead, but he has started out on the right foot, and it is in our interest to support his efforts.

The President has announced an effort to fight corruption, which has been one of the serious and persistent problems that faced Indonesia under its previous authoritarian leaders. Questions have been raised about certain actions of three members of President Wahid's cabinet. The President has announced that if the Attorney General finds evidence of corruption, the ministers will be investigated, charged, and relieved of office. That kind of integrity and moral leadership is what is required, and I believe President Wahid has these qualities.

Mr. Speaker, President Wahid has also sought to establish civilian control over the military—an important democratic principle. The President appointed a civilian as his Minister of Defense, the first civilian to hold such a position. Democratic control of the military has been a serious matter of concern in Indonesia. The military has played an important role in the integration of Indonesia, but it has also acted outside the control of elected officials, as was particularly evident in the mishandling of the referendum in East Timor. Decades of the precedent of the military acting independently and abusing the human rights of Indonesians will be difficult to reverse overnight, but the direction taken by the President is clearly the right one.

The President also has indicated his intention to speed the return of East Timorese refugees to their home. It is estimated that some 180,000 refugees from East Timor remain in Indonesian-controlled western Timor, but they have been unable or unwilling to return because of fear for their lives. The President's intention to see the return of these refugees reflects his pragmatic and principled interest in resolving this difficult issue.

President Wahid has also taken steps in the foreign policy area that reflect his desire to involve Indonesia more positively in the world. He has indicated his intention to establish trade relations with the State of Israel. Indonesia is the world's largest Muslim nation, and such a decision reflects a serious interest to change past practice in the face of considerable opposition. President Wahid has the authority and credibility to make such a decision, since his is a highly respected Muslim religious leader.

Mr. Speaker, I invite my colleagues to join me in welcoming the enlightened leadership of Indonesia's new President. In the few short weeks that he has been in office, he has taken a number of important steps to strengthen democracy, to improve economic conditions, to restore the rule of law, and to deal with the difficult problems of his country. President Wahid assumes the leadership of this important country with integrity and a commitment to democratic values that we here in the United States admire and share. We wish him well in the challenges he faces, and we should work with him in meeting them.

THE WORLD MUST NOT FORGET SIKH POLITICAL PRISONERS IN INDIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. TOWNS. Mr. Speaker, India frequently boasts about its democratic institutions, so the world pays little attention to the abuses of human rights that go on there. Yet it has recently come out that there are thousands of political prisoners being held in ''the world's largest democracy.''

These political prisoners are being held in illegal detention for their political opinions. Some have been held without charge or trial for 15 years. One known case is an 80-year-old man. Yes, India is holding an 80-year-old man in illegal detention for his political opinions.

What have these Sikhs done? They have spoken out for freedom for their people and an end to the violence against their people. They have spoken out against the repression and tyranny that have killed 250,000 Sikhs since 1984. In India, this is apparently a crime.

Other minority nations have also seen substantial numbers of their members taken as political prisoners by the democratic government of India. In addition, the Indian government has murdered over 200,000 Christians in Nagaland since 1947. Tens of thousands of people in Manipur, Assam, Tamil Nadu, and other areas have also died at the hands of the Indian government.

Mr. Speaker, why should the people of the United States support a government like this? The answer is that they shouldn't. Yet India remains one of the largest recipients of U.S. aid. That aid should be ended, Mr. Speaker. Perhaps then India will understand that it must respect human rights.

We should also make clear our strong support for the movement of self-determination for the minority peoples and nations of South Asia, such as the Sikh homeland of Punjab, Khalistan; the heavily-Muslim Kashmir; and Christian-majority Nagaland. Only by conducting a free and fair vote can real freedom come to the peoples and nations of South Asia.

I call on the President to press these important issues when he visits India next year. This is the only way to bring real stability, peace, freedom, and dignity to South Asia.

IN TRIBUTE TO THE HONORABLE THOMAS M. FOGLIETTA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. WOLF. Mr. Speaker, I want to bring to our colleagues' attention news about our

former colleague, the Honorable Thomas M. Foglietta of Pennsylvania, who now serves as the U.S. ambassador to Italy. On November 9, he was presented a South Korean human rights award for supporting democracy and human rights in that country.

The annual award was presented in Seoul, South Korea, by the Korean Institute for Human Rights, founded in 1983 by South Korean President Kim Dae-jung. Ambassador Foglietta established a relationship with Kim Dae-jung in the mid-1980's when he served in Congress. Kim was in exile in the United States at that time. Ambassador Foglietta accompanied him back to his beloved South Korea and the two were assaulted at the airport.

This year, the City of Philadelphia presented its prestigious Liberty Medal to President Kim. Ambassador Foglietta campaigned for almost a decade to have this award made to Kim Dae-jung.

Mr. Speaker, I submit for the RECORD a recent article from The Philadelphia Inquirer about this award.

We offer our congratulations to our former colleague.

[From the Philadelphia Inquirer, Nov. 2, 1999]

FOGLIETTA TO GET RIGHTS AWARD IN S. KOREA—THE AMBASSADOR TO ITALY WILL BE HONORED FOR SUPPORTING DEMOCRACY IN THAT ASIAN NATION

(By Jeffrey Fleishman)

ROME—U.S. Ambassador Thomas M. Foglietta will receive a South Korean human-rights award next week for supporting democracy in a country where he was beaten 15 years ago as he traveled with a leading political dissident.

The dissident, Kim Dae Jung, is now South Korea's president. The award from the Korean Institute for Human Rights—to be presented Nov. 9 in Seoul—is a testament to a friendship that endured through a long battle against dictatorships and corrupt politics.

''Knowing Kim has been one of the high points of my life. He has been one of my great teachers,'' said Foglietta, the former Philadelphia congressman who is now ambassador to Italy. ''Kim has always been so determined to bring democracy to his country. This award is a great honor for me.''

Kim and Foglietta met in November of 1984 when Kim was a political exile receiving medical treatment in the United States. Before leaving South Korea, Kim had been imprisoned and tortured for years and was reviled by the government of Chun Doo Wan, an army general who had seized power in 1979. During a 3½-hour meeting, Kim told Foglietta that he wanted to return to his country.

Fearful of assassination, he asked Foglietta to accompany him.

''My first thought was that the military regime would try to kill Kim upon his return,'' said Foglietta. ''It was only months earlier that [opposition leader] Benigno Aquino was assassinated when he returned to the Philippines. I told Kim this and he said, ''They won't try anything if you go with me.' I called the television networks. I told them to be in Seoul at this time and date. I figured the Korean government wouldn't harm Kim in front of TV cameras.''

On Feb. 8, 1985, Kim, Foglietta and a small American delegation, including television crews, arrived at Seoul's Kimpo Airport. Military police had blocked roads, preventing thousands of Kim's supporters from reaching the airport. Inside the terminal, 50 to 75 security police pulled Kim and his wife, Lee Hee Ho, from the entourage and corralled them toward an elevator

Foglietta and others in the delegation, including U.S. Ambassador Robert White, were manhandled by police as Kim was carried away.

Kim endured this arrest as he had the others, and in 1997, after 40 years of protests, failed assassination attempts, six years in jail and 55 house arrests, Kim was sworn in as president in South Korea's first peaceful transition of power. Foglietta stood on the stage as Kim took his oath.

''When I stood at Kim's inauguration, I remembered that day when we were punched, kicked and bloodied,'' said Foglietta, who over the years has helped Kim with campaigns and democratic reforms. ''I guess I always knew he'd be president of South Korea.''

Last July, at Foglietta's urging, Kim was awarded Philadelphia's Liberty Medal during a ceremony at Independence Hall.

THE 66TH ANNIVERSARY OF THE UKRAINIAN FAMINE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. LEVIN. Mr. Speaker, I rise today to commemorate the 66th anniversary of the Ukrainian Famine of 1932 to 1933, a tragedy that claimed the lives of at least seven million Ukrainians.

Too often, we have seen the horrors of famine in all parts of the world. Famine usually brought about by prolonged wars, droughts, floods or other natural occurrences. Rarely have we seen such famine brought on by the repressive actions of a government.

In 1932 to 1933, leaders of the former Soviet Union used food as a weapon against the innocent people of Ukraine. Seeking to punish Ukraine for its opposition to Soviet policies of forced collectivization of agriculture and industrialization, Joseph Stalin unleashed the horror of the Ukrainian Famine on the people of Ukraine. Estimates of the number of innocent men, women and children who died reach over 7 million, and even today the Ukrainian population has not yet fully recovered.

This year marks the 66th year since this man-made, artificial famine in Ukraine. I rise today, as a co-chair of the Congressional Ukrainian Caucus, to join in commemorating with the Ukrainian-American community the tragedy of 66 years ago.

The Ukrainian community's main commemorative observance will be held on Saturday, November 20, 1999 in St. Patrick's Cathedral with a solemn procession along New York's avenues and a requiem service.

We must honor the memory of all those who perished and never let such a tragedy happen again.

BURLE PETTIT TO RETIRE AFTER ILLUSTRIOUS 40 YEAR CAREER

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. COMBEST. Mr. Speaker, I rise today to recognize a man who has made his mark in West Texas with a long and successful career at the Lubbock Avalanche-Journal. Having worked his way up from sports writer to editor-in-chief over a span of four decades, Mr. Burle Pettit has announced he will retire January 15. Burle's reputation for fairness, his passion for journalism and his love for the community, won high praise from A–J Publisher Mark Nusbaum who said, ''When you think of what an editor should be, you think of Burle Pettit.''

Fortunately for all of us in the Lubbock community, Burle will still be a presence around the Avalanche-Journal in several ways. He plans to serve on the editorial board, provide general consultation, and continue writing his well-loved columns. Burle's influence will also be felt in the generation of journalists who have worked under him, inspired by his strong work ethic and reliance on accuracy.

I am grateful for the years of service Burle has given to our community—not only through his hard work on the paper, but also to the organizations he has supported with his time, such as the South Plains Food Bank, the March of Dimes, the Salvation Army, and the Monterey Optimist Club.

On behalf of his many readers in West Texas, I wish Mr. Burle Pettit a relaxing and rewarding retirement.

INTRODUCTION OF INDIAN HEALTH CARE IMPROVEMENT ACT REAUTHORIZATION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, today I am joined by 26 of our colleagues in introducing the Indian Health Care Improvement Act reauthorization legislation. The Indian Health Care Improvement Act which provides for the delivery of health services of American Indians and Alaska Natives throughout the nation will expire at the end of fiscal year 2000. Since its enactment in 1976, the act has resulted in a reduction in serious illnesses and healthier Native American births.

The unmet health needs among American Indians and Alaska Natives continues to be staggering with their health status for below that of the rest of the United States population. When compared to all races in the United States, Indian people suffer a death rate that is: 627 percent higher from alcoholism; 533 percent higher from tuberculosis; 249 percent higher from diabetes; and 71 percent higher from pneumonia and influenza.

The bill I introduce today represents, for the first time, Indian country's proposal, ''Speaking With One Voice.'' Throughout the past year the Indian Health Service held regional meetings across the United States gathering information and consulting with health care providers, Indian tribes, tribal organizations and urban Indian organizations on how best the unique needs faced by Indian health delivery systems could be addressed. Following these meetings a national steering committee made up of tribal leaders from each of the Indian Health Service (IHS) areas plus a representative of urban Indians was established. The national steering committee drafted legislation and held numerous meetings to receive additional tribal views and incorporate them into a consensus document.

The legislation is focused on the national needs and includes very few tribal specific authorizations. Several of the programs normally administered by the Indian Health Service headquarters would be decentralized under this legislation with more funds distributed to IHS area offices to address local priorities. The bill also includes important health care training and recruitment provisions to assist with the chronic shortage of qualified health care providers. Additionally, the bill is designed to work cooperatively with contracting and compacting provisions under the Indian Self Determination and Education Assistance Act.

I am introducing this important legislation at the request of the national steering committee on the Reauthorization of the Indian Health Care Improvement Act. All the important component of Indian health care delivery are addressed in this bill including access to, and care for, diabetes, prenatal care, ambulatory care, alcohol and substance abuse, mental health, coronary care, and child sexual abuse. Certainly, there will be changes made to the bill as it proceeds through the legislative process, but this bill provides a solid basis for us to work from.

I commend the hard work and dedication of all the members of the national steering committee and those within the Indian Health Service who helped produce this legislation. For far too long Native Americans have put up with inferior health care. I will push for swift consideration of this bill and ask all my colleagues to join me in passing legislation to ensure that our first Americans are afforded only the best health care this nation can offer. We have the responsibility to accept nothing less.

TRIBUTE TO CLIFFORD STONE, JR.

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. McINNIS. Mr. Speaker, today I would like to honor Clifford Stone, Jr. for his hard work serving seniors throughout Jefferson and Gilpin Counties in central Colorado. After working in the private sector as a lawyer for over 40 years, Clifford retired. But instead of retiring, Clifford chose to help senior citizens navigate their way through the sometimes confusing world of law. By running the First Judicial District Bar Association Legal Assistance Program, Clifford has helped countless seniors with many legal problems.

Clifford and the Program have been a beacon of hope throughout Gilpin and Jefferson Counties. The Program has had to handle the changing needs of seniors from legal questions involving estate planning to grandparents' rights. The Program is a non–profit organization and is available to anyone who is 55 years of age or older.

It is with this, Mr. Speaker, that I say thank you to Clifford and all of the people that make the First Judicial District Bar Association Legal Assistance Program such a positive community resource. Due to Mr. Stone's dedicated service, Colorado is a better place.

INTRODUCTION OF H. CON. RES. 209 CONDEMNING THE USE OF CHILD SOLDIERS AND CALLING FOR U.S. SUPPORT FOR AN INTERNATIONAL AGREEMENT AGAINST THE USE OF CHILD SOLDIERS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. LANTOS. Mr. Speaker, I recently introduced House Concurrent Resolution 209, a bipartisan resolution which strongly condemns the outrageous use of child soldiers around the world and calls on our government to support an international effort to develop an optional protocol to the U.N. Convention on the Rights of the Child.

This resolution—which is currently cosponsored by over 40 of our distinguished colleagues—is based on the deeply disturbing testimony of numerous expert witnesses before the Congressional Human Rights Caucus. They reported the most horrific practices including the forcible conscription of children—some as young as 7 years old—for use as combatants in armed conflicts around the world. As we speak, children are being conscripted into armies of some countries and warring factions through kidnaping and coercion, while others join out of economic necessity, the intention to avenge the loss of a family member, or for their own personal safety.

Many times, these children are forced to kill in the most sadistic and gruesome fashion, their victims often other children or even their own family or friends. By forcing children to perpetrate the most horrific crimes against their own families ensures that these child soldiers cannot desert and can never return home.

Mr. Speaker, our resolution clearly exposes the full scope of the problem of child soldiers. As it notes, experts estimate that in 1999 approximately 300,000 individuals under the age of 18 are participating in armed conflict in more than 30 countries around the world, and hundreds of thousands more are at risk of being conscripted. The practice of conscripting children has resulted in the deaths of two million minors in the last decade alone. In addition to those children who have been killed, an estimated six million have been seriously injured or permanently disabled. Let there be no mistake, Mr. Speaker, this truly global problem needs a global solution which can only be brought about by determined and concerned action of the world community.

For this purpose, the United Nations established a working group in 1994 to develop an Optional Protocol to the Convention on the Rights of the Child to address the issue of child soldiers. The United States and Somalia, a country without a functioning government, are the only two recognized countries in the world which have not ratified this Convention. Therefore, the U.S. cannot even be a party to this Optional Protocol. The Convention on the Rights of the Child, which establishes very stringent and necessary protections with regard to educational, labor and developmental provisions, gives the world "child" the following meaning in Article 1: "For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority in attained earlier."

It is simply beyond my comprehension that the same Convention—which otherwise protects children in a comprehensive manner—makes an age exception in Article 38(3) for the most dangerous profession in the world, that of soldier: "States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavor to give priority to those who are oldest."

In light of the global developments I have outlined, the U.N. Working Group seeks to raise the minimum age for recruitment and participation in armed conflict from 15 to 18 years of age, but the U.S. delegation to the Working Group so far opposes this overwhelming international consensus, preventing a unanimous draft protocol.

On October 29, 1998, this international consensus resulted in the decision by United Nations Secretary General Kofi Annan to set a minimum age requirement of 18 for Untied Nations peacekeeping personnel made available by member nations of the United Nations. On the occasion of the unanimous adoption of Resolution 1261 (1999) on August 25, 1999 by the U.N. Security Council condemning the use of children in armed conflict, Special Representative of the Secretary General for Children and Armed Conflict, Olara Otunnu, addressed the Security Council. The Special Representative urged the adoption of a global three-pronged approach to combat the use of children in armed conflict including the raising of the age limit for recruitment and participation in armed conflict from the present age of 15 to 18 years; increased international pressure against armed groups which abuse children; and addressing political, social, and economic factors which create an environment where children become soldiers.

Mr. Speaker, the international consensus is clear, and our government should not stand in the way of this consensus. Our government should not give unintentional cover to nations with deplorable human rights records by giving them an opportunity to hide behind the current U.S. position on this issue. While the U.S. accepts 17-year-old volunteers into its armed forces with parental consent, U.S. armed forces de facto already ensure that all but a negligible fraction of recruits have reached the age of 18 before being deployed in combat situations, because 17-year-old volunteers are in the "training pipeline" and do not complete their training until they are 18 years of age.

Mr. Speaker, I ask that the text of H. Con. Res. 209 be inserted at this point in the CONGRESSIONAL RECORD.

HOUSE CONCURRENT RESOLUTION 209

Expressing condemnation of the use of children as soldiers and the belief that the United States should support and, where possible, lead efforts to establish and enforce international standards designed to end this abuse of human rights.

Whereas in 1999 approximately 300,000 individuals under the age of 18 are participating in armed conflict in more than 30 countries worldwide and hundreds of thousands more are at risk of being conscripted at any given moment;

Whereas many of these children are forcibly conscripted through kidnaping or coercion, while others join military units due to economic necessity, to avenge the loss of a

family member, or for their own personal safety;

Whereas many military commanders frequently force child soldiers to commit gruesome acts of ritual killings or torture against their enemies, including against other children;

Whereas many military commanders separate children from their families in order to foster dependence on military units and leaders, leaving children vulnerable to manipulation, deep traumatization, and in need of psychological counseling and rehabilitation;

Whereas child soldiers are exposed to hazardous conditions and risk physical injuries, sexually transmitted diseases, malnutrition, deformed backs and shoulders from carrying overweight loads, and respiratory and skin infections;

Whereas many young female soldiers face the additional psychological and physical horrors of rape and sexual abuse, being enslaved for sexual purposes by militia commanders, and forced to endure severe social stigma should they return home;

Whereas children in northern Uganda continue to be kidnaped by the Lords Resistance Army (LRA) which is supported and funded by the Government of Sudan and which has committed and continues to commit gross human rights violations in Uganda;

Whereas children in Sri Lanka have been forcibly recruited by the opposition Tamil Tigers movement and forced to kill or be killed in the armed conflict in that country;

Whereas an estimated 7,000 child soldiers have been involved in the conflict in Sierra Leone, some as young as age 10, with many being forced to commit extrajudicial executions, torture, rape, and amputations for the rebel Revolutionary United Front;

Whereas the international community is developing a consensus on how to most effectively address the problem, and toward this end, the United Nations has established a working group to negotiate an optional international agreement on child soldiers which would raise the legal age of recruitment and participation in armed conflict to age 18;

Whereas on October 29, 1998, United Nations Secretary General Kofi Annan set minimum age requirements for United Nations peacekeeping personnel that are made available by member nations of the United Nations;

Whereas United Nations Under–Secretary General for Peacekeeping, Bernard Miyet, announced in the Fourth Committee of the General Assembly that contributing governments of member nations were asked not to send civilian police and military observers under the age of 25, and that troops in national contingents should preferably be at least 21 years of age but in no case should they be younger than 18 years of age;

Whereas on August 25, 1999, the United Nations Security Council unanimously passed Resolution 1261 (1999) condemning the use of children in armed conflicts;

Whereas in addressing the Security Council, the Special Representative of the Secretary General for Children and Armed Conflict, Olara Otunnu, urged the adoption of a global three-pronged approach to combat the use of children in armed conflict: first, to raise the age limit for recruitment and participation in armed conflict from the present age of 15 to the age of 18; second, to increase international pressure on armed groups which currently abuse children; and third, to address the political, social, and economic factors which create an environment where children are induced by appeal of ideology or by socioeconomic collapse to become child soldiers; and

Whereas the United States delegation to the United Nations working group relating to child soldiers has opposed efforts to raise the minimum age of participation in armed conflict to the age of 18 despite the support of an overwhelming majority of countries: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the Congress joins the international community in condemning the use of children as soldiers by governmental and non–governmental armed forces worldwide; and

(2) it is the sense of the Congress that—

(A) the United States should not oppose current efforts to negotiate an optional international agreement to raise the international minimum age for military service to the age of 18;

(B) the Secretary of State should address positively and expediently this issue in the next session of the United Nations working group relating to child soldiers before this process is abandoned by the international community; and

(C) the President and the Congress should work together to enact a law that establishes a fund for the rehabilitation and reintegration into society of child soldiers.

HUGH AND LOUISE DENTON

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. BARR of Georgia. Mr. Speaker, in today's fast moving economy, many people think it is entirely normal to hold 10 different jobs over the course of their working life. Obviously, the people who think this way have not met Hugh and Louise Denton. Hugh and Louise met at Archer's Drug Store in LaFayette, where Hugh was working behind the soda fountain. They were married 2 years later, in 1951.

In December of this year, Hugh and Louise will reach a combined total of 100 years of hard work at Mount Vernon Mills in Trion, GA. Hugh began his career as a helper in the laboratory, and has since worked his way to the position of lab floor manager. Louise started as a turner in the glove mill, and has now become a typist. Hugh has worked for the mill for 48 years, and Louise has been there for 52.

Even the plant where Hugh and Louise work is a symbol of steady and important economic contributions. With a history dating back to 1845, Mount Vernon Mills is the oldest continuing textile operation in one site in the entire State of Georgia. In a time when jobs and families change more often than winter weather, Hugh and Louise Denton are a model of steadfast devotion to family, job and community, for all of us.

HONORING THE BAILEY COMPANY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to honor the Bailey Company, an Arby's Roast Beef Restaurant franchisee in Colorado, of 62 restaurants and over 1,000 employees, for business excellence and commitment to public service. This commitment has translated into support for Colorado's chapter of Big Brothers Big Sisters.

The Bailey Company's efforts have included several fundraising and volunteer activities for over 15 years. In 1998, the company entered into an agreement with the Colorado Rockies of the National League featuring two Rockies players on plastic soft drink cups. Selling drinks at 25 cents over the standard price, the Bailey Company collected over $38,000 and donated the dollars directly to Big Brothers Big Sisters. This summer, they signed on with Arby's first ''Charity Tour Golf Tournament.'' This endeavor raised over $200,000 for Big Brothers Big Sisters through tournament fees, promotional events, coupon-book sales, a Rockies game and auctions.

The Bailey Company's General Manager Geoff Bailey, and numerous employees, have made support of Big Brothers Big Sisters their mission. They have been a national corporate sponsor and are Colorado's largest corporate sponsor. In addition to raising funds, they have raised awareness of the valuable programs of Big Brothers Big Sisters, and have provided leadership through board membership and scholarships contributions.

It is for these reasons I rise today to honor the Bailey Company. I hold them up to the House as an example of the best of America's business. The Bailey family and employees exemplify the industrious spirit and community involvement that made America great.

THE MAGNIFICENT PEARLIE EVANS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. CLAY. Mr. Speaker, in December 1998 my right hand retired. My St. Louis District Director, Pearlie Evans withdrew from office life after a long and distinguished career in government service. I know Pearlie cherished her many years on my staff almost as much as I cherished her able and devoted service. I also believe Pearlie Evans has enjoyed her first year of retirement nearly as much as her coworkers and I have missed her daily presence.

Mr. Speaker, by all accounts, Pearlie Evans is an outstanding St. Louisan whose contributions to our community may be never-ending. As the occasion of the anniversary of her retirement from my office is approaching, I would like to take the opportunity to share with my colleagues the following story, which appeared in A Magazine (August 1999) about the life and times of the magnificent Pearlie Evans.

[From A Magazine, Aug. 1999]

PEARLIE—A MOVER AND SHAKER

She's a mover and shaker. Here, in St. Louis, Jefferson City, Washington D.C. Everywhere she goes. Often honored as one who continually gives back to her community, she now has 40 plus awards, certificates, and plaques that reflect 26 years of dedicated service during her tenure as district assistant to Congressman Clay of the first congressional district. She is someone who has never stopped giving. She is the magnificent Pearlie Evans. When you step in her private domain, all you see are turtles, turtles and more turtles. Ceramic turtles, plastic turtles, fluffy turtles, stuffed turtles, multicolored turtles, handmade turtles, etc. . . . turtles. I attempted to count them but each

time, I would lose count. Turtles, like herself, are living creatures, who are not afraid to stick their necks out she said, as she spoke in remembrance of the time she and journalism icon (the late) Betty Lee, went to Mississippi for the first year anniversary of Medgar Evers' assassination.

She reared back and glared at the ceiling. Her eyes were full of laughter as she reached out her hands as if to grasp the memory out of the air of how they all had to lay on the car floor during the entire ride to Evers' brother's house.

The town white folk were following behind them and shooting at the car. As the memories began to unfold, so did the history of a woman who was proud not only of her political and civil accomplishments, but even more, of the blessed privilege of knowing the family legacy from which she had come. With pride and gratitude she boasted with pleasure about her father's dad, grandpa Ingram. Says Evans, I love the story of the Ingram folk. She's a mover and a shaker. Here, in St. Louis, Jefferson city, Washington D.C., everywhere. A folk, she described, as being of good stock. She was reminded of this fact ever since she was about three years old. Also embedded in her heart were four generations of Ingram history whose roots trace back to a tall, herdsman people known as the Fulani tribe. A most cherished memory of her original homeland was when she first visited the tribe in 1970. Evans said the resemblance was such that she was thought to be African by other members of the Fulani tribe. She was immediately recognized by the village mother who seemed overwhelmed by Evans' presence. The village mother immediately took Evans' into her arms and commenced to cuddle her. She held, hugged and rocked her as tears streamed down from her eyes. She was told that all the Africans taken during the slave trade had been eaten by their captives. What a spiritual catharsis it was to see Pearlie Evans as final, living proof that this had not been the fate of her people. Like the Fulani, grandpa Ingram was also a herdsman. His produce included grapes, squash, pepper, green beans, beans, and various corn crops. A well established businessman, originally from Florence, Alabama, he also owned a cafe called the Ingram restaurant. The cafe probably would have had a different title if the family name had not changed after the emancipation proclamation.

Grandpa Ingraham wanted to remove the slavery background from the family name so he changed their name from Ingraham to Ingram, explained Evans. His parents, Roxanne and Thomas, however, were laid to rest under the name they were born with. Evans boasted with dignity about grandpa Ingram and his two brothers. The one, tragic incident that did occur, involved grandpa Ingram's first wife, Sarah. She died of asphyxiation in Alabama, during a house fire which was started by the town's Ku Klux Klansman in the early 1920's. Evans remembered her grandpa describing when he first met Sarah at a local community fair. She was the prettiest girl there he told Evans. Even though her parents thought his skin was too dark complected for their daughter, he was finally allowed to marry her in 1900. From this union came one dark child, uncle Cornelius and one brown child, aunt Edmonia who, born in 1910, was the first college graduate of the Ingram family.

Due to the financial success of the Ingram Restaurant, they were able to provide a home for many poor kids by inviting them into their own home. Evans also talked about Grandpa Ingram's great compassion for grandpa Jack, who was her mother's father. Grandpa Ingram loved grandpa Jack because he was a hard working farmer like himself. She shared the story about the time the KKK was planning to kill grandpa Jackson and his family in order to steal their land. Evans said grandpa Ingram paid for four horses and a wagon so grandpa Jackson's family could be escorted to safety via a route much similar to that of an underground railroad. The NAACP also participated by covering up her mom and other family members with hay in an effort to help the family escape from the Ku Klux Klan's methods of terror. Undoubtedly, both sides of the family are loyal to this historic civil rights organization unto this very day, says Evans. This was not the first time someone from the Jackson lineage was subjected to impromptu behavior as a means to escape slavery. About three generations ago, aunt Molly, a great aunt of Evans, chose to jump ship rather than come to America as a slave. Aunt Molly was the sister of Mary, who begot Kate (grandpa jack's wife) and was followed by Donna who mothered Pearlie. By the time grandpa Jack was born (1865) and had died (1949) he had fathered 17 children. Financially, the Jacksons were not as well off as the Ingrams, Evans expressed as she shared a family portrait. Thought, this family had very little money, they too, seemed rich in the knowledge of their family history. It was grandma Jackson who gave Evans most of the Jackson family's oral history. She told her that her own father was not a slave but a free man who lived and worked as a railroad porter up north. He had often kept a written record of the Jackson family history. Evans remembered her Aunt Minnie, who lived to be a ripe 94 years old as sort of the family coordinator. She was also told about aunt Amanda who married a Cuban and left the country, never to be seen again. According to family history, it was her hatred for white folks that encouraged her to leave the United States stated Ms. Evans. The last born of Grandpa Jack's children was Evan's mom and the first was uncle Henry. For all family members whose detailed stories are yet to be told, there are black heritage pictures all along her walls that definitely help fill the void. The atmosphere reflects a sentiment that embraces much of the trial and tribulations that kept both families together from one generation to the next. It was Grandpa Ingram's second marriage to Mae Bell in the late 1920s which began the generation of Ms. Evan's dad, who was the first of three children born from this union.

Mrs. Evans has been the District Assistant to Congressman William L. Clay since 1972. She attended Lincoln Elementary School and graduated from Vashon High School in St. Louis. She received her B.A. Degree in Sociology and Political Science from Lincoln University, Jefferson City, Missouri, and her Master's Degree of Social Work from Washington University, St. Louis, Missouri.

Her professional experience includes years of government and community service. She has served as Commissioner of the Division of Community Service, Housing Relocation and Social Services for the Elderly, City of St. Louis, Worker and Supervisor for the United Church of Christ Neighborhood Houses, Fellowship Center and Plymouth House directing children, adults, senior citizens, and community organization activities.

Over the years, she has been a practicum instructor of Social Work at the George Warren Brown School of Social Work, Washington University since the early seventies and the Missouri Coordinator for Voter Registration with Operation Big Vote. She has also been a Democratic political activist for candidates at the local, state, and national levels.

Mrs. Evans is a past President of the Board of Directors of the William L. Clay Scholarship and Research Fund, member of the WEB DuBois Board of Directors, was the local Alpha Kappa Alpha Member of the Year and Life Member and was selected for the Ivy Wall of Fame at National Headquarters, Chicago, Illinois. She is now a 50 Year (Golden) Member of the Alpha Kappa Alpha Sorority.

Mrs. Evans has been active in numerous professional organizations, boards, and committees. A few are the Academy of Certified Social Workers (ACSW), National Association of Black Social Workers (NABSW), NAACP Life Member, the United Negro College Fund, the Dr. Martin Luther King Holiday Committee, and the Regional Coordinator of the Push/Rainbow Coalition of the Reverend Jesse Jackson, Sr. Mrs. Evans has received numerous civic and professional awards, including the Lifetime Achievement Award from Better Family Life; the Political Leadership Award from the Young Democrats of St. Louis; the Humanitarian of the Year Award from the Martin Luther King Support Group; the National Association of Black Social Workers African Fidelity Award (St. Louis Chapter); The 1st Gwen B. Giles Award from the Missouri Legislative Black Caucus; the Distinguished Alumni Award from the George Warren Brown School of Social Work; and the Distinguished Service Award from the National Council of Negro Women. She has received certificates of appreciation for leadership and community service from many organizations including the St. Louis Job Corps Center, the YWCA, and the William L. Clay Scholarship and Research Fund. Mrs. Evans has traveled extensively and participated in many international conferences and workshops. In the early seventies, she was a Consultant for Rutgers University Forum for International Studies in Accra, Ghana. Some of her other cultural and educational travels include a St. Louis Sister City Conference in Dakar and St. Louis, Senegal, West Africa, Washington Universitys China Cultural Triangle Tour, and the Lutheran Public Housing Visits to Paris, London, Berlin, and other European cities. As a member of the African-American Cultural and Arts Network Organization, she attended workshops in the Ivory Coast, Spain and Morocco, Egypt, Salvador, Bahia, and Rio De Janeiro, Brasil. With the International Federation on Aging, she attended the third annual conference in Durban, South Africa, and Zimbabwe.

RECOGNIZING DISASTER RELIEF WORKERS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. SAM JOHNSON of Texas. Mr. Speaker, I would like to give special recognition before Congress to the efforts of 88 young men who provided extensive disaster relief services and humanitarian aid to the people of San Pedro Sula, Honduras in the wake of Hurricane Mitch. Between November 1998 and April 1999, these men aided in rescue operations, distributed food and clothing, constructed housing for refugees, provided medical aid, and coordinated the collection and distribution of donated supplies from America, thus promoting hope, good will, and charity between the United States and Honduras. They should be commended for their sacrifice and commitment to serve their follow man in a time of great need.

Levi Ackley, MN; Aaron Berg, Ontario; Nathan Beskow, OR; Evan Bjorn, OK; Adam

Blocker, FL; Caleb Boyette, FL; Michael Braband, MO; Rodian Cabeza, NY; David Carne, OR; Daniel Chiew, Singapore; James Clifford, Ontario; Fredrick Cohrs, WA; Steven Dankers, WI; Johathan De Haan, KY; Nathan Downey, CA;

Daniel Falkenstine, TX; Andrew Farley, CA; Joseph Farley, CA; Steven Farrand, CO; David Fishback, Ontario; Benjamin Frost, MN; Eric Fuhrman, MI; Ron Fuhrman, MI; Rob Gray, IN; Michael Hadden, GA; Richard Hens, OH; Burton Herring, Jr., AL; William Hicks, CA; Nathan Hoggatt, TX; Mario Huber, PA;

Joshua Inman, OH; Jordan Jaeger, IA; Anders Johansson, WA; Aaron Jongsma, Ontario; Justin King, MI; Jason Kingston, TX; Richard Knight, AR; David Kress, AL; Luke Kujacznski, MI; Jeremy Kuvik, NY; Joshua Lachmann, IN; Mike Litteral, OH; Lucas Long, WA; James Lovett, WA; Joshua MacDonald, FL;

Gerard Mandreger, MI; James Marsh, NC; Timothy Mirecki, Ontario; Ben Monshor, MI; Benjamin Moore, MS; Timothy Moye, GA; John Munsell, OH; Robert Nicolato, OH; John Nix, MI; Joseph Nix, MI; Steve Nix, MI; Sean Pelletier, WA; Keon Pendergast, AR; Joshua Ramey, CA; Elisha Robinson, PA;

Bruce Rozeboom, MI; Eric Rozeboom, MI; Gregg Rozeboom, MI; Mark Rozeboom, MI; Jason Ruggles, MI; Jonathan Russel, CA; David Servideo, VA; Chad Sikora, MI; Scott Stephens, MI; Kevin Stickler, NC; Nathanael Swanson, New Brunswick; Paul Tallent, NM; John Tanner, MI; Josha Tanner, MI;

Justin Tanner, MI; Joshua Thomas, OR; Jefferson Turner, GA; Roy Van Cleve, WA; Andrew Van Essen, Ontario; Christopher Veenstra, MI; James Volling, Ontario; Neil Waters, VA; Daniel Weathers, WA; Daniel Weed, NY; Shane White, KY; Nathan Williams, KS; John Yarger, CO; Chad Yordy, IN.

TRIBUTE TO JANEY SILVER—1999 MANCOS VALLEY HONORARY CITIZEN OF THE YEAR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. MCINNIS. Mr. Speaker, I wanted to take a moment to recognize an exceptional woman. Janey Silver was named Mancos Valley Honorary Citizen of the Year for the year 1999. The Honorary Citizen of the Year award recognizes outstanding citizens who are not residents of the community for their service and commitment to the Mancos Valley.

Janey has spent over half of her life with children in the Mancos community. Commuting from Durango, Janey often arrives to work before 7 a.m. and stays late after work to coach the youth athletic organizations. Janey loves her job, and it shows. She takes on many roles as a teacher, counselor, friend, and role model for many. Repeatedly, Janey has gone above and beyond the call of duty.

After the spring of 2000, Janey will take a much deserved retirement. Undoubtedly, she will be greatly missed. She has touched the lives of many young Americans in the Mancos Valley throughout her career. So, it is with this, Mr. Speaker, that I congratulate her on this magnificent distinction and thank her for her selfless dedication.

TESTIMONY OF RICHARD A. DELGAUDIO

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. BARR of Georgia. Mr. Speaker, I would like to submit for the RECORD the following testimony offered in printed form to the United States Senate Armed Services Committee on October 22, 1999 by Richard A. Delgaudio.

Mr. Chairman, distinguished Senators, ladies and gentlemen, my name is Richard A. Delgaudio, and I appreciate your taking the time today to review my testimony which I have been told will be recorded in the official transcript of today's U.S. Senate Armed Services Committee proceedings. As I submit this testimony, I place my hand on my Catholic bible and swear that this is the truth as I know it, and I dedicate these words to His name.

I have served during the twelve years' existence of National Security Center as its President, have sponsored four fact-finding trips to Panama and have personally participated in an additional four such trips. I have done research on, have spoken before audiences from one end of this country to the other, from Florida to New York to Washington, DC to California to Ohio to points in between, and have written and published articles, newsletters and books on this topic. I have been on more than 100 radio talk shows on this subject matter. I am the publisher of Captain G. Russell Evans' Death Knell of the Panama Canal? and author of Peril in Panama, both published by National Security Center, with a combined distribution of 1.2 million. I have published Panama Alert newsletter for the past ten years. And I coined a phrase you may have already heard, and will be hearing more of in the future: China is the new ''Gatekeeper'' of the Panama Canal.

I come before you today as an unabashed critic of the current policy of the United States towards Panama. I come before you in full agreement with the warning one year ago of Admiral Thomas Moorer, USN (Ret.) before the Senate Foreign Relations Committee. Admiral Moorer testified that unless the current U.S. policy towards Panama is changed, then there could be ''big trouble'' in Panama, trouble that could lead to a military confrontation.

I had earnestly desired to give you this testimony in person today, and also to personally present to the Committee the quarter of a million signed petitions from Americans from all across the land who are very concerned about current U.S. policy and pray that you see fit to reverse it.

As Senators know, there have been occasions in the history of the relationship between Panama and the United States, in which American Presidents have felt it necessary to put our boys into harms way at the Panama Canal to defend the national security interest of the United States. Some of those boys paid the ultimate price for following their orders and doing their duty. Two dozen in Operation Just Cause, not very long ago. National Security Center will, within the next three weeks, be publishing a Panama Canal Calendar 2000 which cites other dates where U.S. servicemen put their lives on the line in Panama.

I cannot believe that those American soldiers, airmen, sailors and marines who died, who returned home wounded, and all those who served, did this service for their country, following the orders of mistaken Presidents. I firmly believe that those orders they were given, especially orders given in that Just Cause, were proper and right, both for the interest of our country and for the long term interests of the people of Panama and the United States.

And so it is with some trepidation that I offer this testimony today, for I fear that if my warning, and the warning of my esteemed colleagues offering the Committee testimony today, Admiral Thomas Moorer, USN (Ret.) Captain G. Russell Evans, USCG (Ret.) and Bruce Fein, Esq., is not heeded, then a higher casualty rate will be suffered by American servicemen in a future Operation Just Cause to keep the Panama Canal open, operational and secure. My focus in today's testimony is on the question Senator Trent Lott asked the Committee to focus on, ''Does Hutchison-Whampoa's Chairman, billionaire Li Ka-shing, have ties to the Chinese Communist Party, China's People's Liberation Army, or Chinese intelligence activities.''

My testimony to the Senate Armed Services Committee is: yes, Li Ka-shing does have strong ties to the Chinese Communists. Li Ka-shing is China's Red billionaire, and he has enabled his masters in Beijing to become the new Gatekeeper of the Panama Canal. On December 31 (or perhaps on December 14) of this year, China will, through Li Ka-shing, be the uncontested, unchallenged, unwatched Gatekeeper of the Panama Canal. Further, my testimony is: the government of the United States has known all along about Li Ka-shing's ties to Communist China, a self-proclaimed enemy of the United States, and has offered no resistance whatsoever to that government's now-successful move to control the entrance and exit ports of the Panama Canal.

The information that we have developed about Li Ka-shing, China's Red billionaire, is mostly available in the public record. Much of it has been collected and reported in my book, Peril in Panama. Li Ka-shing is much more than the elusive Hong Kong billionaire businessman that he has been portrayed as. He has for many years also been one of the most trusted allies of the Communist Chinese, well before they took over Hong Kong, his base of operations.

Li Ka-shing's influence is quiet, behind the scenes and decisive. Shortly after his company took over in the Bahamas, that country withdrew its recognition of Free China and recognized Communist China. Do the Senators believe in such coincidences?

Li Ka-shing's relationship with the rulers of the Peoples Republic of China goes back to the 1970's with Deng Xioaping. When Li Ka-shing received an honorary degree from Beijing University, on April 28, 1992, it was handed to him by none other than Jian Zemin, the current dictator of the PRC.

Why such an honor for Li Ka-shing? Simple. In the words of Anthony B. Chan (Li Ka-shing: Hong Kong's Elusive Billionaire), ''Li was the vital go-between that the geriatric bosses of Beijing needed to firm up the support of Hong Kong's other leading merchants in the smooth recovery of the colony to China in 1997.''

Li was very useful to the PRC in the takeover of Hong Kong. He was always loyal to their cause, never critical. For example: ''I was of course saddened (by the Tiananmen massacre). But as a Chinese, China is my motherland. No matter what happened, I am still willing to work for the future of my country.''

Senators need to understand fully, that these are Li Ka-shing's words giving the lie to those who say he is simply a Hong Kong billionaire: ''As a Chinese, China is my motherland'' (page 5, Li Ka-shing book).

If he were just another Hong Kong businessman, how did Li Ka-shing, in 1979, become a member of the China International

Trust and Investment Corporation (CITIC)? CITIC is Communist China's top investment arm and the bank of the People's Liberation Army. CITIC provides financing for Chinese army weapons sales and finances the purchase of Western technology through a variety of fronts. Li will of course deny that his membership in the PRC's top government investment arm meant he was allied with the PRC. But that was his path to power. Li parleyed this association with Chinese power brokers into the purchase of a controlling share in Hutchison-Whampoa, which led to his becoming a billionaire.

If he were not in the PRC's hip pocket, would Li Ka-shing be running their commercial ports? Would he be running most of south China's sea born trade? A Journal of Commerce report by Joe Studwell reported that Li Ka-shing has a ''cozy relationship'' with the Peoples Republic of China that is as ''close as lips and teeth.'' Li Ka-shing was appointed a member of the Preparatory Committee that oversaw Beijing's takeover of Hong Kong in 1997. Among other things, the committee eliminated the recently elected sixty-person legislature, replacing it with puppets more helpful to the PRC.

There is ample evidence of the ties of Li Ka-shing to Communist China. Here are several, some reported in my book, Peril in Panama:

Li has ''tried to secure CPPCC membership (Chinese Peoples Political Consultative Conference) for his eldest son and heir apparent, Victor Li Tzar-Kuoi, to keep contacts with the top brass in Beijing.'' (Nikkei Weekly, 3/2/98).

Nikkei Weekly reported that Li Ka-shing ''converted to the pro-China camp in the late 1980's'' and was ''helping Chinese companies affiliated with the People's Liberation Army enter the Hong Kong market.''

Senators are no doubt familiar with the Cox Report from the other chamber, where there is ample documentation to demonstrate to even the most skeptical how apparently private businesses are used by the PRC as an arm of policy in countries like the United States.

Li Ka-shing ''posted congratulatory messages'' in a daily Hong Kong newspaper operated by the PRC after their takeover of the city (Asian Political News, 10/13/97).

When PRC leaders came to Hong Kong to oversee their takeover, their good and faithful servant, Li Ka-shing, rolled out the red carpet (pardon the pun) for them. Naturally, PRC leader Jiang Zemin stayed at one of Li's hotels during the festivities. Many in the PRC delegation skipped official British dinner ceremonies to dine with Li at one of his hotels. Li stood with Jiang Zemin in a place of honor during handover ceremonies but, skipped subsequent celebrations because ''he is a target for pro-democracy activists.'' (The Independent of London, 7/1/97).

The Guardian of London (6/11/97) reported that Li and his PRC allies are so powerful ''that even governments on the other side of the world must reckon with their clout. A recent decision by the Bahamas to sever diplomatic ties with Beijing is widely thought to have been motivated by concern over a newly opened port run by Hutchinson-Whampoa, Ltd., a Hong Kong conglomerate controlled by Mr. Li, pro-China mogul.''

If he had that much influence in the nearby Bahamas, why would Senators suppose the ''pro-China mogul'' would do any less in further-away and much more important Panama?

Asian Business (3/97) reports on Li Ka-shing's views on the PRC leadership: ''Yes, I strongly believe in what they say.''

If Li Ka-shing is given the order to slow down, shut down, damage or even destroy the Panama Canal in some future United States-China confrontation or any type of emergency where United States troops, supplies and jet fuel are being rushed through the Panama Canal, will he say ''Yes, I believe in what they say?''

Senators may suppose that some successful businessmen put the interest of their business ahead of anything else, including national interest. But putting the interest of the PRC first has always been the best thing for the business of Li Ka-shing. Why would Senators suppose that might change in the future, at the Panama Canal?

But let me provide more documentation.

Li Ka-shing proudly serves as ''an advisor on Hong Kong affairs to the Beijing government and has served on the Selection Committee that picked Tung Chee-hwa'' as Hong Kong's new top boss (Asian Business).

I have a picture of Ronald Reagan hanging proudly in my office. If Li Ka-shing is just a Hong Kong businessman, why does he have a picture of the PRC dictator, Jiang Zemin, hanging in his? (The Financial Times, 3/13/98).

Press reports say Li publicly mourned the death of PRC dictator Deng Xiaoping the day after he died (Agence France Presse, 2/20–21, 1997).

''The Chinese Communist leaders turned for help to the benevolent figure of a Hong Kong property billionaire, Li Ka-shing.'' (Sunday Times, 6/30/96).

Hutchison-Whampoa ''is a partner with China Ocean Shipping Company (COSCO) in several enterprises in China and elsewhere in Asia.'' COSCO has long since been identified as an arm of the People's Liberation Army, totally controlled by the communist government of China. One United States Senator advises constituents that he is very wary of COSCO but does not see the same problem with Hutchinson-Whampoa. Why not? They are in the same bed, under the same blanket, and operators for the same cause.

An unidentified State Department spokesman ''noted that Hutchison has ventures in Asia with state-run China Ocean Shipping Company'' (Journal of Commerce, 3/26/97).

Companies wanting to do business in China know who to cozy up to. USA Today (1/13/98) reported a company called Peregrine leveraged ''their close ties to Hong Kong billionaire Li Ka-shing to gain the trust of Chinese leaders.''

Proctor and Gamble's chairman and CEO, said ''Hutchison has been and will continue to be a valuable partner in building our business in China.'' (The Kentucky Post, 10/24/97).

Li Ka-shing's dealings with the PRC are quite extensive. Besides his Hong Kong dealings—all at the sufferance of the government of Beijing, Li has financed several satellite deals between the U.S. Hughes Corporation and China Hong Kong Satellite, a company owned by the PLA's COSTIND. Li has put more than a billion dollars into China. He owns most of the piers in Hong Kong, has the exclusive right of first refusal of all PRC ports south of the Yangtze River.

We congratulate Senators who acted to block the PLA's agent, COSCO, from gaining control of the military port of Long Beach, California. But you might want to go back and check your files a little further. You will find that it was Li Ka-shing who was involved in that deal up to his eyeballs, trying to help his friends and associates at COSCO and the Chinese navy. Li Ka-shing's son and heir apparent, Victor Li Tzar-kuoi recently boasted about another milestone for his and dad's business operations, a $957 million deal. This is the PLA's biggest investment yet in America. Li and his PLA partners, report WorldNetDaily (6/29/99), have ''bought their way in to the communications grid of northeast America . . . Hutchison Telecom and the PLA are now major players in the American mobile-phone business with the recent investment of nearly $1 billion into Voice Stream Wireless.''

''Li is so close to the Chinese government that the Clinton White House included his bio along with Chinese President Jiang Zemin to the CEO of Loral Aerospace, Bernard Schwartz, just prior to the 1994 Ron Brown trade trip to Beijing. According to documents provided by the Commerce Department, Brown and Schwartz were to meet both Li and Gen. Shen Rougjun of CONSTIND.'' (NetNewsDaily, 6/29/99).

Senators, it does not take a lot of research to know what is going on in Panama with Li Ka-shing and Hutchison-Whampoa. Those in the know in Panama are aware that the future of Panama is China, that hope for jobs in the future is with China. They know that to criticize Li Ka-shing or Hutchison-Whampoa in a country they dominate means a problem finding work in the future. I found this to be true whether I was speaking to high powered, well-connected, financially secure individuals such as Panama's businessmen, lawyers, bankers, or down-to- earth people who work with their hands and just want to feed their families and have a future for their children. If the United States is leaving and this Li Ka-shing is our future, the thinking at all levels goes, then we'd best not criticize him.

So don't go to Panama to have cocktails with the financially successful, the well connected, the ruling power elite, and think you'll find out about Hutchison-Whampoa and Li Ka-shing. I urge the Armed Services Committee and indeed the entire U.S. Congress, to investigate carefully the past, present and the future plans of this Li Ka-shing, China's Red Billionaire. He is on the verge of his greatest triumph for his masters in Beijing, at the Panama Canal.

I hope and pray that Congress will see fit not merely to have a few hours hearing and publish a transcript of the proceedings, but to undertake a serious investigation of what is afoot at the Panama Canal, and how in the world can the President say that his policy is advancing the best interest of the United States?

I said at the start, that in my view, Li Ka-shing and his Hutchison Whampoa company, disguised in Panama as ''Panama Ports Company'' is a tool of Communist China. And I said that I believe the government of the United States has known about this all along, and despite this advance knowledge, has allowed this man, and thus his masters, to gain control of the entrance-exit ports of the Panama Canal.

First of all, consider that virtually all of the information I have shared with Senators in today's testimony, has been available in the public record, most of it prior to the January, 1997 date that Hutchison-Whampoa become the Gatekeeper of the Panama Canal.

Further, the organization I serve as President, National Security Center, filed a Freedom of Information Act Request nearly two years ago with the Central Intelligence Agency, after reading some of these reports, including one that said that our own CIA had a file showing the connections between Communist China and Li Ka-shing.

I thought back then, when we filed that Freedom of Information Act request to the CIA, that the American people have a right to know whether their government handed this knife at the throat of the United States, over to Red China on a silver platter?

But I got back a letter from the Central Intelligence Agency, and they didn't agree with me. They said, and I quote, 'it is not in the national security interest of the United States to confirm or deny the existence of the documents you have requested.''

We pressed on. National Security Center filed an appeal. And a few months later, we

got a reply. The Review board, having carefully considered our request, had this to say: ''It is not in the national security interest of the United States, to confirm or deny the existence of the documents you have requested.''

Senators, I conclude my testimony today, by suggesting to you that I have yet to hear any possible reason why it would not be in the national security interest of the United States for you and for the American people to learn the truth about Li Ka-shing and his ties to Red China, the new Gatekeeper of the Panama Canal. It is very important to the national security interests of our country, with no threat to the sovereignty, freedom and future prosperity of our good friends in Panama who I respect and appreciate, if we all learned the truth about Li Ka-shing, and if the U.S. Congress forced a change in the current policy of the United States at Panama.

I have reported in my book, about the prospects for a new missile crisis in Panama. China currently has added to its inventory of 18 ICBMS, the majority aimed our way. Senators are aware that they have many more short range and intermediate range nuclear missiles—148 at last count, and growing. It is so farfetched to imagine some of those missiles being quietly put on container ships and offloaded at the Hutchison-Whampoa port facilities?

These are the same people that managed to get 2,000 AK47 rifles smuggled into the United States. The same people who are smuggling drugs (through their growing Red-China controlled gang connection to the FARC narco-guerrillas to the North in Colombia) into Panama and illegals into Panama. Why not a couple dozen intermediate range and/or short range nuclear missiles? Can you imagine the next ''Cuban missile crisis'' taking place after the missiles have all been set up? Or worse, after they have all been fired?

This scenario has been confirmed as a possibility by Admiral Thomas Moorer, USN (Ret.), and by a former commander of all U.S. ground forces in Panama, Major General Richard Anson, both members of our National Security Center Retired Military Officers Advisory Board of 80 officers. Many other retired officers have confirmed this scenario for me. If the Peoples Republic of China, through corporate agents such as COSCO and Hutchison-Whampoa aka Panama Ports Company, decides to quietly move some short range and intermediate range nuclear missiles into Panama and set them up on wheels ready to fire on short notice at the port facilities, the United States might not even know this has happened—unless and until they want us to know.

Other than bland reassurances by the same people who laughed at Ronald Reagan's demand, ''Trust but Verify'' during negotiations with Mr. Gorbachev, what can Senators offer concerned constituents?

Senators, we desperately need a continued U.S. military presence in Panama. To challenge Red China's new role as Gatekeeper of the Panama Canal. Or else within the next ten years, Chinese will be the new second language of Panama, and our vital security interests at Panama will be secure only at the sufferance of Communist China.

The people of Panama and the United States have worked in harmony for nearly a century, to keep the Panama Canal open, operational and secure. If President Clinton's policy is allowed to stand, the Peoples Republic of China, through Li Ka-shing, China's Red billionaire, will be the unchallenged, unwatched Gatekeeper of the Panama Canal.

I suggest to Senators a range of policy options for immediate adoption. Foremost, any policy enacted should be done with recognition that the Constitution of the United States empowers our Congress as a co-equal branch of government with the President, not as his subordinate. As a co-equal, that means that acquiescence in the current policy translates into responsibility for what is happening, and for the disastrous catastrophe that faces United States servicemen who will be called upon to fix the problem at the price of their blood in the future.

Second, I suggest to Senators that any policy they enact should be done with recognition that the people of Panama are very interested in continuing to work with the United States, provided we pay a fair rent for military bases, provided we hire back workers who have served as well in the past on a seniority basis and for fair compensation. We should not be turning our backs on our friends in Panama and walking away just because Bill Clinton wants to reenact Vietnam at Panama. If we suggest such a policy, if we respect the sovereignty, the freedom, the economic needs of our friends in Panama, if we make such an offer, in my view, the political leadership of Panama will yield to what the people of Panama want. We will have a future with U.S. servicemen helping keep the Panama Canal open, operational and safe into the future.

In conclusion, I pray that Senators will create a new policy for the U.S. at Panama, one in keeping with these sentiments of Senator Trent Lott, when he called upon Chairman Warner to convene today's Senate Armed Services Committee hearings: ''the transfer of control of the Panama Canal is one of the critical national security issues currently facing our nation and its impact will be felt for many generations to come.''

HONORING AMERICA'S VETERANS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. SCHAFFER. Mr. Speaker, President Calvin Coolidge once said, ''The nation which forgets its defenders will be itself forgotten.'' Last week, Americans proudly celebrated the last Veterans' Day of the century in honor of those brave men and women who so valiantly and selflessly served our great nation during times of peace, confrontation, and war.

Americans owe its brave defenders a tremendous debt indeed—one which will probably never be fully understood by some, nor completely repaid by all. Veterans' Day should reignite year-long gratitude for the sacrifices made in the name of the U.S.A.

We live in a country unrivaled in terms of prosperity, liberty, security, and opportunity. Every child born in America is embraced by a nation blessed with the richest economy in the world, the highest regard for unalienable rights, and the most abundant personal freedom in the history of human civilization.

The comfort, benefits and opportunity we all enjoy, and often take for granted, do not exist but for America's veterans. Commending their service is among our greatest national traditions wherein we all recognize our very liberty has been preserved by their valor and courage.

The veterans' legacy, nearly six decades of domestic tranquility, has ironically and unfortunately fostered an unmistakable complacency among an entire generation unfamiliar with the horrors of war. While Veterans' Day is first about veterans, Mr. Speaker, it is also about children.

It is the prayer of every veteran I know that each American child may comprehend freedom's price borne by millions of American soldiers over the course of our 223-year history. The liberty we enjoy today has always been an expensive and sacred privilege. Conveying these precepts to America's youth is perhaps the most profound way to honor all veterans.

Veterans also deserve a country committed to providing the benefits and assistance promised in return for defending it. This year, Congress made progress in reversing a troubling trend of woefully underfunded veteran programs. In my opinion it did not go far enough or raise the priority of veterans high enough to counteract the years of neglect.

Mr. Speaker, currently, the median age of America's World War II veterans is 77 years. More than 9 million veterans are 65 years of age or older, accounting for over a third of the veteran population.

Like all aging Americans, these men and women require medical and retirement services, particularly those who sustained permanent and disabling injuries in the line of duty. Resultant long-term medical treatment means staggering medical bills and mounting insurance fees.

After long years of service and patriotism, veterans should be able to count on the rest of us for support. We owe them nothing less. As a Member of Congress, I remain wholly committed to protecting the critical programs serving veterans and retired military members.

In addition to cosponsoring several important measures to ensure adequate Medicare coverage and increased retirement pay for veterans and military retirees, I helped pass the Veteran's Millennium Care Act, which expands veterans' eligibility for health care, and the services they receive. Mr. Speaker, this legislation reinforces new efforts to make certain veterans with severe, service-related disabilities receive the long-term care they require.

This year, Mr. Speaker, as the nation celebrates Veterans' Day, it is important to give thanks and to take inspiration from the great sacrifices of the brave men and women who have delivered our mighty nation. And in commemorating the achievements of America's veterans, we should all recommit our own lives, our fortunes, and our sacred honor to the maintenance of liberty—just as the veterans we now honor have so nobly done.

RECOGNIZING TORNADO RELIEF WORKERS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. SAM JOHNSON of Texas. Mr. Speaker, I would like to commend 45 young men, fathers, and boys who invested their time and effort to assist the citizens of Cincinnati, Ohio in recovering from a devastating tornado earlier this year. With hard work and diligence, and at their own expense, these men selflessly served homeowners in clearing debris, removing uprooted trees, and repairing roofs from April 16–30, 1999.

David Belanger, KY; Caleb Belanger, KY; Jeff Bramhill, Ontario; Ryan Breese, IL; Jason Brown, AL; Daniel Chiew, Singapore; Jonathan Crisp, OH; Jonathan De Haan, KY; John Dixon, GA; James Dowd, OH; Thomas Dowd, OH; Curtis Eaton, NC; Olof Ekstrom, OR;

Jeremy Forlines, OH; Jonathan Gunter, IN; Richard Hens, OH; Thomas Hogarty, VA; Daniel Hough, IN; Kimberland Hough, IN; Stephen Hough, IN; Mario Huber, PA; Jared Kempson, IN; Joshua Kempson, IN;

Lindsay Kimbrough, IL; Justin King, MI; Daniel Lewis, OH; James Lovett, WA; Gregory Mangione, MI; Allen Martin, OH; Samuel Mills, TX; Timothy Moye, GA; Robert Nicolato, OH; Sean Pelletier, WA; Daniel Petersen, GA; Misha Randolph, TX;

Ross Richmond, OH; Jason Ruggles, MI; John Saucier, AL; Tristan Sutton, KY; Justin Swartz, CA; John Tanner, MI; Jefferson Turner, GA; Andrew Van Essen, Ontario; Stephen Watson, TX; Timothy Zeller, IN.

THE IMPORTANCE OF WATER TO THE MIDDLE EAST

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. GILMAN. Mr. Speaker, I want to take this opportunity to reprint a brief article in the Jerusalem Report, October 25, 1999 that discusses the importance of water to the Middle East. This piece also highlights the important activities of a former colleague of ours, Hon. Wayne Owens, now president of the Center for Middle East Peace and Economic Cooperation, who has taken a leading role in advocating the increased use of desalination plants in order to increase the inadequate water supplies in that region.

Entitled, ''Not a Drop to Drink'', the article goes on to make a significant case for desalination. Accordingly, I recommend this article to our colleagues, and commend Wayne Owens for his ongoing efforts to improve the lives of all peoples in the region through economic development projects.

[From the Jerusalem Report, Oct. 25, 1999]

NOT A DROP TO DRINK

(By David Horovitz)

More than a year ago, a former Utah Congressman named Wayne Owens came to the Report, to tell us about a project his nonprofit, Washington-based Center for Middle East Peace and Economic Cooperation was advocating: The construction of a $300-million desalination plant at the Haderah power station, and of a second, smaller plant in Gaza, to help alleviate the chronic water shortage.

The Haderah plant alone, Owens said, would provide a fifth of Israel's domestic water needs. It could be up and running in three years. And it would not require Israeli government funding. Rather, Owens was assembling a group of investors to fund it. All he needed was a guarantee from the government that it would purchase the desalinated water.

But no guarantee was forthcoming. A spokesman at the Infrastructure Ministry dismissed the project as ''premature.''

A few weeks ago, I had a call from a businessman in Ireland. His company, Eagle Water Resources, had been tentatively approached by Israeli officials last year to investigate the viability of shipping water from Turkey to Israel, aboard converted oil tankers. The project was technically and economically feasible, he had established. He had the tankers ready for conversion. What he needed was a firm contract. Many months had passed; he had invested $250,000; but no one was giving him the go-ahead.

Israel is deep in the grip of a crippling drought. The level of the Kinneret, depending on which experts you listen to, has fallen either to a 65-year low, or to its lowest level in centuries. Red lines are being crossed. Environmentalists warn that Israel's reservoirs and underground aquifers are being grossly over-pumped, and that the damage, as the falling water sources become increasingly saline, may be irrevocable. Farmers, rocked by a 40–percent reduction in their water allocation this year, fear a similar, or even graver, cut may be imposed on them next year, and warn of irrevocable damage to agriculture. Israel this year had to reduce the quantity of water it supplied to Jordan under its peace-treaty commitment; next year, it may have to struggle even harder to meet its obligation.

If Wayne Owens or Eagle Water Resources were deemed unsuitable drought-busters, being foreign, salvation lies right here at home. McKorot, the national water carrier, runs a desalination operation in Eilat that provides the city with no less than 80 percent of its water. IDE Technologies, a Ra'ananah-based firm, is a world leader in desalination. Twenty years ago, it began a government-funded desalination project at Ashdod, but the contract was scrapped a few years later. Today, IDE reportedly holds a 30-percent share of the world desalination market. The Israeli government is still not particularly interested in its services.

In a recent interview in the Yediot Ahronot daily, IDE'S president and CEO David Waxman offered, ''as of tomorrow morning,'' to start building a major desalination plant for Israel. ''We're not looking for government funding or private investors,'' he said. ''Our company will invest the necessary $300 million. We're sell the water to the government at a price lower than people pay now for the water that comes out of their taps. And we'll turn the plant over to the government after 20 years.''

Waxman's phone did not ring the following morning. Israel's water commissioner, Meir Ben-Meir, remarked airily that the government would soon be soliciting bids for a desalination plant. ''And IDE will be able to compete, along with everybody else.''

Amid the clamor of panicked environmentalists, desperate farmers—and politicians and diplomats concerned by the potential for the region's eternal water shortage to badly strain relations with Jordan and the Palestinians, and downright destroy prospects for peace with Syria—Ben-Meir, uniquely it seems, is unconcerned. Even the Treasury, hitherto obsessed with what it said was the relatively high cost of desalinated water, has withdrawn longstanding opposition to a major desalination drive. But Ben-Meir comments mildly that the 213-meters-below-sea level Red Line at the Kinneret is only an arbitrary figure—that a dip of another few centimeters is no great disaster. When The Report called him on October 4, the harrassed-sounding-commissioner growled that he couldn't get any work done because of all the media hounding, and barked irritably that ''there is no water crisis.''

Ben-Meir, one wants to assume, knows what he's talking about. He is, after all, a 75-year-old veteran, the ''manager,'' as he put it in our brief conservation, ''of Israel's water resources,'' But just suppose, for a minute, that all the other worried activities are right, and the complacent Meir Ben-Meir is wrong. Isn't that a thought to make your throat go dry?

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S14595–S14652

Measures Introduced: Sixteen bills were introduced, as follows: S. 1921–1936. **Page S14612**

Measures Reported: Reports were made as follows:

S. 1928, to amend title XVIII of the Social Security Act to establish a medicare subvention demonstration project for veterans. (S. Rept. No. 106–222).

S. Res. 200, designating the week of February 14–20 as ''National Biotechnology Week'', with amendments. **Page S14612**

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 S14605–09**

Adopted:

Leahy Modified Amendment No. 2529, to save United States taxpayers $24,000,000 by eliminating the blanket mandate relating to the filing of tax returns. **Page S14608**

Grassley (for Thurmond) Modified Amendment No. 2478, to provide for exclusive jurisdiction in Federal court for matters involving bankruptcy professional persons. **Page S14608**

Pending:

Feingold Amendment No. 2522, to provide for the expenses of long term care. **Page S14605**

Hatch/Torricelli Amendment No. 1729, to provide for domestic support obligations. **Page S14605**

Wellstone Amendment No. 2537, to disallow claims of certain insured depository institutions. **Page S14605**

Wellstone Amendment No. 2538, with respect to the disallowance of certain claims and to prohibit certain coercive debt collection practices. **Page S14605**

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. **Page S14605**

Feinstein Amendment No. 2755, to discourage indiscriminate extensions of credit and resulting consumer insolvency. **Page S14605**

Schumer/Durbin Amendment No. 2759, with respect to national standards and homeowner home maintenance costs. **Page S14605**

Schumer/Durbin Amendment No. 2762, to modify the means test relating to safe harbor provisions. **Page S14605**

Schumer Amendment No. 2763, to ensure that debts incurred as a result of clinic violence are nondischargeable. **Page S14605**

Schumer Amendment No. 2764, to provide for greater accuracy in certain means testing. **Page S14605**

Schumer Amendment No. 2765, to include certain dislocated workers' expenses in the debtor's monthly expenses. **Page S14605**

Dodd Amendment No. 2531, to protect certain education savings. **Page S14605**

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. **Page S14605**

Hatch/Dodd/Gregg Amendment No. 2536, to protect certain education savings. **Page S14605**

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. **Page S14605**

Schumer/Santorum Amendment No. 2761, to improve disclosure of the annual percentage rate for purchases applicable to credit card accounts. **Page S14605**

Durbin Amendment No. 2659, to modify certain provisions relating to pre-bankruptcy financial counseling. **Page S14605**

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. **Page S14605**

Torricelli Amendment No. 2655, to provide for enhanced consumer credit protection. **Page S14605**

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. **Page S14605**

Moynihan Amendment No. 2663, to make certain improvements to the bill with respect to low-income debtors. **Pages S14605–08**

A unanimous-consent agreement was reached providing for further consideration of the Moynihan Amendment No. 2663 (listed above), with a vote to occur thereon. **Page S14607**

A unanimous-consent agreement was reached providing for further consideration of the bill on Wednesday, November 17, 1999. **Page S14651**

Appointment:

Parents Advisory Council on Youth Drug Abuse: The Chair, on behalf of the Majority Leader, pursuant to Public Law 105–277, announced the appointment of Deborah C. Ball, of Georgia, to serve as a member of the Parents Advisory Council on Youth Drug Abuse for a three-year term. **Page S14651**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting a periodic report relative to the national emergency with respect to Iran which was declared in Executive Order No. 12170; referred to the Committee on Banking, Housing, and Urban Affairs. (PM–74). **Page S14610**

Transmitting the annual report of the Federal Labor Relations Board for fiscal year 1998; referred to the Committee on Governmental Affairs. (PM–75). **Pages S14610–11**

Transmitting the annual report of the Railroad Retirement Board for fiscal year 1998; referred to the Committee on Health, Education, Labor, and Pensions. (PM–76). **Page S14611**

Nominations Received: Senate received the following nominations:

W. Michael McCabe, of Pennsylvania, to be Deputy Administrator of the Environmental Protection Agency.

Jerome F. Kever, of Illinois, to be a Member of the Railroad Retirement Board for a term expiring August 28, 2003.

Virgil M. Speakman, Jr., of Ohio, to be a Member of the Railroad Retirement Board for a term expiring August 28, 2004.

Janie L. Jeffers, of Maryland, to be a Commissioner of the United States Parole Commission for a term of six years.

Routine lists in the Air Force, Army, Marine Corps, Navy. **Pages S14651–52**

Messages From the President: **Pages S14610–11**

Messages From the House: **Page S14611**

Communications: **Pages S14611–12**

Petitions: **Page S14612**

Executive Reports of Committees: **Page S14612**

Statements on Introduced Bills: **Pages S14612–43**

Additional Cosponsors: **Pages S14643–45**

Authority for Committees: **Page S14645**

Additional Statements: **Pages S14645–51**

Adjournment: Senate convened at 10 a.m., and adjourned at 6:15 p.m., until 9:30 a.m., on Wednesday, November 17, 1999. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S14651.)

Committee Meetings

(Committees not listed did not meet)

NOMINATION

Committee on Finance: Committee concluded hearings on the nomination of Deanna T. Okun, of Idaho, to be a Member and Commissioner of the United States International Trade Commission, after the nominee testified and answered questions in her own behalf.

House of Representatives

Chamber Action

Bills Introduced: 41 public bills, H.R. 3373–3413; 3 private bills, H.R. 3414–3416; and 11 resolutions, H.J. Res. 79–81, H. Con. Res. 229–231, and H. Res. 377–381, were introduced. **Pages H12107–09**

Reports Filed: Reports were filed today as follows:

Conference report on 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 (H. Rept. 106–470);

H.R. 1695, to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, amended (H. Rept. 106–471);

H.R. 2086, to authorize funding for networking and information technology research and development for fiscal years 2000 through 2004, amended (H. Rept. 106–472, Pt. 1); and

H. Res. 381, providing for consideration of H.J. Res. 80, making further continuing appropriations for fiscal year 2000 (H. Rept. 473).

Pages H11976–H12002, H12106–07

Guest Chaplain: The prayer was offered by the Guest Chaplain, Rev. Dr. Theodore Schneider of Atlanta, Georgia **Page H11976**

Recess: The House recessed at 10:51 a.m. and reconvened at 12:00 p.m. **Page H11976**

Private Calendar: Agreed that the call of the Private Calendar be dispensed with on November 16, 1999. **Page H11976**

Suspensions: The House agreed to suspend the rules and pass the following measures:

State Flexibility Clarification Act: H.R. 3257, amended, to amend the Congressional Budget Act of 1974 to assist the Congressional Budget Office with the scoring of State and local mandates (passed by a yea and nay vote of 401 yeas with none voting ''nay'', Roll No. 587); **Pages H12003–05, H12018**

Releasing Interests in Washington County, Utah: H.R. 2862, to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange; **Pages H12005–06**

Acquisition of Lands in the Red Cliffs Desert Reserve, Utah: H.R. 2863, to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah; **Page H12006**

Including Cat Island, Mississippi in the Gulf Islands National Seashore: H.R. 2541, amended, to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi;

Pages H12006–08

Prohibiting Oil and Gas Drilling in Mosquito Creek Lake, Cortland, Ohio: H.R. 2818, to prohibit oil and gas drilling in Mosquito Creek Lake in Cortland, Ohio; **Pages H12008–09**

Increasing the Acreage of Federal Leases for Sodium: H.R. 3063, to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State; **Pages H12009–10**

Condemning the Assassination of Armenian Prime Minister Vazgen Sarksian: H. Con. Res. 222, condemning the assassination of Armenian Prime Minister Vazgen Sarksian and other officials of the Armenian Government and expressing the sense of the Congress in mourning this tragic loss of the duly elected leadership of Armenia (agreed by a yea and nay vote of 399 yeas with none voting ''nay'', Roll No. 588); **Pages H12010–15, H12018–19**

Supporting the Concluded Elections in India: H. Con. Res. 211, expressing the strong support of the Congress for the recently concluded elections in the Republic of India and urging the President to travel to India (agreed to by a yea and nay vote of 396 yeas to 4 nays, Roll No. 589) **Pages H12015–18, H12019–20**

Supporting Democracy, Free Elections, and Human Rights in Laos: H. Res. 169, amended, expressing the sense of the House of Representatives with respect to democracy free elections, and human rights in the Lao People's Democratic Republic (agreed to by a yea and nay vote of 412 yeas with 1 voting ''nay'', Roll No. 591). Agreed to amend the title. **Pages H12020–26, H12061**

U.S. Policy Toward the Slovak Republic: H. Con. Res. 165, expressing United States policy toward the Slovak Republic (agreed to by a yea and nay vote of 404 yeas to 12 nays, Roll No. 592);

Pages H12026–29, H12061–62

Conflict in North Caucasus Region of the Russian Federation: H. Con. Res. 206, amended, expressing grave concern regarding armed conflict in the North Caucasus region of the Russian Federation which has resulted in civilian casualties and internally displaced persons and urging all sides to pursue dialog for peaceful resolution of the conflict (agreed to be a yea and nay vote of 407 yeas to 4 nays, Roll No. 593); **Pages H12029–33, H12062–63**

Funding for Diabetes Research: H. Res. 325, expressing the sense of the House of Representatives regarding the importance of increased support and funding to combat diabetes (agreed to by a yea and nay vote of 414 yeas with none voting ''nay'', Roll No. 594); **Pages H12033–40, H12063**

Honoring the Late Walter Payton: H. Res. 370, recognizing and honoring Walter Payton and expressing the condolences of the House of Representatives to his family on his death; **Pages H12040–43**

Honoring the Late Joe Serna, Mayor of Sacramento, California: H. Res. 363, recognizing and honoring Sacramento, California, Mayor Joe Serna, Jr., and expressing the condolences of the House of Representatives to his family and the people of Sacramento on his death; **Pages H12043–46**

Veterans Millennium Health Care Act: Conference report on 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; and **Pages H12046–56**

Leif Ericson Millennium Commemorative Coin Act: H.R. 3373, to require the Secretary of the Treasury to mint coins in conjunction with the minting of coins by the Republic of Iceland in commemoration of the millennium of the discovery of the New World by Leif Ericson. **Pages H12056–59**

Suspension Failed—United States Marshals Service Improvement Act: The House failed to suspend the rules and pass H.R. 2336, to amend title 28, United States Code, to provide for appointment of United States marshals by the Attorney General by a recorded vote of 183 ayes to 231 noes, Roll No. 595. **Pages H12063–64**

Multidistrict, Multiparty, Multiforum Trial Jurisdiction Act: The House disagreed to the Senate amendment to H.R. 2112, to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and to provide for Federal jurisdiction of certain multiparty, multiforum civil actions, and agreed to a conference. Appointed as conferees: Chairman Hyde and Representatives Sensenbrenner, Coble, Conyers, and Berman. **Pages H12020**

Providing for Consideration of Suspensions: The House agreed to H. Res. 374, providing for consideration of motions to suspend the rules by a yea and nay vote of 214 yeas to 202 nays, Roll No. 590. Pursuant to the provisions of the resolution, H. Res. 342 was laid on the table. **Pages H12059–60**

Suspensions: Pursuant to H. Res. 374, Representative Thune announced suspensions to be considered by the House. **Page H12064**

Presidential Messages: Read the following messages from the President:

Federal Labor Relations Authority: Message wherein he transmitted his annual report of the Federal Labor Relations Authority for fiscal year 1998—referred to the Committee on Government Reform; **Page H12064**

National Emergency Re Iran: Message wherein he transmitted his 6-month periodic report on the national emergency with respect to Iran—referred to the Committee on International Relations and ordered printed (H. Doc. 106–159); and **Page H12064**

Railroad Retirement Board: Message wherein he transmitted his Annual Report of the Railroad Retirement Board for fiscal year 1998—referred to the Committee on Ways and Means and the Committee on Transportation and Infrastructure. **Page H12064**

Recess: The House recessed at 11:59 p.m. and reconvened at 12:44 a.m. on Wednesday, Nov. 17 **Page H12105**

Quorum Calls—Votes: Eight yea and nay votes and one recorded vote developed during the proceedings of the House today and appear on pages H12018, H12019, H12019–20, H12060, H12061, H12061–62, H12062–63, H12063, and H12063–64. There were no quorum calls.

Adjournment: The House met at 10:30 a.m. and adjourned at 12:45 a.m. on Wed. Nov. 17.

Committee Meetings

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2000

Committee on Rules: Granted, by voice vote, a closed rule on H.J. Res. 80, making further continuing appropriations for the fiscal year 2000, providing one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution. Finally, the rule provides one motion to recommit.

DRUG PB—EFFECTS ON PERSIAN GULF VETERANS

Committee on Veterans' Affairs: Subcommittee on Health and the Subcommittee on Oversight and Investigations held a joint hearing on the possible health effects of the drug pyridostigmine bromide (PB) on veterans who served in the Persian Gulf War. Testimony was heard from the following officials of the Department of Defense: Sue Bailey, M.D., Assistant Secretary, Health Affairs; and Bernard D. Rostker, Special Assistant to the Deputy Secretary, Gulf War Illnesses; Frances Murphy, M.D., Acting Deputy Under Secretary, Health, Department of Veterans Affairs; public witnesses; and representatives of veterans organizations.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1295)*

H.J. Res. 76, 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. Signed November 10, 1999. (P.L. 106–93)

H.J. Res. 78, making further continuing appropriations for the fiscal year 2000. Signed November 10, 1999. (P.L. 106–94)

H.R. 441, to amend the Immigration and Nationality Act with respect to the requirements for the admission of nonimmigrant nurses who will practice in health professional shortage areas. Signed November 12, 1999. (P.L. 106–95)

H.R. 609, to amend the Export Apple and Pear Act to limit the applicability of the Act to apples. Signed November 12, 1999. (P.L. 106–96)

H.R. 915, to authorize a cost of living adjustment in the pay of administrative law judges. Signed November 12, 1999. (P.L. 106–97)

H.R. 974, to establish a program to afford high school graduates from the District of Columbia the benefits of in State tuition at State colleges and universities outside the District of Columbia. Signed November 12, 1999. (P.L. 106–98)

H.R. 2303, to direct the Librarian of Congress to prepare the history of the House of Representatives. Signed November 12, 1999. (P.L. 106–99)

H.R. 3122, to permit the enrollment in the House of Representatives Child Care Center of children of Federal employees who are not employees of the legislative branch. Signed November 12, 1999. (P.L. 106–100)

H.J. Res. 54, granting the consent of Congress to the Missouri-Nebraska Boundary Compact. Signed November 12, 1999. (P.L. 106–101)

S. 900, to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers. Signed November 12, 1999. (P.L. 106–102)

H.R. 348, to authorize the construction of a monument to honor those who have served the Nation's civil defense and emergency management programs. Signed November 13, 1999. (P.L. 106–103)

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. Signed November 13, 1999. (P.L. 106–104)

COMMITTEE MEETINGS FOR WEDNESDAY, NOVEMBER 17, 1999

(Committee meetings are open unless otherwise indicated)

Senate

Committee on the Judiciary: business meeting to consider pending calendar business, 10:30 a.m., SD–226.

House

Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing on Cuba's Links to Drug Trafficking, 10 a.m., 2154 Rayburn.

Permanent Select Committee on Intelligence, November 17, executive, briefing on the ''State of the Directorate of Operations'', 2 p.m., H–405 Capitol.

Next Meeting of the SENATE

9:30 a.m., Wednesday, November 17

Senate Chamber

Program for Wednesday: Senate will continue consideration of S. 625, Bankruptcy Reform Act, with votes to occur on the Wellstone Amendment No. 2752 and Moynihan Amendment No. 2663. Also, Senate expects to consider any appropriations bills and conference reports when available, and any other cleared legislative and executive business.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, November 17

House Chamber

Program for Wednesday: Consideration of H.J. Res. 80, Continuing Appropriations, FY 2000 (rule waiving points of order);

Consideration of Suspensions:

1. S. 1844, Child Support Miscellaneous Amendments;
2. H.R. 1827, Government Waste Corrections Act;
3. S. 1418, Holding Court at Natchez, Mississippi in the Same Manner as Vicksburg, Mississippi;
4. S. 1235, Permitting Railroad Police Officers to Attend FBI National Academy for Law Enforcement Training;
5. S. 440, Support for Certain Institutes and Schools;
6. H.R. 1953, Authorizing Leases for Land Held in Trust for the Torres Martinez Desert Cahuilla Indians and the Guidiville Band of Pomo Indians of the Guidiville Indian Rancheria;
7. S. 278, Conveyance of Land to the County of Rio Arriba, New Mexico;
8. S. 416, Conveyance of Land to the City of Sisters, Oregon;
9. S. 1843, Dugger Mountain Wilderness;
10. S. 382, Establishment of the Minuteman Missile National Historic Site;
11. H.R. 3051, Feasibility Study on the Jicarilla Apache Reservation in New Mexico; and
12. H.R. 1167, Tribal Self-Governance Amendments.

Extensions of Remarks, as inserted in this issue

HOUSE

Barr, Bob, Ga., E2399, E2401
Clay, William (Bill), Mo., E2390, E2399
Combest, Larry, Tex., E2394, E2397
Davis, Thomas M., Va., E2391, E2393
Foley, Mark, Fla., E2389
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